

**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**  
**June 1, 2016**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. CONSENT AGENDA**

1. Minutes Adoption - May 4, 2016 Regular Meeting
2. Development Review Committee Action Item: Case No. C-0037-2016, Natural Resources and Farm Link Center, Community Garden

**E. REPORTS OF THE COMMISSION**

**F. PUBLIC HEARINGS**

1. SUP-0006-2016, 8766 Pocahontas Trail Dollar General
2. SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms
3. SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments
4. ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits and ZO-0003-2016. LB, Limited Business District.
5. ZO-0004-2016 & SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee (DRC) Review Criteria and Procedure
6. ZO-0005-2016, PUD, Planned Unit Development, Zoning Ordinance Amendments, Article V, Section 24-493, Use List

**G. PLANNING COMMISSION CONSIDERATIONS**

1. Initiation of Consideration of Amendments to the Wireless Communications Facilities Regulations in the Zoning Ordinance

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/1/2016  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: Minutes Adoption - May 4, 2016 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
▣	Minutes of the May 4, 2016 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 11:39 AM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 11:39 AM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 11:45 AM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 11:46 AM

**MINUTES**  
**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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**VIDEO A. CALL TO ORDER**

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

**VIDEO B. ROLL CALL**

Planning Commissioners

Present:

Tim O'Connor

Rich Krapf

Chris Basic

Robin Bledsoe

John Wright

Danny Schmidt

Remote Participation:

Heath Richardson

Staff Present:

Paul Holt, Planning Director

José Ribeiro, Senior Planner II

Savannah Pietrowski, Planner

Roberta Sulouff, Planner

Maxwell Hlavin, Assistant County Attorney

Mr. Paul Holt stated that a quorum was present. Mr. Holt stated that Mr. Heath Richardson was attending to a personal matter out of town and has requested to participate in the meeting remotely from Maitland, Florida. Mr. Holt further stated that per the policy adopted by the Commission and consistent with The Code of Virginia the members present must consider and approve a request for remote participation by a majority vote.

Ms. Robin Bledsoe moved to approve the request for remote participation. On a roll call vote the Commission approved the request 6-0.

Mr. Heath Richardson joined the meeting via telephone.

**VIDEO C. PUBLIC COMMENT**

Mr. O'Connor opened the public comment.

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

VIDEO **D. CONSENT AGENDA**

Mr. Rich Krapf moved to approve the Consent Agenda.

The consent agenda was approved by voice vote (7-0).

VIDEO 1. Minutes Adoption - April 6, 2016 Regular Meeting

VIDEO 2. Development Review Committee Action Item: Case No. SP-0104-2015, Williamsburg Landing Woodhaven Expansion

VIDEO 3. Adoption of Updated 2016 Calendar

VIDEO **E. REPORTS OF THE COMMISSION**

Mr. Krapf stated that the Policy Committee met on April 14, 2016 to review six proposed Zoning or Subdivision Ordinance amendments, all of which will be brought before the Commission at various points in the near future. Mr. Krapf stated the proposed amendments are related to parking minimums, electric vehicle charging stations, the role of the Development Review Committee in regard to review of site plans and major subdivisions, setbacks and building coverage limits in the LB, Limited Business and B-1, General Business districts, MU, Mixed Use District, development on infill parcels and parcels less than five acres, and elimination of requirements for certification of subdivision monuments. Mr. Krapf stated that the proposed amendments would bring more consistency to the County's processes and provide more flexibility in development review. Mr. Krapf stated that the Committee was generally supportive of the amendments and provided staff with guidance on proposed options.

VIDEO **F. PUBLIC HEARINGS**

VIDEO 1. SUP-0004-2015, Hankins Resource Recovery Facility

A motion to Approve was made by John Wright III, the motion result was .  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Basic, Bledsoe, Krapf, O'Connor, Richardson, Schmidt, Wright III

Ms. Savannah Pietrowski, Planner, presented a report to the Commission on the request 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 on properties located at 8196, 8212 and 8220 Croaker Road. Ms. Pietrowski noted that staff finds the proposal compatible with surrounding zoning and consistent with the 2035 Comprehensive Plan. Ms. Pietrowski further noted that the proposal would bring the existing operation into conformance with the Zoning Ordinance.

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

Mr. Danny Schmidt inquired whether the annual reporting requirement is typical of other resource recovery operations in the County.

Ms. Pietrowski stated that is a standard requirement for borrow pits.

Mr. John Wright inquired how the potential encroachment into the RPA buffer would be handled.

Ms. Pietrowski stated that there is a proposed SUP condition requiring those areas to be restored.

Mr. O'Connor opened the public hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck and Hickman, representing the applicant, provided information to the Commission on the history of the property and the existing operation. Mr. Geddy noted that the property is generally well buffered and that additional landscaping is proposed for two areas where there is a gap in the natural buffer. Mr. Geddy further noted that this is not the highest and best use of the property; however, in the interim, this operation puts the property to a productive use. Mr. Geddy further noted that this use is a form of recycling to make use of debris that might otherwise end up in a landfill.

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. Rich Krapf stated that the operation is a good interim use for the property and that he would support the application.

Mr. Schmidt stated that he was pleased to see that care is being taken to preserve the cultural resources on the property. Mr. Schmidt stated that he is comfortable with the application.

Mr. Richardson stated that because there is little noise impact from the operation and because of the SUP conditions to mitigate environmental impacts, he would support the application.

Mr. Wright moved to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-0004-2015, Hankins Resource Recovery Facility (7-0).

VIDEO

2. SUP-0009-2015. 100 Lake Drive Rental of Rooms

A motion to Deny was made by Robin Bledsoe, the motion result was Passed.

AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Bledsoe, O'Connor, Schmidt, Wright III

Nays: Basic, Krapf, Richardson

Ms. Roberta Sulouff, Planner, presented a report to the Commission on the request to allow the rental of up to three rooms in an owner-occupied, four bedroom home. Ms. Sulouff noted that the difference between a request to allow rental of rooms and a request to allow operation of a tourist home is that there is a requirement under rental of rooms that the property be owner occupied. Ms. Sulouff noted the existence of a restrictive covenant which may affect the rental of rooms on this property; however, is a private matter outside of the County's purview. Ms. Sulouff noted that with the proposed

conditions, the proposal is compatible with surrounding development and the recommendations of the 2035 Comprehensive Plan.

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

Ms. Bledsoe inquired about the length of time the rooms would be rented.

Ms. Sulouff stated that there is not a restriction on the length of rental.

Ms. Sulouff further stated that the applicant has affirmed that it would be short term and that rental of rooms as a use is typically interpreted as short term.

Ms. Bledsoe inquired if the rental of rooms would require payment of the same taxes that are required from hotels and bed and breakfasts.

Ms. Sulouff stated that the applicant would need to register as a licensed business and that that when taxes were discussed, it was the understanding that they would pay the same taxes required from other short term rental establishments.

Ms. Sulouff further stated that to clarify the response to the previous question, the homeowner could rent out the entire house.

Ms. Bledsoe stated that she is concerned about the potential for the rooms to be rented indefinitely which would create a situation with four different families are residing in the same dwelling. Ms. Bledsoe further stated that she believes it is important to set time limits. Ms. Bledsoe further requested confirmation that the business would pay the two dollar per night occupancy tax.

Ms. Sulouff stated that the occupancy was discussed more generally and she would need to get clarification.

Ms. Bledsoe stated that it would be helpful to have the information prior to voting on the application. Ms. Bledsoe further stated that she understands that hotels and bed and breakfasts pay the occupancy tax where Airbnb establishments currently do not. Ms. Bledsoe inquired about the square footage of the house.

Ms. Sulouff stated that she did not have that figure.

Mr. O'Connor requested that Mr. Max Hlavin, Assistant County Attorney, clarify if there was a limit on the number of people who could reside in a single family dwelling.

Ms. Bledsoe stated that if the rental of rooms is allowed without limiting the length of the rental, in theory there could be four different families using the property as a residence indefinitely which is a different type of rental. Ms. Bledsoe further stated that she wants to clarify if that is the type of rental intended or if it is to qualify to participate with Airbnb. Ms. Bledsoe stated that if the purpose is to qualify for Airbnb, then it is necessary to clarify whether the occupancy tax will be paid.

Mr. Hlavin stated that the SUP conditions place limits on the number of rental occupants.

Ms. Sulouff noted that the County has a current standard on the number of unrelated individuals that may occupy a dwelling. Ms. Sulouff stated that she believes that number is four.

Ms. Bledsoe inquired if that limit was for rental.

Ms. Sulouff stated that it was for long term occupancy of a single family dwelling.

Mr. Wright inquired about the legal requirements for filing HOA covenants and restrictions.

Mr. Hlavin stated that these documents generally come forward when a home is purchased so that the prospective owner is aware of any covenants or restrictions that affect the use of the property.

Mr. Wright inquired about the origin of the covenants and restrictions.

Mr. Hlavin stated that covenants and restrictions are usually part of the initial subdivision process and run with the land in perpetuity.

Mr. Wright inquired if the County is obligated to recognize those agreements.

Mr. Hlavin stated that covenants and restrictions are not subject to approval by the Board of Supervisors and are a private matter. Mr. Hlavin noted that disputes over covenants and restrictions would be enforced through the court system.

Ms. Bledsoe requested that Mr. Hlavin clarify the County's scope and role when HOA covenants and restrictions affect a property that is part of a legislative application.

Mr. Hlavin stated that covenants and restrictions are a private agreement between property owners and the County has no authority to enforce them. Mr. Hlavin stated that the Commission and the Board of Supervisors may take the existence of covenants and restrictions into consideration as a formal expression of neighborhood expectations. Mr. Hlavin further clarified that some restrictions are explicit and other such as no commercial use are open to interpretation as to what constitutes a commercial use, particularly in the case of rental of rooms. Mr. Hlavin stated that the interpretation is really a matter for the courts to decide.

Mr. Schmidt inquired what type of system would be used to screen or verify identity of rental occupants.

Ms. Sulouff stated that the question would be best answered by the applicant. Ms. Sulouff further stated that Airbnb has a stringent screening process and the applicant has stated the intention to rent rooms through Airbnb; however, the use is not limited to Airbnb.

Mr. Basic noted that it has been established that there is no limit on how long a rental occupant may stay and that the number of unrelated persons allowed for permanent occupancy had been determined. Mr. Basic inquired about the definition of "permanent."

Mr. Hlavin stated that the SUP approval would provide a use on the property in addition to the single family residential use which would have different parameters.

Mr. Basic inquired how the SUP conditions would be enforced.

Ms. Sulouff stated that the conditions are enforced on a complaint driven basis. Ms.

Sulouff further stated that if there is a violation of the SUP conditions, then the SUP would become void.

Mr. Wright requested an update on the status of the Airbnb legislation.

Mr. Hlavin stated that the matter has been referred to committee for research during the break between sessions, so no legislation has been enacted that would currently preempt local regulation.

Mr. O'Connor opened the public hearing.

Ms. Kathryn Williamson and Mr. Bruce Williamson, applicants, addressed the Commission to provide information on their plan for rental of rooms and the Airbnb model. Ms. Williamson stated that they do not intend to rent all three rooms at the same time. Ms. Williamson stated that the average stay is one to three nights. Ms. Williamson noted that they are covered with \$100,000 insurance policy through Airbnb for damage to the property and surrounding properties. Ms. Williamson noted that they have a business license and do pay a tax for each room that is rented. Ms. Williamson further noted that Airbnb provides guests an affordable lodging option which allows them more discretionary income to spend during their stay.

Mr. Williamson noted that several Supreme Court cases in Virginia have resulted in rulings that short term rental of a home does not violate restrictive covenants. Mr. Williamson further stated that the Courts have found that language in restrictive covenants is ambiguous and found that the short term rental is not necessarily in conflict with the restriction for the property to be used for residential purposes only.

Ms. Bledsoe inquired whether the applicant intended to remain with Airbnb exclusively or potentially use other agencies.

Ms. Williamson stated that they intend to remain with Airbnb.

Ms. Bledsoe stated that her main concern is that the area hotels are not reaching capacity and she wants to ensure that the applicant is licensed and is paying the same tax as the hotels as a matter of fairness. Ms. Bledsoe inquired about the procedure for the applicant to pay the required taxes.

Ms. Williamson stated that she maintains a ledger for the rooms rented and calculates the number of room nights for the occupancy tax. Ms. Williamson stated that she is responsible for ensuring that the tax is paid for each room rented.

Mr. Basic inquired about how long the business had been operating.

Ms. Williamson stated that they were in operation in July 2015 and were not aware that their operation violated the Zoning Ordinance. Ms. Williamson stated that they ceased operating when they received the notice of violation.

Mr. Basic inquired if the intent was to rent rooms for only a few nights at a time.

Ms. Williamson confirmed.

Mr. Basic inquired if there had been any incidents between guests and the neighbors.

Ms. Williamson stated that there had not been any incidents and that the guests were generally quiet.

Mr. Basic inquired about the frequency of rentals.

Ms. Williamson stated that it was generally weekend guests but that they did not rent out rooms every weekend.

Mr. Vincent Sutlive, 122 Ware Road, addressed the Commission in opposition to the application. Mr. Sutlive noted that he believes the proposed use is in opposition with the covenants and restrictions filed when the subdivision was first developed. Mr. Sutlive stated that the covenants have been reviewed by an attorney who has opined that the covenants are valid. Mr. Sutlive further stated that he believes the proposed use is a commercial use.

Mr. Roger Smith, 102 Lake Drive, addressed the Commission in opposition to the application. Mr. Smith stated that he also believes that the proposed use is a commercial use and is in opposition to the recorded covenants. Mr. Smith noted that if the application is approved, it may open the way for other such operations in the neighborhood and that it could change the character of the neighborhood.

Mr. James Bradley, 104 Malvern Circle, addressed the Commission in opposition to the application. Mr. Bradley noted that he believes the application is in opposition to the purpose of zoning regulations that promote predictability in the community. Mr. Bradley noted that he is concerned about the additional traffic that would be generated by the proposed use.

Ms. Beth Hull, 116 Lake Drive, addressed the Commission in opposition to the application. Ms. Hull stated that she is concerned that the proposed use would change the fabric of the community.

Ms. Kathleen Exton, 111 Ware Road, addressed the Commission in opposition to the application. Ms. Exton noted concerns that the proposed use would change the character of the neighborhood.

Ms. Lyra Hale, 4608 Massena Drive, addressed the Commission in support of the application and the Airbnb model. Ms. Hale noted that Airbnb guests are often those who would not visit the area otherwise. Ms. Hale also noted that those guests will spend up to twice the amount in the community as other guests, bringing additional revenue. Ms. Hale noted that if the County wants to remain a competitive tourist destination, it must be open to the new shared economy.

Mr. Robert Campbell, 101 Lake Drive, addressed the Commission in support of the application. Mr. Campbell noted that the covenants appear to leave some leeway for the potential to rent out property in the subdivision. Mr. Campbell further stated that he appreciates that the applicant is making an effort to comply with the Zoning Ordinance.

Ms. Doris Pierce addressed the Commission in support of the application.

Ms. Kathleen Exton requested an additional opportunity to speak.

The Commission determined that making an exception to the established public hearing limits would set a precedent for other cases.

Mr. Dorsey Smith, Lake Drive, addressed the Commission in opposition to the application. Mr. Smith expressed concerns that the proposed use would change the nature of the residential neighborhood.

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. Danny Schmidt stated that he believes citizens value and want predictability in their neighborhood. Mr. Schmidt stated that he cannot support the application at this time. Mr. Schmidt further stated that ultimately such matters may be determined by the outcome of the pending state legislation.

Mr. Basic inquired if there was any data on home based temporary lodging in the county.

Ms. Sulouff stated that she did not have that data at hand but would research the information.

Ms. Bledsoe inquired how the use was defined in County Code.

Ms. Sulouff stated that it is defined as the rental of rooms with a maximum of three rooms and is a specially permitted use in the R-1 zoning district whereas a tourist home is not permitted at all. Ms. Sulouff noted that unless there were a condition attached to the SUP, there was no limit on the length of time the rooms could be rented.

Mr. Holt further clarified that there is no prohibition on a property owner renting out or subleasing a home.

Mr. Krapf stated that he is considering the application from the standpoint of a land use application. Mr. Krapf noted that the proposed use is a specially permitted use in the R-1 zoning district. Mr. Krapf further stated that the configuration of the parcel is conducive to allowing the use without a negative impact. Mr. Krapf stated that the proposed conditions limiting the number of rooms to be rented, the maximum number of guests and the number of vehicles would mitigate impacts. Mr. Krapf further stated that many of the speakers indicated that they had been unaware of the use of the property which indicates that it is a fairly unobtrusive use. Mr. Krapf stated that he would support the application.

Mr. Basic inquired if a sunset clause was considered for the SUP to allow reevaluation.

Ms. Sulouff stated that a sunset clause was not considered as it is not a practice that is encouraged on a regular basis.

Ms. Bledsoe inquired why the licensing and tax requirements were not included in the proposed conditions.

Ms. Sulouff responded that they were not typical conditions for SUP cases. Ms. Sulouff stated that there is an overarching assumption that if a business owner is applying for an SUP, they will also comply with licensing and tax regulations.

Ms. Bledsoe inquired if staff has actually seen the business license.

Ms. Sulouff stated that she has been coordinating on this matter with the Commissioner

of Revenue's Office and believes she has actually seen the license.

Mr. Wright stated that he believes the County should respect HOA covenants and not make decisions that are in conflict. Mr. Wright noted that he believes the County should wait for a decision on the pending state legislation and incorporate those policies in County policies. Mr. Wright stated that he would not support the application.

Mr. Richardson stated that he believes the HOA covenants are not a matter for consideration by the Commission. Mr. Richardson further stated that he believes that the area would eventually benefit from the new shared economy; however, the matter has not yet been decided by the state. Mr. Richardson stated that he shares the concerns about the effect of short term rental of rooms on the local hotel occupancy. Mr. Richardson stated that because the use is not prohibited and because the occupancy tax requirements are being met, he would support the application.

Mr. Wright stated that he is concerned that if this SUP application is approved, it will open the way for other applications which are in conflict with HOA covenants and restrictions.

Mr. Schmidt stated that he believes the Commission must consider the citizen input in making a recommendation on an application.

Mr. Richardson stated that if an HOA were in existence, the HOA Board would be the property body to consider whether a use is in violation of the covenants.

Mr. Basic stated that he concurs with Mr. Krapf's assessment of the application and noted that the one point that stands out is that many of the neighbors were unaware of the operation. Mr. Basic further stated while there was debate allowing a business in a residential neighborhood, the County Code and the Comprehensive Plan language indicate that home based businesses and some limited commercial activities may be permitted. Mr. Basic stated that he could support the application as it stands but would also support a sunset clause.

Mr. O'Connor stated that he considers the rental of rooms to be a residential use. Mr. O'Connor further stated that while the current discussion focuses on the Airbnb model, the SUP will run with the land which would open the possibility that future property owners might use other avenues to rent rooms where guests are not as carefully screened. Mr. O'Connor further stated that because the Commission should foster a sense of community, it should not make decisions that set property owners at odds. Mr. O'Connor stated that he would not support the application at this time.

Ms. Bledsoe stated that she believes that the neighbors could feel comfortable with the Airbnb screening process. Ms. Bledsoe stated that she does not believe that running a home based business is necessarily disruptive to a neighborhood; however, this business is somewhat different. Ms. Bledsoe further stated that she does not believe it is the County's role to be involved in HOA covenant issues. Ms. Bledsoe stated that residents have the right to expect predictability in their neighborhood and some neighborhoods lend themselves to that expectation more than others. Ms. Bledsoe stated that the shared economy is taking off in many areas and that measures are not in place to control impacts on the community. Ms. Bledsoe stated that because the neighborhood sentiment runs against the proposed use, she would not support the application.

Ms. Bledsoe moved to recommend denial of the application.

On a roll call vote, the Commission voted to recommend denial of SUP-0009-2015, 100 Lake Drive Rental of Rooms (4-3).

VIDEO

3. SUP-0003-2016, Two Drummers Smokehouse SUP Amendment / SUP-0004-2016, Extra Mile Landscapes

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

AYES: 6 NAYS: 0 ABSTAIN: 1 ABSENT: 0

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

Abstain: Basic

A motion to Approve was made by Robin Bledsoe, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 1 ABSENT: 0

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

Abstain: Basic

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

Mr. Basic stated that he would recuse himself from considering this matter because he has submitted a proposal for design services to the land owner.

Ms. Savannah Pietrowski, Planner, presented a report to the Commission on the request to permit an expansion of the existing Two Drummers Smokehouse restaurant and permit a contractor's office for Extra Mile Landscapes on properties located at 8856 and 8864 Richmond Road. Ms. Pietrowski noted that the properties are shown on a joint Master Plan and because of the shared improvements they are being presented together but are to be considered individually by the Commission. Ms. Pietrowski noted that staff finds that the proposal is compatible with surrounding zoning and consistent with the 2035 Comprehensive Plan. Ms. Pietrowski noted that the landscaping enhancements and relocation of the parking area would improve consistency with the Richmond Road Community Character Corridor guidelines.

Mr. O'Connor opened the public hearing for both cases.

Mr. Vernon Geddy, III, Geddy, Harris, Franck and Hickman, representing the applicant, provided an overview to the Commission regarding the proposed improvements. Mr. Geddy noted that the owner of both properties is also the owner of Extra Mile Landscapes. Mr. Geddy clarified that the SUP conditions limit the three materials stockpiles to 2,500 square feet each. Mr. Geddy further noted that the landscaping and proposed restaurant expansion would effectively screen the parking in its new location and that the current parking area would be landscaped to provide a buffer. Mr. Geddy stated that the applications represent local small business success stories and that approval of the applications would allow the expansion of two thriving local businesses.

Mr. Wright inquired if there would be a berm between the stockpiles and the BMP to prevent materials from flowing into the BMP.

Mr. Geddy responded that the plan had not yet reached that level of design.

Ms. Pietrowski stated that a dry swale is shown on the Master Plan to accept the drainage for stormwater management. Ms. Pietrowski stated that stormwater management would be addressed by the Engineering & Resource Protection Division at the site plan stage.

Mr. O'Connor inquired whether this would qualify under stockpile regulations and require a silt fence.

Ms. Pietrowski stated that they would not because they will be under the size threshold in the Zoning Ordinance.

Mr. Jonathan Schy, 8874 Richmond Road, addressed the Commission with concerns about the potential effect of the development on the RPA and a stream on his property.

Mr. Wright noted that the effect on the RPA was his main concern as well.

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. O'Connor inquired what the limitations were on the location, number and size of the materials stockpiles.

Mr. Holt stated that the SUP condition states that material and equipment storage shall be limited to the areas designated as such on the Master Plan and material stockpiles shall not exceed than eight feet in height and shall not exceed 2,500 square feet in land area. Mr. Holt further stated that if the applicant determines that they need to have several different types of mulch or stone, then it can be reflected on the site plan and a determination can be made for Master Plan consistency.

Mr. O'Connor noted that he wanted to ensure that the applicant had some flexibility.

Mr. Krapf stated that he commends the applicant for the number of improvements being made along the Community Character Corridor. Mr. Krapf further stated that he appreciates that these are thriving local businesses and that the proposal will be a benefit to the community. Mr. Krapf stated that he would support the application.

Ms. Bledsoe stated that she believes the proposal will be a benefit to the County and that the businesses are investing in the community. Ms. Bledsoe stated that she would support the application.

Mr. Schmidt stated that he approves of the proposed improvements. Mr. Schmidt would support the application.

Mr. Richardson stated the improvements are a significant benefit to the County and he is pleased to see this type of enterprise in the upper end of the County. Mr. Richardson stated that he would support the application.

Mr. O'Connor stated that he believes this is the type of enterprise that is needed in the upper end of the County. Mr. O'Connor stated that there are a number of constraints on the property and that the applicant has provided a good design that fits with the Community Character Corridor.

Mr. Wright moved to recommend approval of SUP-0003-2016, Two Drummers Smokehouse SUP Amendment.

On a roll call vote, the Commission voted to recommend approval of SUP-0003-2016, Two Drummers Smokehouse SUP Amendment (6-0-1).

Ms. Bledsoe moved to recommend approval of SUP-0004-2016, Extra Mile Landscapes.

Mr. Holt clarified that the SUP condition for materials stockpiles limited the stockpiles to 2,500 square feet each.

On a roll call vote, the Commission voted to recommend approval of SUP-0004-2016, Extra Mile Landscapes (6-0-1).

VIDEO

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

A motion to Deny was made by Robin Bledsoe, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. José Ribeiro, Senior Planner II, presented a report to the Commission on the request to allow the operation of a contractor's warehouse and office on a parcel zoned A-1, General Agricultural. Mr. Ribeiro stated that the proposed new site would accommodate a ± 2,400-square-foot warehouse with a small office area and a parking area of ± 6,000 square feet. Mr. Ribeiro stated that staff finds that the proposal is not compatible with surrounding zoning and development and that it is inconsistent with the 2035 Comprehensive Plan. Mr. Ribeiro further stated that 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. Mr. Ribeiro stated that he believes the applicant intends to request a deferral of the matter to the June Planning Commission meeting.

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

Mr. Richardson inquired about what a deferral would entail.

Mr. O'Connor stated that it would still be necessary to open the public hearing and that the Commission would decide whether to agree to the deferral or vote on a recommendation.

Mr. O'Connor opened the public hearing.

Ms. Keisha Gibson, representing Atlantic Septic Systems, stated that they would like to request a deferral. Ms. Gibson stated that they had not anticipated the outpouring of opposition and would like the opportunity to work with the community to alleviate their concerns.

Ms. Crystal Jones, Atlantic Septic Systems, stated that they were unaccustomed to presenting a case to a legislative body and would like an opportunity to be able to present their case favorably.

Mr. Krapf inquired if 30 days was sufficient.

The applicants confirmed.

Ms. Bledsoe inquired if the applicant had met with staff.

Ms. Gibson stated that they had not met in person, but had exchanged email and telephone calls.

Mr. O'Connor stated in order for the public to make an informed decision about whether they wished to speak at this meeting, he wanted to get a sense of whether the Commission was supportive of a deferral.

Ms. Bledsoe noted that if a citizen spoke during the public hearing at this meeting, they would not be able to speak again at the next meeting.

Mr. Krapf stated that he would be generally supportive of a deferral to allow the applicant more opportunity to prepare the case.

Mr. Schmidt inquired whether a decision about granting a deferral was a matter for the Commission or whether the public could express a preference.

Mr. O'Connor stated that citizens could voice an opinion during the public hearing. Mr. O'Connor stated that he wanted to ensure that the public understand that they may choose to speak at the public hearing this evening and that the comments will become part of the record; however, if the Commission chooses to grant the deferral, anyone who speaks tonight will not be able to speak again at the next meeting.

Ms. Bledsoe noted that if the Commission grants the deferral, there may be additional information made available at the next meeting that is important for the public to consider.

Mr. Basic stated that he is supportive of a deferral. Mr. Basic stated that he is sympathetic of the citizens who have been waiting to speak; however, he believes the applicant should have an opportunity to prepare additional information.

Mr. Wright inquired whether the matter could be moved ahead of other items on the next agenda if a deferral is granted.

Mr. Holt stated that it could be set as the first public hearing item.

Ms. Bledsoe stated that she wonders why the applicant is not better prepared for this meeting.

Mr. O'Connor stated that he appreciated getting the sense of where the Commissioners stand on the deferral.

Mr. O'Connor stated that the Commission would now move forward with the public hearing. Mr. O'Connor stated that those who wished to speak would be able to do so and the comments would be considered by the Commission as they decide whether to defer the matter or vote on a recommendation on the matter. Mr. O'Connor stated that the citizens may decide whether or not to speak at this meeting and that any comments will become part of the record; however, anyone who speaks tonight may not speak again

if the matter is deferred to the next meeting.

Mr. Paul Engbersen, 301 Elmwood Lane, representing the Elmwood Civic Association, addressed the Commission in opposition to the application. Mr. Engbersen noted concerns about potential odor, contamination from spills and the unsuitability of the roadway for large vehicles. Mr. Engbersen further noted concerns about the potential purpose of the retention basin.

Ms. Kim Griffith, 8201 Old Mill Lane, representing the Glenwood Acres HOA, addressed the Commission in opposition to the application. Ms. Griffith noted concerns about the unsuitability of the roadway to support commercial vehicles. Ms. Griffith requested that the Commission not defer the matter.

Mr. James Boyd, 200 Elmwood Lane, addressed the Commission in opposition to the application. Mr. Boyd noted concerns about the safety impact of commercial vehicles on the roadway and the incompatibility of the proposed use with the adjacent residential communities.

Ms. Elizabeth Dabney, 307 Elmwood Lane, addressed the Commission in opposition to the application with concerns about Cedar Point Lane accommodating the heavy equipment and large vehicles and the unsuitability of the proposed use adjacent to the residential communities.

Ms. Millie Webb, 201 Elmwood Lane, addressed the Commission in opposition to the application. Ms. Webb noted concerns about the narrowness of Cedar Point Lane, potential drainage issues and the incompatibility of the proposed use adjacent in a residential community.

Ms. Maggie Coleman addressed the Commission on concerns related to the condition of Cedar Point Lane in inclement weather, the narrowness of the road and the difficulty of navigating the sharp curves on the road. Ms. Coleman further expressed concerns about the potential for contamination of the groundwater.

Mr. Charles Pratt, 209 Elmwood Lane, addressed the Commission in opposition to the request to defer the application.

Mr. Nathan Walker, 101 Locust Place, addressed the Commission in opposition to the application with concerns about potential contamination affecting Elmwood Pond and the incompatibility of the use adjacent to residential properties.

Ms. Amy Feurer, 108 Tanbark Lane, addressed the Commission in opposition to the application. Ms. Feurer noted concerns about the incompatibility of the use adjacent to residential properties and concerns about the safety impact of commercial vehicles on a narrow roadway.

Ms. Lillian King, 110 Tanbark Lane, addressed the Commission in opposition to the application. Ms. King noted concerns about the methods used to notify the neighborhoods of the legislative application.

Ms. Kay Tarrant, 108 Tanbark Lane, addressed the Commission in opposition to the application.

Mr. Travis Worthington, 135 Tanbark Lane, addressed the Commission in opposition to

the application. Mr. Worthington noted concerns about the compatibility of the use with the adjacent residential communities. Mr. Worthington also noted his opposition to the request for deferral.

Mr. BJ Gibson, Atlantic Septic System Systems, addressed the Commission in support of the application. Mr. Gibson provided details on how the business operates and requested the opportunity to provide additional information to address citizen concerns.

Mr. Jason Charest, addressed the Commission in opposition to the application. Mr. Charest noted concerns about large and heavy vehicles on Cedar Point Lane. Mr. Charest also expressed concerns about the potential for contamination of the groundwater.

As no one else came forward to speak, Mr. O'Connor opened the floor for discussion by the Commission. Mr. O'Connor noted that the Commission was at liberty to ask questions of staff or the applicant. Mr. O'Connor further noted that if the Commission chooses to grant the deferral, the public hearing would be continued to the June meeting; if the Commission chooses not to grant the deferral, the public hearing would be closed and there would be discussion by the Commission on a recommendation.

Mr. Richardson stated that he did not support a deferral. Mr. Richardson further stated that he does not find the application to be consistent with the surrounding zoning or the Comprehensive Plan land use goals. Mr. Richardson stated that he would oppose the application.

Mr. Krapf stated that normally a deferral is requested to allow additional time to work with staff to craft SUP conditions or revise proffers. Mr. Krapf stated that he did not feel that this situation met that scenario. Mr. Krapf noted that the Commission is an advisory body and that if the Commission voted on the matter, the applicant would have approximately 30 days to prepare for the presentation to the Board of Supervisors and could address any issues in that time frame. Mr. Krapf stated that he was not supportive of a deferral.

Ms. Bledsoe stated that she is not supportive of a deferral. Ms. Bledsoe further stated that it appears that the considerable negative public response is the main reason for requesting the deferral.

Mr. Wright stated that he believed a deferral would appear to lend support to having a commercial activity in a residential area. Mr. Wright stated that he would not support a deferral.

Mr. Basic stated that he had supported the idea of a deferral because it does not appear that there has been dialogue between the applicant and the property owners. Mr. Basic stated that if the Commission concurs he would support bringing the matter to a vote.

Mr. Schmidt inquired when the deferral was requested.

The applicant stated that the request was made earlier in the day.

Mr. O'Connor noted that requests for deferral are often last minute.

Mr. O'Connor stated that he would like to allow the applicant an opportunity to speak to address the questions and issues that have been raised and allow the Commission an opportunity to consider all sides of the matter.

Ms. Crystal Jones addressed the Commission on behalf of Atlantic Septic Systems. Ms. Jones provided information on the retainage pond and noted that its purpose was to accommodate stormwater. Ms. Jones provided an overview of the regulations and measures in place to ensure that the business did not pose a health hazard to the community or a danger to the traveling public.

Mr. Wright inquired why the applicant did not seek an industrial location for the business.

Ms. Jones stated that they were looking for a larger location without other tenants.

Mr. Wright inquired if the applicant already owned the land.

Ms. Jones stated that they were looking to purchase the land.

Mr. O'Connor inquired if there was anyone else wishing to speak.

Ms. Terry Thon, 101 Tanbark Lane, addressed the Commission in opposition to the application.

Mr. O'Connor requested a decision on the request for deferral.

Mr. Richardson stated that he cannot support the application and moved to deny the application.

Mr. O'Connor stated that the public hearing had not been closed and that the motion was premature.

The consensus of the Commission was not to grant a deferral.

Mr. O'Connor closed the public hearing.

Mr. Krapf stated that his lack of support stems from the fact that the application is clearly not compatible with the surrounding zoning or the intent of the Comprehensive Plan.

Ms. Bledsoe stated that she also believes that the proposed use is not appropriate in this location.

Mr. Wright stated that he concurs with the staff determination that the use is not compatible with the surrounding zoning or the Comprehensive Plan. Mr. Wright further stated that there are many other industrial sites in the County where the business would be better located.

Mr. Schmidt stated that he also cannot support the application.

Mr. Richardson stated that he concurs with the other Commissioners and the staff recommendation.

Ms. Bledsoe move to recommend denial of the application.

On a roll call vote the Commission recommended denial of SUP-0007-2016, Atlantic Septic Systems Contractors' Warehouse and Office (7-0).

The Commission took a brief recess before moving to Planning Commission Considerations.

VIDEO **G. PLANNING COMMISSION CONSIDERATIONS**

VIDEO 1. Z-0005-2016, The Promenade at John Tyler Proffer Amendment - CCC Buffer

A motion to Approve was made by Danny Schmidt, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Ms. Savannah Pietrowski, Planner, presented a report to the Commission on the request to amend Condition No. 8 of the Adopted Proffers, for the Promenade at John Tyler and to 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. Ms. Pietrowski stated that 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. Ms. Pietrowski noted that 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. Ms. Pietrowski further noted that there are no other proposed changes to the Adopted Proffers or Master Plan. Ms. Pietrowski further noted that the requested Proffer amendment would not negatively impact the development, surrounding development or the Route 199 CCC.

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

Mr. Wright inquired if there would be a slope to the berm.

Ms. Pietrowski stated that there would be a slope.

Mr. Schmidt moved to recommend approval of the proffer amendment.

On a roll call vote, the Commission voted to recommend approval of Z-0005-2016, The Promenade at John Tyler Proffer Amendment - CCC Buffer (7-0).

VIDEO 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

A motion to Approve was made by Robin Bledsoe, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. Paul Holt, Planning Director, stated that as part of the Planning Division's 2015/2016 work program staff has been considering amendments to the Subdivision and Zoning ordinances to ensure that the ordinances are up to date, consistent and continue to provide flexibility in the development review process. Mr. Holt noted that the items before

the Commission are resolutions to initiate consideration of ordinance amendments which is a procedural step required under state code. Mr. Holt stated that the amendments will be referred to the Policy Committee and/or the Commission and that the amendments would follow the required public hearing process through the Commission and the Board of Supervisors before any code changes are enacted.

Ms. Bledsoe inquired if the amendments reflect changes made in the Comprehensive Plan.

Mr. Holt confirmed.

Mr. Basic requested that, for the amendment to the parking requirements, staff consider incorporating bonuses where parking reductions are offered by an applicant or penalties where an excessive amount over ordinance minimums has been requested.

Ms. Bledsoe moved to approve the 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.

On a roll call vote the Commission approved the 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 (7-0).

VIDEO

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

A motion to Approve was made by Rich Krapf, the motion result was Passed.  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Basic, Bledsoe, Krapf, O'Connor, Richardson, Schmidt, Wright III

Mr. Krapf moved to approve the 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.

On a roll call vote the Commission approved the 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 (7-0).

VIDEO

4. Initiation of Consideration of Amendments to the Mixed Use District of the Zoning Ordinance

A motion to Approve was made by John Wright III, the motion result was Passed.  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Basic, Bledsoe, Krapf, O'Connor, Richardson, Schmidt, Wright III

Mr. Wright moved to approve the Initiation of Consideration of Amendments to the Mixed Use District of the Zoning Ordinance.

On a roll call vote the Commission approved the Initiation of Consideration of

Amendments to the Mixed Use District of the Zoning Ordinance (7-0).

VIDEO

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

A motion to Approve was made by Robin Bledsoe, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Ms. Bledsoe moved to approve the Initiation of Consideration of Amendments to the Limited Business District (LB) and the General Business District (B-1) of the Zoning Ordinance.

On a roll call vote the Commission approved the Initiation of Consideration of Amendments to the Limited Business District (LB) and the General Business District (B-1) of the Zoning Ordinance (7-0).

VIDEO

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

A motion to Approve was made by Danny Schmidt, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. Schmidt moved to approve the Initiation of Consideration of Amendments to the Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance to Reduce Parking Requirements.

On a roll call vote the Commission approved the Initiation of Consideration of Amendments to the Highways, Streets, Parking and Loading Division and Definitions section of the Zoning Ordinance to Reduce Parking Requirements (7-0).

VIDEO

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

A motion to Approve was made by Chris Basic, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. Basic moved to approve the Initiation of Consideration of Amendments to the Special Regulations and Definitions Articles of the Zoning Ordinance to Add Electric Vehicle Charging Stations.

On a roll call vote the Commission approved the Initiation of Consideration of Amendments to the Special Regulations and Definitions Articles of the Zoning Ordinance to Add Electric Vehicle Charging Stations (7-0).

VIDEO

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

VIDEO

1. Planning Director's Report

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

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

Mr. O'Connor stated that he would be sending out a revised schedule for Board of Supervisors coverage. Mr. O'Connor noted that he would be the Commission representative to the Board of Supervisors for May.

Mr. Schmidt inquired how the schedule was determined.

Mr. O'Connor stated that generally the Commissioners provided their avoid dates.

Ms. Bledsoe noted that she appreciated Mr. Richardson attending the Strategic Plan Advisory Group meeting in her absence.

**VIDEO J. ADJOURNMENT**

A motion to Adjourn was made by Heath Richardson, the motion result was Passed.  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Basic, Bledsoe, Krapf, O'Connor, Richardson, Schmidt, Wright III

Mr. Richardson moved to adjourn.

The meeting was adjourned at approximately 10:52 p.m.

**ITEM SUMMARY**

DATE: 6/1/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: Development Review Committee Action Item: Case No. C-0037-2016, Natural Resources and Farm Link Center, Community Garden

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The proposal is to begin the first phase of a multi-phase project to build a community agricultural resource center. The initial phase proposes an area to be used for community garden plots.

This project requires Development Review Committee (DRC) review per Condition No. 1 of SUP-0017-2003, which states that all development of the Warhill Sports Complex site shall be generally in accordance with the adopted Master Plan (MP-0005-2003), with such minor changes as the DRC determines does not change the basic concept of character of the development.

DRC Recommendation: Approval, 3-0

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 12:17 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 12:17 PM
Publication Management	Boles, Amy	Approved	5/26/2016 - 12:26 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 12:28 PM

**ITEM SUMMARY**

DATE: 6/1/2016  
TO: The Planning Commission  
FROM: Roberta Sulouff, Planner  
SUBJECT: SUP-0006-2016, 8766 Pocahontas Trail Dollar General

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Proposed SUP conditions	Backup Material
▣	Master Plan Exhibit	Backup Material
▣	Elevations	Backup Material
▣	Colored Renderings	Backup Material
▣	Neighborhood Commercial Development Standards Policy, adopted March 23, 1999	Backup Material
▣	Zoning Ordinance Section 24-369, Special Provisions for Areas within the Limited Business District, LB, Designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:48 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:48 PM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 1:52 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:54 PM

**SPECIAL USE PERMIT-0006-2016. 8766 Pocahontas Trail Dollar General**

**Staff Report for the June 1, 2016, Planning Commission Public Hearing**

**SUMMARY FACTS**

Applicant: Mr. Rich Smith, Par 5 Development, LLC  
Land Owner: Colonial Williamsburg Inc.  
Proposal: To construct a +/-9,100-square-foot Dollar General variety store.  
Location: 8766 Pocahontas Trail  
Tax Map/Parcel No.: 5910100021  
Project Acreage: +/-1.6 acres  
Zoning: LB, Limited Business  
Comprehensive Plan: Neighborhood Commercial  
Primary Service Area: Inside  
Staff Contact: Roberta Sulouff, Planner I

**PUBLIC HEARING DATES**

Planning Commission: June 1, 2016, 7:00 p.m.  
Board of Supervisors: July 12, 2016, 6:30 p.m. (tentative)

**FACTORS FAVORABLE**

1. With the proposed conditions, staff finds the proposal compatible with surrounding development and consistent with the recommendations of the 2035 Comprehensive Plan.
2. With the proposed conditions, staff finds the proposal generally consistent with the Board adopted “Neighborhood Commercial Development Standards Policy” as well as Section 24-369 of the Zoning Ordinance “Special Provisions for Areas within the Limited Business District, LB, Designated Neighborhood Commercial or Low-Density Residential on the 2035 Comprehensive Plan.”
3. As shown on the proposed Master Plan Exhibit, the proposal includes substantial screening to adjacent residential properties and is consistent with Community Character Corridor (CCC) buffer requirements.

**FACTORS UNFAVORABLE**

With the attached Special Use Permit (SUP) conditions, staff finds no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**PROJECT DESCRIPTION**

- The applicant is requesting an SUP to construct a +/-9,100-square-foot Dollar General variety store. The proposal includes 30 parking spaces to serve customers of the store.

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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-0006-2016. 8766 Pocahontas Trail Dollar General**

### **Staff Report for the June 1, 2016, Planning Commission Public Hearing**

- The property is located within a CCC, as designated by the 2035 Comprehensive Plan.
- An SUP is required for any building exceeding 5,000 square feet in the LB, Limited Business District, which is also designated Neighborhood Commercial by the 2035 Comprehensive Plan.

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

This parcel was removed by the property owner from the Carter's Grove Agricultural and Forestal District in May 2015 (James City County Case No. AFD-01-02-01-2015). The applicant submitted a site plan concurrently with this SUP application in March 2016; approval of that site plan is subject to approval of this application and the fulfillment of any proposed conditions.

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

- Properties on either side of this parcel are zoned LB, Limited Business, while property adjacent to the rear is zoned R-5, Multi-Family Residential and property located directly across Pocahontas Trail is the Carter's Grove Plantation which is zoned R-8, Rural Residential.
- The subject property is currently undeveloped. It fronts onto Pocahontas Trail and abuts Wisteria Garden Drive, a privately owned street.

#### **COMPREHENSIVE PLAN**

The property is designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map. The Neighborhood Commercial

Development Standards Policy, adopted by the Board of Supervisors on March 23, 1999, lists seven criteria for use in the evaluation of SUP applications for properties zoned LB and designated Neighborhood Commercial by the 2035 Comprehensive Plan. Staff used the submitted elevations and site layouts to evaluate the application's conformance to the following provisions:

- *"Long, monotonous façade designs shall be avoided including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details or by unbroken extension of line."* Staff finds the proposed elevations generally in conformance with this provision.
- *"Brick, natural wood siding or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material."* Staff finds the proposed elevations generally in conformance with this provision.
- *"Generally no more than three colors shall be used per building. Generally, bright hues shall not be used."* Staff finds that the proposed elevations demonstrate conformance with this provision.
- *"No portion of a building constructed of barren and unfinished concrete masonry unit (cinderblock) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material."* Staff finds that the proposed elevations demonstrate conformance with this provision.
- *"Building design that reflects local, historical or architectural*

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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-0006-2016. 8766 Pocahontas Trail Dollar General**

**Staff Report for the June 1, 2016, Planning Commission Public Hearing**

*themes and styles is encouraged. Replication of standard building design is discouraged.”* Staff finds the proposed elevations generally in conformance with this provision.

- *“The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements, such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of composite masses. Architectural elements shall be incorporated to the extent practical including, but not limited to, bays, balconies, porches, loggias and/or arcades. Roof architectural elements shall be incorporated to the extent practical including, but not limited to, features such as dormers, widow watches and/or other rooftop elements:”* Staff finds the proposed elevations generally in conformance with this provision.
- *“Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted:”* This provision is not applicable to subject application.

Staff and the applicant have not resolved all architectural details at the SUP stage of this application. Should the SUP be approved, staff is proposing a condition to ensure that further architectural detailing be provided at the site plan stage.

**PUBLIC IMPACTS**

Agencies including the Engineering and Resource Protection Division, James City Service Authority, the Fire Department and the Virginia Department of Transportation have all reviewed this application and have issued comments which must be addressed during the administrative site plan review stage. Staff has not

received any requests for additional SUP conditions from these agencies.

**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-06-16PocahontasTrDG

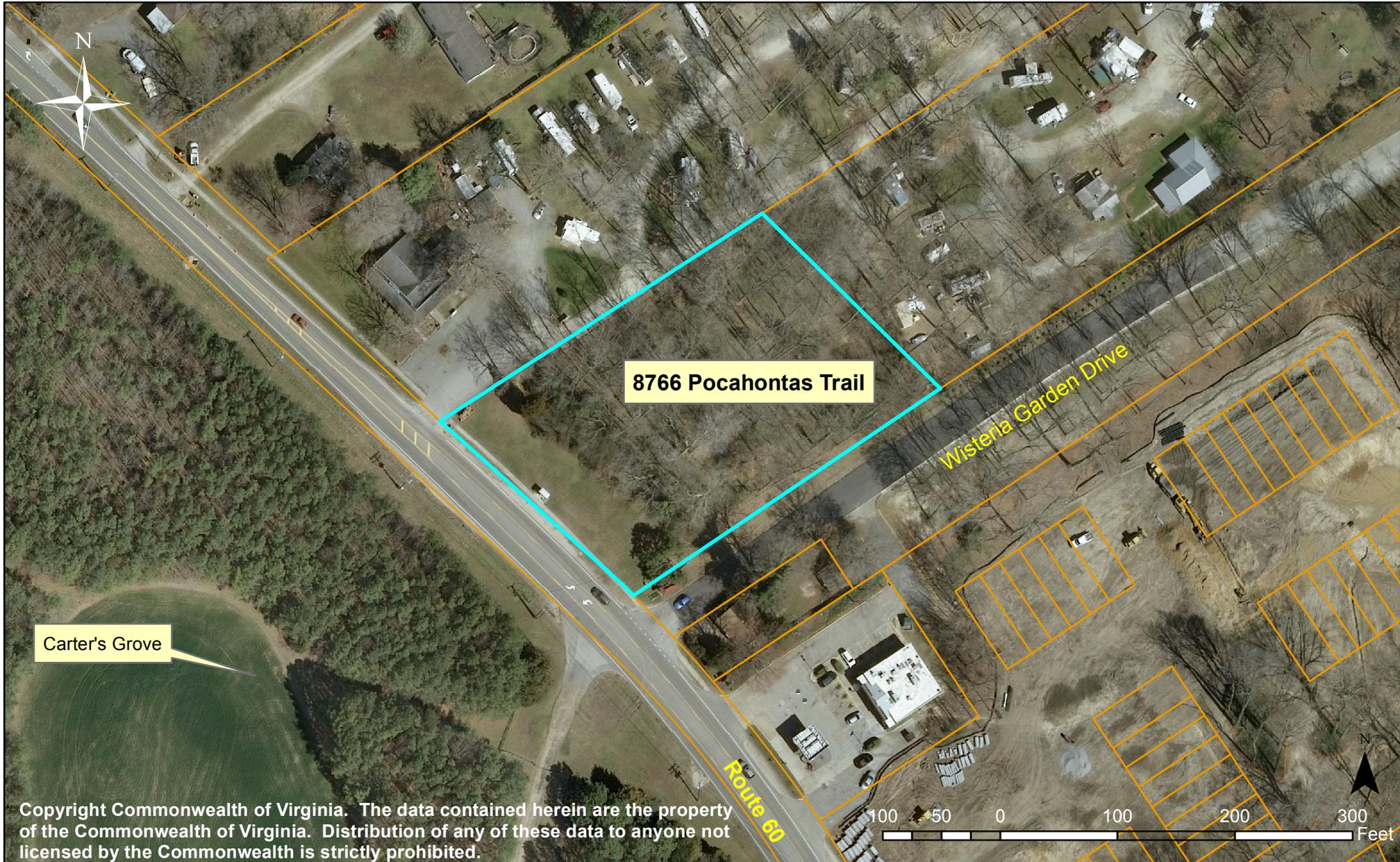
Attachments:

1. Location Map
2. Proposed SUP Conditions
3. Master Plan Exhibit and Elevations
4. Neighborhood Commercial Development Standards Policy, adopted March 23, 1999
5. Zoning Ordinance Section 24-369, Special Provisions for Areas within the Limited Business District, LB, Designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan

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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.*

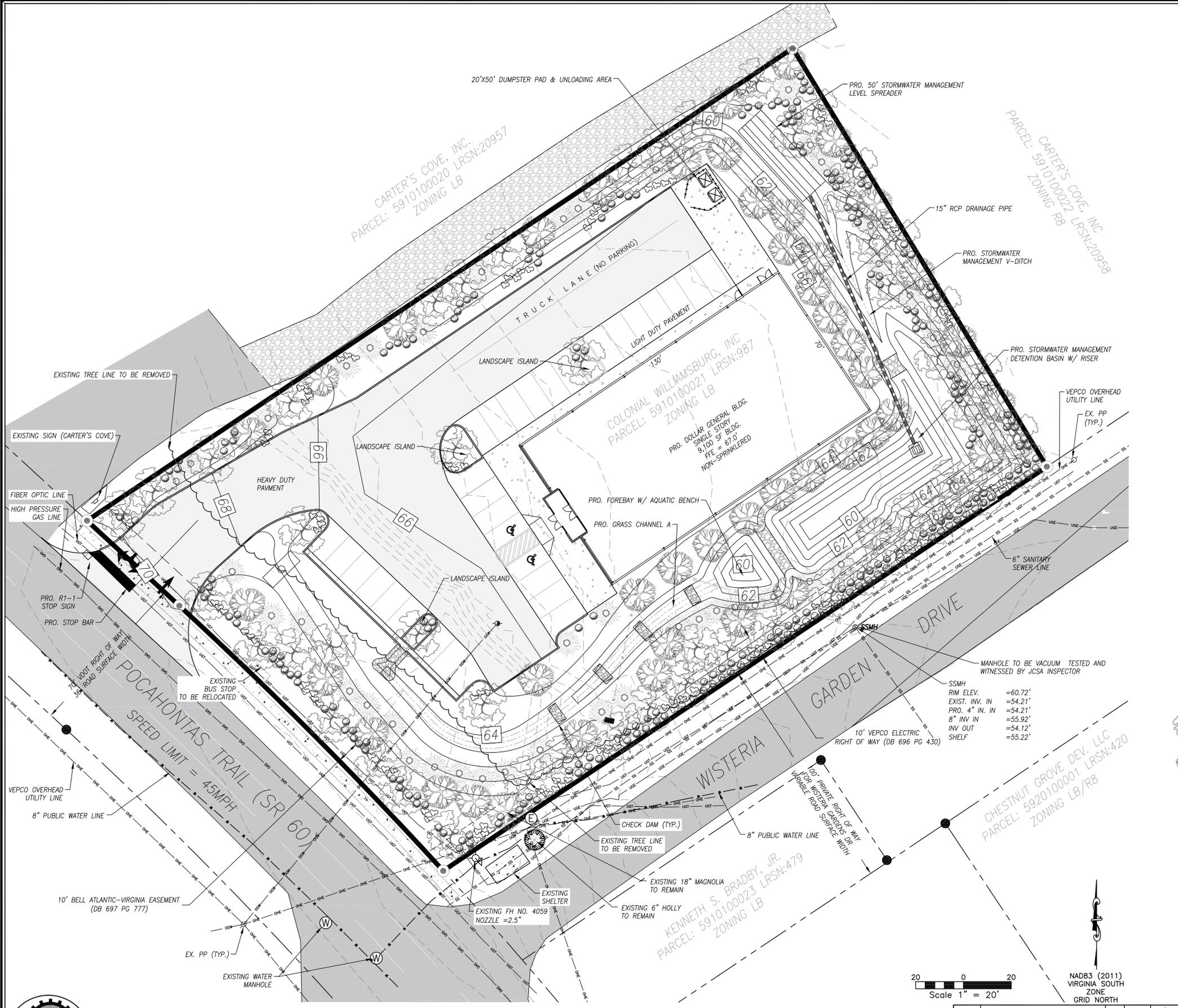
# SUP-0006-2016/ 8766 Pocahontas Trail Dollar General



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

1. **Master Plan:** This SUP shall be valid for the construction of an approximately 9,100 square foot retail variety store as generally located and shown on the exhibit titled “Master Plan Exhibit for SUP-0006-2016, Roberts Magisterial District, Dollar General, James City County—Virginia” prepared by Engineering Concepts, Inc., and dated May 24, 2016 (the “Master Plan”). The site plan for the Development shall be generally consistent with the Master Plan, as determined by the Director of Planning, with any deviations considered per Section 24-23(a)(2) of the James City County Zoning Ordinance, as amended.
2. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations, signage design, and architectural design for all buildings shown on the Master Plan. Buildings shall be generally consistent, as determined by the Planning Director, with the architectural elevations titled “Dollar General Pocahontas Trail (James County) VA—Exterior Elevations and Finish Schedule” and substantially consistent with the Neighborhood Commercial Development Standards Policy, as adopted by the James City County Board of Supervisors on March 23, 1999.
3. **Bicycle and Pedestrian Facilities:** In accordance with the Regional Bikeways Map and the Pedestrian Accommodation Master Plan, a multi-use path shall be provided along the Property’s frontage on Pocahontas Trail. However, this requirement may be waived by the Director of Planning should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the Owner to install the multi-use path in a manner that would meet the Virginia Department of Transportation (“VDOT”) requirements. Such analysis shall be submitted prior to or concurrent with the site plan submission and shall address opportunities for the provision of alternative bike and pedestrian accommodations constructed on the Property that would serve the community as well as, if not better than, a multi-use path. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission. Pedestrian and bike accommodations shall be installed or bonded prior to final site plan approval for the Development. The Director of Planning may also grant a waiver if he finds that, based on review of development plans for this site, the proposed location of the multi-use path is found to be inconsistent with multimodal improvements planned for the Route 60 corridor. If a waiver is granted to the condition, the applicant shall be required to pay into the Capital Improvement Transportation Match fund in an amount determined by the engineering and resource protection division director or his designee. The amount shall be based on:
  - a. projected engineering costs of designing the multi-use path;
  - b. projected material costs of the multi-use path;
  - c. projected labor and mobilization costs for the multi-use path;
  - d. current topographical conditions of the site; and
  - e. linear feet of road frontage.
- f. **WATA:** Any change or relocation of existing WATA facilities shall be subject to Planning Director approval prior to final site plan approval.
- g. **Screening of Site Features:** Dumpsters which are adjacent to buildings shall be screened with a brick enclosure or other materials similar in type and color to the building façade. Exterior cart corrals are prohibited. All cart corrals shall be located inside the building. Exterior display of merchandise is prohibited.

- h. **Signage:** Exterior free standing signs shall be limited to one freestanding, externally illuminated, monument style sign not to exceed 8' in height. The base of the sign shall be brick or shall use materials similar in type and color with the site architecture. All building face signage shall be externally illuminated only.
  
- i. **Archaeology:** A Phase I historic and archaeological study for the entire site shall be submitted to the Director of Planning, or his designee, for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, II and 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 site and the clearing, grading, or construction activities thereon.
  
- j. **Commencement.** If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
  
- k. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



**PARCEL ADDRESS & CURRENT OWNER**  
 COLONIAL WILLIAMSBURG, INC.  
 8766 POCAHONTAS TRAIL  
 WILLIAMSBURG, VA 23185  
**PARCEL ID NO.**  
 5910100021

**MINIMUM REQUIREMENTS**  
 MINIMUM LOT AREA NONE  
 LOT AREA 1.56 AC  
 SIDE SETBACK = 20'  
 FRONT SETBACK = 50' (WHEN R/W < 50')  
 75' (WHEN R/W > 50')  
 REAR SETBACK = 20'

**AREA OF DEVELOPMENT**  
 1.534 AC

**CURRENT ZONING**  
 LIMITED BUSINESS (LB)

**CURRENT USE**  
 VACANT LOT

**PROPOSED USE**  
 DOLLAR GENERAL  
 COMMERCIAL RETAIL

**UTILITIES**  
 WATER: NEWPORT NEWS WATERWORKS  
 SEWER: JAMES CITY COUNTY  
 ELECTRIC: VEPCO  
 CABLE: COX

**OPEN SPACE DATA**  
 TOTAL SITE ACREAGE = 1.534 AC  
 IMPERVIOUS ACREAGE = 0.712 AC (46.4%)  
 PERVIOUS ACREAGE = 0.822 AC (53.6%)  
 DISTURBED ACREAGE = 1.356 AC

**PROPOSED BUILDING DATA**  
 TOTAL FLOOR AREA = 9,100 SF  
 TOTAL SALES AREA = 7,310 SF  
 HEIGHT OF BUILDING = 18.5'  
 SINGLE STORY  
 TYPE = CLASSIFICATION 3, CONSTRUCTION B-2

SPECIAL USE PERMIT REQUIRED FOR A BUILDING LARGER THAN 5,000 SF PER ARTICLE V, DIVISION 9, SECTION 24-368 OF THE JAMES CITY COUNTY ZONING ORDINANCE

**LANDSCAPE REQUIREMENTS**

**PARKING (INTERIOR):**  
**REQUIRED:** 1 SPACE PER 250 SF OF RETAIL = 7,310 SF/250 SF = 30 SPACES  
**PROVIDED:** 33 @ (9'W X 18'L)

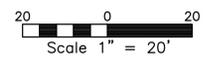
**BUFFER:**  
**REQUIRED:** 1 TREE AND 3 SHRUBS FOR EVERY 450 SF OF LANDSCAPING  
 1 ORNAMENTAL OR 5 SHRUBS FOR EVERY 200 SF OF PLANTING AREA NEXT TO BUILDING  
 15' WIDE BUFFER ALONG R/W AND PROPERTY LINE (30' NEXT TO RESIDENTIAL)  
**PROVIDED:** SEE BELOW

CATEGORY	COMMON NAME	BOTANICAL NAME	MIN. SIZE	TOTAL NO.
LARGE SHADE TREE (deciduous)	RED MAPLE	Acer rubrum	2.5" CALIPER	51
ORNAMENTAL TREE (deciduous understory)	AMERICAN DOGWOOD	Cornus florida	1.5" CALIPER 8' HEIGHT	40
SMALL EVERGREEN SHRUB	WAX MYRTLE	Myrica cerifera	18" HEIGHT	119
DECIDUOUS SHRUB	WITCH HAZEL	Hamamelis virginiana	22" HEIGHT	216
EVERGREEN TREE	EASTERN REDCEDAR	Juniperus virginiana	8' HEIGHT	40

**MIXTURE REQUIREMENTS**

	REQUIRED		PROVIDED
	MIN.	MAX.	
ORNAMENTAL	15%	25%	18% (20 TREES*)
EVERGREEN	35%	35%	38% (40 TREES)
DECIDUOUS SHADE	40%	40%	46% (51 TREES)
EVERGREEN SHRUBS	35%	35%	36% (119 E/G SHRUBS)
DECIDUOUS SHRUBS	35%	35%	68% (216 DEC SHRUBS)

\*20 ORNAMENTAL TREES ADJACENT TO BLDG. NOT USED IN OVERALL CALCULATIONS



NAD83 (2011)  
 VIRGINIA SOUTH ZONE  
 GRID NORTH

No.	Revision	By	Appd.	Date	Drawn	Designed	Checked	Approved
					MSMj	BRF	MWL	MWL

**MASTER PLAN EXHIBIT FOR SUP-0006-2016**  
 ROBERTS MAGISTERIAL DISTRICT  
 DOLLAR GENERAL  
 JAMES CITY COUNTY - VIRGINIA

SCALE: 1"=20'  
 DATE: MAY 24, 2016  
 PROJECT: 16004

**ENGINEERING CONCEPTS, INC.**  
 20 S. ROANOKE ST., PO BOX 619  
 FINCASTLE, VIRGINIA 24090  
 540.473.1253 FAX: 540.473.1254

KENNETH S. BRADBY, JR.  
 PARCEL: 5910100023 LRSN:479  
 ZONING LB

CHESTNUT GROVE DEV. LLC  
 PARCEL: 5920100001 LRSN:420  
 ZONING LB/R8

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-

PROJECT MANAGER	DESIGNER
MAR	CDL

JOB NO.  
**2016423.06**

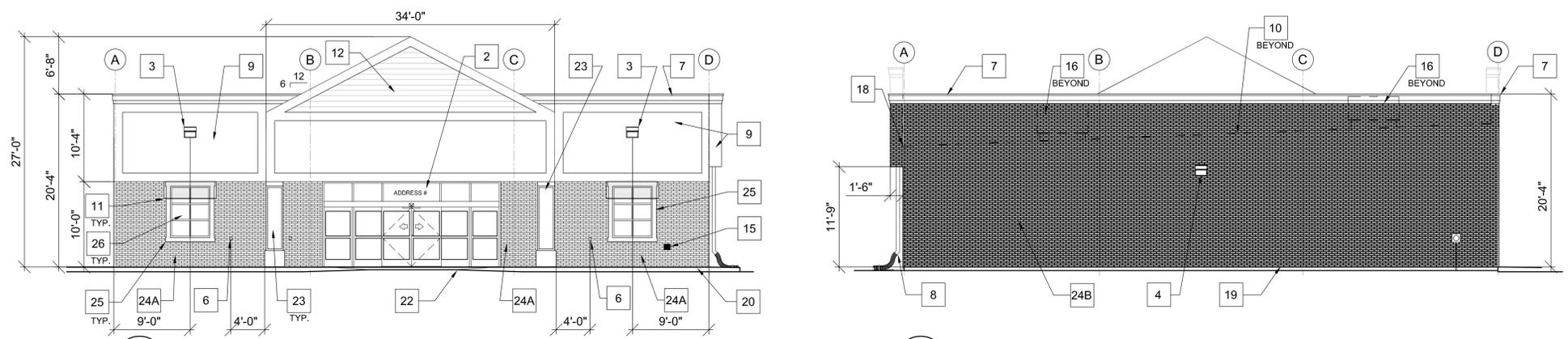
**A-2**

**ELEVATION KEYED NOTES**

- 1 SIGNAGE (NOT USED)
- 2 ADDRESS ABOVE DOOR MOUNTED ON CENTER PANE OF GLASS. ADDRESS TO BE 10"-12" VINYL CUT NUMBERS. COLOR: BLACK W/WHITE OUTLINES.
- 3 WALL PACK. 16'-6" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 4 WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. REFER TO E-2 FOR ADDITIONAL INFORMATION.
- 5 PRE-ENGINEERED METAL BUILDING ICE GUARD FULL LENGTH.
- 6 RECEPTACLE. REFER TO E-1 FOR ADDITIONAL INFORMATION.
- 7 EIFS CORNICE. COLOR: WHITE.
- 8 GUTTER AND DOWNSPOUT - SEE THIS SHEET FOR COLOR, SEE DETAILS SHEET A-5. USE SPLASH BLOCKS WHERE NO SIDEWALK IS PROPOSED.
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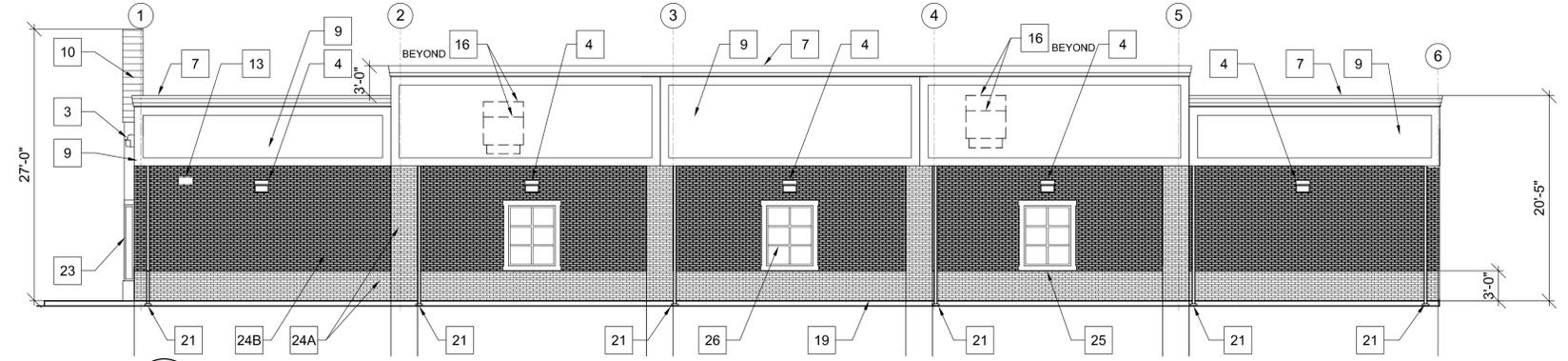
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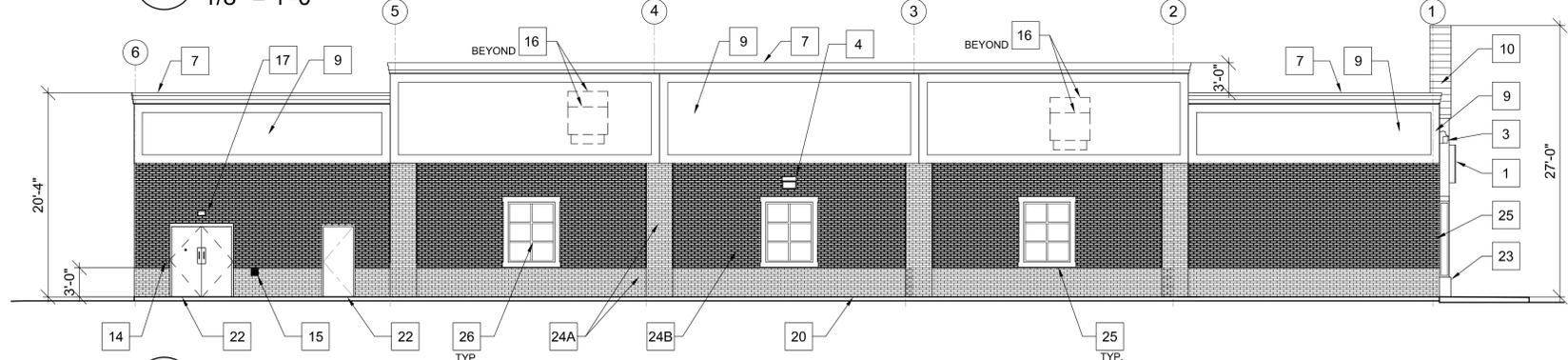


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**3 RIGHT ELEVATION**  
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**4 LEFT ELEVATION (TRUCK SIDE)**  
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PEMB VENDOR	VP BUILDING SYSTEMS	STAR BUILDING SYSTEMS	NUCOR BUILDING SYSTEMS	BIG BEE STEEL BUILDING, INC.
	ATTN: DAVID ENGLISH (877) 505-4596	ATTN: JEFF HORN 866-664-8899	ATTN: BOB BARRY 315-622-4440 or 260-837-7891	ATTN: KEVIN BUSLER 800-633-3378

**EXTERIOR FINISHES**

EXTERIOR FINISHES ARE TO MATCH OR BE EQUAL TO LIBERTY METAL BUILDING SYSTEM'S FINISH SELECTION.	COOL EGYPTIAN WHITE	PATRICIAN BRONZE KYMAR 500	BRONZE	COOL COTTON WHITE	GALVALUME	LIGHT STONE	MEDIUM BRONZE KYMAR 500	BRONZE	POLAR WHITE	GALVALUME	LIGHT STONE	MEDIUM BRONZE KYMAR 500	BRONZE	POLAR WHITE	GALVALUME	
	GUTTERS	•					•					•				
DOWN SPOUTS	•					•					•					
TRIM, RECEIVING & EMERGENCY EXIT DOORS.	•					•					•					
FRONT, SIDE AND REAR ELEVATION	SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES				SEE ELEVATIONS AND KEYNOTES			
FLAT METAL SOFFIT AT STOREFRONT VESTIBULE.				•					•					•		
BUILDING PARAPET WALL	PER A-2 KEYNOTES															
STANLEY STOREFRONT SYSTEM		•					•					•				
STANDING SEAM METAL ROOF PANELS					•					•					•	
STANDARD BRICK - GENERAL SHALE	RED VELOUR				RED VELOUR				RED VELOUR				RED VELOUR			
STANDARD BRICK - GENERAL SHALE	TAN				TAN				TAN				TAN			
VINYL COMPOSITE PANEL	WHITE				WHITE				WHITE				WHITE			
EIFS DECORATIVE CORNICE	WHITE				WHITE				WHITE				WHITE			

REV.	DATE	DESCRIPTION

**DOLLAR GENERAL**  
POCAHONTAS TRAIL  
(JAMES COUNTY), VA

**EXTERIOR ELEVATIONS  
AND FINISH SCHEDULE**

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-
PROJECT MANAGER	DESIGNER
MAR	CDL

JOB NO.  
**2016423.06**

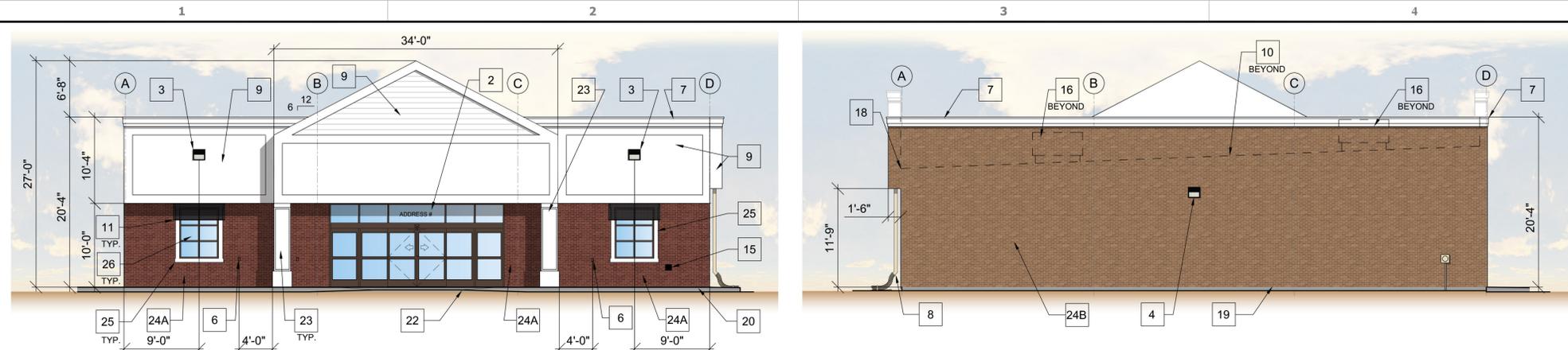
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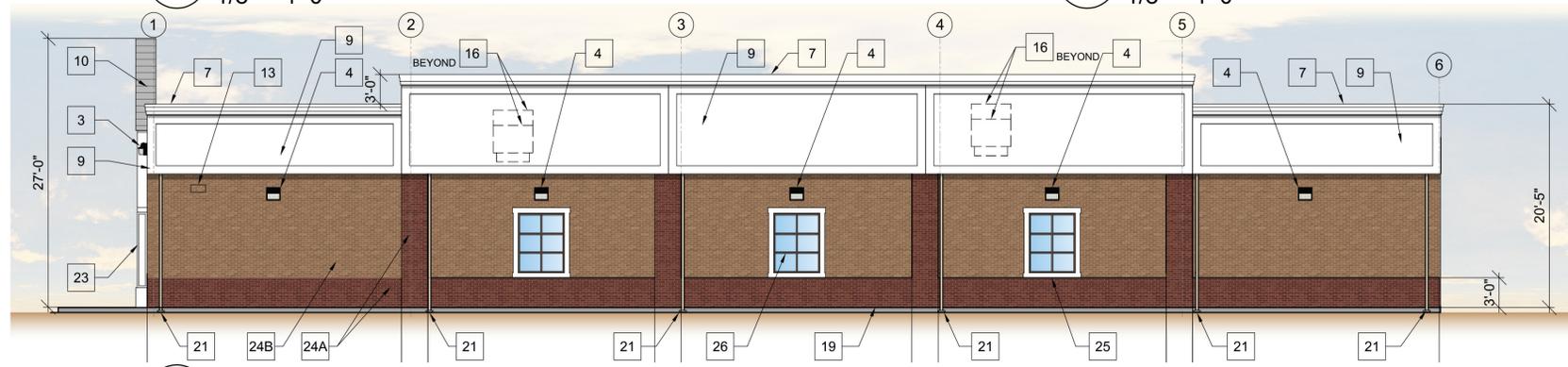
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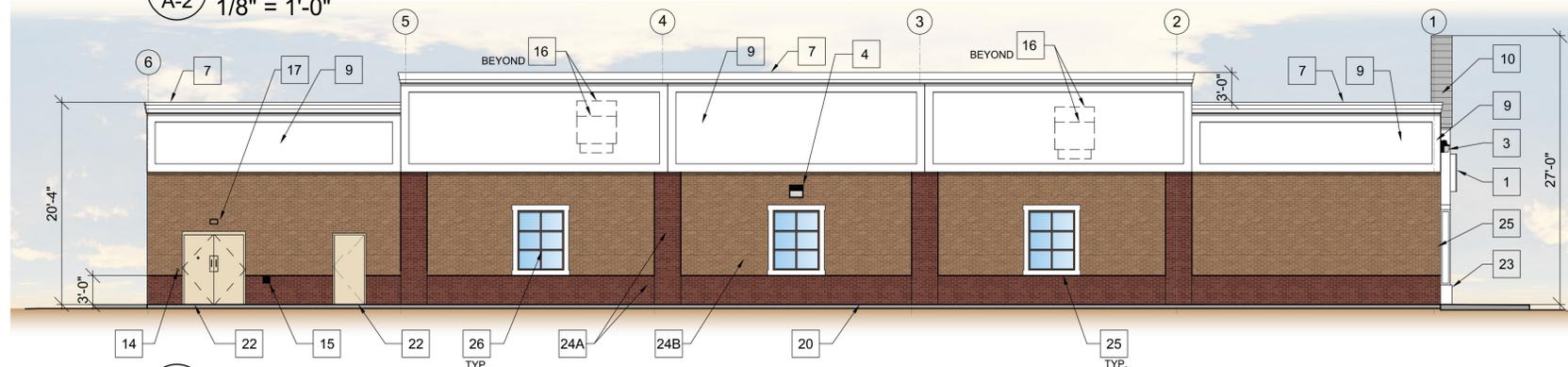


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FRONT, SIDE AND REAR ELEVATION
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PEMB VENDOR	VP BUILDING SYSTEMS			STAR BUILDING SYSTEMS			NUCOR BUILDING SYSTEMS			BIG BEE STEEL BUILDING, INC.				
	ATTN: DAVID ENGLISH (877) 505-4596			ATTN: JEFF HORN 866-664-8899			ATTN: BOB BARRY 315-622-4440 or 260-837-7891			ATTN: KEVIN BUSLER 800-633-3378				
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GUTTERS	•		•			•		•		•			•	
DOWN SPOUTS	•		•			•		•		•			•	
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## RESOLUTION

### NEIGHBORHOOD COMMERCIAL DEVELOPMENT STANDARDS POLICY

WHEREAS, the task of revising the business and industrial zoning districts was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and

WHEREAS, the Committee used the 1997 Comprehensive Plan for guidance; and

WHEREAS, the Comprehensive Plan recommends standards for development in areas designated Neighborhood Commercial on the Comprehensive Plan; and

WHEREAS, after meeting for several months to discuss the topic of Neighborhood Commercial, the Zoning Ordinance Update Committee responsible for reviewing this item recommends the following policy; and

WHEREAS, on February 1, 1999, the Planning Commission endorsed the policy by a vote of 6-1.

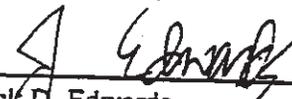
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

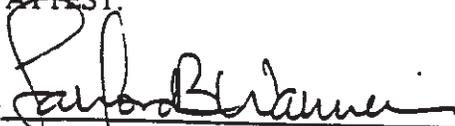
For any property zoned LB, Limited Business District, and designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, any use requiring a special use permit shall demonstrate to the Director of Planning substantial conformance to the following provisions:

1. Long, monotonous facade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
2. Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.
3. Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
4. No portion of a building constructed of barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
5. Building design that reflects local, historical or architectural themes and styles is encouraged. Replication of standard building design is discouraged.
6. The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements,

such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.

- 7. Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.

  
 \_\_\_\_\_  
 Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:  
  
 \_\_\_\_\_  
 Sanford B. Wanner  
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOICE</u>
NERVITT	AY
SISK	AY
MCGLENNON	AY
BRADSHAW	AY
EDWARDS	AY

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March, 1999.

**Sec. 24-369. - Special provisions for areas within the limited business district, LB, designated neighborhood commercial or low-density residential on the comprehensive plan.**

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the primary service area, serving residents of the surrounding neighborhoods in the immediate area, and having only a limited impact on nearby development. Neighborhood Commercial development shall be compatible with surrounding development in terms of scale, building design, materials and color. The Comprehensive Plan specifies that within Low-Density Residential areas, non-residential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. For non-residential uses in Low-Density Residential areas, measures shall be provided to protect nearby residential uses and the character of the surrounding area. The requirements of this section shall apply to areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan as determined by the planning director.

- (a) *Permitted uses.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses as permitted in section 24-368.
- (b) *Uses permitted with a special use permit only.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, buildings to be erected or land to be used shall be for one or more of the uses permitted in section 24-368 only after the issuance of a special use permit by the board of supervisors. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.
- (c) *Design standards.* Development within areas designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan shall demonstrate to the planning director substantial consistency with the following provisions:
  - (1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping or oriented on the sides or rear of the proposed building.
  - (2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing, landscaping, parapet walls or other types of roof top screens up to four feet above the roof line, if such equipment is located upon the roof. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
  - (3) If used, fences in front of buildings on the site shall be decorative in appearance, as determined by the planning director, and shall be landscaped in accordance with article II, division 4.
  - (4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet, not erected to a height greater than eight feet and shall employ ground mounted lighting concealed by landscaping in accordance with article II, division 4.
  - (5) Site landscaping, in accordance with article II, division 4, shall be reviewed and approved by the planning director and shall be consistent with the natural landscape and character of the surrounding properties. A unified landscape design shall be provided, including street trees.
  - (6) Compliance with the provisions of this subsection shall be evidenced by the submission to the planning director of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.

- (d) *Building coverage limits.* For areas within the Limited Business District, LB, that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit issued in accordance with section 24-9 shall be required for any building that exceeds a 5,000 square foot building footprint. A special use permit application shall demonstrate to the planning director substantial conformance to the county's Neighborhood Commercial Development Standards policy.
- (e) *Appeals.* In the event the planning director disapproves plans submitted under the provisions of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee who shall forward a recommendation to the planning commission.

(Ord. No. 31A-187, 3-23-99; Ord. No. 31A-261, 1-10-12)

**ITEM SUMMARY**

DATE: 6/1/2016  
TO: The Planning Commission  
FROM: Roberta Sulouff, Planner  
SUBJECT: SUP-0009-2016, 7206 Merrimac Trail Rental of Rooms

---

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/25/2016 - 3:53 PM
Planning Commission	Holt, Paul	Approved	5/25/2016 - 3:54 PM
Publication Management	Boles, Amy	Approved	5/25/2016 - 3:58 PM
Planning Commission	Holt, Paul	Approved	5/25/2016 - 4:49 PM

**SPECIAL USE PERMIT-0009-2016. 7206 Merrimac Trail Rental of Rooms**

**Staff Report for the June 1, 2016, Planning Commission Public Hearing**

**SUMMARY FACTS**

Applicants: Mr. and Mrs. Patrick and Shelby Dillon  
Land Owners: Mr. and Mrs. Patrick and Shelby Dillon  
Proposal: To allow for the rental of up to three rooms in an owner-occupied home.  
Location: 7206 Merrimac Trail  
Tax Map/Parcel No.: 4740200011  
Project Acreage: +/-1.4 acres  
Zoning: R-2, General Residential  
Comprehensive Plan: Low Density Residential  
Primary Service Area: Inside

**PUBLIC HEARING DATES**

Planning Commission: June 1, 2016, 7:00 p.m.  
Board of Supervisors: July 12, 2016, 6:30 p.m. (tentative)  
Staff Contact: Roberta Sulouff, Planner I

**FACTORS FAVORABLE**

1. With the proposed conditions, staff finds the proposal compatible with surrounding development and the consistent the 2035 Comprehensive Plan.
2. The subject property is located on a major right-of-way which is capable of handling traffic generated by the proposed use.
3. The subject property is a corner lot which fronts on two roadways, effectively isolating it from other residential properties in James Terrace Subdivision. While the property shares a boundary line with three adjacent residences, that shared frontage is well buffered via existing.
4. The existing driveway is of significant length, is screened from the road via vegetation and provides appropriate parking capacity.
5. The applicant has acknowledged that, should this application be granted, they will obtain the proper licensing through the County and will be subject to the appropriate use-based taxes.

**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.

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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-0009-2016. 7206 Merrimac Trail Rental of Rooms**

**Staff Report for the June 1, 2016, Planning Commission Public Hearing**

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**SUMMARY STAFF RECOMMENDATION**

Approval, subject to the proposed conditions.

**PROJECT DESCRIPTION**

- The proposal is to allow for the rental of up to three rooms in a private, owner-occupied 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. While the use permits the rental of a maximum of three rooms, the applicant states that it is their intent to limit rentals to two bedrooms on a regular basis.
- 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 commonly 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. Staff is also aware that previous owners of this home used the property as the main office for their commercial photography studio.

**SURROUNDING ZONING AND DEVELOPMENT**

- The zoning of surrounding properties generally to the north and east is R-2, General Residential, while properties to the west and south are zoned B-1, General Business.
- The property is a part of James Terrace subdivision.
- The property is generally bounded by the James Terrace subdivision to the north and east, by Adams Road to the South and by Merrimac Trail to the West.

**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.

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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-0009-2016. 7206 Merrimac Trail Rental of Rooms**

**Staff Report for the June 1, 2016, Planning Commission Public Hearing**

- Generally be located on collector or arterial roads at intersections. This property is located at the corner of Merrimac Trail and Adams Road, and is takes access from Merrimac Trail.
- 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.

Staff also notes that parcels located to the direct west and south are designated Community Commercial.

**PUBLIC IMPACTS**

Anticipated impact on public facilities and services: None.

Nearby and surrounding properties: No impacts anticipated.

**PROPOSED SUP CONDITIONS**

- Draft text 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-09-16MerrimacTrRental

Attachments:

1. Location Map
2. Proposed SUP 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.*

# SUP-0009-2016

## 7206 Merrimac Trail Rental of Rooms



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## Attachment 2: Draft Proposed Special Use Permit Conditions

1. **Commencement.** If the owner has not obtained a business license and provided evidence of that license to the Planning Director within 12 months from the issuance of the SUP it shall become void.
2. **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.
3. **Signage:** No signage shall be permitted which relates to the use of rental of rooms on this property.
4. **Lighting:** No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single family residence.
5. **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.
6. **Access:** No access, including curb-cut or driveways, shall be granted from the property to Adams Road.
7. **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: 6/1/2016  
TO: The Planning Commission  
FROM: Jose-Ricardo L. Ribeiro, Senior Planner II  
SUBJECT: SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Ordinance Amendment	Ordinance
▣	Unapproved minutes from the April 14 Policy Committee meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:52 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:52 PM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 1:54 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:58 PM

**M E M O R A N D U M**

DATE: June 1, 2016  
TO: The Planning Commission  
FROM: Jose Ribeiro, Senior Planner II  
SUBJECT: SO-0002-2016. Subdivision Ordinance Amendments Regarding Monuments

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As discussed at the October 2015 Policy Committee meeting, 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 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.

On April 14, 2016, the Policy Committee voted to recommend approval of the amendments to the Subdivision Ordinance by a vote of 4-0. Staff recommends the Planning Commission recommend approval of these amendments to the Subdivision Ordinance to the Board of Supervisors.

JR/ab  
SO-02-16SubOrdAmend-mem

Attachments:

1. Subdivision Ordinance
2. April 14, 2016, Policy Committee Meeting Minutes

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-29, FINAL PLAN-SUBMITTAL REQUIREMENTS; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-36, MONUMENTS-GENERAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-29, Final plan –submittal requirements; and Article III, Requirements for Design and Minimum Improvements; Section 19-36, Monuments-general requirements.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

**Sec. 19-29. Final plan-s-Submittal requirements.**

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be 100 feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than 8 1/2" x 11" or larger than 18" x 24" inches. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall meet the requirements of 17VAC15-60 et seq. and shall include the following:

(n) The plat shall include the following note:

"Monuments shall be set in accordance with sections 19-34 through 19-36 of the county code. ~~Subsequent to completion of all improvements, but prior to final release of surety for a subdivision or any part thereof, the subdivider shall provide to the agent a surveyor's certificate that the monuments as shown on the record plat have been installed, were properly set, are properly aligned, and are undamaged. The provision of the certification shall be within six months of plat approval, unless otherwise arranged in advance, in writing, with the agent.~~"

Article III. Requirements for Design and Minimum Improvements

**Sec. 19-36. Monuments-g-General requirements.**

The subdivider shall be responsible for replacing any monument ~~which~~ that is damaged, disturbed or destroyed during construction. All monuments disturbed or destroyed shall be reset by a surveyor licensed in the Commonwealth of Virginia. ~~Subsequent to completion of all improvements, but prior to final release of surety for a subdivision or any part thereof, the subdivider shall provide to the agent a surveyor's certification that the monuments as shown on the record plat have been installed, were properly set, are properly aligned, and are undamaged. The provision of the certification shall be within six months of plat approval, unless otherwise arranged in advance, in writing, with the agent.~~

## **Unapproved Minutes of the April 14, 2016 Policy Committee Meeting**

### **Subdivision Ordinance Amendment Regarding Monuments**

Mr. Ribeiro gave a presentation on the proposed changes to the Subdivision Ordinance. The proposed changes include eliminating the provision of a surveyor's certification for subdivision monuments. Mr. Ribeiro stated that while the County required the note be added to subdivision plans, there is no enforcement mechanism for the County to check on the monuments. Mr. Ribeiro stated that the surveyors are already governed by their licensure to ensure compliance with State Code.

Mr. Holt stated that monuments being discussed in this circumstance are steel pipes put in the corners of the property for identification of property lines.

Mr. Ribeiro stated that the proposed revision would just take out the section that discusses the provision for the surveyor's certification for subdivision monuments.

Mr. Wright asked where the liability stands if a monument is not where the property owner says it is.

Mr. Ribeiro stated that the liability would be on the surveyor.

Mr. Richardson made a motion to approve the proposed changes to the Subdivision Ordinance. On a voice vote to recommend approval, the motion carried 4-0.

**ITEM SUMMARY**

DATE: 6/1/2016

TO: The Planning Commission

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

SUBJECT: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits and ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Ordinance Amendment B1	Ordinance
▣	Ordinance Amendment LB	Ordinance
▣	Unapproved minutes from the April 14 Policy Committee meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 2:00 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 2:00 PM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 2:03 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 2:04 PM

## MEMORANDUM

DATE: June 1, 2016

TO: The Planning Commission

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

SUBJECT: ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits and ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

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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 Zoning 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 sections of the Zoning 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 barriers in the policies and procedures that may unnecessarily inhibit development and adaptive reuse.

On April 14, 2016, the Policy Committee voted to recommend approval of the above amendments to the LB and B-1 Zoning Districts by a vote of 4-0. Staff recommends the Planning Commission recommend approval of these amendments to the Zoning Ordinance to the Board of Supervisors.

RS/JR/ab  
ZO-02-16-ZO-03-16Amends-mem

Attachments:

1. LB Ordinance
2. B-1 Ordinance
3. April 4, 2016, Policy Committee Meeting Minutes

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-392, SETBACK REQUIREMENTS; AND SECTION 24-397, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 10, General Business District, B-1, Section 24-392, Setback requirements; and Section 24-397, Building coverage limits.

## Chapter 24

### ARTICLE V. DISTRICTS

#### Division 10. General Business District, B-1

##### Sec. 24-392. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

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

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area Transportation Plan~~ or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only ~~if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners~~ *have additional adverse impact on adjacent properties or public areas when compared to the required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan;* and if one or more of the following criteria are met:

*(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and the proposed setbacks will better complement the design standards of the Community Character Corridor- or the Community Character Area.*

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered extraordinary site design which ~~meets~~ *exceeds* the Development Standards of the Comprehensive Plan.

*(d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).*

(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in ~~sub-section~~ *subsection* (1), the planning director can approve reductions upon finding substantial conformance with recommendations ~~from~~ *set forth in* the guidelines and compliance with the criteria ~~from in~~ *subsection* (1) above.

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

**Sec. 24-397. Building coverage limits.**

Building coverage shall not exceed ~~30~~ *60* percent of the total lot area. ~~and the floor area ratio shall not exceed 60 percent.~~

Chp24ArtvDistrict-B1-Ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-371, SETBACK REQUIREMENTS; AND SECTION 24-375, BUILDING COVERAGE LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-371, Setback requirements; and Section 24-375, Building coverage limits.

## Chapter 24

### ARTICLE V. DISTRICTS

#### Division 9. Limited Business District, LB

##### Sec. 24-371. Setback requirements.

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width. Where the street right-of-way is less than 50 feet in width, structures shall be located 75 feet or more from the centerline of the street.

*(1)* Setbacks may be reduced to 25 feet from any street right-of-way which is 50 feet or greater in width or 50 feet from the centerline of the street where the street right-of-way is less than 50 feet in width with approval of the planning director. ~~In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.~~

A site shall not be considered for a setback reduction if it is located on a planned road that is designated for widening improvements. A planned road includes any road or similar transportation facility as designated on the Comprehensive Plan, Six-Year Primary or Secondary Road Plan, ~~Peninsula Area Transportation Plan~~ or any road plan adopted by the board of supervisors. The planning director will consider a setback reduction only ~~if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements); if the reduced setbacks do not negatively impact adjacent property owners have additional adverse impact on adjacent properties or public areas when compared to required setbacks, and will not result in detrimental impacts to the orderly development or character of the area, the environment, sound engineering or planning practice, or the goals, objectives, strategies, and policies of the Comprehensive Plan;~~ and if one or more of the following criteria are met:

(a) The site is located on a Community Character Corridor or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and *the* proposed setbacks will better complement the design standards of the Community Character Corridor- *or the Community Character Area.*

(b) The adjacent properties have setbacks that are non-conforming with this section, and the proposed setbacks will better complement the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.

(c) The applicant has offered extraordinary site design which ~~better meets~~ **exceeds** the Development Standards of the Comprehensive Plan.

*(d) The setback reduction will achieve results which clearly satisfy the overall purposes and intent of section 24-86 (Landscaping and Tree Preservation Requirements).*

*(2) In areas where the board of supervisors has adopted specific design guidelines that call for reduction of setbacks in excess of those permitted in subsection (1), the planning director can approve reductions upon finding substantial conformance with recommendations set forth in the guidelines and compliance with the criteria in subsection (1) above.*

(3) Appeals. In the event the planning director disapproves plans of this section or recommends conditions or modifications which are unacceptable to the applicant, the applicant may appeal the decision to the development review committee who shall forward a recommendation to the planning commission.

**Sec. 24-375. Building coverage limits.**

Building coverage shall not exceed ~~30~~ **60** percent of the total lot area. ~~The floor area ratio shall not exceed 40 percent of the total lot area.~~

## **Unapproved Minutes of the April 14, 2016 Policy Committee Meeting**

### **Proposed Zoning Ordinance Revisions to the LB, Limited Business and B-1, General Business Districts**

Mr. Ribeiro gave a presentation on the proposed Zoning Ordinance revision stating that the two changes would be to setbacks and building coverage. Mr. Ribeiro stated that the language describing setbacks are different in the Zoning Ordinance however, they should be the same because they have the same setbacks. Staff reorganized the Limited Business, LB setback text to reflect the same text that shows up in the B-1, General Business District text with additions from the Mixed Use District. Mr. Ribeiro stated that the other change would be to the building coverage limits and how they are calculated to provide additional flexibility for development. Mr. Ribeiro stated that staff also took out mention of the floor area ratio calculation in the LB and B-1 Zoning Districts as there are other ways the Zoning Ordinance regulates intensity of development.

Mr. Krapf asked if there would be any impact to stormwater management with a change in building coverage limitation from 30 percent to 60 percent.

Mr. Ribeiro stated that the cap for impervious surface is still at 60 percent based on the Chesapeake Bay ordinance.

Mr. Richardson asked how the floor area ratio was used in the past.

Mr. Holt stated that it was just used as another step in the process that developers were required to calculate.

Mr. Ribeiro stated that it is not very clear since we already have a cap on height.

Mr. Wright asked if the floor area ratio was ever used as a decision point for a plan.

Mr. Ribeiro stated that typically the restrictions on height are primarily what is looked at more than the floor area ratio.

Mr. Wright asked if with the increase in building coverage limitations we would be doubling the allowable size of development on a property.

Mr. Holt stated that was not necessarily the case as many other factors such as buffers, landscaping and parking would still have to be met.

Mr. Wright made a motion to move forward with the proposed revisions as stated in the staff report. On a voice vote to recommend approval, the motion carried 4-0.

**ITEM SUMMARY**

DATE: 6/1/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 & SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee (DRC) Review Criteria and Procedure

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Zoning Ordinance	Ordinance
▣	Subdivision Ordinance	Ordinance
▣	Unapproved minutes from the April 14 Policy Committee meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:57 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:58 PM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 2:02 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 2:04 PM

## MEMORANDUM

DATE: June 1, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 and SO-0003-2016, Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes

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Over the past several years, much work has been done to ensure a more predictable and flexible plan review process. Staff has worked to incorporate recommendations from the Business Climate Task Force, both through small process changes and through the most recent comprehensive Zoning Ordinance update in 2012. As a result of these changes, the Development Review Committee (DRC) has become more of a strategic body; beyond master plan consistency and other proffered and conditioned reviews, the DRC now primarily serves as an appellate body. Given these shifts in purpose, and with additional direction from the Comprehensive Plan, staff proposed revisiting Zoning and Subdivision Ordinance DRC review triggers at the May 2016 Policy Committee meeting. At this meeting, Policy Committee members considered options for procedural changes and draft ordinance language. Staff used feedback from that meeting to draft the attached materials. Staff believes that the proposed changes further accomplish the goals set during earlier ordinance revisions and continue the trend of making the plan review process more efficient and predictable, without compromising review integrity.

### **Proposed Revisions**

In response to feedback received at the May 12, 2016 Policy Committee meeting, staff has prepared revisions which reflect a streamlined approach to DRC review of site plans and major subdivisions:

- Zoning Ordinance, Article III, Site Plan: Per Section 24-147, Site Plan - Criteria for review, the current ordinance requires DRC review for any plans which meet the following criteria: a non-master planned multifamily development of 10 or more units, a shopping center or a single building or complex exceeding 30,000 square feet (excluding certain industrial uses). Current code also allows applicants to submit an enhanced conceptual plan, which could gain preliminary approval through the DRC and proceed through the review process administratively.

Staff is proposing that the current, full site plan review process for applications fitting the above criteria be replaced with a mandatory enhanced conceptual plan review. This option is designed to allow a less costly way to identify any cost prohibitive or complicated issues in advance of submitting a fully engineered site plan. Review of the conceptual plan by the DRC also allows feedback as early in the process as possible, which will make the full site plan process more efficient and predictable. Enhanced conceptual application reviewed by the DRC would not have to be reviewed by the DRC at the site plan stage.

- Subdivision Ordinance, Article II, Procedures and Documents to Be Filed: Per Section 19-23 of the Subdivision Ordinance, Procedure for preliminary plan review for major subdivisions, the current code requires DRC review for any major subdivision. This requirement applies regardless of any previous legislative master plan approval. Currently, the Planning Director may waive this requirement for any subdivision proposing fewer than 50 lots.

In an effort to eliminate a step in the process, staff is proposing to remove language requiring DRC review of major subdivisions. In practice, DRC review of subdivisions under 50 lots is very rare, unless otherwise required by proffer or Special Use Permit conditions. Additionally, state code mandates that any major subdivision of 50 or more lots must gain preliminary approval via the Planning Commission, with or without DRC review, and thus major subdivisions will still be reviewed by the Commission.

### **Recommendation**

At its April 16, 2016 meeting, the Policy Committee voted 4-0 to recommend approval of these amendments. Staff recommends the Planning Commission recommend approval of these ordinance amendments to the Board of Supervisors.

RS/ab

ZO-04-16Amend-mem

### Attachments:

1. Zoning Ordinance
2. Subdivision Ordinance
3. Unapproved minutes from the April 16, 2016 Policy Committee meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN; SECTION 24-147, CRITERIA FOR REVIEW, AND SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan; Section 24-147, Criteria for review, and Section 24-148, Procedure for commission review of site plans.

Chapter 24. Zoning

Article III. Site Plan

**Sec. 24-147. Criteria for review.**

(a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider ~~site plans~~ *applications submitted for review* if any of the following conditions are present:

(1) The ~~site plan~~ *application* proposes:

- a. a multifamily development of ten or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.

(2) ~~There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director. Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.~~

(b) ~~Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.~~

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

**Sec. 24-148. - Procedure for commission review of ~~site plans~~ *enhanced conceptual plans*.**

(a) The applicant shall submit to the planning director, or his designee, ten copies of the ~~site plan~~ *enhanced conceptual plan* and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for ~~site~~ plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such ~~site~~ plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements *of section 24-148(e)*, the ~~site~~ *enhanced conceptual* plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed ~~site~~ plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the ~~site~~ *enhanced conceptual plan* and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the ~~site~~ *enhanced conceptual plan*. The ~~site~~ plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

(d) ~~The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further *administrative* review *administratively* by the planning division and other agencies as deemed necessary by the planning director. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.~~

(e) The enhanced conceptual plan shall at a minimum contain:

- (1) Project title, title block, legends, north arrow and graphic scale labeled;
- (2) Vicinity and location maps and site address;
- (3) Site owner and developer information;
- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
- (6) Adjacent property information;
- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;

- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;

- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED; SECTION 19-23, PROCEDURE FOR PRELIMINARY PLAN REVIEW FOR MAJOR SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to Be Filed; Section 19-23, Procedure for preliminary plan review.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

**Sec. 19-23. Procedure for preliminary plan review for major subdivisions.**

(a) The subdivider shall submit to the agent twelve copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plan review fee.

(b) Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the county and state as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this chapter and the zoning ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the ~~development review committee (DRC) when it meets to make its recommendation to the~~ commission. In order for subdivision plans to be considered by the ~~DRC~~ *commission* at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective ~~DRC~~ *commission* meeting.

(c) The commission shall consider the plan and either grant preliminary approval or disapprove it within 90 days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

~~(d) The subdivider may, at their discretion, submit an enhanced conceptual plan for review by the agent, other agencies of the county and state deemed necessary by the agent and the DRC in advance of preparation of fully engineered plans. The agent shall prepare a composite report on the proposed subdivision to determine its consistency with the requirements of this chapter and the zoning ordinance. The report shall include review comments and requirements by other agencies. The enhanced conceptual plan and the agent's composite report shall be considered by the DRC at one of its scheduled meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions. The agent shall notify the subdivider of the commission's findings within seven working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval. The reasons for denial shall~~

~~identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further review administratively by the agent and other agencies as deemed necessary by the agent. In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.~~

- ~~(e) The enhanced conceptual plan shall at a minimum contain:~~
- ~~(1) Project title, title block, legends, north arrows and graphic scale labeled;~~
- ~~(2) Vicinity and location maps and site address;~~
- ~~(3) Site owner and developer information;~~
- ~~(4) County tax parcel number, site boundary and parcel size information;~~
- ~~(5) Setbacks (building, landscape) and buffers (RPA, Community Character);~~
- ~~(6) Adjacent property information;~~
- ~~(7) Existing site features such as property lines, roads, buildings, roads, driveways, and utilities;~~
- ~~(8) Existing topography using county base mapping (five foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;~~
- ~~(9) Existing and proposed rights of way and easements;~~
- ~~(10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;~~
- ~~(11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;~~
- ~~(12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;~~
- ~~(13) Location and size of existing water mains and proposed connection point(s);~~
- ~~(14) Proposed location of water meters, waterlines, and fire hydrants;~~
- ~~(15) Proposed building usage and number of floors;~~
- ~~(16) Preliminary water demands based on proposed use and required fire flow;~~
- ~~(17) Fire flow test performed to determine adequate capacity;~~
- ~~(18) Location of all existing or proposed private wells;~~
- ~~(19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);~~
- ~~(20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);~~
- ~~(21) Verification of sewer flow acceptance;~~
- ~~(22) Location of primary and secondary onsite disposal system;~~

- ~~(23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;~~
- ~~(24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;~~
- ~~(25) Proposed build out year and phasing information;~~
- ~~(26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right of way lines, proposed utility locations, centerline curve data;~~
- ~~(27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;~~
- ~~(28) Proposed design features or elements for which waivers will be sought;~~
- ~~(29) Project site area, disturbed area, impervious cover and percent impervious estimates;~~
- ~~(30) Applicable FEMA FIRM panel information and zone designations;~~
- ~~(31) County watershed, subwatershed and catchment;~~
- ~~(32) Identification if the site is subject to the county's Special Stormwater Criteria (SSC);~~
- ~~(33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and Hydrologic Soil Group A and B soils;~~
- ~~(34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;~~
- ~~(35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;~~
- ~~(36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID Code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;~~
- ~~(37) Location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;~~
- ~~(38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and Minimum Standard #19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP Point System;~~
- ~~(39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;~~
- ~~(40) Preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;~~
- ~~(41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.~~

Chp19-SubdivisionsPro-ord

## **Unapproved Minutes of the April 14, 2016 Policy Committee Meeting**

### **Proposed Zoning Ordinance Revisions to Development Review Committee Triggers**

Ms. Roberta Sulouff gave a presentation summarizing the proposed changes to the Zoning Ordinance related to Development Review Committee (DRC) triggers. Option A would propose removing the DRC completely from subdivision and site plan review for applications that meet the triggers while option B provides for a review by the DRC as part of a mandatory enhanced conceptual plan process instead of at the full site plan stage. Ms. Sulouff stated that the proposed amendment is more polished at this stage because the options are pretty straight forward. Staff recommends the Policy Committee recommend forwarding the preferred option to the June regularly scheduled Planning Commission meeting.

Mr. Richardson asked if this would take the DRC out of the review process entirely or just for the triggered items.

Ms. Sulouff stated that it would only take the DRC out of review for the triggered items if the Policy Committee decided to choose option A. With option B an enhanced conceptual plan would be turned in first before the site plan process at less of an expense to the applicant than a site plan for reviews that meet the DRC triggers.

Mr. Holt stated that all of the regular cases that the DRC gets such as master plan consistency would still be reviewed by the DRC.

Mr. Krapf stated that the conceptual plan has been an asset to the application process and would support option B for applications moving forward.

Mr. Richardson stated that he agreed with Mr. Krapf.

Mr. Wright asked if option A is chosen would the application be administrative only.

Ms. Sulouff stated that if option A is chosen and all other criteria were met then the application would be reviewed administratively. The only caveat to that would be major subdivisions over 50 lots would still need Planning Commission approval due to State Code requirements.

Mr. Holt stated that in cases of by-right development the Planning Commission would not see the plan before it comes in as a site plan and only at that time would they be coming into the DRC with a full blown engineered plan. Substantive changes are less likely to happen at that stage as the plans are already developed. With option B, an enhanced conceptual plan would still be an engineered drawing however, it would not be a full blown site plan so they may be more amenable to requested changes.

Mr. Jose Ribeiro stated that a good example of this would be Liberty Ridge where a by-right subdivision occurred.

Mr. Holt stated that another good example of this would be the Deer Lakes subdivision in Colonial Heritage.

Mr. Krapf stated that site plans are where we could have some discussions with the applicant if there are elements that we think should be changed and that is why option B seems like the best plan moving

forward. For subdivisions option A seems like the better option because there is not much the DRC can say that the applicant would need to change that Planning staff would not have looked at already.

Mr. Wright asked if the site plan submittal would apply to shopping centers.

Ms. Sulouff stated that it would apply to shopping centers, multi-family or single/multiple buildings that exceed 30,000 sf.

Ms. Rosario stated that staff would provide a clean copy before the next meeting to see if any of the Committee members had additional questions.

Mr. Schmidt asked why these mechanisms were put in place historically.

Mr. Holt stated that this is the way the Committee members wanted to see the plans back in years past.

Mr. Krapf asked if it was a State Code requirement.

Ms. Sulouff stated that for major subdivisions of 50 lots or more it is a State Code requirement to go to the Planning Commission and the DRC was a mechanism to vet the materials through a sub-committee first.

Mr. Richardson made a motion to move forward with option B for site plans and option A for subdivisions. On a voice vote to recommend approval, the motion carried 4-0.

**ITEM SUMMARY**

DATE: 6/1/2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0005-2016, PUD, Planned Unit Development, Zoning Ordinance Amendments, Article V, Section 24-493, Use List

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Cover Memo
▣	Ordinance	Ordinance
▣	Unapproved minutes from the May 12 Policy Committee meeting	Minutes
▣	Letter of Support from the Office of Economic Development, dated March 21, 2016	Backup Material
▣	Letter of Support from the JCC Economic Development Authority, dated March 21, 2016	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:53 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:54 PM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 1:55 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 1:58 PM

## MEMORANDUM

DATE: June 1, 2016

TO: The Planning Commission

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0005-2016. Planned Unit Development Amendments to Allow for the Manufacture of Food, Beverages and Food Products

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Recently, staff from both the Planning Division and the Office of Economic Development have received inquiries from companies interested in the manufacture of food or food products in areas zoned Planned Unit Development-Commercial (PUD-C). This use is currently permitted in the M-1, Limited Business/Industrial and the M-2, General Industrial Districts, and while several industrial uses are permitted in PUD-C, the manufacture/processing of food, beverages and food products is not listed as either or permitted or a specially permitted under the PUD-C use list. Although staff recognizes that commercial areas within PUD developments were intended to be less intense in use than other industrial or commercial areas, staff finds that this use complements other light industrial uses currently permitted in the PUD District. Additionally, staff believes that such revisions would reflect an ongoing effort to “encourage a balanced mixture of commercial, industrial and residential land uses that support the County’s overall quality of life, fiscal health and environmental quality,” a stated strategy found in the Economic Development section of the 2035 Comprehensive Plan.

### **Proposed Revisions**

In consideration of how these uses are already permitted in the M-1 and M-2 Districts, staff is proposing the following additions to the PUD-C industrial use list:

- Adding as a permitted use “manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals, where all activities are conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.”
- Adding as a specially permitted use “manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals.”

### **Recommendation**

At its May 12, 2016 meeting, the Policy Committee voted 4-0 to recommend approval of these amendments. Staff recommends the Planning Commission recommend approval of these ordinance amendments to the Board of Supervisors.

RS/ab  
ZO-05-16Amend-mem

#### Attachments:

1. Ordinance
2. Unapproved minutes from the May 12, 2016 Policy Committee meeting
3. Letter of Support from the Office of Economic Development, dated March 21, 2016
4. Letter of Support from the JCC Economic Development Authority, dated March 21, 2016

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts; Division 14, Planned Unit Development District, PUD, Section 24-493, Use list.

**Chapter 24**  
**ARTICLE V. DISTRICTS**  
DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS, PUD

**Sec. 24-493. Use list.**

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

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Residential Uses	Apartments	P	
	Group homes or residential facilities, for eight or fewer adults	P	
	Group homes or residential facilities, for nine or more adults		SUP
	Home occupations, as defined	P	
	Independent living facilities	P	
	Multi-family dwellings	P	
Commercial Uses	Commercial uses: Same as subsection (a) above		
	Assisted living facilities	P	
	Continuing care retirement facilities	P	
	Skilled nursing facilities (nursing home)	P	
	Golf courses	P	
	Theme parks	P	
Civic Uses	Civic uses as listed in (a) above		
Utility Uses	Utility uses as listed in (a) above		
	Camouflaged wireless communication facilities that comply with division 6, Wireless Communication Facilities, only in areas with a designation other than residential on a board adopted master plan	P	

	Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities		SUP
	Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit.		SUP
	a. Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;		
	b. Distribution lines and local facilities within a development; including pump stations		
Industrial Uses	<i>Manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals, where all activities are conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.</i>	P	
	<i>Manufacture, compounding, processing or packaging of beverages or food and food products, but not slaughter of animals.</i>		SUP
	Printing and publishing	P	
	Private streets within "qualifying industrial parks" in accordance with section 24-62	P	
	Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect	P	
	Research, design and development facilities or laboratories	P	
	Wholesale and warehousing, with storage in a fully enclosed building	P	

## **Unapproved Minutes of the May 12, 2016 Policy Committee Meeting**

### **Amendments to the Zoning Ordinance to the Planned Unit Development District for Manufacture of Food, Beverages and Food Products**

Ms. Roberta Sulouff, Planner, stated that recently, staff from both the Planning Division and the Office of Economic Development (OED) have received inquiries from companies interested in the manufacture of food or food products in areas zoned Planned Unit Development (PUD)-Commercial. Ms. Sulouff further stated that with guidance from the Board of Supervisors and adoption of the initiating resolution by the Planning Commission, staff has drafted ordinance revisions which allow the manufacture and packaging of food both as a by right use and a specially permitted use. Ms. Sulouff noted that the by right use would require all activities to take place in a fully enclosed location and a special use permit would be required when the use did not meet that criteria. Ms. Sulouff stated that these revisions are fairly straightforward so a more finished product is being presented. Ms. Sulouff stated that depending on the Committee's feedback and recommendations, staff anticipated bringing forward a draft ordinance for consideration by the Planning Commission at its June meeting and Board adoption at its second June meeting.

Mr. Krapf noted that the proposed amendments have the support of the Economic Development Authority and the Office of Economic Development. Mr. Krapf noted that the main difference between the by right use and the specially permitted use was the requirement that a by right use operate in a fully enclosed building. Mr. Krapf asked for an example of a food or beverage manufacturing operation that would not take place in a fully enclosed building.

Ms. Kate Sipes, Assistant Director, Office of Economic Development stated that it was a matter of impacts and whether the use would create impacts, such as odor, noise or dust outside the building.

Ms. Sulouff stated that criteria language mirrored the language in other commercial/industrial zones to ensure consistency.

Mr. Wright inquired if the use would be allowed in PUD-R.

Ms. Sulouff stated that the use was already part of the M-1 and M-2 district and that the ordinance amendment was to incorporate the use in the PUD-C district; however, it would not be allowed in PUD-R or any other residentially zoned district.

Mr. Wright inquired if someone who manufactures food in their home as a business would be in violation of the Zoning Ordinance.

Ms. Sulouff stated that the use would not be covered under this proposed amendment.

The Committee briefly discussed restaurants that used outdoor smokers to produce some of the menu items.

Ms. Sulouff noted that the ordinance was geared more towards large scale manufacture.

Mr. Schmidt noted that there are not many areas zoned PUD-R.

Ms. Sipes noted that there are very few areas currently available to support a business of this nature.

Mr. Wright inquired whether there should be consideration of rezoning certain areas to accommodate commercial uses.

Ms. Sipes noted that consideration of where commercial uses should develop going forward would be a matter for more in-depth study and consideration. Ms. Sipes further stated that the current goal is to maximize the use potential of currently available locations.

Mr. Wright noted that there were a number of underutilized storefronts in the County.

Ms. Rosario stated that those types of rezoning requests are typically initiated by an interested developer.

Mr. Richardson inquired about external impacts on communities adjacent to PUC-C developments.

Ms. Sulouff stated that the triggers for the use being a legislative case should capture those situations and mitigate potential impacts.

Mr. Richardson moved to recommend approval of the draft revisions.

On a voice vote the Committee voted unanimously to recommend approval of the draft revisions and as presented and move them forward to the Planning Commission for consideration.



Economic Development  
101-D Mounts Bay Road  
PO Box 8784  
Williamsburg, VA 23187  
P: 757-253-6607

[yesjamescitycountyva.com](http://yesjamescitycountyva.com)

March 21, 2016

Paul Holt, Director of Planning  
James City County  
101-A Mounts Bay Road  
Williamsburg, VA 23185

According to the Virginia Economic Development Partnership, the Food Processing Industry is one of Virginia's largest manufacturing sectors and is included as one of the Partnership's Key Industries. Locally, during the past 18 months, James City County has seen an increase in interest from companies tied to the food processing industry. Additionally, there are a number of existing businesses within James City County that are also a part of this industry segment. Based upon past and current indications, this appears to be a growing industry segment.

While the manufacture and processing of food is included in both the M1 and M2 zoning classifications (with an SUP), this use is currently not permitted in PUD-C. PUD-C does allow for the processing, assembly and manufacture of light industrial products, by-right, provided that it is conducted in a "fully enclosed building with no dust, noise, odor or other objectionable effect."

With the increased interest in this industry segment and understanding that PUD-C covers one of the few remaining business centers in the County (Stonehouse Commerce Park), OED has been working with Development Management to have food processing added as a permitted use in PUD-C. The new proposal would allow food processing to be included as a by-right use, subject to the same provisions as manufacturing. Additionally, an SUP would be added to allow both those food-related and industrial uses not meeting the current requirements, the opportunity to locate in PUD-C through mitigation.

During their March 10<sup>th</sup> meeting, the EDA voted in support of this proposed Zoning Ordinance change and I would like to add the support of the Office of Economic Development.

Sincerely,

Russell Seymour, Director  
James City County Economic Development



Economic Development Authority  
101-D Mounts Bay Road  
PO Box 8784  
Williamsburg, VA 23187  
P: 757-253-6607

[yesjamescitycountyva.com](http://yesjamescitycountyva.com)

March 21, 2016

Mr. Paul Holt  
Planning Director  
James City County  
101-A Mounts Bay Road  
Williamsburg, Virginia 23185

Dear Mr. Holt,

As Chairman of the Economic Development Authority, I am aware of the collaboration between the Planning Division and the Office of Economic Development on many matters. In recent years I am especially aware of research and assistance provided by planning staff when prospects have been identified and are visiting potential sites in the County.

There has been much interest in the County from companies tied to the food processing industry. In the last 2-3 years, the EDA and County staff have worked with nearly a dozen different food-related companies looking to establish operations in the Williamsburg area, giving serious consideration to James City County. Some of these projects are still active, with a final decision not yet made. Others have selected sites outside the County or outside Virginia. Each circumstance brings unique factors, but the EDA and OED staff make every effort to identify compatible potential employers for the County and compatible sites for those employers in the County.

These recent prospects have highlighted the fact that food processing, or "manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals" is specially permitted in M1 and M2, not permitted by-right in any zoning district in the County, and not permitted at all in PUD-C. Given the potential for growth in this sector, the EDA supports staff efforts to better accommodate food processing and food-related operations.

I thank you for your on-going discussions with OED staff to consider the issue from multiple perspectives and identify a solution. On behalf of the Economic Development Authority, I fully support your efforts.

Sincerely,

Thomas G. Tingle, Chairman  
James City County Economic Development Authority

**ITEM SUMMARY**

DATE: 6/1/2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner and Scott Whyte, Senior Landscape Planner II

SUBJECT: Initiation of Consideration of Amendments to the Wireless Communications Facilities Regulations in the Zoning Ordinance

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**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/25/2016 - 4:42 PM
Planning Commission	Holt, Paul	Approved	5/25/2016 - 4:51 PM
Publication Management	Boles, Amy	Approved	5/25/2016 - 4:58 PM
Planning Commission	Holt, Paul	Approved	5/25/2016 - 4:58 PM

## MEMORANDUM

DATE: June 1, 2016

TO: The Planning Commission

FROM: Savannah Pietrowski, Planner  
Scott Whyte, Senior Landscape Planner II

SUBJECT: Initiation of Consideration of Amendments to the Wireless Communications Facilities Regulations in the Zoning Ordinance

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Updating the Wireless Communications Facilities (WCF) Ordinance was proposed as part of the Planning Division's 2015-2016 work program as discussed at the October 2015 Policy Committee meeting. The primary request at that time was to consider how the performance standards of the WCF Ordinance should be considered in reviewing Special Use Permit (SUP) applications for other types of communications towers. The related policy, Performance Standards for WCF that Require an SUP Policy, adopted by the Board of Supervisors on January 10, 2012, will also be considered throughout this process.

In addition, staff has identified provisions of the Middle Class Tax Relief and Job Creation Act of 2012, which became a law in February 2012, that pertain to wireless siting. Although the legislation was primarily implemented to extend payroll tax exemptions, the omnibus act contained many other unrelated provisions. Section 6409(a) of the Act, also known as the Spectrum Act, was intended to advance wireless broadband service for public safety and commercial purposes and to provide for the creation of a broadband communications network for first responders. Though the Spectrum Act has technically been in effect since February 2012, additional guidance on definitions and implementation were not provided by the Federal Communications Commission until several years later and officially took effect on April 8, 2015. As part of staff's evaluation of the WCF Ordinance, it is necessary and prudent for the County to amend processes and the Ordinance in order to comply with the Spectrum Act.

The 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies and actions in the Community Character Section. CC 7.1 states that the County should "update the Wireless Communications Division of the Zoning Ordinance as necessary to accommodate the use of new and emerging wireless communications services."

Staff is proposing to evaluate changes to the WCF Ordinance and the process for reviewing these applications 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.

SP/SW/ab  
InitiationWCFReg-mem

Attachment:

1. Initiating Resolution

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE WIRELESS

### COMMUNICATIONS FACILITIES REGULATIONS IN THE ZONING ORDINANCE

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, amendments are necessary to the Wireless Communications Facilities (WCF) section of the Zoning Ordinance to include all types of antennas and towers, and to address the provisions of the Middle Class Tax Relief and Job Creation Act of 2012; and

WHEREAS, amendments are necessary to other sections including, but not limited to, definitions and the use lists and height limits of each Zoning District to ensure consistency with the above revisions; and

WHEREAS, amendments are necessary to the Performance Standards for WCF that Require an SUP Policy adopted by the Board of Supervisors January 10, 2012, to include all types of antennas and towers; and

WHEREAS, the 2035 Comprehensive Plan lends support to these possible ordinance amendments through goals, strategies and actions in the Community Character section (CC 7.1); 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 Chapter 24, sections 24-1 et seq. in regards to permitting and regulating WCF towers and antennas. 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 1st day of June,  
2016.

InitiationWCFReg-res

**ITEM SUMMARY**

DATE: 6/1/2016  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Planning Director  
SUBJECT: Planning Director's Report - June 2016

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**ATTACHMENTS:**

	Description	Type
▣	memo	Cover Memo
▣	Spreadsheet listing new applications received June 2016	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/26/2016 - 11:37 AM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 11:37 AM
Publication Management	Burcham, Nan	Approved	5/26/2016 - 12:04 PM
Planning Commission	Holt, Paul	Approved	5/26/2016 - 12:06 PM

## MEMORANDUM

DATE: June 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.

- Monthly Case Report: For a list of all cases received in the last month, please see the attached documents.
- Board Action Results:
  - April 26, 2016
    - Williamsburg Indoor Sports Complex Pool Addition Lease Agreement  
Approved (5-0)
  - May 10, 2016
    - SUP-0005-2016, Tiki Tree Service Contractor's Office and Storage  
Denied (5-0)
    - Z-0003-2016, Tewning Rd. Proffer Amendment  
Approved (5-0)
    - Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment  
Deferred (5-0)
    - Resolution in Support of Joint Land Use Study  
Approved (5-0)

PDH/nb  
DirectorsReport06-2016

New Cases for June 2016						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0035-2016	6150 Centerville Rd. Rezoning	6150 CENTERVILLE RD	A conceptual plan to rezone and subdivide a	Roberta Sulouff	02-Powhatan
	C-0036-2016	3377 Old Stage Rd. Rezoning	3377 OLD STAGE ROAD	Proposal to rezone existing residential lot to R-1 to allow a detached accessory apartment	Savannah Pietrowski	01-Stonehouse
	C-0037-2016	Natural Resources and Farm Link Center	5700 Warhill Trail	An application to construct a community gar	Roberta Sulouff	02-Powhatan
	C-0038-2016	8709 Pocahontas Trail Subdivision	8711 POCAHONTAS TR	Conceptual plan for a two-lot subdivision	Roberta Sulouff	05-Roberts
Change of Use	CU-0001-2016	3705 Strawberry Plains Rd. Suite B Lock and Key Furnishings	3705 STRAWBERRY PLAINS	Converting existing office space into retail (furniture and flooring)	Savannah Pietrowski	04-Jamestown
Subdivision	S-0013-2016	Walnut Grove	7345 RICHMOND ROAD	Final plat for 75 lots	Ellen Cook	01-Stonehouse
	S-0014-2016	9446 & 9448 Richmond Rd. BLA	9446 RICHMOND ROAD	Boundary line adjustment for two existing lots	Savannah Pietrowski	01-Stonehouse
	S-0015-2016	Newman Rd. Right of Way to Lot Conversion	N/A	Creation of a lot on Newman Road	Ellen Cook	01-Stonehouse
	S-0016-2016	Settlement at Powhatan Creek, Ph. 3, Lot 237, Front Setback Adjustment	4226 BERRY SQUARE	Reduction of front setback line for Lot 237	Jose Ribeiro	00-Unknown
	S-0017-2016	Settlement at Powhatan Creek, Ph. 3, Lot 238, Front Setback Adjustment	4226 BERRY SQUARE	Reduction of front setback line for Lot 238	Jose Ribeiro	00-Unknown
Subdivision Ordinance Amendment	SO-0002-2016	Article II, Procedures and Documents to be Filed, Section 19-29, Final Plan Submittal Requirements a	N/A	Amendment to the Subdivision Ordinance to	Jose Ribeiro	N/A
	SO-0003-2016	Article II, Procedures and Documents To Be Filed, Section 19-23, Procedure for Preliminary Plan Revi	N/A	A Zoning Ordinance amendment to revise DF	Roberta Sulouff	N/A
Site Plan	SP-0031-2016	Steeplechase Apartments Bus Shelter SP Amend.	3700 STEEPLCHASE DR	Placement of a bench at existing WATA bus stop	Savannah Pietrowski	03-Berkeley
	SP-0032-2016	4315 John Tyler Hwy. T-Mobile Tower SP Amend.	4315 JOHN TYLER HGWY	Location of a new panel antenna	Jose Ribeiro	03-Berkeley
	SP-0033-2016	5304 Palmer Lane Sidewalk SP Amend.	5304 PALMER LANE	Addition of a smal sidewalk along building	Jose Ribeiro	04-Jamestown
	SP-0034-2016	2205 Jamestown Rd. Fence Enclosure SP Amend.	2205 JAMESTOWN ROAD	Equipment storage area at Jamestown Beach Event Park	Savannah Pietrowski	03-Berkeley
	SP-0035-2016	Carrot Tree Outdoor Dining SP Amend.	1303 JAMESTOWN ROAD	Addition of a outside seating area and deleti	Jose Ribeiro	03-Berkeley
	SP-0036-2016	7147 Richmond Rd. Retail	7147 RICHMOND ROAD	9100 SF retail building	Savannah Pietrowski	01-Stonehouse
	SP-0037-2016	Fords Colony Pool Awning SP Amend.	165 ST ANDREWS DR	Canopy over existing community pool	Savannah Pietrowski	02-Powhatan
	SP-0038-2016	Contractor's Office and Warehousing for Kings Garden Landscaping	8850 Merry Oaks Lane	Site plan showing location of outside landsc	Jose Ribeiro	00-Unknown
Rezoning	Z-0006-2016	Our Saviour's Lutheran Church Commercial Kitchen	8850 MERRY OAKS LANE	Rezoning from R2 to LB to allow the existing kitchen to be leased to a catering company	Savannah Pietrowski	01-Stonehouse
Zoning Ordinance Amendment	ZO-0002-2016	B-1, General Business District, Zoning Ordinance Amendments, Article V, Section 24-392, Setback Requ	N/A	A zoning Ordinance amendment for setbacks	Jose Ribeiro	N/A
	ZO-0003-2016	LB, Limited Business District, Zoning Ordinance Amendments, Article V, Section 24-371, Setback Requi	N/A	A zoning Ordinance amendment for setbacks	Jose Ribeiro	N/A
	ZO-0004-2016	Article III, Site Plan, Zoning Ordinance Amendments, Section 24-147, Criteria for Review and Section	N/A	A Zoning Ordinance amendment to revise DF	Roberta Sulouff	N/A
	ZO-0005-2016	PUD, Planned Unit Development, Zoning Ordinance Amendments, Article V, Section 24-493, Use List	N/A	A Zoning Ordinance amendment to allow for	Roberta Sulouff	N/A