

**A G E N D A**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 4, 2016**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. CONSENT AGENDA**

1. Minutes Adoption - April 6, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-0104-2015, Williamsburg Landing Woodhaven Expansion
3. Adoption of Updated 2016 Calendar

**E. REPORTS OF THE COMMISSION**

**F. PUBLIC HEARINGS**

1. SUP-0004-2015, Hankins Resource Recovery Facility
2. SUP-0009-2015. 100 Lake Drive Rental of Rooms
3. SUP-0003-2016, Two Drummers Smokehouse SUP Amendment / SUP-0004-2016, Extra Mile Landscapes
4. SUP-0007-2016, Atlantic Septic Systems Contractors' Warehouse and Office

**G. PLANNING COMMISSION CONSIDERATIONS**

1. Z-0005-2016, The Promenade at John Tyler Proffer Amendment - CCC Buffer
2. Initiation of Consideration of Amendments to Article III, Site Plan, of the Zoning Ordinance and Article II, Procedures and Documents to be Filed, of the Subdivision Ordinance, With Respect to the Development Review Committee
3. Initiation of Consideration of Amendments to the Subdivision Ordinance to Alter the Procedures and Documents to be Filed and Requirements for Design and Minimum Improvements
4. Initiation of Consideration of Amendments to the Mixed Use District of the Zoning Ordinance
5. Initiation of Consideration of Amendments to the Limited Business District (LB) and the General Business District (B-1) of the Zoning Ordinance
6. Initiation of Consideration of Amendments to the Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance to Reduce Parking Requirements
7. Initiation of Consideration of Amendments to the Special Regulations and Definitions Articles of the Zoning Ordinance to Add Electric Vehicle Charging Stations

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes Adoption - April 6, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
□	Minutes of the April 6, 2016 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:25 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:25 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 1:55 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:05 PM

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 6, 2016**  
**7:00 PM**

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**A. CALL TO ORDER**

Mr. O'Connor called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

Planning Commissioners

Present:

Tim O'Connor  
Rich Krapf  
Robin Bledsoe  
John Wright  
Heath Richardson

Absent:

Chris Basic  
Danny Schmidt

Staff Present:

Paul Holt, Planning Director  
José Ribeiro, Senior Planner II  
Savannah Pietrowski, Planner  
Robertta Sulouff, Planner  
Maxwell Hlavin, Assistant County Attorney

**C. PUBLIC COMMENT**

Mr. O'Connor opened the public comment.

As no one wished to speak, Mr. O'Connor closed the public comment.

**D. CONSENT AGENDA**

1. Minutes Adoption - March 2, 2016 Regular Meeting

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bledsoe, Krapf, O'Connor, Richardson, Wright III

Absent: Basic, Schmidt



Mr. Rich Krapf move to approve moved to approve the Consent Agenda.

The Consent Agenda was approved by voice vote (5-0).

## **E. REPORTS OF THE COMMISSION**

Mr. O'Connor noted that the Development Review Committee did not meet in March; however, there were two Policy Committee meetings.

Mr. John Wright stated that the Policy Committee met on March 3 and March 10.

Mr. Wright stated that at the March 3 meeting the Committee discussed the FY2017-2021 CIP applications to prioritize the projects according to set criteria.

Mr. Wright stated that the Committee voted 4-0 to forward the prioritized list of project to the Planning Commission Mr. Wright further stated that at the March 10 meeting, the Committee reviewed proposed amendments to the Zoning Ordinance to allow event facilities in Rural Lands. Mr. Wright stated that the Committee discussed various options and referred the matter to staff to develop a proposal for event that would be allowed by right and those that would require a Special Use Permit.

## **F. PUBLIC HEARINGS**

### **1. SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage**

A motion to Approve w/ Conditions was made by Rich Krapf, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 2

Ayes: Krapf, O'Connor, Richardson

Nays: Bledsoe, Wright III

Absent: Basic, Schmidt

Mr. José Ribeiro, Senior Planner II, stated that Mr. Timothy Soderholm of Tiki Tree Service has applied for a Special Use Permit to allow for the operation of a tree service and landscaping contractor's warehouse on a 4.5 acre parcel zoned A-1 General Agricultural, located at 4182 Mt. Laurel Road. Mr. Ribeiro noted that the applicant currently operates a non-conforming contractor's office and storage use from his residence on Centerville Road. Mr. Ribeiro noted that development would occur primarily at the front and middle of the parcel. Mr. Ribeiro noted that adjacent properties to the north and south are also zoned A-1 with single family dwellings. Mr. Ribeiro stated that the property is designated rural lands on the Comprehensive Plan Land Use Map. Mr. Ribeiro further stated that appropriate primary uses include traditional agricultural and forestal activities; however, appropriately-scaled agricultural or forestal-support uses, home-based occupations or certain uses which required very low intensity settings may be considered, provided such uses are compatible with the natural and rural character of the area. Mr. Ribeiro further stated that the SUP conditions were designed to address and enhance compatibility with the natural and rural character of the area and to minimize the impact on adjacent properties by limiting hours of operation and the type of work which can occur on the property; limiting storage of equipment and parking of employee vehicles; and requiring screening and landscaping. Mr. Ribeiro further stated that there would be three full-time employees, in addition to

the owner, and several part-time employees. Mr. Ribeiro noted that the expected traffic generation would have minimal impact on the road. Mr. Ribeiro stated that with the proposed conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. O'Connor inquired about the history of the use in its current location.

Mr. Ribeiro stated that the current operation is located on a 0.9 acre parcel on Centerville Road. Mr. Ribeiro stated that Mr. Soderholm applied for a SUP for that location in 2007; which was denied by the Board of Supervisors; however, Mr. Soderholm has been operating the business from that site.

Ms. Robin Bledsoe inquired if the objective was to bring the use on Centerville Road into conformance by moving the equipment to Mt. Laurel Road.

Mr. Ribeiro stated that part of the objective is to be in conformance with the Zoning Ordinance and the Comprehensive Plan.

Ms. Bledsoe noted that she wanted to ensure that this was not creating two bad situations instead of just one. Mr. Wright inquired if Mt. Laurel is a one lane road.

Mr. Ribeiro responded that it is a narrow road and is not striped.

Mr. Wright inquired if there was any data available on traffic volume and speed for the road. Mr. Wright noted that he was interested in the potential for accidents.

Mr. Ribeiro stated that VDOT has reviewed the application, including data on the types of vehicles or equipment and has no objection to the application.

Ms. Bledsoe inquired if there were any similar businesses in the area or whether the area is primarily residential.

Mr. Ribeiro stated that the area is primarily residential.

Mr. Wright requested clarification on any screening requirements. Mr. Ribeiro stated that the employee vehicles will be limited to one specific area and that the area will be fenced.

Mr. Ribeiro noted that the fence is intended to mitigate the visual impacts of the parking lot on adjacent property owners.

Mr. Krapf inquired if any of the SUP conditions were created to address impacts, particularly noise impacts, on adjacent property owners because of the narrowness of the lot.

Mr. Ribeiro stated that most of the conditions are typical for the type of use; however, because the lot is narrow, staff did give consideration to how both visual and noise impacts on adjacent property owners could be mitigated.

Mr. Krapf inquired if this was essentially a staging area for the business to operate from rather than there being any active work done on the property.

Mr. Ribeiro confirmed.

Mr. Richardson inquired if it was anticipated that the most noise generation would be in the morning.

Mr. Ribeiro confirmed.

Mr. Wright inquired whether staff followed up to ensure that the SUP conditions were being followed.

Mr. Ribeiro stated that most enforcement issues are complaint driven. Mr. Ribeiro further stated that if a neighbor submitted a complaint, staff would investigate and enforce compliance with the SUP conditions.

Mr. O'Connor opened the public hearing.

Mr. Bob Sulouff, 4188 Mt. Laurel Road, addressed the Commission on concerns about the impacts of the proposed business. Mr. Sulouff noted that Mt. Laurel Road is narrow and has numerous blind spots where one cannot see oncoming vehicles. Mr. Sulouff noted that traffic on the road has increased due to residents of Stonehouse using it as a shortcut. Mr. Sulouff further noted that the road is also heavily used by bicyclists. Mr. Sulouff stated that most of the lots are narrow and that fencing and screening will not sufficiently mitigate noise impacts at the start of the work day. Mr. Sulouff requested that the Commission deny the application.

Mr. Ron St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns related to the sequence of construction for the residence and the warehouse. Mr. St. Onge noted that he would like to see conditions in place that would require the residence to be built before the warehouse.

Ms. Susan St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns about the impact of the business on the safety of Mt. Laurel Road. Ms. St. Onge noted that the proposed egress for the business was located at the narrowest portion of the roadway and at a point with poor site distance. Ms. St. Onge further expressed concerns that the applicant would adhere to the conditions outlined in the SUP. Ms. St. Onge requested that the Commission deny the application.

Mr. T.J. Soderholm, addressed the Commission to clarify plans for the property. Mr. Soderholm stated that he intends to construct the residence at the same time the detached garage is constructed for storing equipment. Mr. Soderholm noted that the plans for developing the property included a reduction of the berm at the entrance to the property which would improve site distance. Mr. Soderholm further noted that Mt. Laurel Road had previously supported a landscaping contractor business with similar impacts on the road. Mr. Soderholm stated that his goal is to establish a family business in a location that complies with County regulations.

Mr. Krapf inquired about the chronology of where the business has been located.

Mr. Soderholm stated that while running the business from the Centerville Road address he had hoped to purchase a property on Mt. Laurel Road which he was leasing; however it was purchased by someone else. Mr. Soderholm noted that when the leased location was no longer available, he rented storage locations for his equipment until he could purchase the property at 4182 Mt. Laurel Road.

Ms. Bledsoe inquired if the business would still exist at the Centerville Road location.

Mr. Soderholm responded that the plan is to sell that house once the residence is constructed on Mt. Laurel Road. Mr. Soderholm further noted that the goal was to have a location where a garage could be constructed so that any equipment could be stored indoors.

Ms. Bledsoe inquired what the timeframe was for actually residing on the property.

Mr. Soderholm stated that as soon as the SUP is approved he will begin construction.

Ms. Bledsoe inquired when the equipment would be moved to the property.

Mr. Soderholm stated that the equipment would be on site for when development of the property begins.

Ms. Bledsoe inquired if the equipment would be moved while the owner is still living at the Centerville Road location.

Mr. Soderholm stated that the goal is to begin moving equipment to Mt. Laurel Road so that the property at Centerville Road can be made more marketable.

Ms. Bledsoe inquired if the Centerville Road house is currently on the market.

Mr. Soderholm stated that it was not.

Ms. Bledsoe noted that she wanted to ensure that this was not an expansion of the business.

Mr. Richardson inquired if there might be a time when the business would require additional equipment that would be stored on the property.

Mr. Soderholm stated that the proposed garage and pole barn would be adequate to handle one or two additional pieces of equipment. Mr. Soderholm noted that the only piece of new equipment might be a small excavator.

Ms. Bledsoe inquired about the storage of the trucks and trailers.

Mr. Soderholm stated that the trucks and trailers would be stored in the parking lot but the other pieces of equipment would be stored in the garage.

Ms. Bledsoe inquired if the equipment stored in the parking lot would be visible.

Mr. Soderholm confirmed and stated that the trucks and trailers would be behind a screened fence.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor to discussion by the Commission.

Mr. Krapf inquired whether any complaints about noise and traffic at the Centerville Road location have been filed with the County.

Mr. Ribeiro stated that he was not aware of any citizen complaints. Mr. Ribeiro further stated that notices of violation have been issued by the Zoning Enforcement Division because of the nonconforming business since the request for an SUP for that location was denied.

Ms. Bledsoe inquired about the number of violation letters and the period of time over which they were sent.

Mr. Ribeiro stated that he did not have the exact information but there was at least one letter sent.

Mr. Wright inquired about the nonconforming status of the parcel.

Mr. Ribeiro stated that the ordinance requires that the setback be placed where the width of the lot is 200 feet or more; however, this lot is only approximately 185 feet wide. Mr. Ribeiro noted that this is an existing parcel and is not being subdivided so the nonconforming status would not affect the SUP.

Mr. Richardson inquired about what was expected of applicants seeking a commercial SUP in the A-1 district.

Mr. Ribeiro stated that in the A-1 district, there are very few by-right commercial uses. The by-right uses are usually related to forestal and agricultural activity. Mr. Ribeiro noted that most other commercial activity requires an SUP. Mr. Ribeiro stated that for a contractor's office, staff looks at the impact on the road, the environment, adjacent property owners. Mr. Ribeiro further noted that staff particularly looks at buffers that would mitigate noise generation and provide visual screening for adjacent property owners. Mr. Ribeiro noted that staff also take into account the compatibility of the proposed use with the surrounding area.

Mr. O'Connor inquired if Mt. Laurel Road was slated for future improvements.

Mr. Holt stated that this portion of Mt. Laurel Road was not scheduled for improvements.

Mr. Richardson stated that there are traffic considerations and other concerns. Mr. Richardson stated that it appears there are conditions in place to mitigate impacts.

Ms. Bledsoe stated that she supports local business; however, wants to ensure that it is the right fit and the right place. Ms. Bledsoe stated that she concurs with the concerns about the larger equipment using Mt. Laurel Road. Ms. Bledsoe further stated that her main concern is the size of the lot and that even with the SUP conditions, the business would have a quality of life impact on the adjacent properties. Ms. Bledsoe stated that she does not believe the activity is not compatible with the area and that she cannot support the application.

Mr. Wright stated that he wants to encourage business development; however he concurs with the concerns about the business being compatible with the surrounding properties. Mr. Wright further noted that he has concerns about the impacts on the safety of Mt. Laurel Road. Mr. Wright stated that he is not in favor of the application.

Mr. Krapf stated that he approaches the application with a different perspective. Mr. Krapf stated that the property is zoned for agriculture and that if the property were a working farm, there could be several times more the amount of equipment and several times the noise generation. Mr. Krapf noted that a comparably sized business previously operated along the same road for a number of years. Mr. Krapf stated that he believes staff has developed SUP conditions to satisfactorily mitigate the impacts on the adjacent parcels with triggers to ensure that future changes to the scope of the business will be monitored. Mr. Krapf stated that he supports the application.

Mr. Richardson stated that he believes the application is very thorough and that the conditions associated with the SUP will be sufficient to mitigate any impacts.

Mr. O'Connor stated that he has looked at Mr. Soderholm's current location as well as the proposed location. Mr. O'Connor noted that with screening, the visual impact is mitigated. Mr. O'Connor further stated that he believes the proposed use is compatible with the zoning designation. Mr. O'Connor stated that the SUP conditions limit the scope of the operations to mitigate the impact on adjacent properties. Mr. O'Connor stated that this is an opportunity to take a nonconforming use and make it a conforming use. Mr. O'Connor stated that he could support the application.

Mr. Krapf moved to recommend approval of the application subject to the attached conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage subject to the recommended conditions (3-2, Mr. Basic and Mr. Schmidt being absent).

## 2. Z-0003-2016. Tewning Road Proffer Amendment

A motion to Approve was made by John Wright III, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bledsoe, Krapf, O'Connor, Richardson, Wright III

Absent: Basic, Schmidt

Ms. Savannah Pietrowski, Planner, stated that Pete and Cindy Walker of Williamsburg Gymnastics have submitted a request to amend the existing proffers for 144 Tewning Road to remove the indoor sports facilities and health and exercise clubs from the list of prohibited uses in order to allow a gymnastics facility. Ms. Pietrowski stated that the property is zoned M-1, Limited Business/Industrial, with Proffers and designated Limited Industry on the Comprehensive Plan Land Use Map. Ms. Pietrowski noted that indoor sports facilities are permitted uses in the M-1 Zoning District. Ms. Pietrowski stated that the proffers were adopted with the rezoning for Casey Industrial Park in 1986 which rezoned approximately 13.6 acres of land at the end of Tewning Road to M-1. Ms. Pietrowski further stated that several different retail uses were prohibited at that time with the intent of creating a Light Industrial Park. Ms. Pietrowski stated that the proffer

amendment would apply only to the subject property and would not change restrictions on the remaining parcels. Ms. Pietrowski noted that the amended proffers also made the language consistent with current Zoning terminology. Ms. Pietrowski stated that staff finds the proposal consistent with the 2035 Comprehensive Plan. Ms. Pietrowski further stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors.

Mr. O'Connor opened the public hearing.

Mr. Pete Walker, applicant, addressed the Commission on the history of his involvement with competitive gymnastics and the development of his business. Mr. Walker noted that with the popularity of the programs offered, the business has outgrown its space and is seeking an opportunity to establish a facility that will allow the business to grow and to provide an environment for quality gymnastics instruction.

Mr. Kevin Conner, 111 Douglas Lane, addressed the Commission in support of the application. Mr. Conner stated that he is impressed with the quality of the programs offered. Mr. Conner noted that the W-JCC Schools do not offer Gymnastics at the High School level and that Williamsburg Gymnastics fill a need in the community.

Ms. Lori Kaisand, 128 North Turnberry, addressed the Commission in support of the application. Ms. Kaisand stated that Williamsburg Gymnastics provides a needed service to the community.

As no one else wished to speak, Mr. O'Connor closed the public hearing.

Mr. Richardson stated that the request is compatible with the surrounding zoning and the Comprehensive Plan. Mr. Richardson stated that he would be inclined to support the application.

Ms. Bledsoe stated that she believes the business would be an enhancement to the area and that she would support the application.

Mr. Krapf stated that he would support the application. Mr. Krapf stated that when the property was rezoned, the intent was to develop a Light Industrial Park; however, that has not materialized. Mr. Krapf further stated that an indoor gymnastics facility would be a benefit to the community.

Mr. O'Connor stated that the size and scope of the proposed building is in keeping with facilities that would be found in the M-1 Zoning District and that if the business ever relocated, that building could be retrofitted to other uses.

Mr. Wright moved to recommend approval of the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Case No. Z-0003-2016. Tewning Road Proffer Amendment. (5-0, Mr. Basic and Mr. Schmidt being absent).

3. Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 2 NAYS: 1 ABSTAIN: 2 ABSENT: 2

Ayes: Krapf, O'Connor

Nays: Richardson

Abstain: Bledsoe, Wright III

Absent: Basic, Schmidt

Ms. Roberta Sulouff, Planner, stated that Mr. Gregory Davis has submitted a request on behalf of New Town Associates, LLC, to amend proffers for Sections 2&4, 3&6 and 7 & 8. Ms. Sulouff stated that these sections are zoned MU, Mixed Use, with proffers and are designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. Ms. Sulouff noted that the intent of the proposal is to simplify any remaining developer obligations, as the development is approaching full build-out. Ms. Sulouff further stated that the applicant proposes providing cash-in-lieu amounts for previously proffered transit infrastructure. Ms. Sulouff stated that the proposal would also amend the current proffer language to reflect proffers satisfied by earlier rezonings and site plans and finalize the timing for the installation of a previously proffered traffic signal. Ms. Sulouff stated that the proposal also includes changes to the Master Plan to reflect changes to trail amenities in Sections 3&6 and 7&8, and to show existing playgrounds and bus pull-offs. Ms. Sulouff further stated that the applicant is also proposing changes to the proffer language for Sections 2& 4 and 3 & 6 to cap the length of the proffered walking trails to that which has already been built. Ms. Sulouff noted that the existing trails exceed what is required for trail provisions in new developments which is based on current Parks & Recreation proffer guidelines. Ms. Sulouff stated that staff finds the proposed amendments to be consistent with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development. Ms. Sulouff stated that staff recommends that the Planning Commission recommend approval of the amendments to the Board of Supervisors.

Mr. O'Connor called for disclosures from the Commission.

Mr. Wright stated that he is a homeowner in New Town. Mr. Wright further stated that he has had discussions with the applicant, representatives from New Town Associates, LLC, other Planning Commission members and Mr. Mike Maddocks. Mr. Wright stated that he will recuse himself from discussing and voting on this matter.

Ms. Bledsoe stated that she is a homeowner in New Town. Ms. Bledsoe stated that the formal opinion from the County Attorney advises that she will not directly benefit from this application and could participate in the discussion and vote; however, she has decided to abstain from the discussion and vote.

Mr. Richardson stated that he had spoken with the applicant.

Mr. O'Connor stated that he had spoken with the applicant.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. Richardson inquired if staff anticipated changes to the Master Plan in the future.

Ms. Sulouff stated that the applicant could best address future intentions; however, there are only three undeveloped parcels remaining and that there is far less flexibility for change than there was during the early development.



Mr. Richardson inquired about the length of time this application had been under review.

Ms. Sulouff stated that the application before the Commission is the result of many months of discussion and review that occurred prior to submission.

Mr. O'Connor inquired about the location of the second playground.

Ms. Sulouff stated that the proffers call for a second playground but do not specify a location. Ms. Sulouff stated that there was open space at the rear of Sections 2 & 4 which could have accommodated a playground.

Mr. O'Connor opened the public hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, representing New Town Associates, stated that the application before the Commission is to essentially clean up certain outstanding matters. Mr. Davis stated that the application will confirm the remaining density, confirming installation of remaining infrastructure, and make changes to the Master Plan that will accommodate the changes made due to market demand. Mr. Davis provided the Commission with the rationale behind the changes related to the playground, bus shelters and trail connections. Mr. Davis noted that these amendments were to concentrate resources in a manner that best suited the needs of the community such as creating one larger playground to allow installation of playground equipment; cash in lieu for bus shelters to allow shelters to be located where needed with approval and concurrence from WATA and the creation of more useful trail connections. Mr. Davis further noted that in addition to the trails there are other amenities for walking and jogging such as the extensive sidewalk system and connections to the Ironbound Road Multi-Use Path. Mr. Davis stated that the New Town Design Review Board carefully considered and approved the requested changes. Mr. Davis further stated that notice of the proposed changes was made to property owners and that there was minimal opposition. Mr. Davis concluded by stating that New Town Associates is dedicated to the idea that New Town is a place to work, live and play. Mr. Davis further stated that the recreational opportunities meet or exceed minimum requirements. Mr. Davis requested that the Commission recommend approval of the application.

Mr. Richardson inquired if a public meeting was held for property owners regarding the proposed changes.

Mr. Davis stated that a public meeting was not held.

Mr. Richardson inquired the time frame for receiving comments from the Home Owner's Association.

Mr. Davis stated that it has been about five months.

Mr. Richardson inquired if the applicant would be willing to consider keeping the trails.

Mr. Davis stated that the short answer is no. Mr. Davis further stated that while there are areas that might be desirable to construct a trail, in some cases New Town Associates no longer owns the property or the topography is not conducive to developing a trail.

Mr. Richardson inquired about the other terminus for the trail to the assisted living facility.

Mr. Davis stated that it would be next to an existing trail behind existing residential lots.

Mr. Richardson stated that he would like to see where the smaller playgrounds would have been located.

Mr. Davis stated that the areas were not so much playgrounds as small areas of greenspace which would not have accommodated playground equipment. Mr. Davis stated that the larger playground has been built adjacent to the pool and playground equipment has been installed. Mr. Davis stated that the original vision was to have one of the small play areas in Sections 3 & 6 and two or three in Sections 2 & 4.

Mr. Richardson inquired if the goal was to draw residents to one central recreational area.

Mr. Davis confirmed. Mr. Davis further stated that this also consolidated the necessary amenities such as restrooms; provided playground equipment; and provided adults with a suitable place to relax while watching the children.

Mr. O'Connor inquired if Section 3& 6 are primarily commercial.

Mr. Davis stated that there are some residential rental units but it is predominantly office and commercial.

Mr. James Carey, 5195 Rollison, stated that he was drawn to the New Town Development because it is a walkable community. Mr. Carey stated that the Trail "A" would complete a loop system. Mr. Carey stated that he would like to see that loop completed.

Ms. Mary Cheston, 5178 Rollison, addressed the commission on concerns about the trail system not being completed and the additional playground not being provided. Ms. Cheston noted that it would be a mistake not to construct the additional recreational amenities in light of the homes still to be built. Ms. Cheston requested that the Commission ask for modifications to the proffers to retain the trails.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the commission.

Mr. Richardson stated that walkability is more than just linear feet. Mr. Richardson stated that while the community is very walkable as is, a natural viewscape is also important to the residents. Mr. Richardson stated that he would like to see the plan adjusted to reincorporate the Trail "A". Mr. Richardson further stated that having only one playground may not be as convenient as having some smaller greenspaces scattered through the development.

Mr. Krapf stated that he appreciates that the New Town DRB has reviewed and approved the application. Mr. Krapf further stated that he likes that the amendments do not just strike out certain proffers but offer alternatives such as cash in lieu and offers to WATA for other transportation improvements. Mr. Krapf stated that he does have concerns about not constructing Trail "A".

Mr. Krapf inquired about the length of trail section A.

Mr. Davis stated that it is approximately 500 feet.

Mr. Krapf stated that he would like to see section "A" of the trail constructed because it completes a loop for the walking trails.

Mr. O'Connor inquired if his understanding of the existing proffers was correct that certain items such as land uses, density, certain streets and certain open space were Fixed Development Items and others such as pedestrian connections, streets other than Required Streets, and areas of commercial use, office use, residential use, parking placement zones, view triangles, "build-to zones" and frontage zones and all other structures and improvements that are not Fixed Development Items are Flexible Development Items which could be altered, moved or eliminated. Mr. O'Connor further inquired if this application would fall under Flexible Development Items.

Mr. Max Hlavin, Assistant County Attorney, confirmed that the existing proffers delineated some flexible development items that could be altered by going through the non-legislative process within the New Town DRB. Mr. Hlavin further stated that this was legislative because it the items were reflected on the master plan.

Mr. Holt noted that the Flexible Development Items are shown on the Master Plan for illustrative purposes only, and may be altered, moved or eliminated subject to approval by the New Town DRB.

Mr. O'Connor stated that what is illustrated in a master plan is not always what comes to fruition and that this was anticipated with the development of New Town. Mr. O'Connor further stated that he had been more concerned with losing the play areas; however, it appears that Sections 3 & 6 are more commercial and a play area would not be as necessary. Mr. O'Connor noted that the applicant has worked with Parks and Recreation to provide adequate recreational facilities. Mr. O'Connor stated that he has fewer concerns about the application than he did initially.

Mr. Krapf stated that how the other parcels have developed is an important consideration. Mr. Krapf stated that the fact that the New Town DRB has approved the amendments weigh in favor of the application. Mr. Krapf noted that he would tend to defer to the DRB regarding the development of the community. Mr. Krapf stated that he could support the application.

Mr. Richardson requested confirmation that the storage facility would be located where the trail head was for the portion of the trail that is not to be built. Mr. Richardson further inquired whether the decision not to build that portion of the trail system was related to concerns over safety of the equipment to be stored in the facility and whether other locations had been considered for the facility.

Mr. Davis confirmed the location of the storage facility. Mr. Davis stated that the location was chosen because there are very few undeveloped parcels that would be suitable for such a facility. Mr. Davis further stated that the concern is not the equipment but the safety of the residents.

Mr. Richardson stated that Trail "A" would be beneficial to the residents and that the community has expressed a desire to see the trail section constructed. Mr. Richardson

noted that it would be beneficial to have a path to the memory care facility. Mr. Richardson further stated that walkability is more than having the sidewalks; it includes the scenery as well. Mr. Richardson stated that he would like to see a change in the application that would keep Trail A. Mr. Richardson inquired how a change to the application would affect the Commission's ability to move the application forward.

Ms. Sulouff stated the map that shows the proffered trails is only illustrative. Ms. Sulouff further stated that the requirement in place is a matter of linear footage. Ms. Sulouff stated that staff uses the site plan process to formalize where the trails are actually located. Ms. Sulouff stated that if the Commission desired to specify a location for a trail, it would involve changing proffer language as well. Ms. Sulouff stated that the matter at hand is reflecting the change to earlier proffer requirements for trails on the Master Plan. Ms. Sulouff stated that if a specific change were requested it would require going back to the drawing board.

Mr. Richardson requested that the Commission consider requesting a change to retain Trail "A".

Mr. Richardson inquired if the applicant would be willing to adjust that portion of the proffers.

Mr. Davis stated that this is a difficult issue. Mr. Davis stated that similar discussions have been held with staff. Mr. Davis stated that New Town Associates stands firmly behind the decisions regarding the trails. Mr. Davis further stated that the development is nearly built out and that the time is near for the developer's involvement to end. Mr. Davis stated that to be sent back to the drawing board to develop an alternative to the trail plan and then bring those revisions back before the Commission and the Board of Supervisors would take the process far beyond the developer's deadline to complete development activities. Mr. Davis stated that it would be a critical business decision for this developer.

Mr. Richardson inquired about the deadline date.

Mr. Davis responded that is June 30, 2016.

Mr. Richardson stated that he is reluctant to recommend approval of the application without the amendment to the trail plan.

Mr. Krapf inquired if the developer had an option to extend the deadline.

Mr. Holt state that it was not a County deadline, but rather a timeframe set by the developer's team.

Mr. Richardson stated that deferring the application to the May meeting might be worthwhile if a change can be made to the application.

Mr. O'Connor stated that when you consider New Town in its entirety, the development has come very close to what was initially envisioned. Mr. O'Connor further stated that most master plans are designed to allow for some flexibility. Mr. O'Connor stated while it may not be the most popular decision, the trail system is one of the flexible items and he understands the need for that flexibility. Mr. O'Connor further noted that the trail system will be inherited by the Home Owners Association and would become an

additional expense as a long-term maintenance issue. Mr. O'Connor noted that the trail would have impacts on both the home owners and the RPA.

Mr. Krapf stated that he wants to respect Mr. Richardson's request; however, because the locations of the trails are shown only for illustrative purposes, because there is flexibility built into the legal documents, and because the change has been approved by the new Town DRB, he is still inclined to support the DRB's determination regarding what is best for their community.

Mr. Richardson stated that he appreciates the viewpoints of the other Commissioners. Mr. Richardson further stated that out of all the refinements in the application, he believes that the trail plan is the one piece that should be reconsidered.

Mr. O'Connor inquired if there was a motion on the matter.

Mr. Krapf moved to recommend approval of the application and the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment (2-1-2, Ms. Bledsoe and Mr. Wright abstaining and Mr. Basic and Mr. Schmidt being absent).

## **G. PLANNING COMMISSION CONSIDERATIONS**

## **H. PLANNING DIRECTOR'S REPORT**

### **1. Planning Director's Report**

Mr. Holt stated that he would like to highlight the correspondence from the Clean County Commission. Mr. Holt stated that the James City County Clean County Commission and the County's Environmental Coordinator have been working with VDOT to install new signs at five of the main entrances to the County stating that littering is illegal and carries fine ranging from \$250 to \$2,500. Mr. Holt noted that while the County has had previous signs stating the littering is illegal, these are the first to state the penalties.

## **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Ms. Bledsoe stated that the James City County Strategic Plan 2035 Open House was held on March 30. Ms. Bledsoe stated that the event was very successful and that those who could not attend should watch the video of the meeting.

Mr. Richardson noted that the Board of Supervisors would be holding budget workshops in their individual districts and that the dates are posted on the County's website.

Mr. O'Connor stated that he would like to propose the following committee assignments for 2016. Mr. O'Connor stated that Mr. Richardson would Chair the Development Review Committee, with the remainder of the membership being comprised of Ms. Bledsoe, Mr. Basic, Mr. Krapf and himself. Mr. O'Connor stated that Mr. Krapf would chair the Policy Committee, with the remainder of the membership

being comprised of Mr. Schmidt, Mr. Richardson and Mr. Wright.

Mr. O'Connor noted that Mr. Basic would cover the Board of Supervisors meetings for April. Mr. O'Connor stated that he would send out the schedule for the remainder of the year shortly.

## **J. ADJOURNMENT**

A motion to Adjourn was made by John Wright III, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Bledsoe, Krapf, O'Connor, Richardson, Wright III

Absent: Basic, Schmidt

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner I

SUBJECT: Development Review Committee Action Item: Case No. SP-0104-2015,  
Williamsburg Landing Woodhaven Expansion

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The proposal is to expand the current Williamsburg Landing development by building two previously approved skilled nursing/memory care buildings. The proposal also includes a previously approved expansion of the Woodhaven Building, as well small additions to existing dining and parking facilities.

The DRC must review this application as it proposes a group of buildings exceeding 30,000 square feet (Section 24-147 (a)(1)(c)).

DRC Recommendation: Preliminary Approval, 4-0

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:28 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:29 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 4:32 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:39 PM

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Adoption of Updated 2016 Calendar

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The attached calendar has been updated to reflect the Planning Commission's joint work session with the Board of Supervisors being scheduled for June 28.

No other changes to the calendar are proposed.

**ATTACHMENTS:**

	Description	Type
□	Updated 2016 Calendar	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:38 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:39 PM
Publication Management	Boles, Amy	Approved	4/27/2016 - 4:39 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:40 PM



**PC 2016/2017**

- March 21<sup>st</sup> \* (6:00 pm)
- April 6<sup>th</sup>
- May 4<sup>th</sup>
- June 1<sup>st</sup>
- June 28<sup>th</sup> Joint Work Session w/BOS (4:00pm)
- July 6<sup>th</sup>
- August 3<sup>rd</sup>
- September 7<sup>th</sup>
- October 5<sup>th</sup>
- November 2<sup>nd</sup>
- December 7<sup>th</sup>
- January 4<sup>th</sup> (2017)
- February 1<sup>st</sup> (2017)
- March 1<sup>st</sup> (2017)
- March 20\* (6:00 pm)

\* Special Meeting (Organizational and CIP)

**Policy Committee 2016/2017 (4 pm)**

- March 3<sup>rd</sup> \*
- March 10<sup>th</sup>
- April 14<sup>th</sup>
- May 12<sup>th</sup>
- June 16<sup>th</sup>
- July 14<sup>th</sup>
- August 11<sup>th</sup>
- September 15<sup>th</sup>
- October 13<sup>th</sup>
- November 10<sup>th</sup>
- December 15<sup>th</sup>
- January 12<sup>th</sup> (2017)
- February 9<sup>th</sup> \* (2017)
- March 2<sup>nd</sup> \* (2017)
- March 9<sup>th</sup> \* (2017)

\*CIP Meetings

**DRC 2016/2017 (4 pm)**

- March 30<sup>th</sup>
- April 27<sup>th</sup>
- May 25<sup>th</sup>
- June 29<sup>th</sup>
- July 27<sup>th</sup>
- August 31<sup>st</sup>
- September 28<sup>th</sup>
- October 26<sup>th</sup>
- November 16<sup>th</sup>
- December 14<sup>th</sup>
- January 4 (2017)
- January 25 (2017)
- February 22 (2017)

**PC 2017/2018**

- April 5<sup>th</sup>
- May 3<sup>rd</sup>
- May 23 Joint Work Session w/BOS (4:00pm)
- June 7<sup>th</sup>
- July 5<sup>th</sup>
- August 2<sup>nd</sup>
- September 6<sup>th</sup>
- October 4<sup>th</sup>
- November 1<sup>st</sup>
- December 6<sup>th</sup>
- January 3<sup>rd</sup> (2018)
- February 7<sup>th</sup> (2018)
- March 7<sup>th</sup> (2018)

\* Special Meeting (Organizational and CIP)

**Policy Committee 2017/2018 (4 pm)**

- April 13<sup>th</sup>
- May 11<sup>th</sup>
- June 8<sup>th</sup>
- July 13<sup>th</sup>
- August 10<sup>th</sup>
- September 14<sup>th</sup>
- October 12<sup>th</sup>
- November 9<sup>th</sup>
- December 14<sup>th</sup>
- January 11<sup>th</sup> (2018)
- February 8<sup>th</sup> \* (2018)
- March 1<sup>st</sup> \* (2018)
- March 9<sup>th</sup> \* (2018)

\*CIP Meetings

**DRC 2017/2018 (4 pm)**

- March 29<sup>th</sup>
- April 26<sup>th</sup>
- May 31<sup>th</sup>
- June 28<sup>th</sup>
- July 26<sup>th</sup>
- August 30<sup>st</sup>
- September 27<sup>th</sup>
- October 25<sup>th</sup>
- November 15<sup>th</sup>
- December 13<sup>th</sup>
- January 3<sup>rd</sup> (2018)
- January 31<sup>st</sup> (2018)
- February 28<sup>th</sup> (2018)

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner

SUBJECT: SUP-0004-2015, Hankins Resource Recovery Facility

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Draft SUP Conditions	Backup Material
▣	Master Plan prepared by VHB, dated September 15, 2015	Backup Material
▣	Environmental Inventory Exhibit prepared by VHB, dated April 26, 2016	Backup Material
▣	Potential RPA Encroachment Map prepared by VHB	Backup Material
▣	Project narrative provided by the applicant	Backup Material
▣	Photos of wood and stone processing equipment	Backup Material
▣	Photos from Kiskiack Golf Club and Croaker Road	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 5:20 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 5:20 PM
Publication Management	Burcham, Nan	Approved	4/28/2016 - 7:38 AM
Planning Commission	Holt, Paul	Approved	4/28/2016 - 8:12 AM

**SPECIAL USE PERMIT-0004-2015. Hankins Resource Recovery Facility**  
**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicants: Vernon Geddy III, Geddy, Harris, Franck & Hickman

Land Owners: Howard Hankins and Hankins Land Trust

Proposal: To permit the operation of a +/- 100 acre resource recovery facility, which includes an existing borrow pit and the operation of a wood and stone processing facility.

Location: 8196, 8212 and 8220 Croaker Road

Tax Map/Parcel Nos.: 1430100039, 1430100040A, 1430100040

Project Acreage: +/- 100 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: Savannah Pietrowski, Planner I

**PUBLIC HEARING DATES**

Planning Commission: May 4, 2016, 7:00 p.m.  
Board of Supervisors: June 14, 2016, 6:30 p.m. (tentative)

**FACTORS FAVORABLE**

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the recommendations of the 2035 Comprehensive Plan.
3. The proposal would bring existing operation into conformation with the Zoning Ordinance.

**FACTORS UNFAVORABLE**

With the attached Special Use Permit (SUP) conditions for each application, staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of this application to the Board of Supervisors, subject to the attached conditions.

**PROJECT DESCRIPTION**

Mr. Vernon Geddy, III, has applied on behalf of Mr. Howard Hankins to permit the operation of a +/-100 acre resource recovery facility, which includes +/-50 acres to be used for wood and stone processing, and +/-50 acres to be used as a borrow pit.

According to *The New Illustrated Book of Development Definitions*, resource recovery is “the process of obtaining materials or energy, particularly from solid waste” (Moskowitz and Lindbloom, 1993).

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*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.*

The wood processing operation involves grinding wood debris and products to produce and color mulch as needed. The stone processing involves crushing materials such as concrete and asphalt into stone and gravel. All of these materials will be stored on site throughout the process and will ultimately be sold to third parties. The applicant has indicated that mulch has historically/been ground an average of 45 to 60 days per year and stone has been ground an average of 10 to 15 days per year.

Mr. Hankins has an active mining permit from the Virginia Department of Mines, Minerals and Energy (DMME) for the borrow pit. All operational activities associated with the borrow pit are regulated by the DMME. The mining activity produces topsoil, dirt, sand and clay to be sold to third parties. The master plan identifies two separate areas for mining activities. Mining is currently taking place in the section closest to Croaker Road. Additional areas have been identified on the master plan in order to allow for future use. The site will not be open to the general public for the sale of materials.

There is an existing farmhouse on the property, which is currently used as a caretakers' cottage for up to three of Mr. Hankin's employees.

#### **PLANNING AND ZONING HISTORY**

- The Board of Supervisors adopted Case No. Z-0012-1990, Kiskiak – Old Dominion French Winery/Hankins on December 12, 1990. This rezoned +/-492 acres to M-1, Limited Business/Industrial (+/-255 acres), R-5, Multi-family Residential (+/-223 acres) and A-1, General Agricultural (+/-14 acres), with the intention of creating a chateau/winery complex, hotel and other commercial/light industrial uses. The area associated with

this SUP application was rezoned M-1 and designated as light industrial on the master plan.

- The Board of Supervisors adopted Case No. Z-0013-1995, Kiskiak (Hankins) Clubhouse/Old Dominion Winery on January 16, 1996. This application restated and amended the adopted proffers, and rezoned +/-10 acres from R-5 to R-8, Rural Residential for the Kiskiak Golf Clubhouse. The area associated with this SUP application was not affected.
- The Board of Supervisors adopted Case No. SUP-0004-2003, Hankins Farm Water and Sewer Extension on April 8, 2003 for the extension of water and sewer service to the existing house within the area of this application; however, the connections were not made and the SUP expired.
- Activities associated with the borrow pit have occurred on the property since the early 1980's and is considered legally nonconforming. It is undetermined the exact time the wood and stone processing began occurring; however, staff began working with Mr. Hankins in 2013 to bring the activities into conformance with the Zoning Ordinance. In coordination with County staff, it was determined that given the interconnectivity of the uses, an SUP for a resource recovery facility could address operations for both the borrow pit and wood/stone processing operations.

#### **SURROUNDING ZONING AND DEVELOPMENT**

- The properties are adjacent to the Croaker Road Interstate 64 Interchange.
- Surrounding Zoning Designations include:

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- R-5 to the north (Kiskiak Golf Club)

- A-1 to the south, east and west (mix of single-family dwellings, forested land and commercial parcels, including York River Baptist Church, 7-Eleven, David Nice Builders and Top Notch Tree Service)

#### **COMPREHENSIVE PLAN**

- The properties are designated Mixed Use on the 2035 Comprehensive Plan Land Use Map.
- Principal suggested uses for the Southeast Quadrant of the Croaker Interchange Mixed Use designation include light manufacturing and office. Secondary uses shall only be permitted where they do not preclude development of the principal uses.
- Staff finds that this proposal is consistent with Comprehensive Plan as a secondary use. Given the proposed conditions regarding the use of inert materials for property reclamation, Resource Protection Area (RPA) restoration and material decomposition, staff finds that the future potential of the site to be developed as a primary use would not be precluded.
- Surrounding Comprehensive Plan designations include:
  - Mixed Use to the north (Kiskiak Golf Club)
  - Rural Lands to the east (forested land)
  - Rural Lands to the south (single-family dwellings, David Nice Builders and Top Notch Tree Service)
  - Neighborhood Commercial to the west (7-Eleven and York

River Baptist Church)

#### **PUBLIC IMPACTS**

1. Anticipated impact on public facilities and services:

- a. *Streets.* The applicant has indicated that approximately three trucks per hour visit the site on a typical work day (estimated at approximately 140 work days out of the year). A busy day may result in approximately six trucks per hour (estimated at approximately 90 work days out of the year), and this number can increase to up to 10 trucks per hour on an extremely busy work day (estimated at approximately 20 work days out of the year). The Virginia Department of Transportation (VDOT) has reviewed this application and did not identify any concerns. Based on VDOT's review and the close proximity to Interstate 64, no impacts are anticipated.
- b. *Schools/Fire/Utilities.* No impacts anticipated. Although located in the Primary Service Area, this site is not served by public water and sewer.

2. Environmental: There is RPA located on these properties. The limits of this SUP fall outside of the RPA. A condition is also proposed for the restoration of the portions of the RPA previously impacted by activities on this site. A condition is also proposed for spill prevention in the area of the wood and stone processing. The DMME addresses environmental concerns associated with the borrow pit through the applicant's mining permit and operational plan; however, a condition is also proposed requiring the applicant to submit yearly progress reports to the County.

3. Cultural/Historical: A Phase I Archaeological Study was conducted on this site in 1989. The recommendations of this study were incorporated into the proffers for Z-0013-1995; however, as a development plan for this proposal was never submitted, the recommendations have not fulfilled. A condition is proposed requiring further work on the sites impacted by this SUP prior to final site plan approval.
4. Nearby and Surrounding Properties:
  - a. *Visual Impacts*: There is an extensive wooded buffer between the site and properties to the south, east and west. The site is partially visible from the Kiskiak Golf Club to the north.
  - b. *Auditory Impacts*: Staff conducted a sound test of the tub grinder on March 7, 2016, taking decibel readings from the site entrance on Croaker Road, the nearest residence on Fenton Mill Road and locations on Riverview Road and Cloverleaf Lane (across I-64). The highest decibel readings were located on Fenton Mill Road and were associated with traffic on Interstate 64. Staff also took decibel readings for the stone crusher owned by Mr. Hankins at an off-site location. The readings were taken from distances comparable to those taken for the tub grinder. These readings were lower than those associated with the tub grinder. Based on these tests, staff anticipates minimal auditory impacts.

#### **PROPOSED CONDITIONS**

- The full text of the proposed conditions are attached.

#### **STAFF RECOMMENDATION**

Staff recommends approval of this application to the Board of Supervisors, subject to the attached conditions.

SP/nb

SUP04-15HankinsResRec

#### Attachments:

1. Location Map
2. Draft SUP Conditions
3. Master Plan, prepared by VHB, dated September 15, 2015
4. Environmental Inventory Exhibit, prepared by VHB, dated April 26, 2016
5. Potential RPA Encroachment Map, prepared by VHB
6. Project narrative provided by the applicant
7. Photos of the wood and stone processing equipment
8. Photos from Kiskiak Golf Club and Croaker Road



# SUP-0004-2015

## Hankins Resource Recovery Facility





## ***SUP-0004-2015, Hankins Resource Recovery Facility***

### ***Draft SUP Conditions***

1. **Master Plan and Use:** This Special Use Permit (the "SUP") shall be valid for the operation of a +/-100 acre resource recovery facility (the "Project") on property located at 8196, 8212 and 8220 Croaker Road, further identified as JCC Real Estate Tax Map Nos. 1430100039, 1430100040 and 1430100040A, respectively (collectively, the "Property"), which includes an existing borrow pit and operation to process wood and stone products. The Project shall be in accordance with the "Hankins Property Exhibit" prepared by VHB, and dated September 15, 2015 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Annual Reporting:** For as long as the SUP is valid and the Project is operational, the property owner shall submit a report prepared by, or verified by, a licensed engineer or surveyor or permissible on-site verification by the Director of Engineering and Resource Protection, or his designee, documenting items A-H below. One such report shall be submitted between January 1 and January 31 of each year.
  - A. The extent and depth of the area mined over the previous calendar year.
  - B. The extent and depth of the area expected to be mined over the upcoming calendar year.
  - C. A certification that no unauthorized encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described in Section 5 below, or any Natural Open Space easement.
  - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
  - E. A certification as to the amount of disturbed acreage on-site.
  - F. A certification that all fill used after the date of issuance of this permit is "inert material," as defined in Section 12 below.
  - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
  - H. A delineation of the extent of the areas covered by the State Mining Permit.
3. **Material and Equipment Storage:** All material and equipment storage, and stone and wood processing activities shall be limited to the area identified on the Master Plan as the "Area to be used for dirt/topsoil, concrete, asphalt, stone, mulch, equipment, vehicle maintenance and storage."
4. **Borrow Pit Stock Piles:** Stockpiles associated with the mining operation shall not exceed sixteen (16) feet in height on JCC Real Estate Tax Map Nos. 1430100039 and 1430100040A.
5. **Sale of Products:** No sale of wood, wood products, stone, and/or stone products shall be offered for sale directly to the general public on the Property. No signage shall be permitted on the Property advertising the sale of products.

6. Croaker Road Buffer: A buffer fifty (50) feet in width shall be provided adjacent to Croaker Road and the entrance drive as shown on the Master Plan. The existing trees in the buffer area adjacent to Croaker Road shall be retained and any open areas shall be supplemented with additional plantings. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee.
7. Tub Grinder/Stone Crusher Location: The tub grinder, stone crusher, and all associated equipment shall be located so as to minimize the potential adverse impacts on adjacent properties. When in operation, this equipment shall be placed in the locations identified on the "Hankins Resource Recovery Facility JCC SUP No 0004 2015 Environmental Inventory Exhibit" dated April 26, 2016. Hours of operations for the tub grinder, stone crusher and all associated equipment shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
8. Lighting: A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare - defined as 0.1 foot-candle or higher - shall extend outside the property lines. Lights shall be operated by a motion detector or be able to be turned on as needed and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than thirty (30) feet above finished grade. This condition shall not apply to any lighting required by Federal or State regulations.
9. Construction Mitigation Plan: A construction mitigation plan shall be reviewed and approved by the Director of Planning or his designee prior to final site plan approval. The plan shall address:
  - a. Dust mitigation, such as water trucks, mulch, or similar methods.
  - b. Smoke and burn mitigation, such as containment or similar methods.
  - c. Noise mitigation, such as the enforcement of hours of operation.
  - d. Road monitoring of Croaker Road, to include cleaning roadways of mud tracked onto Croaker Road from traffic associated with the Project.
10. Material Decomposition: The use of chemicals to aid in the decomposition of material shall be prohibited. No materials shall be burned on the Property.
11. Archaeology: A Phase I Archeological Study of the Property, "A Phase I Archaeological Survey of the Proposed Old Dominion French Winery Complex, James City County, Virginia," dated March 1989, by the William and Mary Archaeological Project Center identified several archeological sites. Prior to preliminary site plan approval, a Phase II study shall be conducted for Sites #4, #5 and #6. The Phase II 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 II 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 further land disturbance within the study area. The Phase II and Phase III studies shall meet the Virginia

Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard 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 site, and the clearing, grading or construction activities thereon.

12. Stormwater Management: A stormwater management plan shall be submitted to the Director of Engineering and Resource Protection or his designee for review and approval prior to preliminary site plan approval. The stormwater management plan shall demonstrate that adequate measures have been taken for the post-development to achieve the same degree of pre-development water quality. The development of the site shall utilize the applicable best management practices as outlined in the Virginia Department of Environmental Quality Stormwater BMP Clearinghouse.
13. Reclamation: Only "inert material" shall be used as fill during the reclamation of the Property. For the purposes of the SUP "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks, and broken concrete pipe." Under no condition shall fly ash, organic waste material, lumber, or household waste be used as fill.
14. Resource Protection Area: No soil disturbance, parking and/or storage of equipment and/or vehicles associated with the Project shall occur within fifteen (15) feet of a RPA buffer. All sites identified on the Environmental Impact Assessment provided with the SUP application as "Areas of Potential Buffer Encroachment" shall be restored with vegetation as approved by the Director of Engineering and Resource Protection or his designee. A restoration plan for these sites shall be submitted to the Director of Engineering and Resource Protection or his designee for review and approval, and its implementation bonded in a form satisfactory to the County Attorney prior to final site plan review.
15. Entrances: Access to the Project shall be limited to the existing entrance from Croaker Road.
16. Residence: The existing residence on the Property may be used as living quarters for up to three individuals employed on the Property.
17. Spill Prevention: Prior to preliminary site plan approval, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
18. Future Expansion: Any future expansion of the Project outside of the areas delineated on the Master Plan shall require an amendment to this SUP.
19. Site Plan: A site plan shall be required for the area identified as "Area to be used for dirt/topsoil, concrete, asphalt, stone, mulch, equipment. Final site plan approval must be

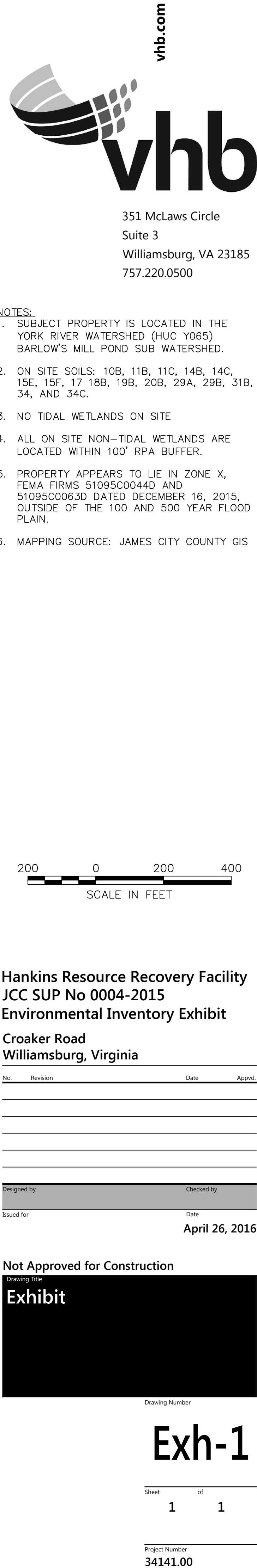
obtained within twenty-four (24) months of issuance of this SUP, or the SUP shall become void.

20. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.











Note: Yellow dots represent known archaeological sites. Please see "A Phase I Archaeological Survey of the Proposed Old Dominion French Winery Complex, James City County, Virginia" dated March 1989, by William and Mary Archaeological Project Center for additional information.



Area of potential  
RPA buffer  
encroachment

Area of potential  
RPA buffer  
encroachment

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Google earth

Imagery Date: 4/23/2014 37°22'58.06" N 76°45'10.84" W elev 90 ft eye alt 4553 ft

1994



### **Narrative description of resource recovery facility**

The 100 acres subject to the Special Use Permit application (the "Property") will be used as a Resource Recovery Facility (the "Facility") to remove and recycle waste material from the waste stream as defined by Virginia law and for the extraction, storage and sale of materials.

The Property will be used to store for use or for sale in its original and/or reprocessed form the following materials:

Wood debris, including but not limited to land clearing debris

Concrete

Asphalt

Dirt and topsoil

Stone and gravel

Sand and clay

PLANNING DIVISION

SEP 16 2015

RECEIVED

The processing of material will consist of the grinding and processing of wood debris and products to produce mulch with color added to mulch as needed to meet specific customer requirements and the crushing and grinding concrete and stone debris. Historically, the applicant has ground mulch an average of 45 to 60 days a year and has ground concrete an average of 10 to 15 days a year. No new land disturbance will be associated with this specially permitted use.

In addition, the Property will be used for the storage and maintenance of equipment and vehicles, including equipment necessary for reprocessing materials brought to the Facility. The stockpiles of material stored at the Property pending processing, sale and/or delivery to customers or use by the applicant will be maintained a height of less than 35 feet and may be maintained at or relocated to various areas within the Property as operations require. Similarly, processing of material at the subject property may occur at various locations within the Property as circumstances may require.

The subject property is currently a base for operations of H. B. Hankins, Inc. which has operated on the property since its formation in 1980 and its affiliate Hampton Roads Material.

The Property is located inside a larger parcel such that the activity is screened from adjacent landowners by trees and distance. See the attached aerial photograph of the site and photos from the Kiskiak clubhouse and from across Croaker Road from the entrance. The applicant proposes additional screening at the entrance as shown on the Master Plan.

As a part of the operation of the Facility, the applicant periodically conducts mining activities on the Property permitted by VADMME Permit/License No. 13807AA. The mining activity and its related equipment have operated at and around the subject property since the early 1980s and to the best of the applicant's knowledge no complaints have been made by adjacent landowners related to mining activity. The mining activity produces topsoil, dirt, sand and clay of various qualities which is sold to third parties. Approximately 50 acres of the Facility as designated on



the Master Plan will be used for mining activities only. Topsoil and fill material from off-site is sometimes brought onto the site for storage.

Stephen Romeo of VHB visited the subject site the morning of July 22, less than 24 hours after a significant rainfall event. JCC's SCADA system recorded 1.69" rainfall on 7/21 at their Lift Station 6-8, 122 Depot Street, the closest monitoring station to the subject site. During his site visit, he observed no standing water except for that within the runoff containment provision incorporated into the mining activities permitted by VADMME Permit/License No. 13807AA.

A well vegetated constructed earthen berm appears to provide more than adequate protection for the unnamed perennial drainageway tributary to Skimino Creek situated along the south and west perimeter of the site. The containment provision, mined areas, and berm appear to provide significantly more storage volume than that required to contain rainfall runoff from at least a 100-year event. Undisturbed areas of the site are adequately vegetated to minimize runoff from rainfall events. During his site visit, he also observed discrete stock piles of tree stumps/brush, mulch, and crushed concrete, none of which significantly increase runoff from rainfall.

VDOT, FEMA and other localities have in the past, from time-to-time entered into contracts to deliver storm debris, to areas near the subject property, and it is anticipated that in the event of a natural disaster or extreme storm the subject property may be used for this purpose.

The Property will also be a location to temporarily store the busts of Presidents that were formerly displayed at the Presidents Park in York County, Virginia. The statues may be moved in and around the Property from time-to-time and maintenance and repair work may be done on them from time-to-time. The Presidents busts will be stored at the Property pending the financing and development of a new and location to display the busts as an active tourist and history attraction in a venue and manner befitting the history they represent. The projected date for relocation to a new display venue is not yet determined.

The farmhouse on the Property provides a home for two to three employees of H. B. Hankins, Inc. who work at the Facility. Those employees monitor the loads and trucks entering and leaving the Property and provide security at the site on an as needed basis.

The anticipated truck traffic onto and from the subject property based on the applicant's historical activity at the site is set out in Exhibit A.

The applicant enjoys good relations with its neighbors and there has never been a noise or nuisance complaint made to the applicant from any adjacent property owners.

The Property is an ideal location for the uses for which this SUP is sought. Having a Resource Recovery Facility located within an area which has enough space to permit a significant buffer and is close to Interstate 64 with ingress and egress at a point off the Interstate that essentially eliminates and minimizes truck traffic impact on adjacent landowners is an extremely good, and for the moment a high use for the Property. This use of the Property also does not adversely impact the applicant's ability to develop the Property for other uses in the future.

The highest and best use of the Property under its M-1 zoning may eventually become a viable use of the Property but until that day arrives the approval of this SUP will provide an appropriate

and productive use of the Property and fill a need in the community to prevent the waste material which could be brought to the Property and put to good use from filling up the area's landfills.

Approving the SUP allows the Property to continue to be put to a productive use and helps meet the goal of diverting from the waste stream materials that can be reprocessed and/or recycled and put to new use.

# Exhibit A

Work Days	Type of Day	# of Trips	10 hour day	
140	Regular Day	0 - 35	@ 3 Trucks per hour	4,900
90	Busy Day	35 - 60	@ 6 Trucks per hour	5,400
20	Extremely Busy Day	60 - 100	@ 10 Trucks per hour	2,000

This Chart is based on 250 work days in a year

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12,300

## Loads In a year

Asphalt In	157
Topsoil In	200
Brush In	2,600
Dirt In	3,700
Concrete In	400
Topsoil Out	500
Mulch Out	3,000
Clay Out	200
Sand Out	1,808

12,565



**Tub Grinder**



**Mulch Dyeing**





**Stone Processing**



**Entrance on Croaker Road**



**View from Kiskiak Golf Club Entrance**





**View from Kiskiak Golf Club Clubhouse**



**View from Kiskiak Golf Club Clubhouse**

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner I

SUBJECT: SUP-0009-2015. 100 Lake Drive Rental of Rooms

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Draft Proposed SUP Conditions	Backup Material
▣	Site Photographs	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/26/2016 - 11:13 AM
Planning Commission	Holt, Paul	Approved	4/26/2016 - 11:13 AM
Publication Management	Boles, Amy	Approved	4/26/2016 - 11:17 AM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:21 PM



**SPECIAL USE PERMIT-0009-2015. 100 Lake Drive Rental of Rooms**  
**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicants: Mr. and Mrs. Bruce and Katherine Williamson

Land Owners: Mr. and Mrs. Bruce and Katherine Williamson

Proposal: To allow for the rental of up to three rooms in an owner-occupied, four bedroom home.

Location: 100 Lake Drive

Tax Map/Parcel No.: 4740200011

Project Acreage: +/-1.5 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Planner I

**PUBLIC HEARING DATES**

Planning Commission: May 4, 2016, 7:00 p.m.  
Board of Supervisors: June 14, 2016, 6:30 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed conditions, the proposal is compatible with surrounding development and the recommendations of the 2035 Comprehensive Plan.
2. Staff has received communication from neighbors in support of this proposal.
3. The subject property shares only one boundary line with another residence and that shared frontage is well buffered via vegetation on both pieces of property.
4. The existing driveway is the only driveway taking access from Ware Road. The driveway is of significant length, is screened from the road via vegetation and provides several parking pull-off areas which staff finds would suit the proposed rental capacity.

**FACTORS UNFAVORABLE**

1. Staff has been made aware of the existence of a restrictive covenant that applies to the subject property and which may affect the rental of rooms on this property. The County Attorney has advised that because the County is not a party to this restrictive covenant, staff lacks the legal authority to interpret whether or not the covenant prohibits the proposed use. The applicant has affirmed that it does not. Any disagreement about this affirmation and/or the covenant is a private matter outside of the County's purview.

**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

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*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.*

**SPECIAL USE PERMIT-0009-2015. 100 Lake Drive Rental of Rooms**  
**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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**PROJECT DESCRIPTION**

- Proposal to rent up to three rooms in a private, owner-occupied, four bedroom home. Unlike the “Tourist Home” use, the “Rental of Rooms” limits rentals to a maximum of three bedrooms and requires the homeowners to continue residing at the property during the time of rentals. This use prohibits the rental of the house as a whole.
- No changes in the size of the house or other buildings.
- The property has an existing driveway and an existing parking area sufficient to accommodate guests.
- The applicant does not intend to serve any meals to guests, therefore this is not considered a traditional Bed and Breakfast, but rather falls into an emerging category of rentals known as “Home-Sharing” or “Short-term Vacation Rentals.”

**PLANNING AND ZONING HISTORY**

Through an anonymous complaint to the County’s Zoning Division, the house was found to be listed illegally on the popular home-sharing site “Air BnB.” The applicant subsequently submitted a conceptual plan, and later this Special Use Permit (SUP) application.

**SURROUNDING ZONING AND DEVELOPMENT**

- The zoning of all surrounding properties is R-1, Limited Residential.
- The property is a part of the subdivision originally known as Marl Hills, which was created in 1957. More recently, it has also been

known as the Lakewood subdivision. Neither entity has an active Homeowners Association.

- Bounded by Jamestown Road to the east, Lake Powell Road to the north and Ware Road to the south.

**COMPREHENSIVE PLAN**

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, duplexes and cluster housing. Limited commercial uses may also be considered appropriate, should the proposal meet the following standards:

- Complements the residential character of the area: Staff finds that this use complements the residential character of the area, as this use does not propose any exterior changes, and as the current owners would continue to use the home as their primary residence.
- Have traffic, noise, lighting and other impacts similar to surrounding residential uses: Given the length of the existing driveway, the size of the lots in this subdivision, and in conjunction with the attached conditions, staff finds the proposal meets this criterion.
- Generally be located on collector or arterial roads at intersections. This property is located at the corner of Jamestown Road and Ware Road, and is the only driveway taking access off Ware Road.

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**SPECIAL USE PERMIT-0009-2015. 100 Lake Drive Rental of Rooms**  
**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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- Provide adequate screening and buffering to protect the character of nearby residential areas. Staff finds that existing vegetation provides adequate screening from the road and adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

**PUBLIC IMPACTS**

Anticipated impact on public facilities and services: None.

Nearby and surrounding properties: No impacts anticipated.

**PROPOSED SUP CONDITIONS**

- Draft text of proposed conditions is provided as Attachment No. 2.

**STAFF RECOMMENDATION**

Staff finds the proposal to be compatible with surrounding development and consistent with the 2035 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 attached conditions.

RS/ab  
SUP-09-15LakeDrRental

Attachments:

1. Location Map
2. Proposed SUP Conditions
3. Site Photographs

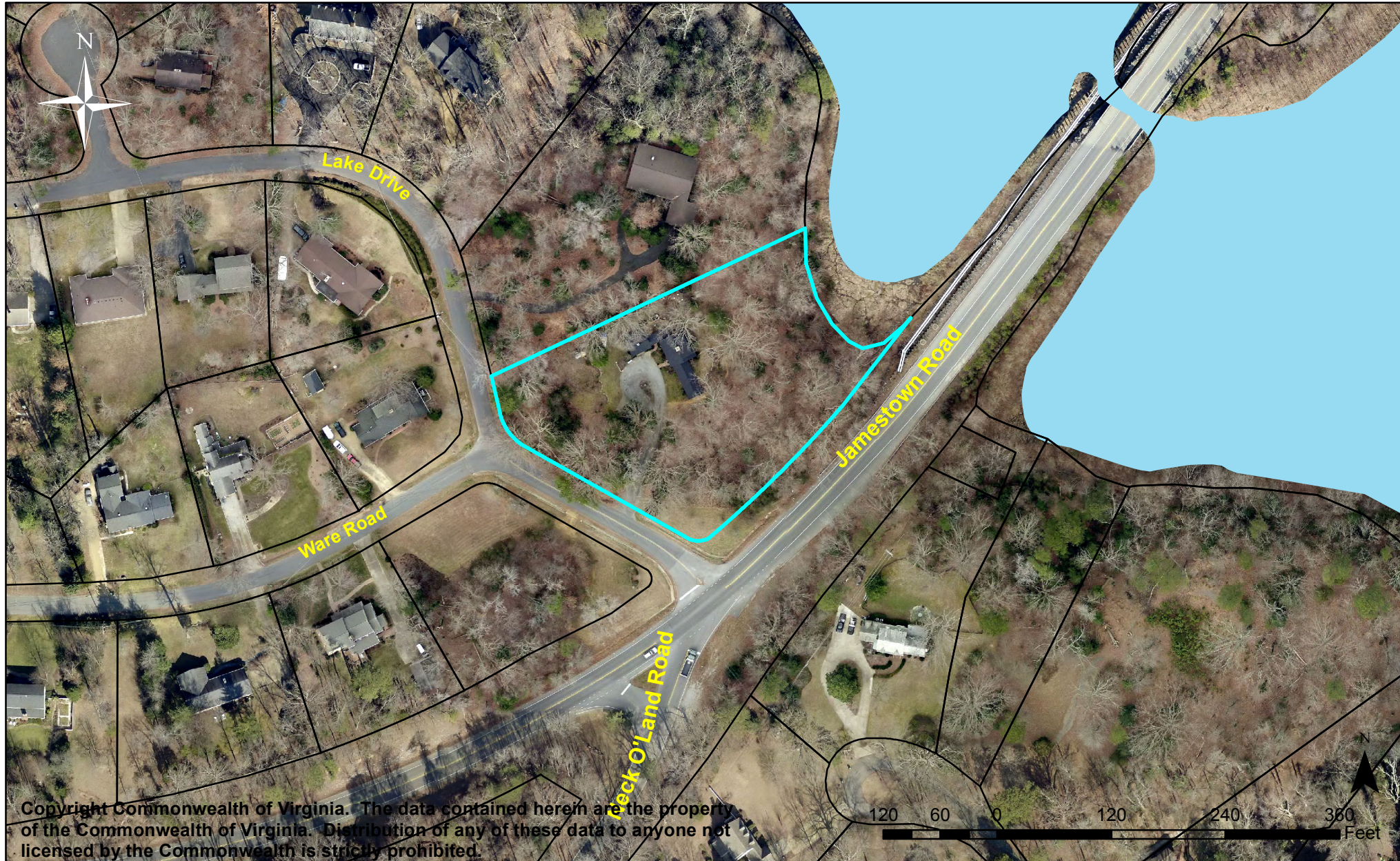
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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general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



# JCC-SUP-0009-2015

## 100 Lake Drive Rental of Rooms





## **Attachment 2: Proposed Special Use Permit Conditions**

1. **Number of Rental Room Occupants.** There shall be no more than three (3) bedrooms available for rental to visitors, and no more than six (6) rental occupants total at any one time.
2. **Signage:** No signage shall be permitted which relates to the use of rental of rooms on this property.
3. **Lighting:** No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single family residence.
4. **Parking:** No more than four (4) vehicles belonging to rental occupants shall be allowed on the property at one time. No on-street parking shall be allowed for this use. No onsite parking shall be permitted within 100 feet of the driveway entrance. No oversized commercial vehicles such as but not limited to buses, commercial trucks, and trailers shall be allowed to park onsite.
5. **Access:** No access, including curb-cut or driveways, shall be granted from the property to Jamestown Road.
6. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.























**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner

SUBJECT: SUP-0003-2016, Two Drummers Smokehouse SUP Amendment / SUP-0004-2016, Extra Mile Landscapes

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	SUP-0003-2016 Draft Conditions	Backup Material
▣	SUP-0004-2016 Draft Conditions	Backup Material
▣	SUP-0001-1996 Pierce Brother Tavern and Grill Resolution	Backup Material
▣	Master Plan prepared by LandTech Resources, dated April 15, 2016	Backup Material
▣	Conceptual Site Drawing and Architectural Elevations prepared by Hopke and Associates, dated April 15, 2016	Backup Material
▣	Project narrative provided by the applicant	Backup Material
▣	Rural Lands Development Standards narrative provided by the applicant	Backup Material
▣	Letters from adjacent property owners	Backup Material
▣	Pictures of vehicles and equipment associated with the contractors' office	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 5:27 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 5:27 PM
Publication Management	Burcham, Nan	Approved	4/28/2016 - 7:43 AM
Planning Commission	Holt, Paul	Approved	4/28/2016 - 8:13 AM

**SPECIAL USE PERMIT-0003-2016. Two Drummers Smokehouse SUP Amendment**  
**SPECIAL USE PERMIT-0004-2016. Extra Mile Landscapes**

**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicants: Vernon Geddy, III, Geddy, Harris, Franck & Hickman

Land Owner: MM&W Properties, LLC

Proposal: To permit an expansion of the existing Two Drummers Smokehouse restaurant and permit a contractor's office, Extra Mile Landscapes. Both operations would be served by a shared access from Richmond Road and utilize shared stormwater management facilities.

Location: 8856 and 8864 Richmond Road

Tax Map/Parcel Nos.: 1110100004E and 1110100006

Project Acreage: +/- 10.76 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Savannah Pietrowski, Planner I

**PUBLIC HEARING DATES**

Planning Commission: May 4, 2016, 7:00 p.m.  
Board of Supervisors: June 14, 2016, 6:30 p.m. (tentative)

**FACTORS FAVORABLE**

1. The proposal is compatible with surrounding zoning and development.
2. The proposal is consistent with the recommendations of the 2035 Comprehensive Plan.
3. The proposal would relocate parking that is currently occurring within the Virginia Department of Transportation's right-of-way on a Community Character Corridor.
4. The applicant has obtained letters of support from several adjacent property owners.

**FACTORS UNFAVORABLE**

With the attached Special Use Permit (SUP) conditions for each application, staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Recommend approval of both of these SUP applications to the Board of Supervisors, subject to the respective attached conditions.

**PROJECT DESCRIPTION**

Two Drummers Smokehouse has applied to amend its existing SUP in order to allow a 5,223-square-foot expansion and to relocate the existing parking to the rear of the site.

Extra Mile Landscapes has been operating a contractor's office on the property and has applied for an SUP to bring the operation into

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**SPECIAL USE PERMIT-0003-2016. Two Drummers Smokehouse SUP Amendment**  
**SPECIAL USE PERMIT-0004-2016. Extra Mile Landscapes**

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**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

conformance with the Zoning Ordinance and allow additional site improvements. These improvements include expansion of the existing gravel laydown yard, a 2,400-square-foot office and equipment storage building and associated parking.

Vehicles and equipment associated with the contractor's office include two track loaders, one small track loader, one dump truck, several trailers and ten pickup trucks. Landscape crews report to the site in the morning before leaving for job sites. Twelve personal vehicles are typically parked on-site during the work day.

This application proposes a shared entrance for the two businesses, as well as shared stormwater management facilities. The businesses are currently located on the same parcel; however, a boundary line adjustment is also proposed in order to place each business on separate parcels.

Given the shared improvements, these individual applications are shown on a shared master plan, but are to be considered individually by the Planning Commission and Board of Supervisors.

**PLANNING AND ZONING HISTORY**

- The Board of Supervisors adopted Case No. SUP-0001-1996 for Pierce Brother's Tavern and Grill on July 9, 1996. This approval brought the existing restaurant into compliance with the Zoning Ordinance and allowed a small expansion to the building.
- The restaurant has continued to operate since this approval under several different names. Two Drummers Smokehouse began operating at the location in May of 2013.

- The existing restaurant building is nonconforming in relation to the front setback. The proposed expansion will meet all current setback requirements.
- Extra Mile Landscapes has been operating from the site since the spring of 2005.

**SURROUNDING ZONING AND DEVELOPMENT**

- The properties are located on Richmond Road, west of Anderson's Corner. This portion of Richmond Road is designated as Community Character Corridor (CCC).
- All surrounding properties are zoned A-1, General Agricultural.
- Most surrounding properties contain single-family residential dwellings. The property directly to the east is undeveloped. Pineland Nursery is located directly across Richmond Road.

**COMPREHENSIVE PLAN**

- The properties are designated Rural Lands on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels.
- Appropriate primary uses include traditional agricultural and forestal activities. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the Primary Service Area. However, appropriately-scaled and located direct agricultural or forestal-support uses, home-based occupations or

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**SPECIAL USE PERMIT-0003-2016. Two Drummers Smokehouse SUP Amendment**  
**SPECIAL USE PERMIT-0004-2016. Extra Mile Landscapes**

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**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

certain uses which required 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 these applications are compatible with the Rural Lands designation given the ability of Richmond Road to support the traffic associated with the proposals. Additionally, moving the existing restaurant parking behind the building will help enhance the rural character of the area.
- The applicant has provided a narrative identifying how the Rural Lands Developments Standards are addressed by their proposal.
- The properties are located on the Richmond Road Community Character Corridor (CCC) and subject to the Wooded CCC Buffer Treatment Guidelines, adopted by the Board of Supervisors November 22, 2011. According to this policy: *“A wooded CCC is characterized as having natural wooded areas along the road with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer is to visually screen the development from the road. Ideally, the existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County...”*
- Staff finds that the proposed landscaping enhancements within the CCC buffer would result in the site being more consistent with these guidelines.

**PUBLIC IMPACTS**

1. Anticipated Impact on Public Facilities and Services:

- a. *Streets.* A traffic study was completed for this proposal, which recommends the installation of a 200 foot westbound turn taper on Richmond Road and improvements to the existing median gap adjacent to the property. Conditions are proposed for the completion of these improvements. Additionally, parking for Two Drummers Smokehouse currently occurs in a gravel parking area within the right-of-way. This proposal would relocate the parking outside of the right-of-way.
- b. *Schools/Fire/Utilities.* No impacts anticipated. This site is not served by public water and sewer. The applicant must obtain approval from the Virginia Department of Health for the well and drainfields location prior to the issuance of preliminary site plan approval.

2. Environmental/Cultural/Historical: No impacts anticipated. A combination of bio-retention ponds, a water quantity dry pond and dry swales will be used to address stormwater management for the entire site. There is Resource Protection Area located at the rear of 8856 Richmond Road; no development is proposed within this area.

3. Nearby and Surrounding Properties: No impacts anticipated. Conditions are proposed to mitigate visual impacts to surrounding properties and the Richmond Road CCC. An existing tree buffer will be retained between the proposals and adjacent property owners, with the exception of proposed

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**SPECIAL USE PERMIT-0003-2016. Two Drummers Smokehouse SUP Amendment**  
**SPECIAL USE PERMIT-0004-2016. Extra Mile Landscapes**

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**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

clearing for the proposed drainfields adjacent to the restaurant parking lot. In regards to the contractor's office, a condition is proposed to limit the height of material stockpiles, and all equipment storage shall be located towards the rear of the site.

contractor's office

**PROPOSED CONDITIONS**

- The full text of the proposed conditions for each SUP are attached.

**STAFF RECOMMENDATION**

Staff recommends approval of both of these SUP applications to the Board of Supervisors, subject to the respective attached conditions.

SP/nb  
SUP03-16TwoDrummersEMile

Attachments:

1. Location Map
2. SUP-0003-2016 Proposed SUP Conditions
3. SUP-0004-2016 Proposed SUP Conditions
4. SUP-0001-1996, Pierce Brother Tavern and Grill Resolution
5. Master Plan, prepared by LandTech Resources, dated April 15, 2016
6. Conceptual Site Drawing and Architectural Elevations, prepared by Hopke and Associates, Inc., dated April 15, 2016
7. Project narrative provided by the applicant
8. Rural Lands Development Standards narrative provided by the applicant
9. Letters from adjacent property owners
10. Pictures of the vehicles and equipment associated with the

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*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.*



SUP-0003-2016, Two Drummers Smokehouse  
SUP-0004-2016, Extra Mile Landscapes





***SUP-0003-2016, Two Drummers Smokehouse SUP Amend.***

*Draft SUP Conditions – “This issuance supersedes and replaces SUP-0001-1996 in its entirety.”*

1. Master Plan: This Special Use Permit (the “SUP”) shall be valid for the expansion of an existing restaurant or tavern (the “Project”) on property located at 8856 and 8864 Richmond Road, further identified as JCC Real Estate Tax Map Nos. 1110100004E and 1110100006, respectively (the “Property”). The Project shall be in accordance with the “Conceptual Master Plan of Extra Mile Landscapes and Two Drummers Smokehouse Parking Improvements,” dated March 18, 2016 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Shared Entrance: Access to the Property shall be limited to the shared access depicted on the Master Plan. Prior to final subdivision or site plan approval, whichever occurs first, shared care and maintenance covenants shall be prepared in a form approved by the County Attorney. Such covenants shall be either recorded concurrently with the subdivision plat or prior to final site plan approval and shall set forth the following: 1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement; and 2) The method of assessing each individual property for its share of the cost of adequately administering, maintain and replacing such shared driveway.
3. Road Improvements: As recommended by the traffic study “8864-8856 Richmond Road Traffic Access Review” prepared by Intermodal Engineering, P.C., dated December 2015, a westbound turn taper two-hundred (200) feet in length shall be constructed at the entrance on Richmond Road. The taper shall be constructed in accordance with the Virginia Department of Transportation standards and shall be completed prior to the issuance of a Certificate of Occupancy for the Project.
4. Community Character Corridor: The Community Character Corridor (CCC) Buffer along Richmond Road shall be an average of fifty (50) feet in width. All existing gravel located within the CCC Buffer on the Property shall be removed, replaced with managed turf, and supplemented with landscaping prior to issuance of the first Certificate of Occupancy, unless the Director of Planning approves in writing an alternative timeline. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee.
5. Well and Septic: An Authorized Onsite Soil Evaluator’s Report shall be submitted to the Virginia Department of Health for review and approval of the proposed well and drainfields prior to preliminary site plan approval.
6. Stormwater Management: Prior to final approval of the initial site plan, unless the Director of Planning approves in writing an alternative timeline, the owner shall submit documentation demonstrating that all shared stormwater improvements are subject to appropriate shared maintenance agreements ensuring that the improvements will be maintained continuously. Such documents shall be subject to review and approval of the County Attorney or his designee.

7. Lighting: All new exterior light fixtures, including building mounted lighting, shall have recessed fixtures with no lens, bulb or globe extending below the casing. In addition, a lighting plan that indicates no glare outside the property lines shall be shown as part of the initial site plan and shall be reviewed and approved by the Director of Planning or his designee. All light poles shall not exceed sixteen (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. Noise: No outside speakers, beyond two wall-mounted speakers, shall be installed for the purpose of playing live or recorded music.
9. Sign Relocation: The existing sign shall be relocated outside of the Virginia Department of Transportation right-of-way. The new location shall be shown on the site plan.
10. Parking: The Director of Planning shall review and approve the total number of parking spaces and proposed parking layout prior to final site plan approval.
11. Site Plan and Subdivision: A site plan shall be required for the Project. Final site plan approval must be obtained within thirty-six (36) months of issuance of this SUP, or the SUP shall become void. Prior to final site plan approval, a subdivision plat shall be approved and recorded to adjust the property lines of the Property to locate each existing operation on its own parcel.
12. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

## ***SUP-0004-2016, Extra Mile Landscapes***

### ***Draft SUP Conditions***

1. **Master Plan:** This Special Use Permit (the "SUP") shall be valid for the operation of a contractors' office and warehouse (the "Project") on property located at 8856 and 8864 Richmond Road, further identified as JCC Real Estate Tax Map Nos. 1110100004E and 1110100006, respectively (the "Property"). The Project shall be in accordance with the "Conceptual Master Plan of Extra Mile Landscapes and Two Drummers Smokehouse Parking Improvements", dated March 18, 2016 (the "Master Plan") , with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Shared Entrance:** Access to the Property shall be limited to the shared access depicted on the Master Plan. Prior to final subdivision or site plan approval, whichever occurs first, shared care and maintenance covenants shall be prepared in a form approved by the County Attorney. Such covenants shall be either recorded concurrently with the subdivision plat or prior to final site plan approval and shall set forth the following: 1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement; and 2) The method of assessing each individual property for its share of the cost of adequately administering, maintain and replacing such shared driveway.
3. **Road Improvements:** As recommended by the traffic study "8864-8856 Richmond Road Traffic Access Review" prepared by Intermodal Engineering, P.C., dated December 2015, the owner shall widen existing median gap adjacent to the entrance on Richmond Road to a width of thirty (30) feet, check assess truck turning templates, and construct proper median nose cones. The improvements shall be constructed in accordance with the Virginia Department of Transportation standards and shall be completed prior to the issuance of a Certificate of Occupancy for the proposed expansion of the contractors' office.
4. **Community Character Corridor:** The Community Character Corridor (CCC) Buffer along Richmond Road shall be an average of fifty (50) feet in width. All existing gravel located within the CCC Buffer on the Property shall be removed, replaced with managed turf, and supplemented with landscaping prior to issuance of the first Certificate of Occupancy, unless the Director of Planning approves in writing an alternative timeline. A landscaping plan shall be shown as part of the initial site plan and shall be reviewed and approved by the Director of Planning or his designee.
6. **Well and Septic:** An Authorized Onsite Soil Evaluator's Report shall be submitted to the Virginia Department of Health for review and approval of the proposed well and drainfields prior to final site plan approval.
7. **Stormwater Management:** Prior to final approval of the initial site plan, unless the Director of Planning approves in writing an alternative timeline, the owner shall submit documentation demonstrating that all shared stormwater improvements are subject to appropriate shared maintenance agreements ensuring that the improvements will be maintained continuously. Such documents shall be subject to review and approval of the County Attorney or his designee.

8. Lighting: All new exterior light fixtures, including building mounted lighting, shall have recessed fixtures with no lens, bulb or globe extending below the casing. In addition, a lighting plan that indicates no glare outside the property lines shall be shown as part of the initial site plan and shall be reviewed and approved by the Director of Planning or his designee. All light poles shall not exceed sixteen (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.
9. Material and Equipment Storage: All material and equipment storage shall be limited to the areas designated as such on the Master Plan. Material stockpiles shall not exceed than eight (8) feet in height and shall not exceed two thousand five hundred (2,500) square feet in land area. A screening plan shall be shown on the site plan, to be reviewed and approved by the Director of Planning or his designee to ensure that no material storage or equipment shall be visible from the Richmond Road CCC.
10. Resource Protection Area (RPA): No soil disturbance, parking and/or storage of equipment and/or vehicles associated with the Project shall occur within fifteen (15) feet of a RPA buffer.
11. VPDES Industrial and Spill Prevention: Prior to issuance of preliminary site plan approval, the owner must determine if a general Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater Associated with Industrial Activity will be required from the Virginia Department of Environmental Quality. If a VPDES permit is required, the owner must provide evidence of having obtained the permit prior to issuance of final site plan approval. If a VPDES permit is not required, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
12. Limitations: No direct retail sales of products related to the contractors' office, including the sales of wood or wood-related products, shall occur at the Property. No mulching or stump grinding shall occur at the Property. No signage shall be permitted on the Property advertising the sale of products related to the contractors' office.
13. Site Plan and Subdivision: A site plan shall be required for the Project. Final site plan approval must be obtained within thirty-six (36) months of issuance of this SUP, or the SUP shall become void. Prior to final site plan approval, a subdivision plat shall be approved and recorded to adjust the property lines of the Property to locate each existing operation on its own parcel.
14. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

## RESOLUTION

### CASE NO SUP-1-96 PIERCE BROTHERS' TAVERN AND GRILL

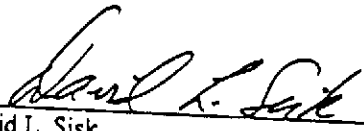
WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to bring both the existing restaurant/tavern and its recently constructed 17' x 30' addition into compliance with the Zoning Ordinance. The special use permit would also allow for the future construction of a 16' by 44' covered deck, horseshoe pits and picnic tables. The property is located at 8864 Richmond Road and is further identified as Parcel No. (1-6) on James City County Tax Map No. (11-1); and

WHEREAS, the Planning Commission, following its public hearing on June 3, 1996, unanimously recommended approval of this application.

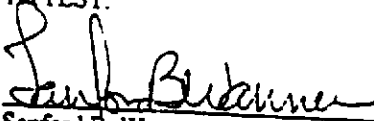
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-1-96 as described herein with the following conditions:

1. If a building permit application for the 17' x 30' addition is not submitted to the County within 60 days from the date of issuance of this special use permit, it shall become void.
2. If site plan approval, building permit approval, and a certificate of occupancy have not been obtained for the 17' x 30' addition within six months from the date of issuance of this special use permit, this special use permit shall become void.
3. This special use permit shall only apply to the existing building, new 17' x 30' addition, proposed 16' x 44' outside deck, outside dining and recreational facilities, and the parcel as illustrated in the conceptual plan submitted as part of this application. Any expansions to the building beyond those outlined in this application or any new structures constructed on the site shall not be considered part of this application and shall be required to meet all applicable zoning and building codes.
4. Any additional outdoor lighting beyond the two existing floodlights shall be approved by the Planning Director prior to installation.
5. No additional outside speakers, beyond the two wall mounted speakers which currently exist on the east side of the building, shall be installed for the purpose of playing live or recorded music.
6. The outside deck shall all be located a minimum of 50 feet from the front yard property line (Route 60) and 15 feet from the side yard property line.



David L. Sisk  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

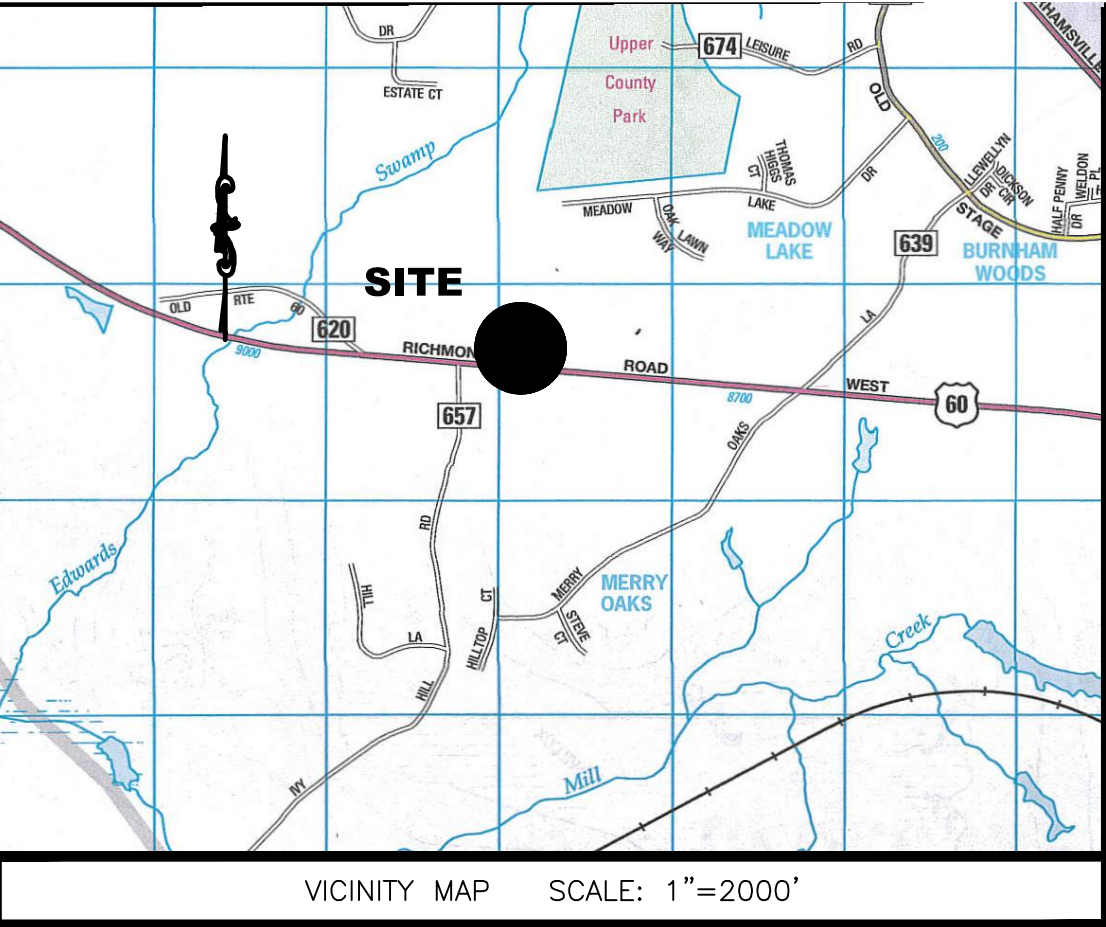
<u>SUPERVISOR</u>	<u>VOTE</u>
-------------------	-------------

TAYLOR	AYE
MAGOON	AYE
DEPUE	NAY
EDWARDS	AYE
SISK	AYE

1996. Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of July,

sup196re.res





CONCEPTUAL PLAN OF

EXTRA MILE LANDSCAPES &  
TWO DRUMMERS SMOKEHOUSE

PARKING IMPROVEMENTS

JAMES CITY COUNTY

STONEHOUSE DISTRICT

VIRGINIA

STATISTICAL INFORMATION

PROPERTY ADDRESS	8856 RICHMOND ROAD 8864 RICHMOND ROAD 1110100004E 1110100006
TAX MAP No.	
ZONING	A-1 (GENERAL AGRICULTURE)
TOTAL SITE AREA	468,649 S.F. / 10.759 AC. 8856 402,120 S.F. / 9.231 AC. 8864 66,529 S.F. / 1.528 AC.
PROPOSED USE	RESTAURANT / CONTRACTOR YARD
WATER	PRIVATE
SEWER	PRIVATE
EX. BUILDING TYPE	1 STORY FRAME BUILDING CONTRACTOR 1-STORY ALUMINUM BUILDING
EX. BUILDING AREA	RESTAURANT 2,922 S.F. CONTRACTOR 1,405 S.F.
PROPOSED BUILDING AREA	RESTAURANT +5,233 S.F. (8,155 S.F. TOTAL) CONTRACTOR +2,400 S.F. (3,805 S.F. TOTAL)
HYDROLOGIC UNITS	
SUBWATERSHED	DIASCUND CREEK-MILL CREEK (JL27)
WATERSHED	LOWER CHICKAHOMINY RIVER (JL-F)
SUBBASIN	LOWER JAMES
EX. SITE COVER	
IMPERVIOUS SURFACES	53,719 S.F. / 1.233 AC. (11%)
MANAGED TURF	31,598 S.F. / 0.726 AC. (6%)
FOREST	383,333 S.F / 8.800 AC. (83%)
PROP. SITE COVER	
IMPERVIOUS SURFACES	88,820 S.F. / 2.046 AC. (19%)
MANAGED TURF	68,254 S.F. / 1.556 AC. (14%)
FOREST	311,575 S.F. / 7.157 AC. (67%)
PARKING SPACES	
(ALL EXISTING SPACES TO BE REMOVED)	
TWO DRUMMERS SMOKEHOUSE REQUIREMENTS PER SEC. 24-59(b)(16):	
1 SPACE FOR EVERY 4 SEATS BASED ON MAX CAPACITY	
PROPOSED 250 SEATS	
REQUIRED PARKING	63
PROPOSED PARKING	110 IF VARIANCE IS APPROVED
EXTRA MILE LANDSCAPES REQUIREMENTS PER SEC. 24-59(b) CATEGORY B:	
1 SPACE FOR EVERY 250 S.F. OF BUILDING AREA	
3,805 S.F. TOTAL	
REQUIRED PARKING	16
PROPOSED PARKING	16

OWNER

MM&W PROPERTIES, LLC  
CONTACT: JESSE McHOSE (PRESIDENT)  
CONTACT BOB WILTSHIRE (MANAGER)  
8864 RICHMOND ROAD, SUITE 102  
TOANO, VA 23168  
(757) 741-2015

TABLE OF CONTENTS

SHEET NO.	SHEET TITLE
C001	COVER
C100	CONCEPTUAL PLAN

NOTES

- 1)

THIS SITE PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT
- 2)

THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES EXCEPT THOSE SHOWN. THE EXISTENCE AND LOCATION (HORIZONTAL AND VERTICAL) OF EXISTING UTILITIES ARE NOT GUARANTEED AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR.
- 3)

ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- 4)

WETLANDS WERE LOCATED BY ROTH ENVIRONMENTAL.
- 5)

THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
- 6)

THIS LOT LIES IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0039D, DATED DECEMBER 16, 2015.
- 7)

THE TOPOGRAPHIC AND PHYSICAL FEATURES SHOWN HEREIN ARE BASED ON A CURRENT FIELD SURVEY COMPLETED BY THIS FIRM IN JANUARY 2016.
- 8)

ALL OBJECTIONABLE AND DELETERIOUS MATERIAL IS TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A STATE APPROVED FACILITY MEETING THE REQUIREMENTS OF ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
- 9)

THE OWNER WILL BE REQUIRED TO OBTAIN A VSMP PERMIT FROM THE LOCAL VSMP AUTHORITY (JAMES CITY COUNTY).
- 10)

A LAND DISTURBING PERMIT AND SILTATION AGREEMENT, WITH SURETY ARE REQUIRED FOR THIS PROJECT.
- 11)

A STANDARD INSPECTION/MAINTENANCE AGREEMENT IS REQUIRED TO BE EXECUTED WITH THE COUNTY DUE TO THE PROPOSED STORMWATER CONVEYANCE SYSTEM.
- 12)

A VDOT LAND USE PERMIT IS REQUIRED FOR ANY WORK IN THE VDOT RIGHT OF WAY.
- 13)

THE STORMWATER CONVEYANCE SYSTEMS AS PROPOSED FOR THIS PROJECT WILL REQUIRE SUBMISSION, REVIEW, AND APPROVAL OF A RECORD DRAWING (AS-BUILT) AND CONSTRUCTION CERTIFICATION PRIOR TO RELEASE OF THE POSTED BOND/SURETY. CONTRACTOR SHALL ENSURE THIS ACTIVITY IS ADEQUATELY COORDINATED AND PERFORMED BEFORE, DURING AND FOLLOWING CONSTRUCTION IN ACCORDANCE WITH CURRENT COUNTY GUIDELINES.
- 14)

A LANDSCAPE PLAN WILL BE REQUIRED FOR THIS PROJECT AT THE SITE PLAN STAGE.
- 15)

ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- 16)

THE VIRGINIA HEALTH DEPARTMENT MUST REVIEW DURING THE SITE PLAN STAGE TO ENSURE THE DRAINFIELDS ARE ADEQUATE FOR THE BUSINESSES.
- 17)

THE PROPOSED BOUNDARY LINE ADJUSTMENT MUST BE SUBMITTED AND APPROVED BY A SEPARATE DOCUMENT PRIOR TO ANY SITE PLAN APPROVAL.
- 18)

A SHARED DRIVEWAY AGREEMENT WILL BE REQUIRED.
- 19)

THESE PROPERTIES ARE DESIGNATED AS RURAL LANDS ON THE 2035 COMPREHENSIVE PLAN LAND USE MAP.
- 20)

THE SPECIAL USE CONDITIONS DRAFTED AS A RESULT OF THIS PERMIT MUST BE MET BY THE SITE PLAN.
- 21)

STOCKPILING ON THE PROPERTY MUST BE EITHER LESS THEN 8 FEET FROM THE NATURAL GRADE TO ITS MAXIMUM HEIGHT OR LESS THAN 2,500 S.F. IN LAND AREA. IF STOCKPILING EXCEEDS EITHER OF THESE THEN THE GUIDELINES LAID OUT IN SECTION 24-26 OF THE ZONING ORDINANCE MUST BE IMPLEMENTED.
- 22)

THE PARKING FOR EXTRA MILE LANDSCAPES IS INTENDED FOR EMPLOYEES OF THE COMPANY. RETAIL CUSTOMERS ARE NOT EXPECTED TO VISIT THE SITE.
- 23)

THE PROPOSED SHOP IS TO BE USED FOR EQUIPMENT STORAGE AND MAINTENANCE.
- 24)

THE DRAINFIELDS THAT ARE TO BE RELOCATED ARE NOT TO BE IN THE 50' LANDSCAPE BUFFER ALONG ROUTE 60.
- 25)

IF EXTRA MILE LANDSCAPES IS REQUIRED TO OBTAIN A VPDES PERMIT FOR THE DISCHARGE OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES IT IS THE OWNERS RESPONSIBILITY TO REGISTER AND COMPLY WITH THE PROVISIONS.
- 26)

THE EXISTING IMPACTS (CONSTRUCTION AND WOODY DEBRIS) TO THE RESOURCE PROTECTION AREA (RPA) MUST BE RESOLVED BEFORE A CERTIFICATE OF OCCUPANCY WILL BE ISSUED FOR EITHER PROPERTY.

CONCEPTUAL PLAN OF

EXTRA MILE LANDSCAPES &  
TWO DRUMMERS SMOKEHOUSE

PARKING IMPROVEMENTS

JAMES CITY COUNTY

STONEHOUSE DISTRICT

VIRGINIA

REVISION / COMMENT / NOTE

DATE

NO.

L&R  
LANDTECH  
RESOURCES, INC.  
ENGINEERING • SURVEYING • GPS

3822 Midlands Road  
Williamsburg, VA 23188  
Ph: (757) 461-0724  
Fax: (757) 461-0724

SCALE: N/A

DATE: 03-18-2016

JOB: 15-332

DRAWN BY: CMH

C001  
COVER SHEET

01 OF 02





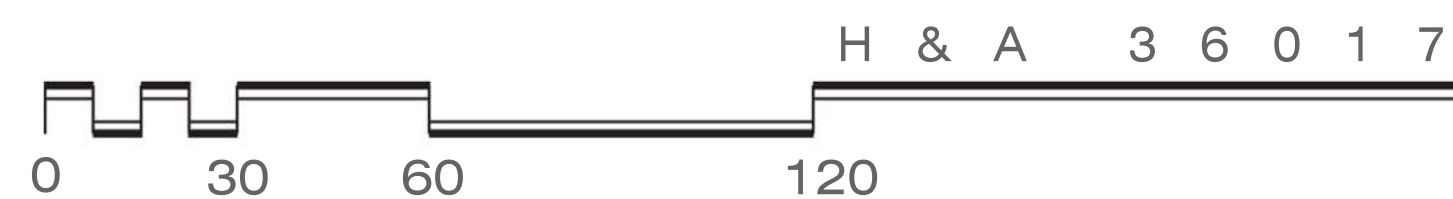




STREETSCAPE STUDY for  
**EXTRA MILE LANDSCAPES & TWO DRUMMERS SMOKEHOUSE**

JAMES CITY COUNTY, VIRGINIA

15 APR 2016







# STREETSCAPE STUDY for EXTRA MILE LANDSCAPES & TWO DRUMMERS SMOKEHOUSE

JAMES CITY COUNTY, VIRGINIA

15 APR 2016





The applicant, MM&W Properties, LLC, is the owner of the subject site. The principals of MM&W Properties are also the owners of Extra Mile Landscapes.

Extra Mile Landscapes has been operating from this site since the spring of 2005. The applicant is seeking a special use permit for a contractor's warehouse, shed and office for the expansion of its landscape business on the site. Business growth has been steady and now generates the need for this expansion. The expansion would consist of a 16 space gravel parking area adjacent to the existing office, a gravel laydown yard and a new 2,400 square foot shop/office building and an improved, shared entrance with Two Drummers Smokehouse onto Route 60 as shown on the plan submitted herewith.

The shop building will be used for additional office space and small equipment repair and storage. Mulch, topsoil, pavers, plants, wall block and field stone will be stored on the proposed laydown yard. The equipment and vehicles stored on site when not at job sites consists of two track loaders, one small track loader, one dump truck, several trailers and ten pickup trucks. Pictures of the equipment and vehicles are attached. Typically, there are three company employees on-site during work hours. Landscape crews report to the site in the morning and then disburse to job sites. There are typically twelve personal vehicles parked on-site during the work day. Of the ten pickup trucks owned by the company, three are typically driven home at night and seven remain on-site. Small equipment such as lawn mowers and hand held equipment are stored in locked trailers.

Two Drummers Smokehouse has been operating a barbeque restaurant at this location since May of 2013. This use is permitted under SUP-0001-1996. Two Drummers has been very successful and the applicant is seeking this amendment to SUP-0001-1996 to permit an expansion of the existing restaurant building and the installation of a paved 60 space parking lot together with an improved, shared entrance with Extra Mile Landscape, all as shown on the plan submitted herewith. The existing restaurant currently has 90 seats in the building and seasonal patio seating for 40. The building expansion would add 50 additional indoor seats.

A Traffic Access Review by Intermodal Engineering, PC is submitted herewith. The Review concludes that a westbound 200 foot right turn taper on Richmond Road at the entrance is required and the median gap on Richmond Road at the entrance should be widened to 30 feet and proper median nose cones installed.

LandTech Resources, Inc., who prepared the plan submitted herewith advises that stormwater on site will be treated in accordance with current State of Virginia and James City County rules and regulations pertaining to treatment for stormwater quantity and quality as well as other applicable erosion and sediment control regulations. Design will follow all current regulations pertaining to BMP design based on the Virginia BMP Clearinghouse website and the Virginia Runoff Reduction Method spreadsheets.

The site is served by well and septic so the expansion will have no impact on County water and sewer. As an expansion of existing commercial uses there will be no impact on schools, fire stations or libraries.

PLANNING DIVISION

FEB 22 2016

RECEIVED

This site is located on a four lane divided highway at an existing median crossover and is well buffered from adjacent properties. The expansion of these successful small businesses will have no adverse impacts and will benefit the County and its tax base.

### **Use and Character Compatibility**

- a) Use in rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:
- i) Locating structures and uses outside of sensitive areas. The existing structures will be staying where they are. All proposed structures are to be located in already developed areas to be redeveloped. We will not be constructing in the RPA in the rear of the property.
  - ii) Maintaining existing topography, vegetation, trees and tree lines to the maximum extent possible, especially along roads and between uses. Some regrading will have to be done to ensure proper drainage of the proposed entrances and parking lots. Most of this will be done in the rear of the property where visibility from the road will be minimal. The sprawling gravel in the front of the property will be converted to managed turf and supplemented with required landscape plantings in the 50' landscape buffer. Some clearing will need to take place but this will also mostly be done in the rear of the property.
  - iii) Discouraging development on farmland, open fields and scenic roadside vistas. The existing property is not farmland or open fields. It is already developed and we will be expanding it. The addition of the landscaped buffer in the front instead of the existing gravel will help with the properties roadside appeal.
  - iv) Encouraging enhanced landscaping to screen developments located in open fields using a natural appearance or one that resembles traditional hedgerows and wind breaks. The development is not in an open field. The existing site is rather wooded. Additional plantings will be placed in the 50' landscape buffer in the front of the property to help screen the development.
  - v) Locating new service or neighborhood access roads so that they follow existing contours and old roadway corridors whenever feasible. The sprawling gravel yard currently being used as the entrance/parking area on the property will be removed and the new entrance will roughly follow the already established roads on the property and line up with the median break on route 60.
  - vi) Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to compliment the character of the existing community. The proposed building/addition will only be a one story and shorter than the surrounding mature trees.
  - vii) Minimize the number of street and driveway intersections along the main road by providing common driveways and interconnection of development. The lot will be serviced by a single shared entrance for the two businesses.
  - viii) Utilizing lighting only where necessary and in a manner that eliminates glare and brightness. Lighting at night will seldom be used by Extra Mile Landscapes. Mostly reserved to short winter days when the workday begins as the sun is coming up and ends as it is going down. Two Drummers Smokehouse will have a need to be lit at night since it is open past dark. Lighting will be kept to a minimal to lessen the impact of light pollution.
- b) Site non-agricultural/non forestal uses in areas designated Rural Lands so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestall soils and resources. The site is already being used as a contractor yard/restaurant and will not further impact important agricultural/forestal soils and resources.



- c) Encourage the preservation and reuse of existing agricultural structures such as barns, silos and houses. The existing building on the site are to remain. There are no barn or silos to utilize.
- d) Site more intensive uses in areas where the existing road network can accommodate the additional vehicle trips without the need for significant upgrades or modifications that would impact the character of the rural road network. The site is along Route 60, an already established and heavily traveled four lane divided highway. The only modifications will be the addition of a tapered turn land that will be located where there is already a gravel parking lot and a slight widening of the median break to accommodate larger vehicles that may need to access the site.

April 11, 2016

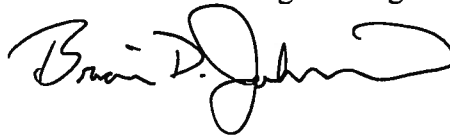
James City County Board of Supervisors  
C/o Mr. Paul Holt  
Manager of Development Management  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Extra Mile Landscaping and Two Drummers Smokehouse  
SUP-2004-2016 and SUP-2003-2016

Ladies and Gentlemen:

We are neighbors and patrons of Two Drummers Smokehouse. We live at 8896 Richmond Rd. West and practice business nearby. Extra Mile Landscaping and Two Drummers Smokehouse are located a couple doors down the street from us and have been good neighbors. They have shared their expansion plans with us and we support them. We urge you to approve the two special use permits.

Sincerely,  
Brian and Shanna Johnson  
Owners Williamsburg Heating and Air

A handwritten signature in black ink, appearing to read "Brian D. Johnson", with a stylized, flowing script.

April 11, 2016

James City County Board of Supervisors  
C/o Mr. Paul Holt  
Manager of Development Management  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Extra Mile Landscaping and Two Drummers Smokehouse  
SUP-2004-2016 and SUP-2003-2016

Ladies and Gentlemen:

I am a business owner operating Virginia Lawn and Landscaping at 8877 Richmond Rd. James City County. Extra Mile Landscaping and Two Drummers Smokehouse are located directly across the street from us and have been good neighbors. They have shared their expansion plans with us and we support them. We urge you to approve the two special use permits.

Sincerely,  
Michael Roberts

A handwritten signature in blue ink, appearing to be 'MR', with a long horizontal line extending to the right.



April 11, 2016

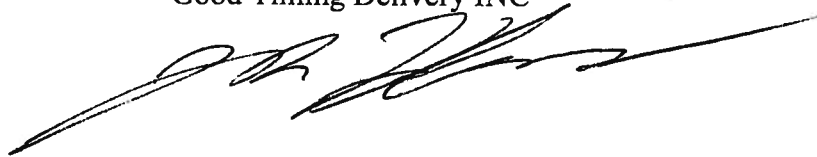
James City County Board of Supervisors  
C/o Mr. Paul Holt  
Manager of Development Management  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Extra Mile Landscaping and Two Drummers Smokehouse  
SUP-2004-2016 and SUP-2003-2016

Ladies and Gentlemen:

I live and have a business at 15105 Pocahontas Trail, James City County. Extra Mile Landscaping and Two Drummers Smokehouse have been good neighbors. They have shared their expansion plans with us and we support them. We urge you to approve the two special use permits.

Sincerely,  
Josh Hazelwood  
Good Timing Delivery INC

A handwritten signature in black ink, appearing to read 'Josh Hazelwood', written over the printed name.

April 11, 2016

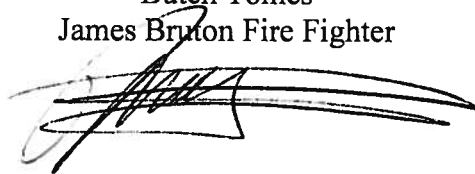
James City County Board of Supervisors  
C/o Mr. Paul Holt  
Manager of Development Management  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Re: Extra Mile Landscaping and Two Drummers Smokehouse  
SUP-2004-2016 and SUP-2003-2016

Ladies and Gentlemen:

I am a patron of and live near Two Drummers Smokehouse at 8629 Diascund Road, James City County. Extra Mile Landscaping and Two Drummers Smokehouse have been good neighbors. They have shared their expansion plans with us and I support them. I urge you to approve the two special use permits.

Sincerely,  
Butch Tomes  
James Bruton Fire Fighter

A handwritten signature in black ink, appearing to read 'Butch Tomes', with a long horizontal flourish extending to the right.















**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-0007-2016, Atlantic Septic Systems Contractors' Warehouse and Office

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Proposed SUP conditions	Exhibit
▣	Pictures of Vehicles	Exhibit
▣	Correspondence from citizens	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:12 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:13 PM
Publication Management	Boles, Amy	Approved	4/27/2016 - 4:17 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:29 PM



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**SPECIAL USE PERMIT-0007-2016. Atlantic Septic Systems Contractors' Warehouse and Office**

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**Staff Report for the May 4, 2016, Planning Commission Public Hearing****SUMMARY FACTS**

Applicant:	Mr. Daniel Jones of Atlantic Septic Systems
Land Owners:	Sixty-Four Associates, Inc
Proposal:	To allow for the operation of a contractors' warehouse and office
Location:	4420 Cedar Point Lane and a portion of 4305 Fenton Mill Road
Tax Map/Parcel No.:	4740200011
Project Acreage:	+/- 2.90 and +/-0.24 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Outside
Staff Contact:	Jose Ribeiro, Senior Planner II

**PUBLIC HEARING DATES**

Planning Commission:	May 4, 2016, 7:00 p.m.
Board of Supervisors:	June 14, 2016, 6:30 p.m. (tentative)

**FACTORS FAVORABLE**

1. Buffers. The parcel is generally wooded and would provide a natural vegetative buffer area to adjoining properties.

**FACTORS UNFAVORABLE**

1. The proposal is not compatible with surrounding zoning and development.
2. The proposal is inconsistent with the recommendations of the 2035 Comprehensive Plan.
3. Staff has received correspondence from neighbors who expressed concerns with the proposal

**SUMMARY STAFF RECOMMENDATION**

Staff does not find that the proposal to be compatible with surrounding zoning and development and that it is inconsistent with the 2035 Comprehensive Plan. Staff believes that permitting such a use at this location would begin to undermine the long-range land use objectives of the County's Comprehensive Land Use Plan for residential uses in this area. Staff recommends the Planning Commission recommend denial of this application to the Board of Supervisors. Should the Planning Commission wish to recommend approval, staff recommends that the attached conditions be considered as part of the recommendation.

**PROJECT DESCRIPTION**

Mr. Jones is currently operating his business at the Toano Business Center, on property zoned M-1, Limited Business/Industrial and

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*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.*

## **SPECIAL USE PERMIT-0007-2016. Atlantic Septic Systems Contractors' Warehouse and Office**

### **Staff Report for the May 4, 2016, Planning Commission Public Hearing**

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designated as General Industry on the 2035 Comprehensive Plan, but plans to relocate the business to a property located at 4420 Cedar Point Lane. A contractors' warehouse and office is a specially permitted use on property zoned A-1, General Agricultural. According to information provided by the applicant, the operation is a family business that started in 2001 with the following characteristics:

- There are a total of six employees;
- Vehicles and equipment associated with the operation generally consist of five tanker trucks (used for hauling of liquid), two pick-up trucks (used for errands, jobs, hauling of materials and tools), one dump truck (used for hauling of sand, rock, etc.), one Vac-Con truck (used for high pressure jetting), one enclosed service truck (used to pull trailer and storage of tools), one trailer, one Bobcat track loader and one excavator;
- Hours of operation are generally Monday through Friday from 7:30 a.m.-5:30 p.m. and Saturday and Sunday from 8 a.m.-12 p.m.;
- Low traffic generation mostly occurring during early a.m. hours and p.m. hours as employees come to the site in the morning, drop off their personal vehicles and pick up commercial vehicles to work off-site and return to the site in the afternoon;
- Customers do not come to the site; and
- Tanker trucks do not bring waste/hazardous material to the site. All materials are deposited at different Hampton Roads Sanitation District waste water dumpsites located across the region prior to trucks returning to the warehouse site.

According to the applicant the proposed new site will accommodate a  $\pm$  2,400-square-foot warehouse with a small office area and a parking area of  $\pm$  6,000 square feet. A  $\pm$  200-foot-long driveway is proposed to provide vehicular access to Cedar Point Lane. Currently the property is landlocked, but a Boundary Line Adjustment with adjacent property located at 4305 Fenton Mill Road is proposed in order to provide frontage and vehicular access to the parcel.

### **SURROUNDING ZONING AND DEVELOPMENT**

- Surrounding zoning designations include:
  - a. Properties to the east and west are zoned A-1, General Agricultural and properties to the north are zoned A-1, General Agricultural and R-6, Low Density Residential. Elmwood and Glenwood Acres subdivisions are well established neighborhoods located across Cedar Point Lane; and
  - b. The I-64 interchange at Croaker Road (Exit 231 B) is located south of the property.

### **COMPREHENSIVE PLAN**

The property where the contractors' warehouse and office is proposed is designated as Low Density Residential. Primary recommended uses consist of single-family and multi-family units, cluster housing and recreation areas. Secondary uses include very limited commercial uses. For commercial uses the following development standards apply:

- a. Complement the residential character of the area;

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**SPECIAL USE PERMIT-0007-2016. Atlantic Septic Systems Contractors' Warehouse and Office**

---

**Staff Report for the May 4, 2016, Planning Commission Public Hearing**

- b. Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- c. Generally be located on collector or arterial roads at intersections;
- d. Act as transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its natures;
- e. Provide adequate screening and buffering to protect the character of nearby residential areas; and
- f. Generally be intended to support the residential area in which they are located.

Staff finds that this application is inconsistent with most all of the standards mentioned above:

- The number of large vehicles proposed by this application does not complement the residential character of the area and is not similar to surrounding residential uses. Also, Cedar Point Lane is neither a collector nor an arterial road.
- Adjacent properties are mostly residential (including Elmwood and Glenwood Acres Subdivisions) and the proposed use would not act as a transitional use between residential and commercial uses.
- The proposed commercial use would serve a much larger area than the surrounding residential area.

There does not appear to be unique features of the proposed site and use that warrant special consideration or an exception to the Low Density Residential Comprehensive Plan designation. Such exceptions should generally support the attainment of the land use goals in the Comprehensive Plan.

**PUBLIC IMPACTS**

- Streets. No impacts anticipated. According to the Virginia Department of Transportation, a vehicular entrance must be designed in accordance with the Commercial Entrance Standards. Information regarding sight distance requirements, geometry to allow trucks movements and commercial entrance spacing will be required at the site plan review stage. The a.m. and p.m. peak hour traffic generation is expected to be low.
- Schools/Fire/Utilities. No impacts anticipated. The site is not served by public water or sewer. Prior to final site plan approval for this project, the applicant must obtain approval from the Health Department for septic tank and drainfield location and capacity (Special Use Permit (SUP) Condition No. 9).
- Environmental/Cultural/Historic. At the site plan review stage the applicant will be required to submit a stormwater management plan to Engineering and Resource Protection for review and approval.
- Nearby and surrounding properties. The attached SUP conditions are proposed to mitigate impacts to nearby and surrounding properties, specifically impacts associated with visual screening and noise generation.

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**PROPOSED SUP CONDITIONS**

- The full text of the proposed conditions are provided in the attached resolution.

**STAFF RECOMMENDATION**

Staff does not find the proposal to be compatible with surrounding zoning and development and that it is inconsistent with the 2035 Comprehensive Plan. Staff believes that permitting such a use at this location would begin to undermine the long-range land use objectives of the County's Comprehensive Land Use Plan for residential uses in this area. Staff recommends the Planning Commission recommend denial of this application to the Board of Supervisors. Should the Planning Commission wish to recommend approval, staff recommends that the attached conditions be considered as part of the recommendation.

JR/ab  
SUP-07-16-AtlanticSeptic

Attachments:

1. Location Map
2. Master Plan
3. Proposed SUP Conditions
4. Picture of vehicles and equipment associated with the proposed operation
5. Correspondence from citizens concerned with the proposal

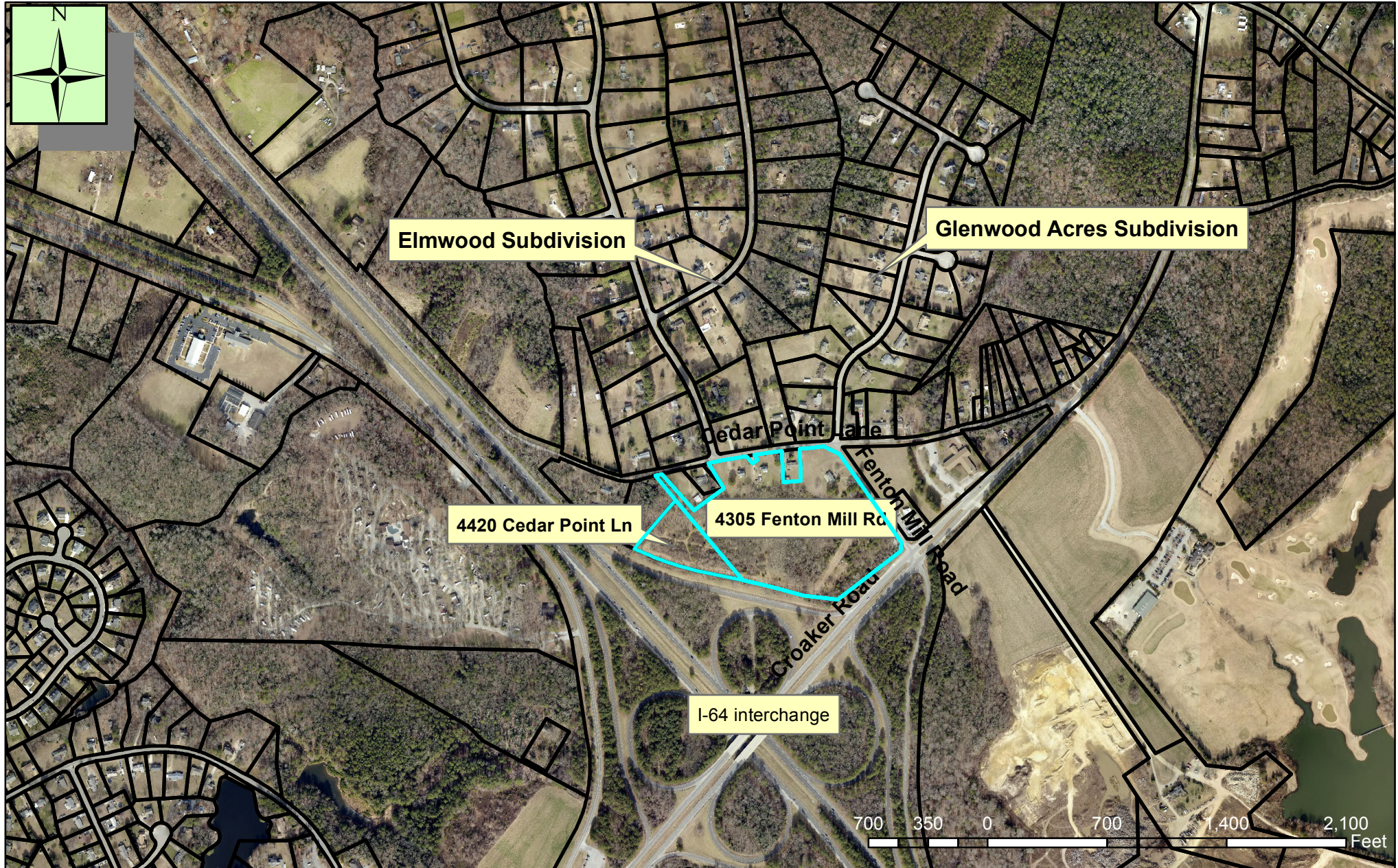
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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general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



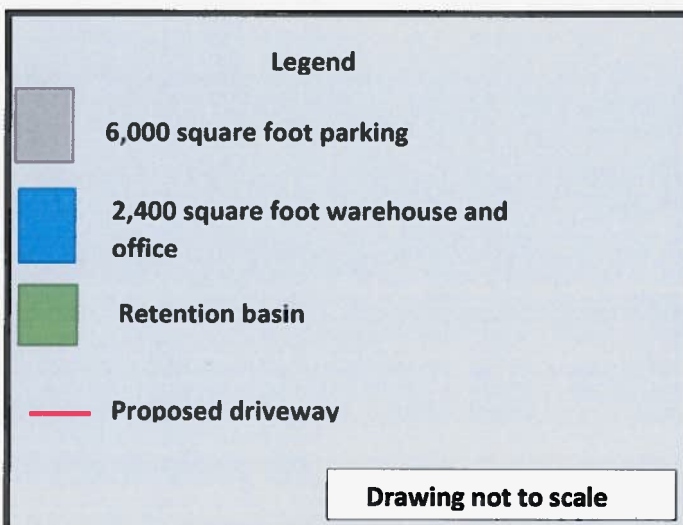
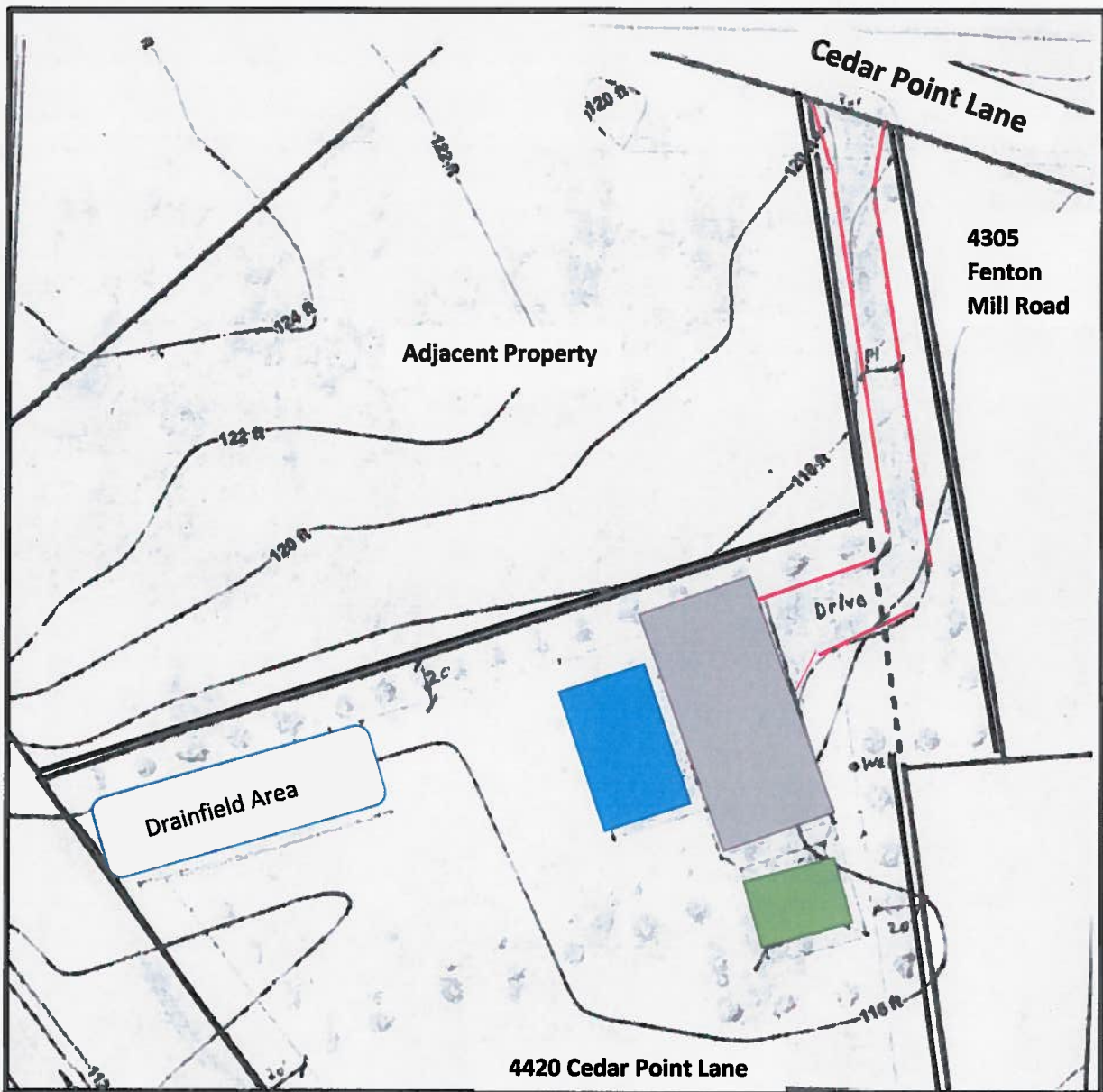
JCC-SUP-0007-2016

# Atlantic Septic Systems Contractors' Warehouse and Office





Master Plan for SUP-0007-2016, Atlantic Septic System Contractors' Warehouse and Office



Properties Characteristics
Address: 4420 Cedar Point Lane and 4305 Fenton Mill Road
Tax Map ID #: 1430100031 and 1430100034
Zoning: A-1 General Residential

PLANNING DIVISION

APR 01 2016

RECEIVED



**SUP-0007-2016, Atlantic Septic Systems Contractors' Warehouse and Office**

1. **Master Plan.** This Special Use Permit ("SUP") shall be valid for the operation of a contractor's warehouse and office, and accessory uses thereto (the "Project") as shown on the master plan titled "Master Plan for SUP-0007-2016, Atlantic Septic Systems Contractors' Warehouse and Office" date stamped April 1, 2016 (the "Master Plan"), on parcels located at 4420 Cedar Pont Lane and 4305 Fenton Mill Road, and identified as James City County Real Estate Tax Map Nos. 1430100031 and 1430100034, respectively (the "Properties"). Development of the Project shall be generally in accordance with the Master Plan with any deviations considered per section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Limitations.** No work associated with the Project, except for administrative/office work, maintenance of equipment and vehicles, indoor storage, and loading of materials on trucks and trailers shall be conducted on the Properties. No outdoor storage shall be permitted.
3. **Indoor Storage.** Storage of equipment, machinery, and materials associated with the Project, excluding trucks and other vehicles, shall be located inside the "warehouse" structure as shown on the Master Plan.
4. **Parking Areas.** Vehicles associated with the Project, including employee vehicles, shall be parked in the "parking area" as shown on the Master Plan and screened with fencing and/or landscaping. Any such fence shall be of a natural wood color, and of a design and height to screen the parking area from adjacent properties. The design of the screening fence and/or landscaping shall be submitted to the Director of Planning for review and approval prior to final site plan approval.
5. **Landscape and Screening Plan.** A landscape and screening plan shall be submitted to the Director of Planning or his designee for review and approval prior to final site plan approval. The landscape and screening plan shall show, at a minimum, landscaping and/or fencing that shall effectively screen the storage, parking area and driveway associated with the Project from public roads and adjacent properties. All landscape materials shall meet or exceed the landscape standards contained in the zoning ordinance section 24-96 for General Landscape Area Standards.
6. **Lighting.** All new exterior light fixtures on the Properties, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan showing no glare outside the Properties shall be submitted to and approved by the Director of Planning, or his designee. All light poles shall not exceed sixteen (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 Properties or any direct view of the lighting source from the adjoining properties.
7. **Spill Prevention and Containment Plan.** Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.
8. **Signage.** No outdoor signage advertising the Project shall be allowed on the Properties.
9. **Health Department Approval.** Approval shall be received from the Virginia Department of Health for septic tank and drain field capacity and location prior to preliminary site plan approval.

10. **SUP Amendment.** An amendment to this SUP shall be necessary should the amount of equipment associated with the Project exceed the storage capacity of the two thousand four hundred (2,400) square-foot warehouse/office, or if the number of vehicles associated with the Project exceeds the parking capacity of the six thousand (6,000) square-foot parking area as shown on the Master Plan.
11. **Hours of Operation.** The hours of operation shall be limited to 7:30 a.m. to 5:30 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon Saturday through Sunday.
12. **Site Plan.** A site plan shall be required for the Project. Final approval of the site plan shall be obtained within twenty-four (24) months of issuance of this SUP, or the SUP shall become void.
13. **Boundary Line Adjustment.** Prior to final site plan approval a boundary line adjustment between parcels located at 4420 Cedar Point Lane and 4305 Fenton Mill Road shall be submitted and approved by the County. The purpose of the boundary line adjustment is to provide the parcel located at 4420 Cedar Point Lane lot frontage and access to a public right of way as shown on the Master Plan.
14. **Severability.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



## Pictures of Vehicles and Equipment

Tanker truck-used for hauling of liquid



Pick up truck-used for errands, jobs, hauling of materials and tools



## Pictures of Vehicles and Equipment

Enclosed service truck-used to pull trailer and storage of tools



Dump Truck-used for hauling of sand, rock, etc.





## Pictures of Vehicles and Equipment

Excavator and Vac-Con truck (in the background)-used for high pressure jetting



Bobcat



## Pictures of Vehicles and Equipment

### Trailer





## Jose Ribeiro

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**From:** Beth Klapper  
**Sent:** Monday, April 25, 2016 8:21 AM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt  
**Subject:** FW: SUP-0007-2016 ATLANTIC SEPTIC SYSTEMS CONTRACTORS OFFICE

**From:** Andre Charest [mailto:dadof4va@yahoo.com]  
**Sent:** Sunday, April 24, 2016 5:37 PM  
**To:** Development Management <Development.Management@jamescitycountyva.gov>  
**Cc:** Sue Sadler <Sue.Sadler@jamescitycountyva.gov>  
**Subject:** SUP-0007-2016 ATLANTIC SEPTIC SYSTEMS CONTRACTORS OFFICE

To: Paul D Holt - Director of planning  
Dear Mr. Holt,

I am Andre Charest, husband of Gloria Smith, owner of the home at 4400 Cedar Point Lane, across the street from this proposed SUP request. I am requesting more details on the request, as stated in the letter we received as adjacent property owners. I was unable to locate details on the JCC site.

With very few details provided in the letter, my first questions are:

- 1 Where will the entry/exit for this business be located? Since it is adjacent to the I 64 on ramp, I assume they want to access the roads thru Cedar Point Lane. This will cause great interruption of our quiet neighborhood, which already has some significant traffic issues.
- 2 Cedar Point Lane is very narrow where this SUP address adjoins. It narrows after Elmwood Lane significantly. Currently, I cannot get past another car without one or both of us driving into the neighbor's grass. There is no way this road could handle additional traffic.
- 3 Currently, the stop sign at Elmwood Lane is very often ignored by the residents, since there is little traffic that comes from our side of the road. I fear commercial traffic will exasperate this issue.
- 4 What is the expected increase in traffic on our tiny road? Has this been studied? Does the applicant have this information?
- 5 - Trucks - how much of the additional traffic will be large trucks? As stated previously, I do not believe our road can handle any truck traffic without significant widening. Is widening part of the project?
- 6 - Septic - will trucks full of "product" be emptied/cleaned/stored/transferred at this location? Many homes with young children are right nearby.

Thanks in advance for your assistance in understanding this application and how it may affect our neighborhood. I invite you or anyone to call and discuss these issues, or to come out to our home to see the road and (lack of) access to this property for yourself. I work from home so am here most every day.

Andre Charest  
4400 Cedar Point Lane  
757-645-5763

[dadof4va@yahoo.com](mailto:dadof4va@yahoo.com)

CC-Sue Sadler - Stonehouse supervisor.

CC-Gene Flango - 121 Tanbark Ln, WBG, VA - Elmwood Civic Association



## Jose Ribeiro

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**From:** Betty Pratt <juneybugpratt@gmail.com>  
**Sent:** Tuesday, April 26, 2016 1:31 PM  
**To:** Jose Ribeiro  
**Subject:** Re: Atlantic Septic System SUP application

We are definitely opposed to the Atlantic Septic Systems contractor's office and warehouse on Cedar Point Lane, almost in front of the entrance to Elmwood. The additional traffic and heavy trucks would be dangerous to the residents of Elmwood and Glenwood Acres. Not to mention the smell. Also, it would definitely decrease our property values. We ask that the Planning Commission not approve this request.

Sincerely,

Charles B. & Betty J. Pratt  
209 Elmwood Lane  
Williamsburg, VA 23188

On Apr 26, 2016 1:21 PM, "Jose Ribeiro" <[Jose.Ribeiro@jamescitycountyva.gov](mailto:Jose.Ribeiro@jamescitycountyva.gov)> wrote:  
Good afternoon Mr. and Mrs. Pratt,

This is my County e-mail please feel free to send me correspondence regarding your concerns and I will forward to the Planning Commission and Board of Supervisors.

Regards,

Jose Ribeiro

Jose Ribeiro  
Senior Planner

Planning  
101-A Mounts Bay Road  
Williamsburg, VA 23185  
P: [757-253-6890](tel:757-253-6890)  
F: [757-253-6822](tel:757-253-6822)  
Front Desk: [757-253-6671](tel:757-253-6671)  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

Please note that County e-mail addresses have changed.  
Please use [jose.ribeiro@jamescitycountyva.gov](mailto:jose.ribeiro@jamescitycountyva.gov) for all future correspondence.

**Jose Ribeiro**

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**From:** Beth Klapper  
**Sent:** Tuesday, April 26, 2016 4:36 PM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt  
**Subject:** FW: Case No. SUP-007-2016.Atlantic Septic Systems contractor's Office

**From:** monique sessler [mailto:moniquesessler@gmail.com]  
**Sent:** Tuesday, April 26, 2016 1:20 PM  
**To:** Development Management <Development.Management@jamescitycountyva.gov>  
**Subject:** Case No. SUP-007-2016.Atlantic Septic Systems contractor's Office

Dear JCC Planning Commission,

Please do not allow the operation of a contractor's warehouse and office on a property zoned A1. This area is rural and residential and such a business has no place in the neighborhood. I am asking the JCC Planning Commission to deny the request Case No. SUP-007-2016.Atlantic Septic Systems contractor's Office.  
Sincerely,

Monique Sessler  
Glenwood Acres resident  
4408 Crosscut Court  
Williamsburg, Va 23188



**Jose Ribeiro**

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**From:** Beth Klapper  
**Sent:** Tuesday, April 26, 2016 4:38 PM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt  
**Subject:** FW: Atlantic Septic Systems Contractor's Office

**From:** Betty Pratt [mailto:junebugpratt@gmail.com]  
**Sent:** Tuesday, April 26, 2016 12:38 PM  
**To:** JoseRibeiro@jamescitycountyva.gov; Development Management  
<Development.Management@jamescitycountyva.gov>  
**Subject:** Atlantic Septic Systems Contractor's Office

We are definitely opposed to having a septic tank warehouse and office on Cedar Point Lane almost at the entrance to Elmwood. The increased traffic and large trucks on Cedar Point Lane will be dangerous for the residents of both Elmwood and Glenwood Acres. Not to mention the smell from the trucks. Also, it will definitely decrease our property values. We ask that The Planning Commission not approve this request.

Sincerely,

Charles B. & Betty J. Pratt  
209 Elmwood Lane  
Williamsburg, VA 23188

## **Jose Ribeiro**

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**From:** Beth Klapper  
**Sent:** Wednesday, April 27, 2016 8:05 AM  
**To:** Jose Ribeiro  
**Cc:** Paul Holt  
**Subject:** FW: .Case No SUP-0007-2016. Atlantic Septic Systems Contractor's Office.

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**From:** Ben Manning [mailto:ben.manning@cox.net]  
**Sent:** Tuesday, April 26, 2016 5:39 PM  
**To:** Development Management <Development.Management@jamescitycountyva.gov>  
**Subject:** .Case No SUP-0007-2016. Atlantic Septic Systems Contractor's Office.

**Develop Management,**

As residents of Glenwood Acres, we oppose the granting of a special use permit for Case No SUP-0007-2016, Atlantic Septic Systems Contractor's Office.

Cedar Point Lane between Fenton Mill Rd and Elmwood Lane is a narrow rural road where oncoming vehicular traffic needs to move to the shoulder to allow passing. It is also used by pedestrians and school children who have to move onto the road shoulder to avoid normal residential traffic. Further, the road surface would not hold up to frequent and daily use by heavy vehicles. Presently, the area has problems with the heavy truck traffic parking on Fenton Mill to shop in the 7-11 at Croaker Rd and Fenton Mill Rd, constantly making huge potholes and occasionally driving in the yard at the intersection of Fenton Mill and Cedar Point and causing deep ruts.

The Glenwood and Elwood area is Low Density Residential and the property values would be harmed by having a commercial venture located near by.

We will be out of town the week of the hearing and unable to attend. Your response would be appreciated.

**Submitted by**

**Ben and Bonnie Manning**  
8245 Old Mill Lane  
Williamsburg, VA  
757-566-4224



**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner

SUBJECT: Z-0005-2016, The Promenade at John Tyler Proffer Amendment - CCC Buffer

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Location Map	Backup Material
▣	Narrative provided by the applicant	Backup Material
▣	Route 199 Buffer Landscape Elevation and Narrative	Backup Material
▣	Adopted Proffers dated October 15, 2014	Backup Material
▣	Draft Proffers dated February 24, 2016	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/28/2016 - 8:14 AM
Planning Commission	Holt, Paul	Approved	4/28/2016 - 8:14 AM
Publication Management	Boles, Amy	Approved	4/28/2016 - 8:17 AM
Planning Commission	Holt, Paul	Approved	4/28/2016 - 8:25 AM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner I

SUBJECT: Z-0005-2016. The Promenade at John Tyler Proffer Amendment – Community Character Corridor Buffer

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On December 9, 2014, the Board of Supervisors rezoned approximately 24.54 acres of land located in the southeast corner of the Williamsburg Crossing Shopping Center, adjacent to the Winston Terrace subdivision, from B-1, General Business, to MU, Mixed Use, with proffers. The development was approved for construction of up to 204 dwelling units and commercial space. This will consist of up to 11 ten-plex buildings, 40 duplex buildings and 14 live-above units located above the commercial space. On April 12, 2016, the Board of Supervisors approved an application to amend Condition No. 2 of the Adopted Proffers to clarify language regarding adherence to the Housing Opportunities Policy.

Mr. Gary Werner, of Franciscus Homes, has submitted a request to amend Condition No. 8 of the Adopted Proffers, dated October 15, 2014, made by University Square Associates and amend the narrative description and conceptual cross-section of the Route 199 Community Character Corridor (CCC) buffer that was submitted with the original rezoning application in order to allow the placement of a 5.5-foot berm within the northern portion of the buffer as shown on the attached drawing titled Route 199 Buffer Landscape Elevation, dated April 13, 2016. The southern portion of the buffer will remain subject to selective clearing and supplemental planting, consistent with the cross-section provided with the original rezoning application. Language was also provided to allow for the Planning Director or his designee to inspect the southern portion of the buffer once completed to ensure it complies with Condition No. 8 of the Proffers.

As provided in the Adopted Proffers, landscaping within the buffer will still be provided in accordance with the Enhanced Landscaping Policy, adopted by the Board of Supervisors April 9, 2013, and there will be no change in the total number of plantings that will be provided within the buffer. There are no other proposed changes to the Adopted Proffers or Master Plan.

This property is located on the Route 199 CCC and subject to the Urban/Suburban CCC Buffer Treatment Guidelines, adopted by the Board of Supervisors November 22, 2011. According to this policy: *“Urban/Suburban CCC’s are characterized as having high to moderate traffic, commercial uses and some residential uses. The predominant visual character of these corridors should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, required plantings and any legislated enhancements such as over-sized landscape plants, the use of berms, and other desirable design features to complement and enhance the visual quality of the urban corridor. Auto-related activities such as parking lots and other outdoor operations should be screened with required evergreen plantings...”* Staff finds that this proposal is consistent with the CCC Buffer Treatment Guidelines. In addition, the proposed berm would result in less excess dirt having to be removed from the site during construction, and thus, potentially reducing heavy vehicle traffic on Kings Way and Route 5.

Section 15.2-2302 of the Code of Virginia (1950), as amended, allows the Board of Supervisors to waive the requirements for a public hearing where such amendments do not affect conditions of use or density. This application does not affect conditions of use or density. As such, the County Attorney’s Office consulted the Board of Supervisors and the Board voiced no objection to the applicant’s request to consider amending these proffers as a consideration item.



### **Staff Recommendation**

Staff finds that the requested Proffer amendment would not negatively impact the development, surrounding development or the Route 199 CCC. Staff, therefore recommends that the Planning Commission recommend approval of the proposed Proffer amendment to the Board of Supervisors.

SP/nb  
Z-05-16PromenadeJTyler-mem

#### Attachments:

1. Location Map
2. Narrative Provided by the Applicant
3. Route 199 Buffer Landscape Elevation and Narrative
4. Adopted Proffers dated October 15, 2014
5. Draft Proffers dated February 24, 2016



# Z-0005-2016, The Promenade At John Tyler Proffer Amendment



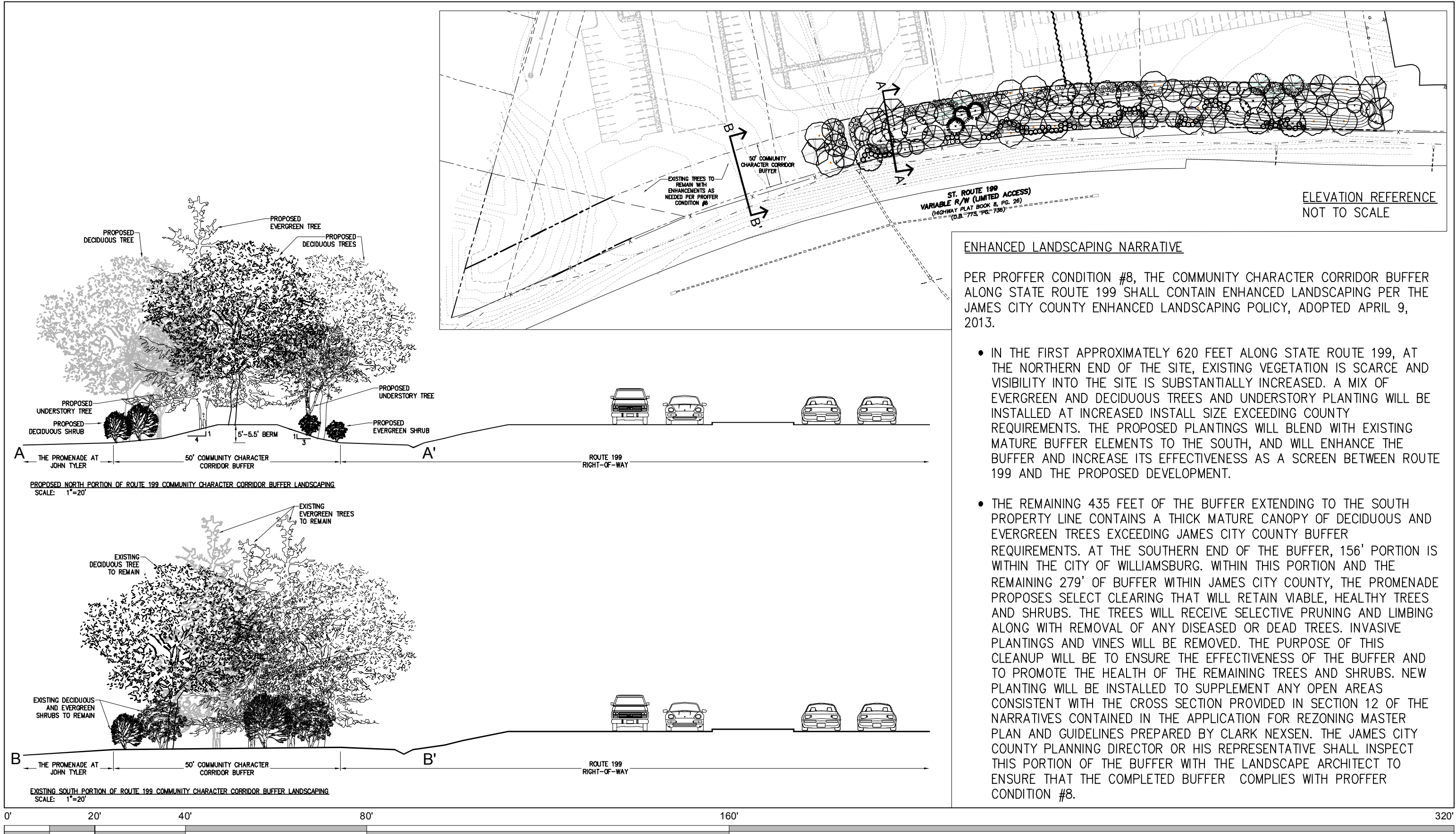


## APPLICANT'S NARRATIVE

### TO ACCOMPANY PROFFER AMENDMENT APPLICATION

The applicant has applied to amend Condition 8 of the existing Proffers to revise the proffered treatment of the Route 199 Community Character Buffer because as the survey and engineering work proceeded in the site plan approval process, it became clear that Route 199 is higher than the mixed-use parcels parking areas and the applicant believes that it is necessary to get the benefit of as much additional screening of those parking areas as possible. The heightened berm should provide a more effective screen between these parking areas and the cars using the adjacent roadway. The proposed treatment of the buffer is shown on and described in the narrative set out on the Route 199 Buffer Landscape Elevation prepared by AES Consulting Engineers submitted with the proffer amendment application.

S:\JOBS\864219-The Promenade at John Tyler\Engineering\Design\Lighting\W08642-19\_CCC Buffer Exhibit.dwg, 4/25/2016 3:57:36 PM, Jordan.Brislow



ROUTE 199 BUFFER LANDSCAPE ELEVATION

# THE PROMENADE AT JOHN TYLER

JAMES CITY COUNTY, VIRGINIA

(AES PROJECT #: 8642-19 - AES PROJECT CONTACT: GRAHAM CORSON, P.E.)



Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

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 15<sup>th</sup> day of October, 2014 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership(together with its successors in title and assigns, the "Owner").

## RECITALS

A. Owner is the owner of six parcels of land located in James City County, Virginia, being Tax Parcel No's.4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, containing approximately 24.54 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. Franciscus Homes has contracted to purchase Tax Parcels 4812200020 and 4812200029 of the Property contingent upon approval of the requested rezoning. Upon taking title to that portion of the Property, Franciscus Homes shall be an "Owner" as defined herein.

C. The Property is designated Mixed Use on the County's Comprehensive Plan Land Use Map and is now zoned B-1 and is subject to the approved special use permit Master Plan for Williamsburg Crossing Shopping Center. Owner has applied to rezone the Property from B-1 to MU, Mixed Use, with proffers.

C. Owner has submitted to the County a master plan entitled "The Promenade at John Tyler" prepared by Clark Nexsen dated October 6, 2014 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU 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. Cash Contributions. (a) A one-time contribution shall be made to the County of \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$61.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for library uses.

(c) A one-time contribution shall be made to the County of \$71.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for fire/EMS uses.

(d) A one-time contribution shall be made to the County of \$324.63 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for parks and recreational purposes.

(e) A one-time contribution shall be made to the James City Service Authority of \$1,030.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for water system uses.



(f) The cash contributions proffered in paragraphs (a) through (e) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy as shown in the table in Proffer 2 below.

(g) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(h) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (e) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2014 to the year a payment is made if payments are made after on or after January 1, 2015, subject to reduction as provided in paragraph (f). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of the Area Median Income ("AMI") as provided below:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Units targeted to (percent of	Percent of dwelling units	Number of units	Percentage cash proffer	2014 Price ranges per
----------------------------------	------------------------------	-----------------	----------------------------	--------------------------

AMI)	required		reduction	Housing Opportunities Policy Guide*
30% to 60%	16%	30	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	120	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	40	30%	\$242,387 to \$380,407

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Units targeted to (percent of AMI)	Percent of dwelling units required	Number of units	Percentage cash proffer reduction	2014 Price ranges per Housing Opportunities Policy Guide*
30% to 60%	16%	2	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	9	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	3	30%	\$242,387 to \$380,407

\* Per the Housing Opportunities Policy Guide price ranges are set annually by the County's Office of Housing and Community Development based on the definitions in the Policy.



The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, if any, Owner shall submit an annual report for each year of the required 30 year term to the County Director of Planning on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified affordable and workforce housing income range. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If an affordable/workforce rental unit is subsequently sold in accordance with the sale requirements of this proffer, the notice will be released from the unit sold. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunities Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the

requirements of the Housing Opportunities Policy and a copy of the settlement statement for the sale shall be provided to the Director of Planning. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

3. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit. 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 II 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.

4. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a Virginia Certified Nutrient Management Planner to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for the Property. The Plan shall be submitted to the County's Engineering and Resource Protection Director for his review and approval prior to the issuance of the 50<sup>th</sup> certificate of occupancy for buildings on the Property by the County. The property owners association for the Property shall be responsible for ensuring that any nutrients applied to common areas owned or controlled by the association within the Property are applied in accordance with the Plan.

5. Water Conservation. The Owner shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

6. Road Repair and Dedication. Prior to issuance of the first certificate of occupancy for a dwelling unit on the Property, (i) either the deficiencies listed in the punch list dated September

15 made by the Virginia Department of Transportation (“VDOT”) for Kingsway and “Road A” shall have been corrected and inspected by VDOT such that the roads are eligible for acceptance into the Commonwealth’s secondary road system or the work necessary to correct such deficiencies shall have been bonded in form satisfactory to the County Attorney and (ii) the plat necessary to dedicate the right of way for such roads for public use shall have prepared and submitted to the County, with all required property owner signatures.

7. Architectural Guidelines. Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the “Guidelines”) and requiring architectural consistency between the residential and commercial buildings developed on the Property. Once approved, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be generally consistent with the Guidelines. Prior to the issuance of final site plan approval for each building on the Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.



8. Community Character Corridor Buffer. The Community Character Corridor buffer along Route 199 shall have an average width of at least 50 feet. A landscaping plan for this buffer shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer submitted with the Application for Rezoning. The landscaping shown on the approved landscape plan(s) shall be installed or its installation during the next appropriate growing season bonded in form approved by the County Attorney prior to issuance of a certificate of occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

9. Condominium Owners Association. There shall be organized a condominium owner's association or associations (the "Association") as required by the Virginia Condominium Act (the "Act") in accordance with Virginia law in which all residential condominium unit owners in the Property, by virtue of their property ownership, shall be members.

10. Private Streets. Any and all streets on the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The condominium instruments shall require the Association to create, fund and maintain a reserve for capital components, including private roads, in amounts determined in accordance with the Act and conduct capital reserve studies and adjust such reserves in accordance with the Act.

11. Community Spaces. The clubhouse and pool, two welcome parks, pocket park and community park shown on the Master Plan shall be installed prior to the County being obligated

to issue certificates of occupancy for more than 48 residential units on the Property. The Public Square shown on the Master Plan shall be installed prior to the County being obligated to issue certificates of occupancy for the first building in the area designated on the Master Plan as M (EGC).

12. Bus Pull-Off/Shelter. Prior to final development plan approval for development of the Property, Owner shall have consulted with Williamsburg Area Transit Authority (“WATA”) regarding the need for a bus pull-off area and a bus shelter on the Property. If the Williamsburg Area Transit Authority determines there is a need for a bus pull-off area and a bus shelter on the Property, such bus pull-off area and bus stop shelter shall be shown on the development plans for the Property in a location approved by Owner and WATA. Such bus pull-off area and bus stop shelter shall be installed prior to the County being obligated to issue certificates of occupancy for more than 48 residential units on the Property.

13. 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.

14. 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.

UNIVERSITY SQUARE ASSOCIATES

By: 

Title: Partner

STATE OF Virginia  
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15 day of October, 2014, by Frank R. Spadea as Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

  
NOTARY PUBLIC

HEIDI MARIE MACEMORE  
NOTARY PUBLIC  
REGISTRATION # 7562623  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
APRIL 30, 2017

My commission expires: April 30, 2017  
Registration No.: 7562623

Schedule A

Property Description

Those certain parcels or lots of land located in James City County, Virginia shown and set out as (i) "New Parcel 25," "New Parcel 26," "New Parcel 27," "New Parcel 28," and "New Parcel 29" on the plat entitled "PLAT OF RESUBDIVISION AND LOT LINE EXTINGUISHMENT SHOWING NEW PARCELS 2, 24-29, WILLIAMSBURG CROSSING" made by AES Consulting Engineers dated November 2, 1999 which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 75 at page 92 and (ii) "Residual Parcel 20" on the plat entitled "RESUBDIVISION OF PARCEL 20, WILLIAMSBURG CROSSING" made by Langley and McDonald, P.C. and dated July 30, 1997, which plat is recorded in the aforesaid Clerk's Office in James City Plat Book 67 at page 37.

**VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY**  
This document was admitted to record on 6-2-2013  
at 8:51 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.  
STATE TAX LOCAL TAX ADDITIONAL TAX  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
TESTE: BETSY B. WOOLRIDGE, CLERK  
BY: Betsy B. Woolridge Clerk





OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT COURT  
5201 MONTICELLO AVE SUITE 6  
WILLIAMSBURG, VA 23188  
757-564-2242

DEED RECEIPT

DATE: 06/02/15 TIME: 08:51:39 ACCOUNT: 830CLR150010679 RECEIPT: 15000017864  
CASHIER: AES REG: WD19 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 150010679 BOOK: PAGE: RECORDED: 06/02/15 AT 08:51  
GRANTOR: UNIVERSITY SQUARE ASSOCIATES EX: N LOC: CO  
GRANTEE: UNIVERSITY SQUARE ASSOCIATES EX: N PCT: 100%  
AND ADDRESS : N/A N/A, XX. 00000  
RECEIVED OF : UNIVERSITY SQUARE ASSOCIATES DATE OF DEED: 10/15/14  
: \$.00  
DESCRIPTION 1: SIX PARCELS JAMES CITY COUNTY PAGES: 0 OP: 0  
2: NAMES: 0  
CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:  
000 \*\* ZERO PAYMENT \*\* .00  
TENDERED : .00  
AMOUNT PAID: .00  
CHANGE AMT : .00

CLERK OF COURT: BETSY B. WOOLRIDGE

PAYOR'S COPY  
RECEIPT COPY 1 OF 2

Z-3-14/MP-3-14

Promenade at John Tyler (The)

Proffers

PR-118

Recordation Page

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)  
Geddy, Harris, Franck & Hickman  
1177 Jamestown Road  
Williamsburg, VA 23185

Return to: James City County Attorney's Office  
101-C Mounts Bay Road  
Williamsburg, Virginia 23185

## SECOND AMENDMENT TO PROFFERS

This Second Amendment to Proffers is made this 3<sup>rd</sup> day of April, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

### RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 8 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.



## AMENDMENTS TO CONDITIONS

1. The third sentence of Condition 8 of the Existing Proffers is hereby amended to read as follows:

“The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer dated April 13, 2016 submitted to and on file with the County Planning Department.”

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: Georg L. Werner

Title: MANAGER

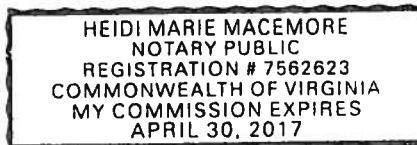
STATE OF Virginia

CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 13 day of April, 2016, by Georg L. Werner as Manager of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

Heidi Marie Macemore  
NOTARY PUBLIC

My commission expires: April 30, 2017  
Registration No.: 7562623





**AGENDA ITEM NO. G.2.**

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner I

SUBJECT: Initiation of Consideration of Amendments to Article III, Site Plan, of the Zoning Ordinance and Article II, Procedures and Documents to be Filed, of the Subdivision Ordinance, With Respect to the Development Review Committee

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Initiating Resolution: Site Plan	Resolution
▣	Initiating Resolution: Subdivision	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:28 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:28 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 1:33 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:43 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner  
Jose Ribeiro, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to Article III, Site Plan, of the Zoning Ordinance and Article II, Procedures and Documents to be Filed, of the Subdivision Ordinance, With Respect to the Development Review Committee

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In 2012 staff undertook several updates to the Zoning Ordinance in an effort to incorporate recommendations from the Business Climate Taskforce. The intent of these updates was to create a more predictable and flexible development review process. As a result of these changes, the Development Review Committee (DRC) has shifted to become more of a strategic body. With guidance from the Policy Committee, staff has identified opportunities to further revise DRC review policies to reduce review redundancy and more greatly align with the recent shift in the purpose of the DRC. Staff is proposing revisions to Article III, Site Plan, of the Zoning Ordinance, as well as Article II, Procedure and Documents to be Filed, of the Subdivision Ordinance, with respect to the role and procedure of DRC review.

Article III, Site Plan, of the Zoning Ordinance, lists specific circumstances under which DRC review of a site plan is required. Staff is proposing amendments to this article to shift the timing of the DRC required review from the full site plan review portion of the process to a review of an enhanced conceptual plan. The proposed amendments would not impact site plan reviews which are otherwise conditioned by a Special Use Permit or proffered as part of a rezoning.

Per Article II, Procedures and Documents to be Filed, of the Subdivision Ordinance, current code requires DRC review for any major subdivision. This requirement applies regardless of any previous legislative master plan approval. Per the Code of Virginia, any major subdivision of 50 lots or more is already required to gain preliminary approval by the Planning Commission. Staff is proposing amendments to omit DRC review of such subdivisions, with the intention of reducing redundancy in the review process.

Updating the Zoning Ordinance to address these amendments was proposed as part of the Planning Division's 2015-2016 work program as discussed at the October 2015 Policy Committee meeting. The 2035 Comprehensive Plan also lends support to these possible ordinance amendments through actions in the Economic Development section. Actions 1.5 and 5.2 state that staff will work to identify regulatory barriers in policies and procedures that may unnecessarily inhibit development and adaptive reuse.

Staff recommends the Planning Commission adopt the attached resolution to formally initiated consideration of such amendment to the Zoning Ordinance and Subdivision Ordinance and refer this matter to the Planning Commission for its consideration on June 1, 2016.

RS/JR/ab  
InitiationArtII-III-mem

Attachments:

1. Initiating Resolution for Site Plans
2. Initiating Resolution for Major Subdivision



## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE**

#### **ARTICLE III, SITE PLAN, WITH RESPECT TO THE DEVELOPMENT REVIEW COMMITTEE**

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, Article III, Site Plan, provides information regarding review procedures for site plans; and

WHEREAS, an amendment to Article III of the Zoning Ordinance is proposed in order to alter the role and procedure of the Development Review Committee (DRC) in regards to site plan review; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies and actions in the Economic Development sections ED 1.5 and 5.2; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Zoning Ordinance to amend James City County Code, Chapter 24, Article III, Site Plan, in order to alter the role and procedure of the DRC in reviewing site plans. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May,  
2016.

InitiationArtIII-res

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION ORDINANCE**

#### **ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, WITH RESPECT TO THE**

#### **DEVELOPMENT REVIEW COMMITTEE**

WHEREAS, Virginia Code §15.2-2253 and County Code §19-10 permit the Planning Commission of James City County, Virginia (the “Commission”) to prepare and recommend to the Board of Supervisors a Subdivision Ordinance and amendments thereto as the Commission finds to be prudent; and

WHEREAS, Article II requires review by the Development Review Committee (DRC) for all major subdivisions; and

WHEREAS, an amendment to Article II of the Subdivision Ordinance is proposed in order to alter the role and procedure of the DRC in regards to subdivision review; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies and actions in Economic Development sections ED 1.5 and 5.2; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare and the orderly subdivision of land and its development warrant the consideration of the amendment to the Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Subdivision Ordinance to amend James City County Code, Chapter 19, Subdivisions, Article II, Procedures and Documents to be Filed, in order to alter the role and procedure of the DRC in regards to subdivision review. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with law.



---

Tim O'Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May,  
2016.

InitiationArtII-res

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Jose-Ricardo L. Ribeiro, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Subdivision Ordinance to Alter the Procedures and Documents to be Filed and Requirements for Design and Minimum Improvements

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Initiating Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:09 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:09 PM
Publication Management	Boles, Amy	Approved	4/27/2016 - 4:16 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:30 PM



## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Subdivision Ordinance, Article II, Procedures and Documents to be Filed and Article III, Requirements for Design and Minimum Improvements

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Staff is currently revising certain sections and chapters of the County Zoning Ordinance and Subdivision Ordinance as part of the Planning Division's 2015-2016 work program as discussed at the October 2015, Policy Committee meeting in order to ensure that information is updated, consistent and continues to provide flexibility in the development review process.

Section 19-29 of the Subdivision Ordinance requires a note to be included on plats stating that all surveyor's monuments must be set in accordance with County Code and that a monument certification must be provided prior to final release of surety for a subdivision. Section 19-36 establishes general requirements for monuments and also requires provision of a monument certification. Amendments to these sections of the Ordinance are proposed in order to eliminate the language requiring the provision of monument certification as this is not a requirement of the Code of Virginia and also because land surveyors are governed by other provisions of licensures and are held by stringent professional standards set by the Code of Virginia.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Subdivision Ordinance and refer this matter to the Planning Commission for its consideration on June 1, 2016.

JR/ab  
InitiationAmends-mem

Attachment:  
1. Initiating Resolution

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION ORDINANCE**

### **TO ALTER THE PROCEDURES AND DOCUMENTS TO BE FILED,**

### **AND REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS**

WHEREAS, Virginia Code §15.2-2253 and County Code Section 19-10 permit the Planning Commission of James City County, Virginia (the “Commission”) to prepare and recommend to the Board of Supervisors a Subdivision Ordinance and amendments thereto as the Commission finds to be prudent; and

WHEREAS, the Subdivision Ordinance contains various requirements for subdivision monuments, including the provision of a monument certification; and

WHEREAS, amendments to the Subdivision Ordinance are proposed in order to eliminate the language requiring the provision of a monument certification; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare and the orderly subdivision of land and its development warrant the consideration of the amendment to the Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Subdivision Ordinance to amend James City County Code, Chapter 19, Subdivisions, Article II, Procedures and Documents to be Filed, and Article III, Requirements for Design and Minimum Improvements, in order to eliminate the language requiring the provision of monument certification. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with law.

---

Tim O'Connor  
Chair, Planning Commission

ATTEST:

---

Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May,  
2016.

InitiationAmends-res



**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Ellen Cook, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Mixed Use District of the Zoning Ordinance

---

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:30 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:31 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 1:35 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:43 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: Ellen Cook, Senior Planner II  
Savannah Pietrowski, Planner

SUBJECT: Initiation of Consideration of Amendments to the Mixed Use District of the Zoning Ordinance

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Over the past year several development scenarios have come to staff's attention where it may be warranted to provide additional flexibility in various sections of the Mixed Use District. These circumstances have involved interest in:

1. Development of mixed use structures (i.e., "vertical mixed use") or mixed use development on parcels or groups of parcels less than five acres total.
2. Mixed use development in an infill or redevelopment context.

Possible changes to the Mixed Use District to address both of these circumstances could help allow the most efficient use of the land and provide flexibility in design and land uses as specified in the Mixed Use Comprehensive Plan Land Use Designation Description.

The 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies and actions in the Land Use section. LU 4.5 states that the County should "promote infill, redevelopment revitalization and rehabilitation within the Primary Service Area (PSA)," and LU 4.5.2 suggests "revisions to the Zoning Ordinance and/or Subdivision Ordinance or the development of guidelines to provide additional flexibility, clear standards or incentives..." LU 4.6 states that the County should also "encourage developments which provide mixed use development, as further defined in the Mixed Use Land Use Designation and Development Standards, within the PSA. Support design flexibility to promote mixing of various types of residential and non-residential uses and structures."

Updating the Zoning Ordinance to address the two circumstances listed above was proposed as part of the Planning Division's 2015-2016 work program as discussed at the October 2015 Policy Committee meeting. Staff is proposing to evaluate this item in a multiple stage process similar to review of ordinance amendments proposed after adoption of the 2009 Comprehensive Plan.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning Ordinance and refer this matter to the Policy Committee.

EC/SP/nb  
ZoningOrdAmend-mem

Attachment:

1. Initiating Resolution

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS**

#### **TO THE MIXED USE DISTRICT OF THE ZONING ORDINANCE**

WHEREAS, Virginia Code § 15.2-2286 and County Code sec. 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the Mixed Use District may be made more flexible to allow for mixed use development on parcels or groups of parcels less than five acres in size and in instances of infill or redevelopment; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies, and actions in Land Use sections 4.5, 4.5.2, and 4.6; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate staff review of the entirety of the Zoning Ordinance of the James City County Code in regards to adding flexibility to the Mixed Use District Chapter 24, sections 24-1 et seq. to better accommodate certain development scenarios. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May, 2016.

ZoningOrdAmend-res



**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Jose-Ricardo L. Ribeiro, Planner II

SUBJECT: Initiation of Consideration of Amendments to the Limited Business District (LB) and the General Business District (B-1) of the Zoning Ordinance

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Initiating Resolution for LB	Resolution
▣	Initiating Resolution for B-1	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:32 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:32 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 4:35 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 4:39 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner  
Jose Ribeiro, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Limited Business District and the General Business District of the Zoning Ordinance

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In 2012 staff undertook several updates to the Zoning Ordinance in an effort to incorporate recommendations from the Business Climate Taskforce. The intent of these updates was to create a more predictable and flexible development review process. In reviewing Zoning Ordinance text for consistency and clarity, staff has identified opportunities to update the LB, Limited Business and B-1, General Business Ordinances.

Sections 24-371 and 24-392 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding setbacks and setback reduction procedures; however, the organization of the information is inconsistent. Amendments to these sections of the Ordinance are proposed in order to ensure consistency between them.

Sections 24-375 and 24-397 of the LB and B-1 zoning districts, respectively, provide similar guidance regarding building coverage and floor area ratio. Currently both sections require building coverage not to exceed 30% of the total lot area. Amendments to these section of the Ordinance are proposed to increase the building coverage and to delete requirements regarding floor area ratio.

Updating the Zoning Ordinance to address these amendments was proposed as part of the Planning Division's 2015-2016 work program at the October 2015, Policy Committee meeting. The 2035 Comprehensive Plan also lends support to these possible ordinance amendments through actions in the Economic Development section. Actions 1.5 and 5.2, state that staff will work to identify regulatory barrier's in the policies and procedures that may unnecessarily inhibit development and adaptive reuse.

Staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning Ordinance and refer this matter to the Planning Commission for its consideration.

RS/JR/ab  
InitiationAmendLBB1-mem

Attachment:

1. Initiating Resolution

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO**

### **THE LIMITED BUSINESS DISTRICT, LB, OF THE ZONING ORDINANCE**

WHEREAS, Virginia Code §15.2-2286 and County Code Section 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion initiate amendments to the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, amendments to the Limited Business District may be made to reorganize information to make it consistent with other similar zoning districts, increase building coverage and delete language regarding floor area ratio in order to create a more predictable and flexible development review process; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible amendments through goals, strategies and actions in the Economic Development section; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare and good zoning practice warrant the consideration of the amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Zoning Ordinance to amend James City County Code, Chapter 24, Zoning, Article V, Districts, Division 9, Limited Business District, LB, in order to reorganize information to make it consistent with other similar zoning districts, increase building coverage and delete language regarding floor area ratio. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May, 2016.

InitiationAmendLB-res



## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO**

### **THE GENERAL BUSINESS DISTRICT, B-1, OF THE ZONING ORDINANCE**

WHEREAS, Virginia Code §15.2-2286 and County Code Section 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, amendments to the General Business District may be made to reorganize information to make it consistent with other similar zoning districts, increase building coverage and delete language regarding floor area ratio in order to create a more predictable and flexible development review process; and

WHEREAS, the 2035 Comprehensive Plan lends support to the possible amendment through goals, strategies and actions in the Economic Development section; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare and good zoning practice warrant the consideration of the amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Zoning Ordinance to amend James City County Code, Chapter 24, Zoning, Article V, Districts, Division 10, General Business District, B-1, in order to reorganize information to make it consistent with other similar zoning districts, increase building coverage and delete language regarding floor area ratio. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendations to the Board of Supervisors in accordance with law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May, 2016.

InitiationAmendB1-res

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Initiation of Consideration of Amendments to the Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance to Reduce Parking Requirements

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Initiating Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:22 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:22 PM
Publication Management	Boles, Amy	Approved	4/27/2016 - 2:43 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:45 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance to Reduce Parking Requirements

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During the 2010/2011 Zoning Ordinance revision process, the Board of Supervisors approved a reduction in off-street parking minimums to reduce impervious cover and eliminate excess parking required for new developments. Since that time, decreasing or eliminating parking minimums have continued to be of interest as communities seek to build more pedestrian friendly developments and to promote infill and land efficient developments. Such developments help promote healthy and energy efficient lifestyles, help preserve the natural environment and community character and can increase a property's economic development potential. Staff has performed research and found that additional revisions to the Zoning Ordinance could be made.

The 2035 Comprehensive Plan lends support to these prospective ordinance amendments through goals, strategies and actions in the Environmental and Transportation sections. ENV 4.3 notes that the County should, "through existing mechanisms such as encouraging enhanced pedestrian accommodations via a density bonus and reductions in required parking with approval of a mass or alternative transportation plan, or appropriate similar provisions, improve air quality and seek to reduce traffic congestion by promoting alternative modes of transportation and a reduction in auto dependency and trip distances." Action T 4.1 states, "Guide new developments in designing roadway and parking areas that reduce the visual impact of auto-related infrastructure, specifically in Community Character Areas."

Updating the Zoning Ordinance to reduce parking minimums was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. Staff is proposing to evaluate this item in a multiple stage process similar to review of ordinance amendments proposed after adoption of the 2009 Comprehensive Plan.

Staff recommends adoption of the attached resolution to formally initiate consideration of such amendments to the Zoning Ordinance and referral of this matter to the Policy Committee.

SW/EC/nb  
ReduceParkReq-mem

Attachment:

1. Initiating Resolution



## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE HIGHWAYS, STREETS,**

### **PARKING AND LOADING DIVISION AND DEFINITIONS SECTIONS OF THE ZONING**

### **ORDINANCE TO REDUCE PARKING REQUIREMENTS**

WHEREAS, Virginia Code § 15.2-2286 and County Code sec. 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the parking regulations within Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance may be amended to lower parking minimum requirements and make other adjustments that will reduce excess parking; and

WHEREAS, the 2035 Comprehensive Plan lends support to possible ordinance amendments through goals, strategies, and actions in the Environment and Transportation sections; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review of the Zoning Ordinance to amend James City County Code, Chapter 24, Zoning, Article II, Special Regulations, Division 2, Highways, Streets, Parking and Loading and Article I, In General, Sec. 24-2, Definitions. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May,  
2016.

ReduceParkReq-res

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Initiation of Consideration of Amendments to the Special Regulations and Definitions Articles of the Zoning Ordinance to Add Electric Vehicle Charging Stations

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Initiating Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:24 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:25 PM
Publication Management	Boles, Amy	Approved	4/27/2016 - 2:45 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 2:46 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

FROM: W. Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II

SUBJECT: Initiation of Consideration of Amendments to the Special Regulations and Definitions Articles of the Zoning Ordinance to Add Electric Vehicle Charging Stations

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The James City County Zoning Ordinance does not directly address electric vehicle charging stations (EVCS); however, electric vehicle ownership is on the rise. Nationwide sales of electric vehicles have risen from 90,000 cars in 2013 to over 116,000 in 2015. The Williamsburg area has two publicly accessible EVCS. Localities are quickly adopting ordinance regulations to meet this rising demand. As interest in installing EVCS in James City County is likely to grow, staff believes it would be helpful to address it more directly in the Zoning Ordinance to provide clear guidance.

The 2035 Comprehensive Plan also lends support to this possible ordinance amendment through goals, strategies and actions in the Transportation and Public Facilities sections. Transportation Action T 3.6, which states, "Continue to identify and implement changes to the transportation system that improve air quality" supports this initiative, as does Public Facilities Action PF 4.4, which advocates utilizing energy efficient vehicles and equipment.

Updating the Zoning Ordinance to account for EVCS as an accessory use to off-street parking was proposed as part of the Planning Division's 2015-2016 work program at the October 2015 Policy Committee meeting. Staff is proposing to evaluate this item in a multiple stage process similar to review of ordinance amendments proposed after adoption of the 2009 Comprehensive Plan.

Staff recommends adoption of the attached resolution to formally initiate consideration of such amendments to the Zoning Ordinance and referral of this matter to the Policy Committee.

SW/EC/nb  
AddEVChargSta-mem

Attachment:

1. Initiating Resolution



## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SPECIAL REGULATIONS**

### **AND DEFINITIONS ARTICLES OF THE ZONING ORDINANCE**

### **TO ADD ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, Virginia Code § 15.2-2286 and County Code Sec. 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the need for ordinance amendments to permit and regulate electric vehicle charging stations in off-street parking areas of the County has been identified; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies, and actions in the Transportation and Public Facilities sections; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion, initiate review to amend James City County Code, Chapter 24, Zoning, Article II, Special Regulations and Article I, In General, Sec. 24-2, Definitions in regards to permitting and regulating electric vehicle charging stations in off-street parking areas of the County. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said ordinance and shall forward its recommendation to the Board of Supervisors in accordance with the law.

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Tim O’Connor  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of May, 2016.

AddEVChargSta-res

**ITEM SUMMARY**

DATE: 5/4/2016

TO: The Planning Commission

FROM: Paul D. Holt, III, Planning Director

SUBJECT: Planning Director's Report - May 2016

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**ATTACHMENTS:**

	Description	Type
▣	report	Cover Memo
▣	Spreadsheet listing new applications received - May 2016	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:23 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:23 PM
Publication Management	Burcham, Nan	Approved	4/27/2016 - 1:30 PM
Planning Commission	Holt, Paul	Approved	4/27/2016 - 1:43 PM

## MEMORANDUM

DATE: May 4, 2016

TO: The Planning Commission

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

SUBJECT: Planning Director's Report

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

- Joint Base Langley-Eustis (JBLE) Joint Land Use Study (JLUS): Staff has begun working with the Department of Defense Office of Economic Adjustment, JBLE and surrounding localities to initiate the process of conducting a JLUS for the lower Grove region of the County. A JLUS is a community-driven, cooperative, strategic planning process that promotes community development that is compatible with military training, testing and operational missions. A Resolution of Support for a JLUS is scheduled for Board of Supervisors consideration on May 10, 2016. During the course of the JLUS, staff will provide periodic updates to the Planning Commission as well as the Board of Supervisors.
- Capital Improvements Program (CIP): The Policy Committee final CIP rankings were submitted to the Board of Supervisors as a reading file on April 12, 2016, for consideration as part of the overall budget process.
- Monthly Case Report: For a list of all cases received in the last month, please see the attached documents.
- Board Action Results:
  - April 12, 2016
    - AFD-09-86-01-2016. Gordon Creek Agricultural and Forestal District – 3703 Brick Bat Road Withdrawal  
Approved (5-0)
    - SUP-0002-2016. 3703 Brick Bat Road Tourist Home  
Deferred (5-0)
    - Z-0005-2015, MP-0002-2015, HW-0002-2015. Patriots Colony Expansion  
Approved (5-0)
    - Initiation of Consideration of Amendments to the Zoning Ordinance for Manufacture of Food and Food Products in the Planned Unit Development District  
Approved (5-0)
    - Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District and the Planned Unit Development-Commercial District  
Approved (5-0)



County Administrator's Report

May 4, 2016

Page 2

- Z-0001-2016. The Promenade at John Tyler Proffer Amendment  
Approved (5-0)
- Z-0002-2016. The Village at Candle Station Proffer Amendment  
Approved (5-0)

PDH/nb

DirectorsReport05-2016

New Cases for May 2016						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0029-2016	114 Haradd Ln. Home Child Care	114 HARADD LANE	A request to increase the number of children from 5 (home occupation required) to 12 childre (an SUP is required)	Jose Ribeiro	01-Stonehouse
	C-0030-2016	3415 Old Stage Rd. Rezoning and Subdivision	3415 OLD STAGE ROAD	Possible rezoning from B-1 to R-1 ot allow for the creation of one additional single-family lot	Savannah Pietrowski	01-Stonehouse
	C-0031-2016	4501 Noland Blvd.	4501 NOLAND BLVD	Possible development of a new use within the commercial area of Liberty Crossing.	Ellen Cook	01-Stonehouse
	C-0032-2016	206-C Packets Court Colonial Escape	206 C PACKETS COURT	Change of use conceptual application for an indoor center of amusement.	Roberta Sulouff	05-Roberts
	C-0033-2016	8401 Croaker Rd. Subdivision	8401 CROAKER ROAD	Possible subdivision of a parcel into 9 lots ( 2 minor subdivisions)	Jose Ribeiro	01-Stonehouse
	C-0034-2016	9486 Richmond Rd. Subdivision	9486 RICHMOND ROAD	A request to investigate the possibility of subdividing a 14 acre-parcel into two or three new parcels	Jose Ribeiro	01-Stonehouse
Site Plan	SP-0018-2016	Busch Gardens, 2016 Food and Wine Event SP Amend.	7851 POCAHONTAS TR	Site plan amendment for temporary food and beverage kiosks at Busch Gardens.	Roberta Sulouff	05-Roberts
	SP-0019-2016	American Heritage RV Park Gathering Area Expansion	146 MAXTON LANE	Site plan for a previously approved building addition at the American Heritage RV Park.	Roberta Sulouff	01-Stonehouse
	SP-0020-2016	WISC Pool and Shower Facility Addition	5720 WARHILL TRAIL	Site plan for a new swimming pool facility At WISC	Jose Ribeiro	02-Powhatan
	SP-0021-2016	20 Marclay Rd., Yard Works, Trailer Replacement SP Amend.	20 MARCLAY ROAD	Site plan for the replacement of an existing office trailer	Savannah Pietrowski	05-Roberts
	SP-0022-2016	James River Elementary, Adopt-A-Bench, WATA	8901 POCAHONTAS TR	Site plan for a bench at the existing WATA bus stop at James River E.S.	Savannah Pietrowski	05-Roberts
	SP-0023-2016	7775 Richmond Rd. Farm Stand	7775 RICHMOND ROAD	Site plan to allow a roadside farm stand	Savannah Pietrowski	01-Stonehouse
	SP-0024-2016	Busch Gardens, Royal Palace, SP Amend.	7851 POCAHONTAS TR	Site plan amendment for small improvements around the Royal Palace in Busch Gardens	Roberta Sulouff	05-Roberts
	SP-0025-2016	Godspeed Animal Care Addition SP Amend.	102 TEWNING ROAD	A small 350 square foot office addition	Jose Ribeiro	04-Jamestown
	SP-0026-2016	Jacobs Industrial Center Parcels 8A and 8B SP Amend.	263 INDUSTRIAL BLVD	Site plan amendment to increase the building footprint of two proposed buildings	Savannah Pietrowski	01-Stonehouse
	SP-0027-2016	Monticello Marketplace - Bank of America SP Amend.	4620 MONTICELLO AVENUE	Site plan amendment for ADA improvements in the existing parking lot	Savannah Pietrowski	04-Jamestown
	SP-0028-2016	Powhatan Plantation Hot Tub SP Amend.	4300 FITHIAN LANE	Site plan amendment to construct a hot tub.	Scott Whyte	03-Berkeley
	SP-0029-2016	4451 Longhill Rd., T-Mobile Tower, Antenna Upgrade, SP Amend.	4451 LONGHILL ROAD	A request to switch an antenna	Jose Ribeiro	02-Powhatan
	SP-0030-2016	Busch Gardens Flume Basin Renovation SP Amend.	7851 POCAHONTAS TR	Site plan amendment for value engineering and field changes to an earlier Log Flume renovation site plan amendment.	Roberta Sulouff	05-Roberts
Special Use Permit	SUP-0007-2016	Atlantic Septic Systems Contractors Office	4420 CEDAR POINT LN	A SUP request to allow for a contractor's Office and storage	Jose Ribeiro	01-Stonehouse
	SUP-0008-2016	Elite Health and Community Recreation Facility	4384 CEDAR POINT LN	A SUP request to allow for a Community Recreation Facility	Jose Ribeiro	01-Stonehouse
	SUP-0009-2016	7206 Merrimac Trail Tourist Home	7206 MERRIMAC TRAIL	SUP application for a tourist home in James Terrace.	Roberta Sulouff	05-Roberts
Rezoning	Z-0005-2016	The Promenade at John Tyler Proffer Amendment 2	5304 JOHN TYLER HGWY	Proposed proffer amendment to allow a berm in the Route 199 CCC Buffer	Savannah Pietrowski	03-Berkeley