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 October 4, 2017 7:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes Adoption - September 6, 2017 Regular Meeting

F. PUBLIC HEARINGS

- 1. Special Use Permit-0010-2017. Kensington School
- 2. Special Use Permit-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment

G. PLANNING COMMISSION CONSIDERATIONS

- 1. Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations
- 2. Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2017

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

AGENDA ITEM NO. E.1.

9/27/2017 - 3:06 PM

ITEM SUMMARY

DATE:	10/4/2017
TO:	The Planning Commission
FROM:	Paul D. Holt, III, Secretary
SUBJECT:	Minutes Adoption - September 6, 2017 Regular Meeting

ATTACHMENTS:

Planning Commission

Holt, Paul

	Description		Туре	
		eptember 6, 2017	Minutes	
Reviewer	r	Action		Date
Holt, Pau	al	Approved		9/27/2017 - 2:55 PM
Holt, Pau	al	Approved		9/27/2017 - 2:55 PM
Trautmar	n, Gayle	Approved		9/27/2017 - 3:02 PM
	Reviewer Holt, Pau Holt, Pau	Description Minutes of the Se Regular Meeting Reviewer Holt, Paul Holt, Paul Trautman, Gayle	Minutes of the September 6, 2017 Regular MeetingReviewerActionHolt, PaulApprovedHolt, PaulApproved	Minutes of the September 6, 2017 Regular MeetingMinutesReviewerAction Holt, PaulHolt, PaulApproved Hoproved

Approved

M I N U T E S JAMES CITY COUNTY PLANNING COMMISSION REGULAR MEETING County Government Center Board Room 101 Mounts Bay Road, Williamsburg VA 23185 September 6, 2017 7:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Rich Krapf Tim O'Connor Robin Bledsoe Jack Haldeman Danny Schmidt John Wright Heath Richardson

Staff Present:

Paul Holt, Director of Community Development and Planning Alex Baruch, Planner Max Hlavin, Assistant County Attorney Tori Haynes, Community Development Assistant

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

Seeing and hearing no one Mr. Krapf closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Krapf stated that the Policy Committee met on July 13 to discuss Zoning Ordinance revisions to address short-term residential vacation rentals or home sharing. Mr. Krapf stated that two recent public hearings as well as a work session with the Board of Supervisors generated discussion that brought about the need to consider the issue. Mr. Krapf further stated that the General Assembly approved legislation that allows localities to create a short-term rental registry. Mr. Krapf noted that the County's Zoning Ordinance addresses tourist homes which includes provision of meals and rental of up to five and the rental of rooms up to three rooms. Mr. Krapf stated that with home sharing is different and includes programs such as Airbnb. Mr. Krapf stated that with home sharing, some or all of the rooms in the dwelling may be rented and the owner/operator is not required to reside on the property. Mr. Krapf stated that the Committee reviewed standards from other jurisdictions and instructed staff to come back with draft ordinance language addressing administrative and Special Use Permits (SUP), criteria for approval, number of room rentals allowed for each zoning district, parking, neighborhood safety requirements and the need for a registry.

Mr. Krapf stated that the Committee also discussed the Planning Commission Bylaws regarding outside meetings with applicants with regard to concerns related to residential proffers. Mr. Krapf

stated that the County Attorney provided clarification that because of the Board's adopted policy that residential proffers would not be accepted, there was no concern about Commissioners meeting with applicants and no change to the Bylaws was required. Mr. Krapf noted that the Bylaws require that meetings with applicants be disclosed at the public hearing, that where possible, two Commissioners participate in the meeting and that there is no discussion of voting intent.

Ms. Robin Bledsoe stated that the Policy Committee met on August 10 to review and discuss the R-8 District and the Residential Cluster Overlay District portions of the Zoning Ordinance in order to address the provision of age restricted housing, independent living facilities and specially permitted density bonuses in the R8, Rural Residential District. Ms. Bledsoe stated that the schedule to consider these amendments would potentially bring the matter to the February 2018 Planning Commission meeting for consideration.

Mr. Tim O'Connor stated that the Development Review Committee (DRC) met on August 23 to consider and provide feedback on three cases.

Mr. O'Connor stated that the first case was C-0058-2017. Norge Food Lion Store - Enclosed Dumpsters Addition. Mr. O'Connor stated that based on the proposed design, the DRC found that the proposal was consistent with the adopted master plan.

Mr. O'Connor stated that the DRC also considered C-0052-2017. LaGrange Parkway Future Expansion. Mr. O'Connor stated that the application outlined the plan for the addition of a food and food product processing and packing plant at 3601 LaGrange Parkway. Mr. O'Connor stated that there is an existing 85,000-square-foot building on the property which is the ESG International LaTienda facility. Mr. O'Connor stated that the packaging and processing of food or food products but not the slaughter of animals requires a special use permit in PUC-C zoning districts. Mr. O'Connor noted that there was discussion regarding the impact of the smoke from the proposed smokehouse. It was determined that the impacts would be minimal and the DRC was generally supportive. Mr. O'Connor noted that no DRC action was required.

Mr. O'Connor stated that the DRC also considered SUP-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment. Mr. O'Connor stated that the proposal would change Building No. 4 from a pharmacy to a fast food restaurant and a dentist office. The proposal would also change Building No. 6 from a restaurant to an automotive service center with a fuel station. The DRC discussed the withdrawal of the pharmacy from the plan and considered the appropriateness of the mix of businesses within the center. Mr. O'Connor noted that parking and traffic were also considered and it was determined that the proposal would provide reductions in both and was seen as positive. Mr. O'Connor stated that architectural consistency was considered and recommendations were made regarding the canopy of the fueling station. Mr. O'Connor stated that the DRC was generally supportive and that no action was required.

E. CONSENT AGENDA

Ms. Bledsoe made a motion to approve the consent agenda.

On a voice vote, the Commission voted to approve the consent agenda (7-0).

- 1. Minutes Adoption July 5, 2017 Regular Meeting
- Development Review Committee Action Item: Case No. C-0058-2017, Norge Food Lion Dumpster Enclosures

F. PUBLIC HEARINGS

1. SUP-0016-2016, 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath

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

Mr. Alex Baruch, Planner, stated that Mr. Mark Richardson of Timmons Group has applied for an SUP to allow a convenience store with gas pumps and drive-through restaurant at 3000 Battery Boulevard, 7327, 7337 and 7341 Pocahontas Trail. Mr. Baruch stated that the parcels are zoned B-1, General Business and are designated Mixed Use on the 2035 Comprehensive Plan.

Mr. Baruch stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District and a drive-through restaurant that generates over 100 peak-hour trips requires a commercial SUP. Mr. Baruch stated that a traffic study was completed for this proposal, which recommends the installation of one entrance/exit off Pocahontas Trail until a traffic light is warranted. At the time it is warranted, the existing entrance will become an entrance only and an additional egress only point can be built. A landscaped median along the center of Pocahontas Trail will also need to be installed or guaranteed before the first Certificate of Occupancy is issued.

Mr. Baruch stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf opened the floor for questions from the Commission.

Hearing no questions, Mr. Krapf disclosed that he had a discussion with Mr. Vernon Geddy about the proposal.

Mr. Danny Schmidt and Mr. Heath Richardson stated that they also had discussions with Mr. Geddy.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, representing the applicant, stated that the applicant agreed with the staff report and the recommendation of approval to the Board of Supervisors. Mr. Geddy stated that he would be happy to answer any questions.

Mr. Krapf inquired if any of the Commissioners had questions for the applicant.

Ms. Bledsoe inquired about the parcels adjacent to the project site across Battery Blvd. and what the potential development of that area would be in the future.

Ms. Molly Trant, Riverside Hospital, stated that there is no development plan in for that parcel, but could be a commercial use such as small offices.

Ms. Bledsoe stated that she wanted to make sure it was not planned as residential because that would further add to the traffic.

Ms. Trant stated that the residential lots were further back on Battery Blvd.

Mr. Jack Haldeman asked about Condition No. 6 which deals with the removal of gas pumps and inquired if a soil sample will need to be taken to determine if any contamination or leakage has occurred.

Mr. Geddy stated that he was sure that was part of the process through the Stormwater and Resource Protection division and the applicant intends to adhere to their process.

Mr. Haldeman asked if one of the perennial streams was to be studied during a drier period and if that had been done.

Mr. Geddy stated that had not been completed at this time.

Ms. Bledsoe asked about the Sustainable Design Initiatives Special Use Permit Condition and identifying who the LEAD accredited official would be and if it was someone on staff or local.

Mr. Baruch stated that there is not anyone on County staff who is LEAD accredited, however, it is typically someone who is brought in by the applicant as a part of the project and County staff verifies their findings.

Mr. Krapf stated that he wanted to commend the applicant on including Sustainable Design Initiatives for this project.

Seeing no additional speakers Mr. Krapf closed the Public Hearing and opened the floor to the Planning Commission members for discussion.

Ms. Bledsoe made a motion to recommend approval of the application.

On a roll call vote, the James City County Planning Commission voted on a motion to recommend approval of the above-referenced application, resulting in approval (7-0).

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

Mr. Paul Holt stated that a Workforce Housing Task Force is being put together for the County and encouraged applicants to apply online to serve. Other than that item Mr. Holt had no further items to add to the report provided in the packet materials.

1. Planning Director's Report - September 2017

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. John Wright expressed his thanks to the Board of Supervisors, the Planning Commission, County Administrator Mr. Bryan Hill, and the Planning staff for their support and help over the past months during his wife's illness. Mr. Wright expressed particular thanks to Ms. Bledsoe for her unfailing support.

Ms. Bledsoe stated that she wished to recognize the impact of Hurricane Harvey on the Gulf Coast as well as the potential impacts of Hurricane Irma. Ms. Bledsoe also thanked the first responders who were providing relief efforts.

Mr. O'Connor inquired when the Norge Solar Farm case would be moving forward.

Mr. Holt responded that it was scheduled for the first meeting in October.

Mr. Krapf noted that Mr. Haldeman had Board of Supervisors coverage for September.

J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 7:25 p.m.

Mr. Rich Krapf, Chairman

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE:	10/4/2017
TO:	The Planning Commission
FROM:	W. Scott Whyte, Senior Landscape Planner II
SUBJECT:	Special Use Permit-0010-2017. Kensington School

ATTACHMENTS:

	Description	Туре
D	Staff Report	Staff Report
D	Location Map	Exhibit
۵	Adopted Resolution from SUP- 0006-2009	Resolution
D	Proposed Conditions	Backup Material
D	Master Plan	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:35 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:37 PM
Publication Management	Burcham, Nan	Approved	9/27/2017 - 2:40 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:54 PM

SPECIAL USE PERMIT-0010-2017. Kensington School

Staff Report for the October 4, 2017, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Ms. Rachel Salmon
Land Owner:	Mr. Anthony Cianelli
Proposal:	A pre-school and child development center to serve up to 48 children with seven employees. Day-care and child-care centers are a specially permitted use.
Location:	8231 Richmond Road
Tax Map/Parcel No.:	1240100007
Project Acreage:	+/- 2.11 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	General Industry
Primary Service Area (PSA):	Inside
Staff Contact:	W. Scott Whyte Senior Landscape Planner II
PUBLIC HEARING DA	ATES

Planning Commission:October 4, 2017, 7:00 p.m.Board of Supervisors:November 8, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

- 1. The proposal is generally compatible with surrounding zoning and development.
- 2. The development is generally consistent with the Land Use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map use designation.
- 3. The Economic Development chapter of the Comprehensive Plan encourages the creation of new and retention of existing small businesses (Goal ED 1.2) and the adaptive re-use of existing buildings (Goal ED 5).

FACTORS UNFAVORABLE

1. With the attached Special Use Permit (SUP) conditions, staff does not find any unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this SUP application to the Board of Supervisors, subject to the attached conditions.

PROJECT DESCRIPTION

The Kensington School was established in 2010 and now serves over 250 families in James City County and surrounding areas from its existing location at 3435 John Tyler Highway. The Kensington School now proposes to expand by adding a second location. The proposal is to establish the second location at 8231 Richmond Road where Nick's Lawn Equipment and Supply has operated since 2009.

Staff Report for the October 4, 2017, Planning Commission Public Hearing

Kensington School proposes to serve up to 48 children with seven employees at this location. The age of the children range from 6 weeks to 5 years old. The hours of operation are proposed to be 7 a.m.-6 p.m., Monday-Friday. Drop-off hours are 7-9 a.m. and pick-up hours are 4-6 p.m. The drop-off and pick-up schedule is modeled after their current location's schedule which has been applied for many years.

The fenced and loading area behind the building is proposed to be utilized as an outdoor playground.

The total square footage of the existing building is approximately 7,500 square feet, but only the existing 2,800-square-foot counter sales and office area is proposed to be used by the daycare. The remaining 4,700-square-foot warehouse area would be used for storage.

Currently, 19 parking spaces exist on site with a looping drive aisle, which is proposed to be utilized as a drop-off and pick-up area.

PLANNING AND ZONING HISTORY

An SUP for a lawn equipment sale and repair, and retail sales of plants and garden supplies shop was approved by the Board of Supervisors on May 12, 2009 (Nick's Lawn and Equipment supply).

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural.
- Surrounding properties to the north and south contain singlefamily residential dwellings and small businesses. Properties to the east across Richmond Road are agricultural use. Property to the east is currently vacant.

COMPREHENSIVE PLAN

- The site is designated General Industry on the 2009 Comprehensive Plan Land Use Map.
- General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.
- Provisions of quality child-care and pre-school services is consistent with Goal Nos. 2.1 and 2.4 in the Population Needs Chapter of the Comprehensive Plan.
- During SUP-0006-2009, Nick's Lawn Equipment Supply, staff • consulted with the Office of Economic Development regarding this application and the current Land Use designation. The parcels in this vicinity were designated General Industry primarily due to their proximity to the CSX railroad. However, due to significant resource protection area (RPA) buffers paralleling the railroad, future proposals to access the property from the railroad are unlikely without encroaching into a RPA buffer; therefore, it is staff's assessment and the assessment of the Office of Economic Development that although parcels in this area are designated for General Industry, it would not be economically practical to develop them for industrial uses requiring rail access. This particular parcel, as currently configured, is not directly adjacent to the railroad tracks. Staff notes that properties adjacent to this site are generally residential dwellings, which are neither primary

Staff Report for the October 4, 2017, Planning Commission Public Hearing

nor secondary uses for land designated as General Industry. Further, the proposed use constitutes only a small portion (2.11 acres) of the industrially designated area, which includes the 157acre Hankins Industrial Park and the seven acre Toano Business Center.

- Staff finds that the proposed commercial use of a day-care compatible with the rural character of the Toano area and would support the creation and retention of local small businesses and work force housing in keeping with the intent of the Economic Development Section of the Comprehensive Plan.
- With the proposed SUP conditions, staff finds that any impacts to the right-of-way or adjacent properties would be mitigated.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services:

• <u>Environmental/Cultural/Historic</u>. Stormwater management practices were included when this property was developed in 2009/2010. A maintenance agreement was signed by the owner to maintain the Best Management Practice (BMP) as designed. Stormwater and Resource Protection has reviewed this application and has requested that the owner have the BMP analyzed and perform any repairs and maintenance of the existing BMP facility as required by the maintenance agreement. An SUP condition has been proposed in case any new impervious cover is proposed. If any new impervious cover is proposed, the BMP may need to be upgraded or expanded and require a new maintenance agreement to be signed.

- <u>Schools/Fire/Utility</u>. With the use of a day-care for children between the ages of 6 weeks and 5 years, no impact on the public school system is expected. This area of the County is served by Fire Station 1 on Forge Road in Toano. The parcel is within the PSA and is served by both public water and sewer.
- Streets. Staff estimates that with 48 students and seven employees, • the day-care would generate approximately 40.5 AM peak hours and 42 PM peak hours. With peak hour estimates below 100, no traffic study is required by the Zoning Ordinance or the Virginia Department of Transportation (VDOT). The proposal is expected to generate moderate daily traffic at the two hour drop-off and pick-up periods each morning and afternoon. Morning drop-off is 7-9 a.m. and afternoon pick-up is 4-6 p.m. The drop-off and pickup schedule has been used by the applicant for many years at the existing Kensington School location, and according to the applicant, it has worked well. This section of Richmond Road was operating at Level of Service (LOS) A-C as of 2010, and is projected to continue to operate at LOS C or better through 2034. VDOT has reviewed the proposal and has requested that a taperand turn-lane warrant analysis be performed for the front entrance on Richmond Road. (Condition No. 3)

PROPOSED CONDITIONS

• The full text of the proposed conditions are attached (Attachment No. 3).

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-0010-2017. Kensington School

Staff Report for the October 4, 2017, Planning Commission Public Hearing

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this SUP application to the Board of Supervisors, subject to the respective attached conditions.

WSW/nb SUP10-17KensingtonSch

Attachments:

- 1. Location Map
- 2. SUP-0006-2009 Approved SUP Conditions
- 3. SUP-0010-2017 Proposed SUP Conditions
- 4. Master Plan

SUP-0010-2017 8231 Richmond Road, Kensington School





RESOLUTION

CASE NO. SUP-0006-2009. SALE/REPAIR OF LAWN EQUIPMENT AND GARDEN SUPPLIES

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Nick Cianelli has applied on behalf of Toano NCC Investments, LLC for an SUP to allow for the construction of a lawn equipment sale and repair and retail sales of plant and garden supplies shop on a parcel of land zoned A-1, General Agricultural, District; and
- WHEREAS, the proposed development is shown on a plan prepared by LandMark Design Group, dated April 29, 2009 (the "Master Plan") and entitled "Binding Master Plan for Property located at 8231 Richmond Road, James City County, Virginia"; and
- WHEREAS, the property is located at 8231 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 1240100007; and
- WHEREAS, the Planning Commission, following its public hearing on April 01, 2009, voted 7-0 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0006-2009 as described herein with the following conditions:
 - 1. <u>Master Plan</u>: This SUP shall be valid for the construction of an approximately 7,500-square-foot lawn equipment sale and repair and plant and garden supplies store (with major repair limited to a fully enclosed building) on the property located at 8231 Richmond Road and further identified as James City County Tax Parcel No. 1240100007 (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Binding Master Plan for property located at 8231 Richmond Road, James City County, Virginia," prepared by LandMark Design Group, and dated April 29, 2009 ("the Master Plan"), with such minor changes as the Development Review Committee determines and does not change the basic concept or character of the development.
 - 2. <u>Spill Prevention and Control Plan</u>: Prior to final site plan approval, a spill prevention and control plan which addresses chemical handling shall be submitted to the Environmental Director and the Fire Chief for their respective review and approval. Such plan shall include, but is not limited to, fertilizers, pesticides, herbicides, diesel fueling container solvents, oil, and gasoline. Underground storage tanks shall only be permitted for the catchment, storage, and reuse of stormwater. Storage tanks for any other use or intention shall not be permitted on the property.

3. <u>BMP Discharge</u>: Overflows from the proposed SWM/BMP facility shall be discharged to an adequate and well-defined channel in accordance with State Minimum Standard #19. If no receiving channel is present at the SWM/BMP outfall, offsite downstream improvements and/or drainage easements may be necessary on adjacent parcels. If no surface discharge is proposed, a full geotechnical investigation is required to show that the underlying soils beneath the trench are permeable and will infiltrate all increased runoff from the proposed development. Said SWM/BMP facility design must be reviewed and approved by the Environmental Director prior to final site plan approval.

4. <u>Water Conservation</u>: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") prior to final site plan approval. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought-tolerant plants, warm-season grasses, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The proposed rain barrels and/or cisterns shown on the Master Plan shall be included in the Agreement.

5. <u>Irrigation</u>: In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments (the "Impoundments") may be used for irrigating common areas on the Property (the "Irrigation"). In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates, to the satisfaction and approval of the General Manager of the JCSA, through drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve shallow (less than 100 feet) irrigation wells to supplement the water provided by the Impoundments.

- 6. <u>Exterior Lighting</u>: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the Property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.
- 7. <u>Fencing</u>: Information on the style, height, colors, and material of any proposed fencing, which is either designed for security and/or ornamental purposes, shall be submitted to the Planning Director or his designee for review and approval prior to final site plan approval.
- <u>Dumpsters/HVAC Units</u>: All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director or his designee prior to final site plan approval.

- 9. <u>Architectural Review</u>: Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Planning Director or his designee for review and approval. The purpose of this condition is to ensure that the proposed structure on the Property is uniform and compatible in terms of design, scale, materials, and colors with other structures in the Village of Toano.
- 10. Landscaping: A landscaping plan for the entire Property shall be prepared in accordance with the requirements set forth by the zoning ordinance and approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include, at a minimum, the preservation of existing plantings along the perimeter of the Property and along the 50-foot-wide community character corridor buffer. Further, plantings at 125 percent of the required size of plantings shall be required as means to supplement the existing vegetation within the 50-foot-wide community character corridor.
- 11. <u>Outdoor Display Areas</u>: No equipment or garden materials and supplies for sale on the Property shall be displayed in areas which are not specifically indicated on the Master Plan as "outdoor display area".
- 12. Junk Removal: All junk shall be removed from the Property prior to issuance of any Certificate of Occupancy. For purposes of this SUP condition, "junk" shall mean trash, wood, lumber, concrete, construction debris, pallets, tires, waste, junked, dismantled, or wrecked automobiles, inoperable equipment, machinery, or appliances, construction vehicles or tractors, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material. This junk shall be properly disposed of in a State-approved facility, or moved into an appropriate offsite enclosed storage building or facility. The James City County Zoning Administrator shall verify, in writing, and prior to issuance of any Certificate of Occupancy, that all junk has been properly removed from the Property. No new junk (as defined by this condition) may be brought to or stored on the Property.
- 13. <u>Commencement of Use</u>: Use of the property as described in this SUP shall commence within 36 months from the date of approval of this SUP, or this permit shall be void.
- 14. <u>Severance Clause</u>: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy Chairman, Board of Supervisors SURERVISOR VOTE GOODSON JONES AYE AYE MCGLENNON AYE ICENHOUR AYE KENNEDY AYE

ATTEST:

Janne . Sanford B. Wanner

Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of May,

-4-

Sup-0006-09_res

2009.

Draft Conditions for SUP-0010-2017, The Kensington School

- <u>Master Plan:</u> This Special Use Permit (the "SUP") shall be valid for the operation of a day care and child care center (the "School") on property located at 8231 Richmond Road and further identified as JCC Tax Parcel Number 1240100007 (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the master plan entitled "Master Plan of property located at 8231 Richmond Road" dated September 26, 2017 with such deviations as considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
- 2. <u>Enrollment</u>: The School shall be limited to a maximum of forty-eight (48) children. On or before July 1 of each year, the School shall provide the Zoning Administrator, or her designee, school enrollment data for the previous school year and projected school enrollment data for the upcoming year. The school enrollment data shall include, at a minimum, the total number of children enrolled, and the number of staff employed.
- 3. <u>BMP Repair and Maintenance:</u> With any newly proposed impervious cover for this site, the on-site stormwater management facility (the "BMP"), shall be inspected by a professional engineer for determination of functionality. The professional engineer's full report, including any testing and performance evaluations, shall be submitted to the Director of the Stormwater & Resource Protection Division for review and approval. If the evaluation determines that the BMP is inadequate for the expansion, or not functioning properly, proper maintenance, repairs, or upgrades as determined by the Director of Stormwater and Resource Protection may be required and the owner shall enter into a new maintenance agreement with the county.
- 4. <u>**Turnlane and Taper Warrants:**</u> A turnlane and taper warrant analysis shall be provided for the entrance to the Property from Richmond Road. All improvements warranted by the analysis and approved by the Director of Planning and the Virginia Department of Transportation shall be shown on the approved site plan and installed or guaranteed in a form approved by the County Attorney prior to the issuance of a Certificate of Occupancy.
- 5. <u>Water Conservation</u>: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority ("JCSA") prior to the Certificate of Occupancy approval. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 6. <u>Exterior Lighting:</u> All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. No light poles shall exceed twenty (20) feet in height unless otherwise approved by the Director of Planning. A lighting plan indicating no glare outside the boundaries of the

Property shall be submitted to and approved by the Director of Planning or his designee. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.

- 7. <u>Fencing</u>: Any new fencing on the Property shall be black, brown or another neutral color. The detail and final color shall be submitted to and approved by the Director of Planning prior to final site plan approval.
- 8. **Dumpsters/HVAC Units:** All new dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or his designee prior to final site plan approval.
- 9. <u>Commencement of Use:</u> A permanent Certificate of Occupancy for the School shall be obtained within thirty-six (36) months from the date of approval of this SUP, or this permit shall be void.
- 10. <u>Severance Clause:</u> This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SPECIAL USE PERMIT- 0010-2017: 8231 Richmond Road, Kensington School

Application to locate a second facility for Kensington School

Site Address: 8231 Richmond Road

Property Owner:

Mr. Nick Cianelli

Tax Map ID: 1240100007

Zoning: A-1

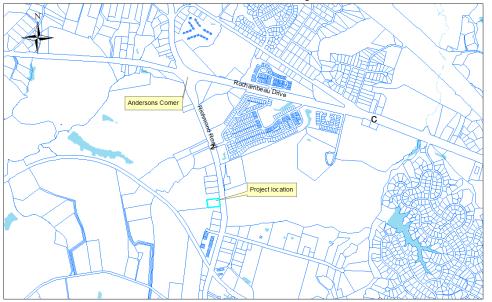
General Notes:

- 1. Kensington School plans to have 7 employees and 48 students occupy this facility.
- 2. 2,800 square feet of the office area of the building shall be used by the school.
- 3. The other 4,700 square feet of warehouse space shall be used as storage.
- 4. The fenced in loading area in the rear shall be converted to a playground.
- **Parking:** No change is approved. With 7 employees and 48 students a minimum of 19 parking spaces is required and 19 spaces exist.

Sheet Index:

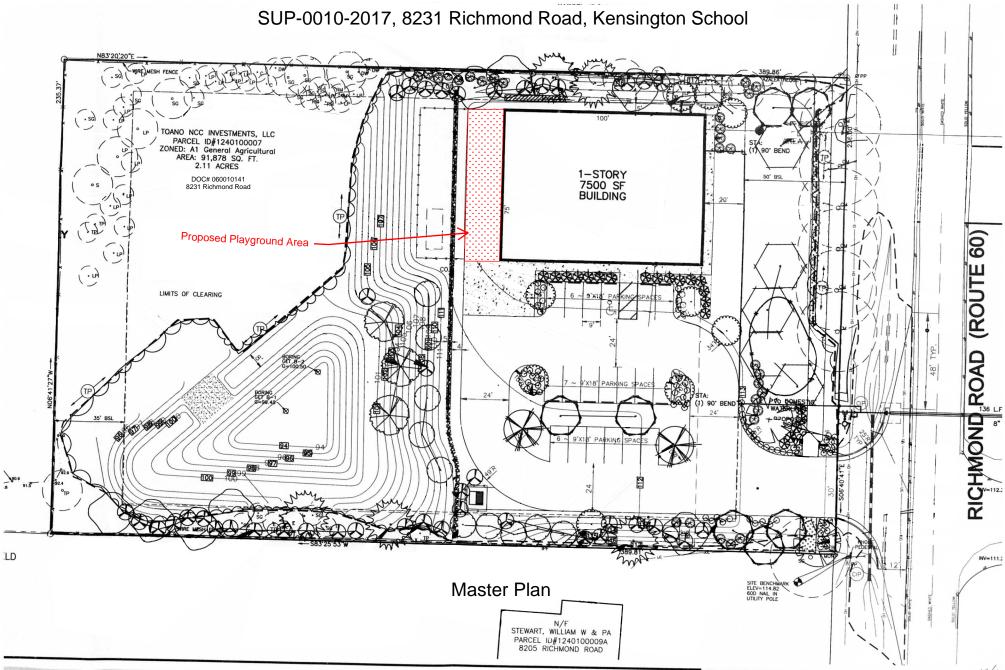
- 1. Cover sheet
- 2. Master Plan

Location Map



Stamp Dated September 26, 2017

Sheet 1 of 2



intin ----

AGENDA ITEM NO. F.2.

ITEM SUMMARY

DATE:	10/4/2017
TO:	The Planning Commission
FROM:	Jose Ribeiro, Senior Planner II
SUBJECT:	Special Use Permit-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment

ATTACHMENTS:

	Description	Туре
۵	Staff report	Staff Report
D	Location Map	Exhibit
D	Master Plan	Exhibit
D	Architectural Elevations	Exhibit
D	Approved Architectural Guidelines	Exhibit
D	Architectural Renderings-2013	Exhibit
D	Traffic Analysis	Exhibit
D	Community Impact Statement	Exhibit
ם	Proposed conditions for SUP- 0005-2017. Lightfoot Marketplace SUP Amendment (overall shopping center)	Exhibit
ם	Proposed conditions for SUP- 0008-2017. Lightfoot Marketplace Drive-Through Restarant	Exhibit
ם	Proposed conditions for SUP- 0007-2017. Lightfoot Marketplace Automotive Service Center	Exhibit
۵	Proposed conditions for SUP- 0006-0217. Lightfoot Marketplace Gasoline Station	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:53 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:54 PM
Publication Management	Trautman, Gayle	Approved	9/27/2017 - 3:00 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 3:00 PM

Staff Report for the October 4, 2017, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Ms. Jennifer Harris
Land Owner:	Lightfoot Marketplace Shopping Center
Proposal:	To amend the existing Master Plan for the Lightfoot Marketplace Special Use Permit (SUP-0014-2013), and to allow for a convenience store with five gas pumps ("gasoline station"), automotive service center with two bays and a drive-through fast food restaurant
Location:	6401 Richmond Road
Tax Map/Parcel No.:	2430100038
Project Acreage:	+/- 18.86 acres
Zoning:	M-1, Limited Business/Industrial
Comprehensive Plan:	Mixed Use – Lightfoot
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission:	October 4, 2017, 7:00 p.m.
Board of Supervisors:	November 14, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

- 1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.
- 2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way."

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 +/- 240-squarefoot gasoline station, a +/- 1,674-square-foot automotive service center and a fast food restaurant with drive-through as a portion of a +/- 9,000-square-foot building. The +/- 9,000-square-foot building would also include a medical office.

Staff Report for the October 4, 2017, Planning Commission Public Hearing

- An SUP is required for fast food restaurants in M-1. Automotive service stations and gasoline stations are a permitted use in M-1. However, both require a commercial SUP per Section 24-11 of the Zoning Ordinance.
- The overall Lightfoot Marketplace center is partially developed with four of the six originally-planned buildings having been constructed: Harris Teeter, two retail buildings and the Children's Hospital of the Kings Daughters (CHKD) medical building.
- The building that includes the proposed fast food restaurant and medical office is shown as Building 4 (sections "a" and "b") on the newly proposed Master Plan. On the adopted Master Plan this area is labeled as Building 4, which allows up to 15,000 square feet of commercial uses. The automobile service station and gasoline station are proposed as Buildings 6a and 6b on the proposed Master Plan, respectively. This area is shown on the adopted Master Plan as Building 6, which allows for up to 10,000 square feet of commercial/office uses. The total permitted square footage for the development is proposed to be $\pm 127,818$ square feet, compared with $\pm 136,500$ square feet shown on the adopted Master Plan (a reduction of 8,682 square feet).
- This request will also amend, supersede and replace previously approved SUP-0014-2013 for the overall Lightfoot Marketplace development. The SUP conditions for SUP-0005-2017 are the same as the conditions adopted as part of SUP-0014-2013, with minor changes made in order to update them (Condition Nos.1, 8, and 9). These conditions will apply to the development as a whole, while the conditions for the three new cases will be use-

specific.

• Approved architectural guidelines (Attachment No. 4) govern the design and architecture of Lightfoot Marketplace.

PLANNING AND ZONING HISTORY

The parcel was formerly the location of the 230,000-square-foot Williamsburg Outlet Mall. In 2013, a proposal was submitted to replace the Williamsburg Outlet Mall with new buildings, parking and other infrastructure. The proposal required an SUP under Section 24-11 of the Zoning Ordinance due to the development being comprised of a building or group of buildings which exceeded 10,000 square feet of floor area and which were expected to generate a total of 100 or more peak hour trips. This SUP, SUP-0014-2013, was approved by the Board of Supervisors on February 11, 2014. On August 23, 2017, the Development Review Committee (DRC) reviewed the revised Master Plan and new elevations for the proposed uses, and provided comments and input to the applicant in advance of the Planning Commission meeting in October.

<u>Architectural Elevations</u>. The applicant has submitted architectural elevations for three new structures (see Attachment No. 3). Staff has reviewed these elevations and compared them with the approved Lightfoot Marketplace Architectural Guidelines and the Conceptual Design images submitted as part of SUP-0014-2013, titled "Lightfoot Marketplace-Architectural Renderings" (Attachment No.5). Staff notes that proposed Buildings 4 (fast food restaurant) and 6a (automobile service station) will front along Richmond Road, which is designated by the 2035 Comprehensive Plan as a Community Character Corridor (CCC).

Staff Report for the October 4, 2017, Planning Commission Public Hearing

Building No. 4 – Fast Food Restaurant. Staff finds the design of this building to be somewhat consistent with the approved Architectural Guidelines and with the architecture of existing buildings on the site (e.g., tower elements projecting above the main roof parapet, transparent layers of windows or doors that transmit light at front facades and low-slope roofs.) However, staff notes that the Architectural Guidelines and adopted SUP Condition No. 9 establishes that the front facade of Buildings 4 and 6 shall face Richmond Road. There are two elements proposed as part of this building which staff finds to be inconsistent with the front façade requirements: (1) The menu order board faces Richmond Road and (2) There is no pedestrian access to the building through the side fronting Richmond Road. The architecture of that facade needs to be developed more such that the building has the appearance of facing Richmond Road (i.e., so that the building does not appear to have its back or rear of the building facing Richmond Road).

Staff has included an SUP condition (Attachment No. 9, Condition No. 1b) specifying that the menu order board is not to be located along the front façade. With regards to the second item, Condition No. 1b also specifies that pedestrian access would need to be provided from Richmond Road and that the Condition requiring the frontage of this building remain facing Richmond Road.

Building No. 6a – Auto Service Center Building. This building is also required per the approved architectural guidelines and existing SUP condition No. 9 to establish its front façade along Richmond Road. The proposed elevation for the auto service center (Attachment No. 3)

shows the portion of the building facing Richmond Road as the northeast elevation. Similarly to Building No. 4, the current proposal from the applicant does not have a pedestrian access through the front façade of the building. Staff concurs with the orientation of the building showing the bay doors not fronting Richmond Road. However, in order to establish a functional front façade along Richmond Road, staff believes that pedestrian access to the building should also occur at the frontage and that additional architectural details be required at the site plan stage. Staff has included an SUP Condition (Attachment No. 10, Condition No. 2b) that specifies this access would need to be provided.

Since the August 23, 2017 DRC meeting, the applicant has added additional windows (glazing), brick columns and revised awnings to the northeast elevation. While these changes are positive, staff does not find the proposed elevation to be fully consistent yet with the Architectural Guidelines and Conceptual Elevations such as the following:

- Item No. 5, Tower and Roof Elements, of the Architectural Guidelines states that "towers shall be composed of glass, prefinished metal and other materials that support a light, transparent motif."
- Item No. 6b, Fenestration and Articulation, of the Architectural Guidelines states that "glazing shall comprise a minimum of 60 percent of the front façade for Building 4 and Building 6 as shown on the Master Plan. For the purpose of this requirement, the side of these buildings facing Richmond Road shall be considered the front façade."

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.

Staff Report for the October 4, 2017, Planning Commission Public Hearing

• Item Nos. 9c and 9d, Windows and Doors, of the Architectural Guidelines, which contain specifications regarding the use of glass that allows visibility into the interior and use of a full glass entry door.

Staff has included an SUP Condition (Attachment No. 10, Condition No. 2a) that specifies that the final building design be consistent with the existing Architectural Guidelines and Conceptual Elevations.

Building No. 6b – Gas Service Station. The Architectural Guidelines do not specifically address the aesthetic treatment of a gasoline station's canopy and this proposed structure does not have the same front façade requirement as Buildings 4 and 6a. Staff has included an SUP Condition (Attachment No. 11, Condition No. 3b) to establish the design standards for the canopy.

At the August 23, 2017 DRC meeting, members of the DRC requested that the applicant consider a different color for the gasoline station canopy (originally presented in green). The applicant has since revised the color of the canopy to an earth tone, which is more consistent with the existing Harris Teeter building.

SURROUNDING ZONING AND DEVELOPMENT

- Properties immediately adjacent to the east/northeast are zoned M-1 and developed as commercial uses. Properties to the east across Richmond Road are zoned B-1, or GB, General Business within York County and are also developed as commercial uses.
- Parcels to the north are zoned MU, and developed as the residential portion of the Liberty Crossing development.

- Parcels to the west/southwest are zoned A-1 and R-8, and developed as residential lots.
- Across Centerville Road is a parcel zoned PL, Public Lands and developed as Thomas Nelson Community College, and a parcel zoned R-8/PUD and developed as a place of public assembly.

COMPREHENSIVE PLAN

This property is designated Mixed Use by the 2009 Comprehensive Plan and specifically part of the Lightfoot Mixed Use area. The principal suggested uses for this mixed-use area are moderate density housing, commercial developments and office developments. Further, the commercial uses should not be developed in strip commercial fashion and should emphasize shared access and parking as well as consistent treatment for landscaping and architecture. Staff finds that commercial development in this location is consistent with the Comprehensive Plan language. Furthermore, the design proposed continues to use shared access and has consistent treatment of architecture, as shown in the proposed building elevations and design guidelines. In keeping with language in the mixed-use development standards, the Master Plan continues to provide for several focal open spaces through the development, including a central marketplace green and a comprehensive pedestrian plan that includes a route through the parking lot.

In terms of Community Character, both Richmond Road and Centerville Road in this area are classified as Suburban and Urban CCCs. The Master Plan continues to include landscape buffers with enhanced landscaping.

Staff Report for the October 4, 2017, Planning Commission Public Hearing

PUBLIC IMPACTS

- 1. Anticipated Impact on Public Facilities and Services:
 - Streets: All the transportation improvements associated with • the previous traffic study for the development of Lightfoot Marketplace have been completed, including improvements to the Richmond/Lightfoot Road intersection and the Centerville Road/Opportunity Way intersection. An update to the traffic study was submitted, comparing traffic generation between the proposed uses (i.e., gasoline station, automotive service station and fast-food restaurant/dentist) versus the uses for the original traffic study (pharmacy and sit-down restaurant) in Buildings 4 and 6. According to the updated traffic study, the proposed uses will generate traffic volumes during the AM peak traffic at a slightly higher level than the approved uses, but at lower levels during the PM peak traffic. No additional improvements to roads and intersections are warranted based on the proposed uses. The Virginia Department of Transportation has completed its review of the traffic study memorandum and concurs with its conclusion.
 - Pedestrian accommodations are in place along Richmond and Centerville Roads.
 - Internal pedestrian accommodations between the two sites will be provided as shown on the Master Plan.
 - *School/Fire/Utilities:* No impacts anticipated for schools. The closest fire station in James City County to the property is Fire Station 4, located at 5312 Olde Towne Road, just over 2.6

miles southeast of the project site. The site is served by James City Service Authority for water and sewer, and the applicant projects that water and sewer use for the proposed uses will be below what had been originally approved.

- 2. Environmental/Cultural/Historical: No impacts anticipated. The Stormwater Management Plan has been approved for the whole development, and the proposed buildings will need to demonstrate adherence to the stormwater management approach at the development plan level. According to the Master Plan, there is a slight decrease in the overall impervious surface and a slight increase in green space areas associated with the new proposal. Engineering and Resource Protection requested SUP Conditions related to a spill prevention control and countermeasures plan for the automotive service station and gasoline station (Attachment Nos. 10 and 11, Condition Nos. 1 and 2).
- 3. Anticipated Impact on Nearby and Surrounding Properties:
 - As described above, the properties are surrounded by business zoning. The residentially-zoned properties are further away across the railroad and on Merrimac Trail.
 - Many of the potential impacts are being mitigated through SUP Conditions such as lighting, noise, screening of site features and architectural review.

PROPOSED SUP CONDITIONS

• Draft text of proposed conditions is provided as Attachment Nos. 8, 9, 10, and 11.

Staff Report for the October 4, 2017, Planning Commission Public Hearing

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the Comprehensive Plan adopted in 2015, "Toward 2035: Leading the Way" and the Zoning Ordinance. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

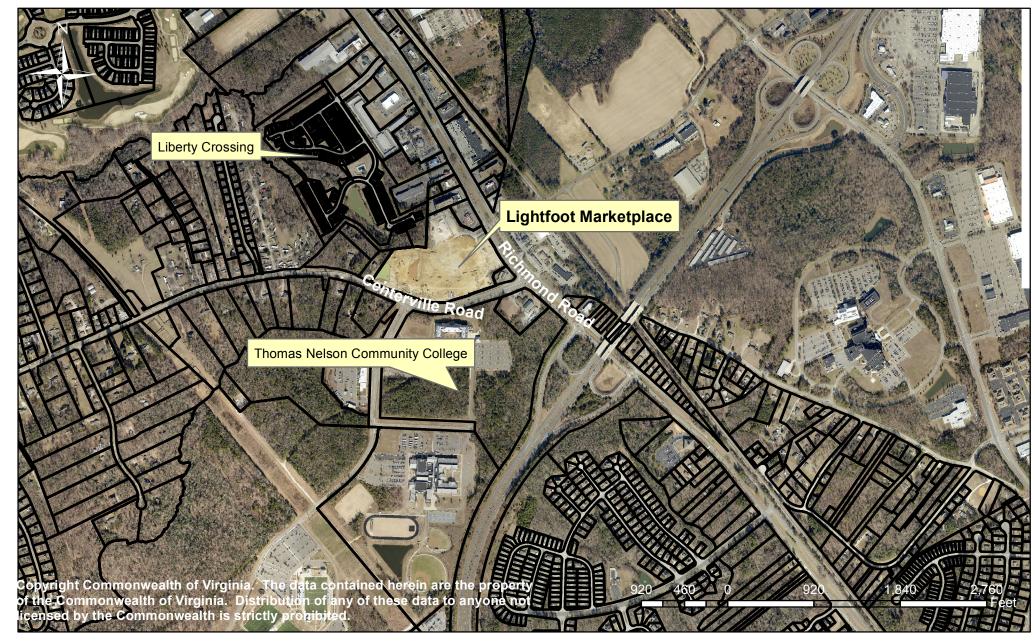
JR/gt SUP-LtfootMktpl

Attachments:

- 1. Location Map
- 2. Master Plan Exhibit
- 3. Architectural Elevations
- 4. Approved Architectural Guidelines
- 5. Lightfoot Marketplace Architectural Renderings, 2013
- 6. Traffic Analysis
- 7. Community Impact Analysis (CIS)
- 8. Proposed SUP Conditions Overall SUP
- 9. Proposed SUP Conditions Fast Food
- 10. Proposed SUP Conditions Automotive Service Center
- 11. Proposed SUP Conditions Gasoline Station

SUP-0005/0006/0007/0008-2017 Lightfoot Marketplace





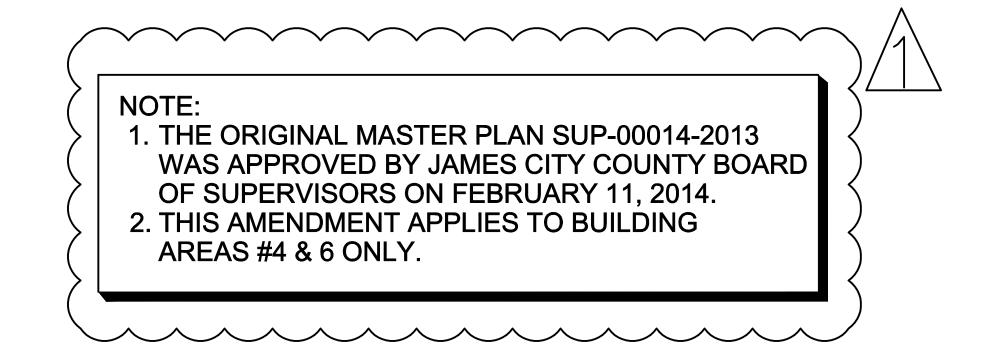
MASTER PLAN AMENDMENT LIGHTFOOT MARKETPLACE FOR SPECIAL USE PERMIT

GENERAL NOTES

PROPERTY OWNER:

LIGHTFOOT MARKETPLACE SHOPPING CENTER LLC 222 CENTRAL PARK AVE, STE. 2100 VIRGINIA BEACH, VIRGINIA 23463

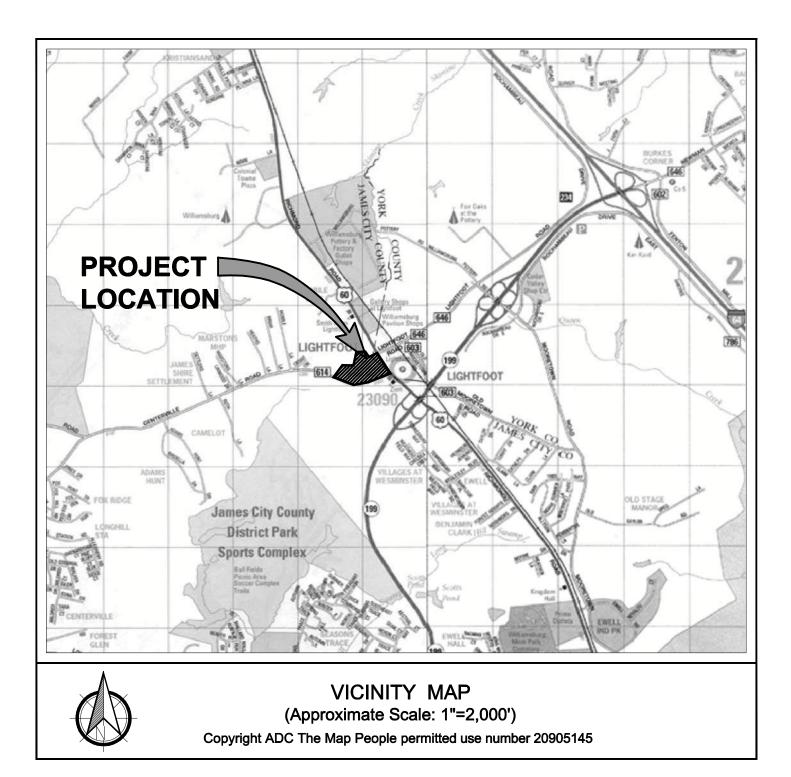
- 2. PARCEL IDENTIFICATION 2430100038 ADDRESS: 6401 RICHMOND ROAD WILLIAMSBURG, VA 23188
- 3. SITE IS ZONED LIMITED BUSINESS/INDUSTRIAL DISTRICT (WITH CONDITIONS PER SUP-0014-2013 AND APPROVED FEBRUARY 11, 2014 BY JCC BOARD OF SUPERVISORS AND ASSOCIATED WITH THIS SITE).
- 4. SITE IS SITUATED IN SUBWATERSHED 205 OF THE POWHATAN CREEK WATERSHED AND SUBWATERSHED 105 OF THE YARMOUTH CREEK WATERSHED OF JAMES CITY COUNTY.
- 5. HYDROLOGIC UNIT CODE:
- JL31 (POWHATAN CREEK 020802060702) & JL28 (CHICKAHOMINY RIVER-YARMOUTH CREEK -20802060604
- 6. BASED ON THE FEMA FLOOD INSURANCE RATE MAP FOR JAMES CITY COUNTY, VIRGINIA (MAP PANEL 51095C0109D) AS OF 12/16/15, NO PORTIONS OF THIS PROPERTY FALL WITHIN THE 100-YEAR FLOODPLAIN.
- 7. SITE AREA = 18.96 AC. \pm (825,990 S.F. \pm)



STONEHOUSE DISTRICT JAMES CITY COUNTY

VIRGINIA

AES PROJECT NUMBER W10234-01 SUBMITTAL DATE: 8/21/13 SUP-0005/0006/0007/0008-2017



LBA Revised By
LBA
LBA

INDEX OF SHEETS

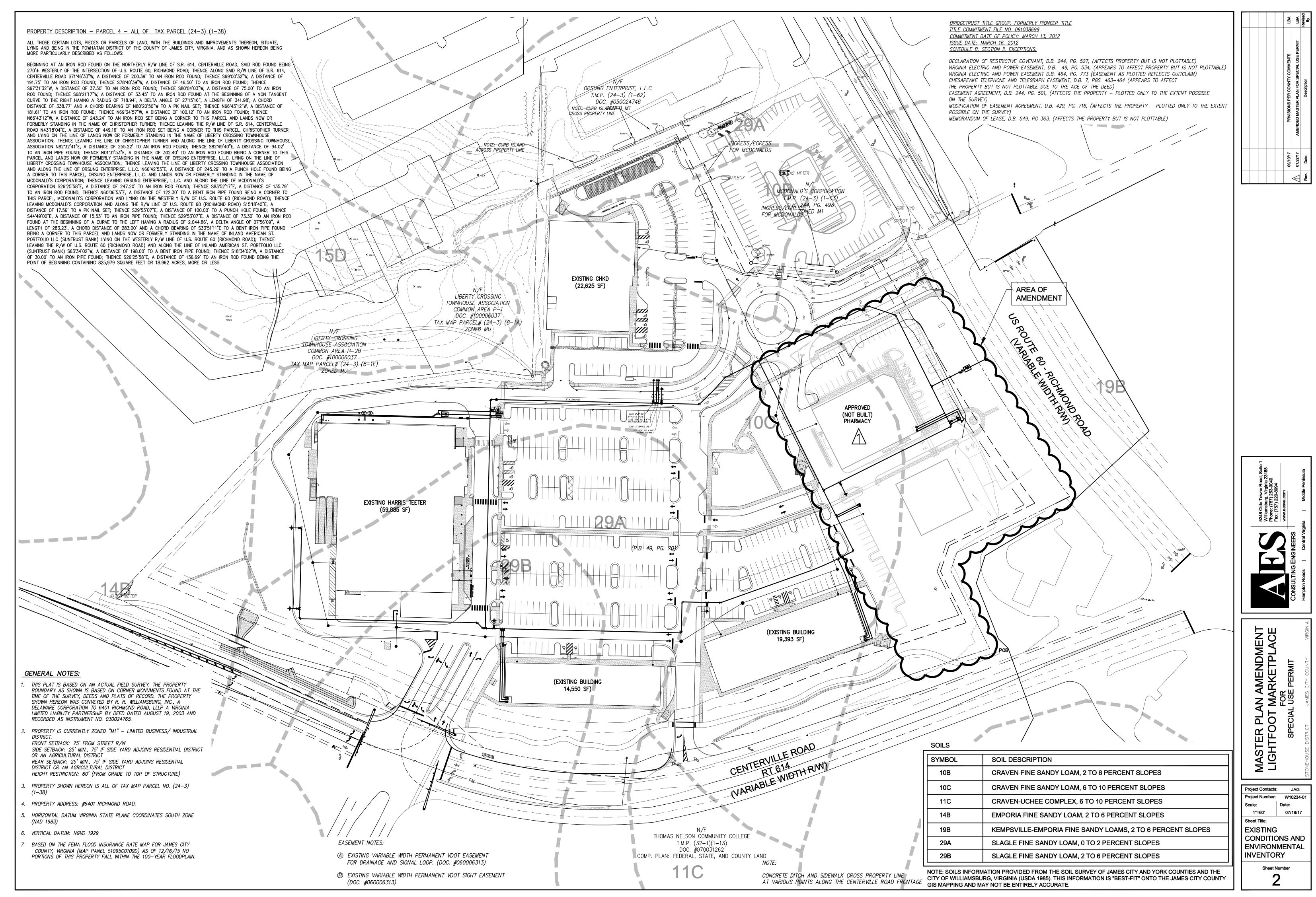
SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET
2	ENVIRONMENTAL INVENTORY AND EXISTING CONDITIONS
3.1	EXISTING BINDING MASTER PLAN (APPROVED 2/11/2014)
3.2	BINDING MASTER PLAN
4	CONCEPTUAL STORMWATER MASTER PLAN
5	CONCEPTUAL WATER & SEWER PLAN

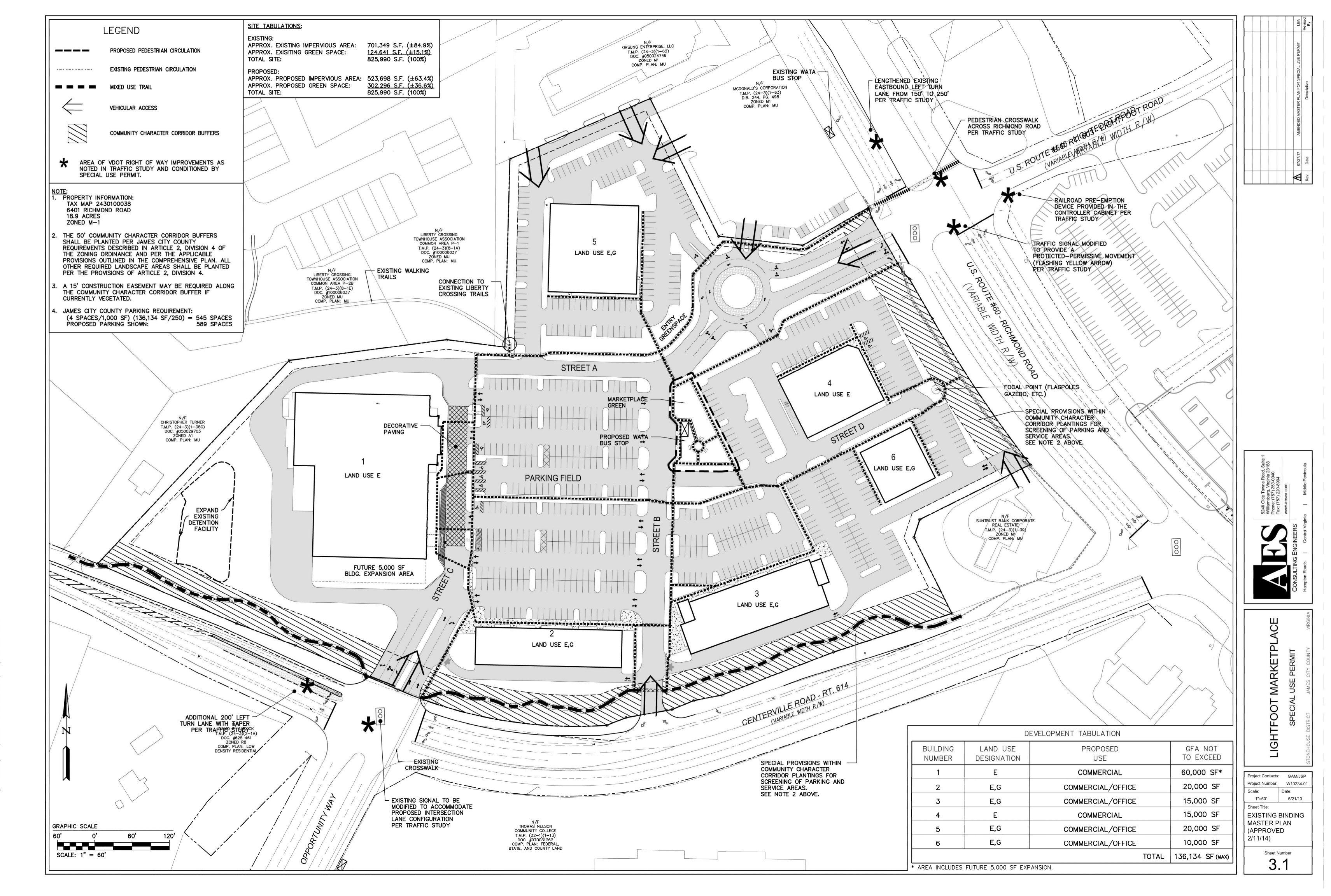
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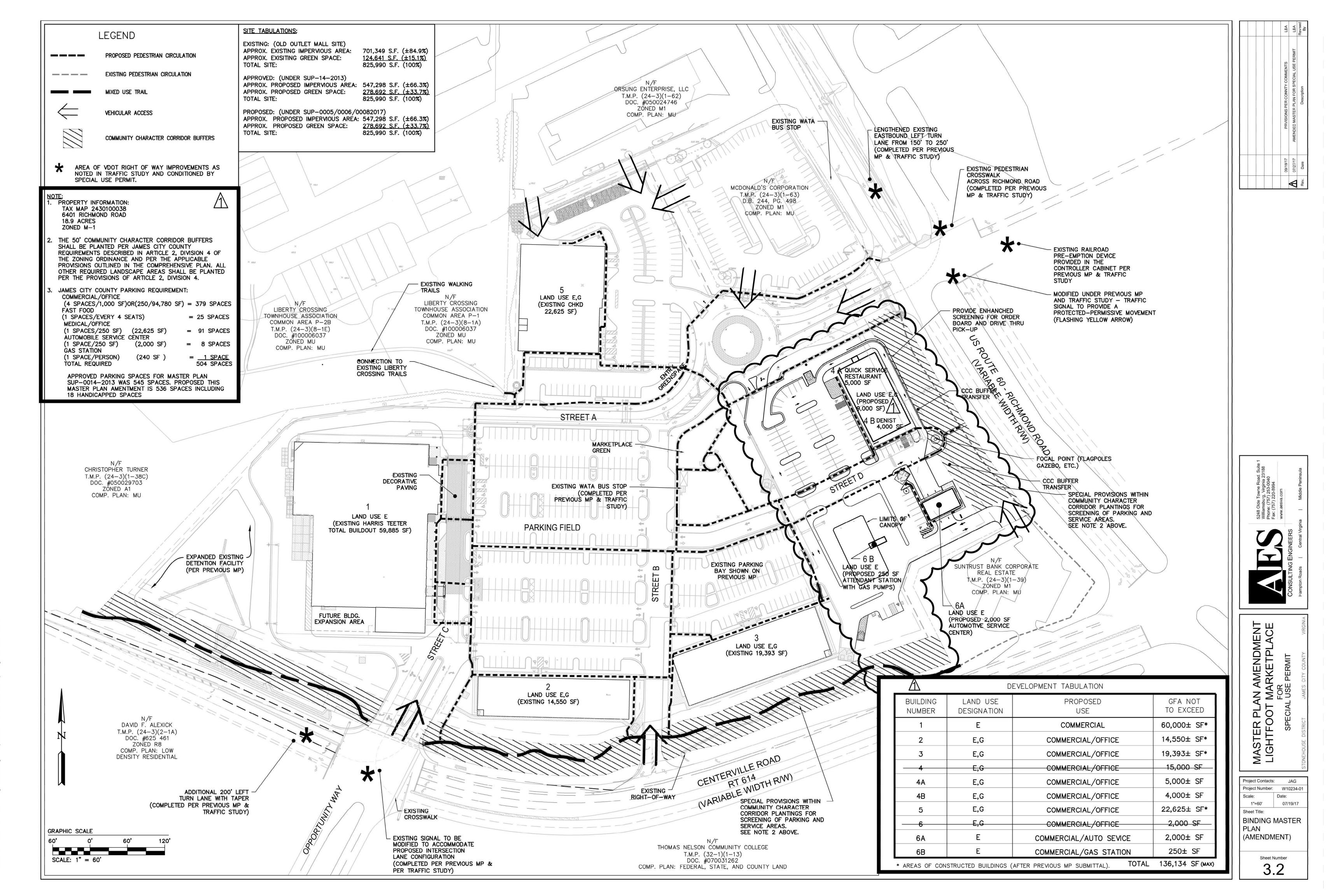
DEVELOPER INFORMATION:

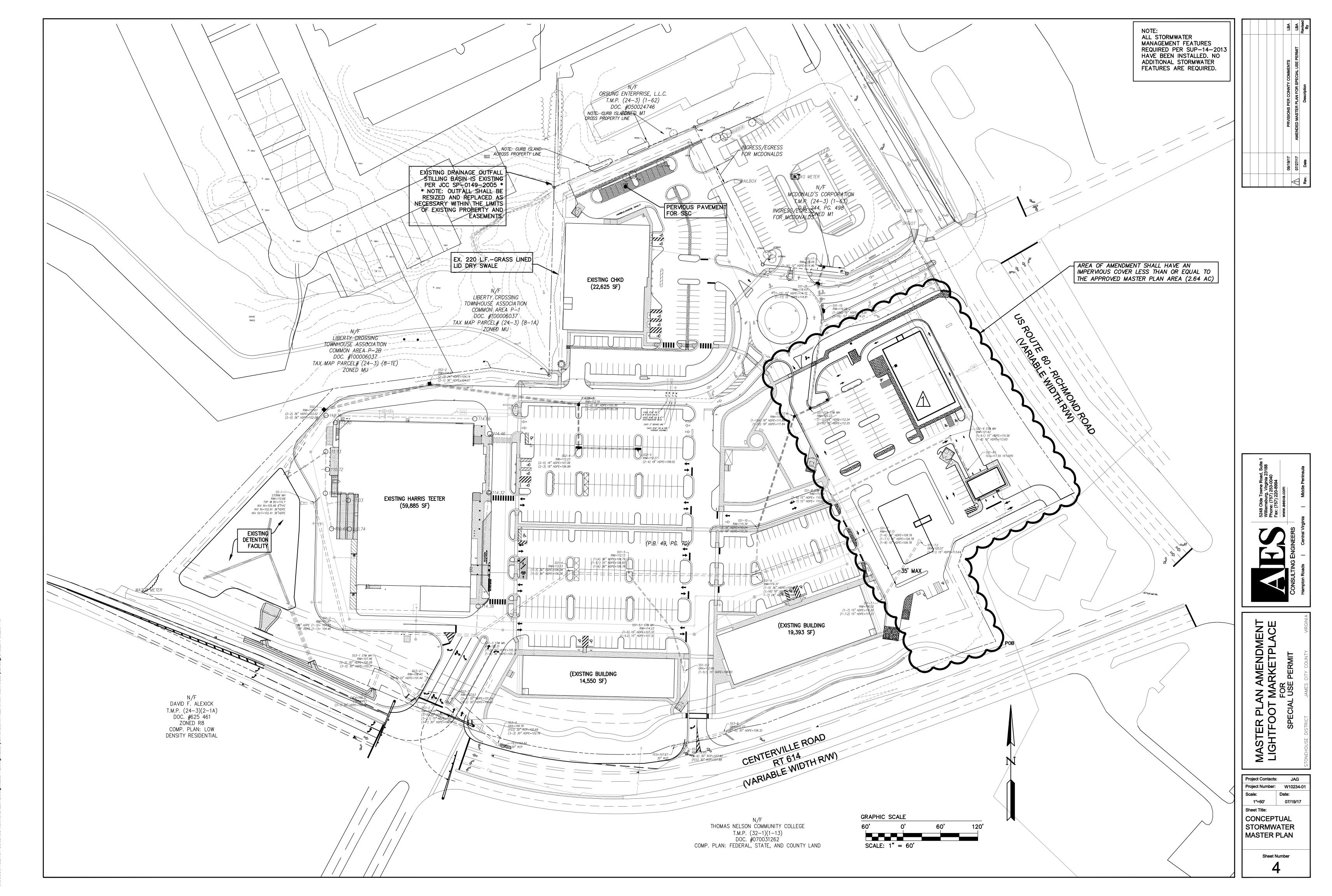
CONTACT: LIGHTFOOT MARKETPLACE SHOPPING CENTER, LLC. 222 CENTRAL PARK AVE. STE 2100 VIRGINIA BEACH, VIRGINIA 23463 PHONE NO.: (757) 366-4000 CONTACT: JENNIFER HARRIS

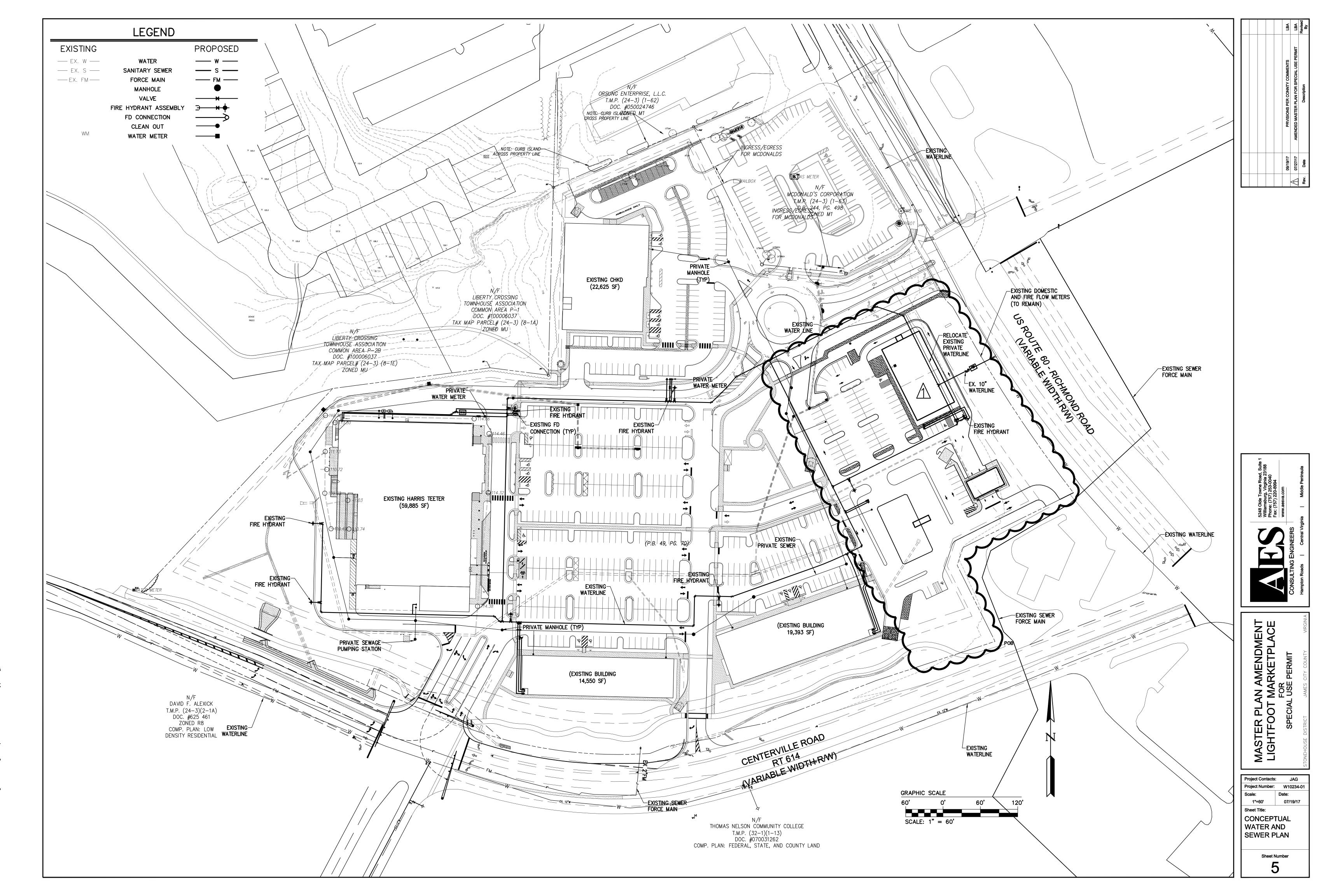














LIGHTFOOT MARKETPLACE

Williamsburg, Virginia



September 15, 2017



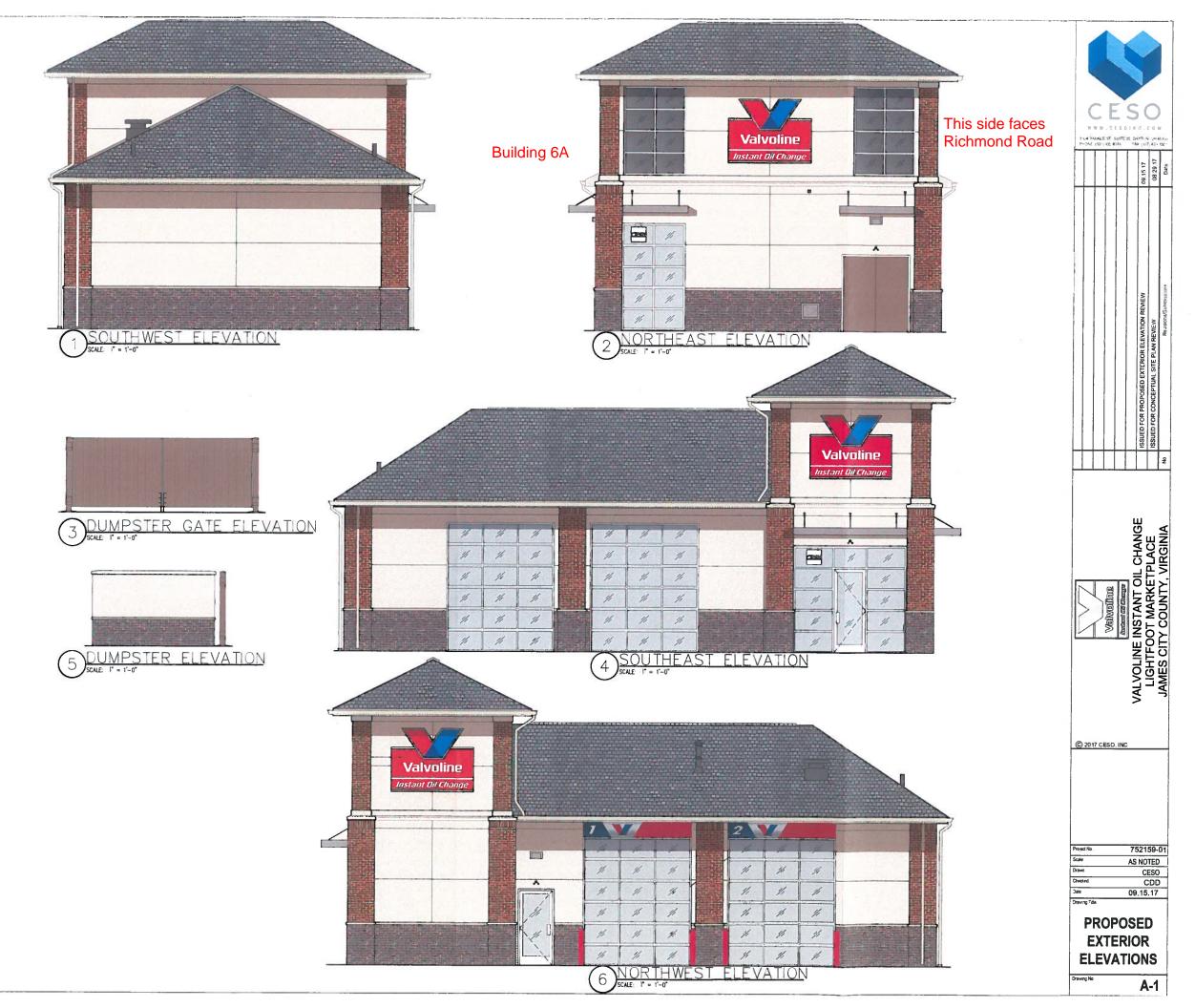
LIGHTFOOT MARKETPLACE

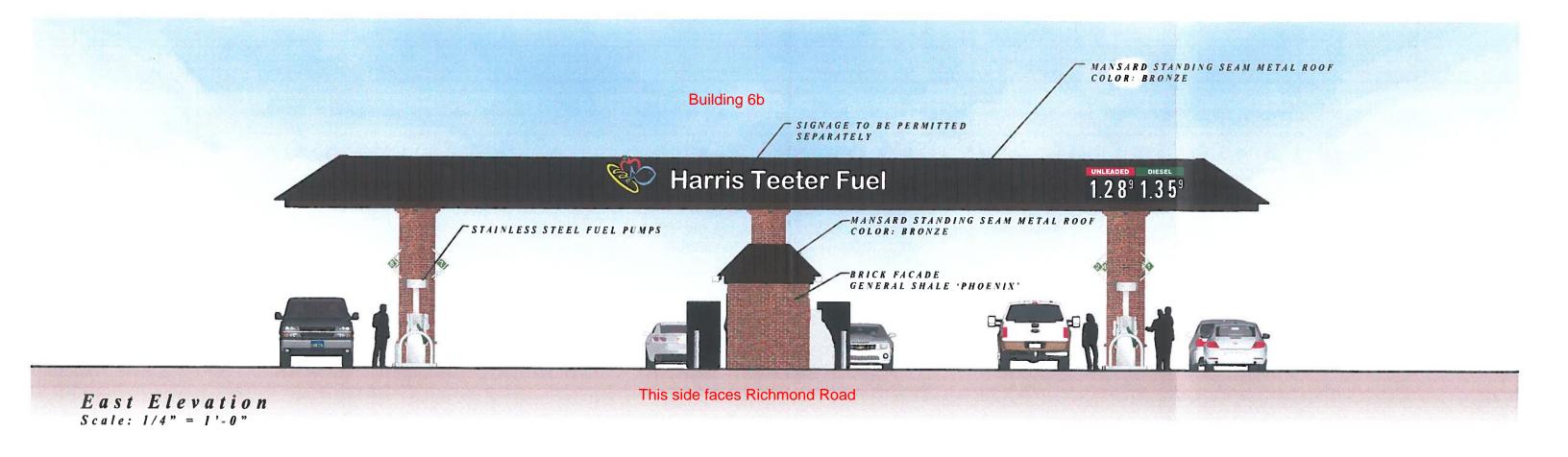
Williamsburg, Virginia



September 15, 2017

SIGNAGE SCHEDULE									
NUMBER	DESCRIPTION	SIZE	ILLUMINATED	QUANTITY					
\odot	LOGO SIGN	7'-8" X 5'-11" (45 S.F.)	INTERNALLY	3					
\odot	LANE INDICATOR SIGN	10'-0" X 1'-4" (13.33 S.F.)	ND	2					
0	OPEN SIGN	2'-7" X 1'-10" 4.7 S.F.)	INTERNALLY	2					
0	MONUMENT SIGN PER LOCAL AND	6'-6" X 6'-9" (44 S.F.)	INTERNALLY	1					
	PER LOCAL AND DEVELOPMENTAL RESTRIC	CTIONS							

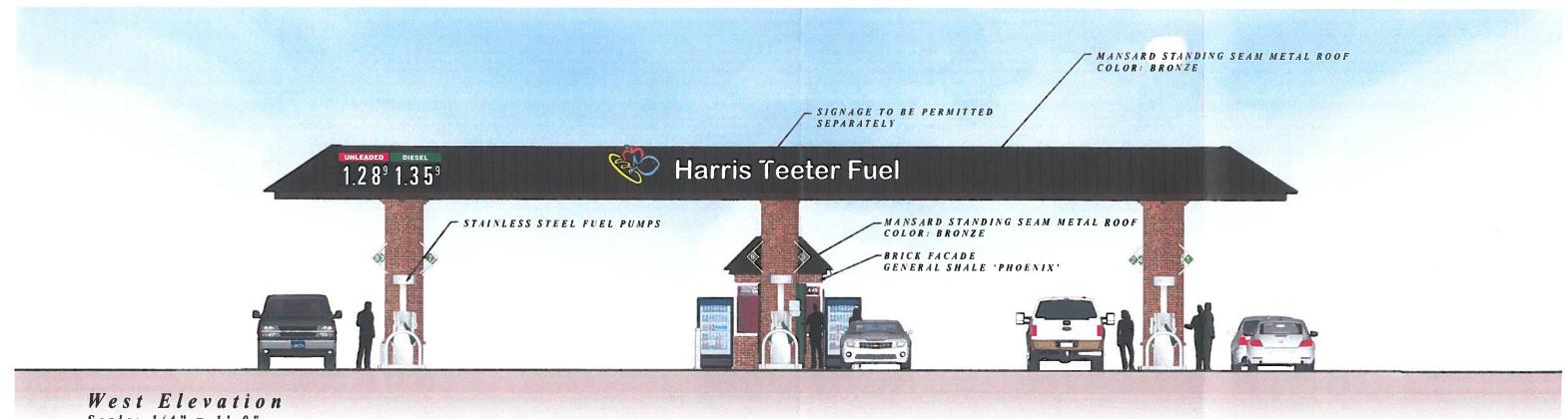




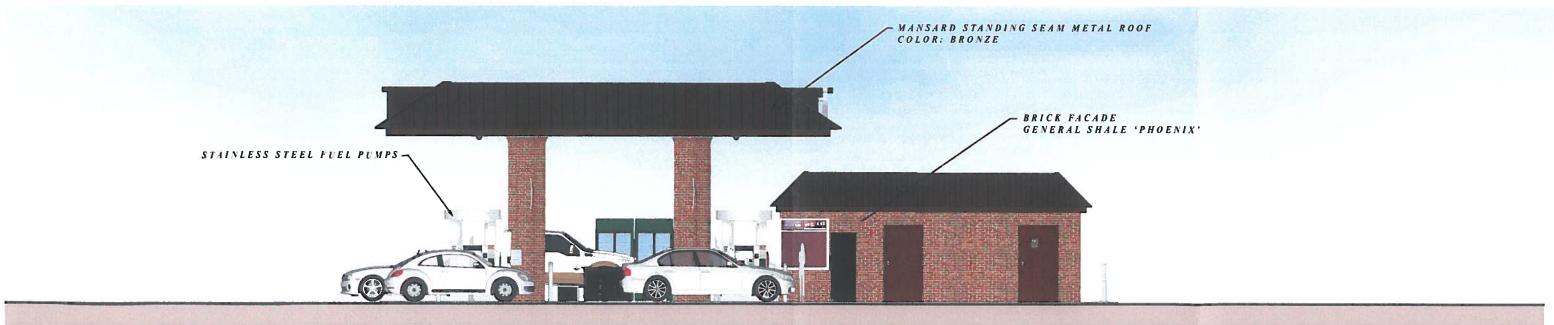


Scale: 1/4" = 1'-0"

HARRIS TEETER FUEL CENTER - WILLIAMSBURG, VA - STORE #356



Scale: 1/4" = 1'-0"



South Elevation Scale: 1/4" = 1'-0"

HARRIS TEETER FUEL CENTER - WILLIAMSBURG, VA - STORE #356





Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia









Williamsburg, Virginia









Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia





Williamsburg, Virginia



LIGHTFOOT MARKETPLACE ARCHITECTURAL GUIDELINES

- DESIGN INTENT: The architectural character of Lightfoot Marketplace blends the architectural heritage of central/eastern Virginia with a modern aesthetic, resulting in a contemporary market theme. The architecture combines historic materials and forms with twenty-first century materials and building systems. It also creates a rhythm of solid piers interspersed with the transparency of large glazed openings.
- 2. DESIGN CONTEXT: The architecture of Lightfoot Marketplace relates to the character of the adjacent Thomas Nelson Community College Historic Triangle campus and the Warhill High School campus. Although a much different aesthetic on public and institutional facilities, these buildings combine traditional materials such as masonry and precast concrete with contemporary materials such as prefinished metals and simulated stucco. The materials are layered and applied in a modern way on traditional forms, much like the intent of Lightfoot Marketplace.
- 3. **EXAMPLE BUILDING IMAGES:** The Conceptual Design images prepared by *Bonstra Haresign Architects*, dated November 8, 2013 shall be referenced as appropriate images for Lightfoot Marketplace. While the final buildings need not replicate these Conceptual Design images, they shall be similar in character, massing and architectural language.
- 4. **BUILDING HEIGHT:** One story buildings shall have a minimum height of 20 feet from grade to top of parapet or roof eave.
- TOWER AND ROOF ELEMENTS: Each building shall be accentuated with a minimum of one tower element that projects above the main roof parapet or eave line. These towers shall be composed of glass, prefinished metal, and other materials that support a light, transparent motif.

6. FENESTRATION AND ARTICULATION:

- a. **Glazing** shall comprise a minimum of 60% of the front and entrance façades. Alternatively, a portion of the front façade may be articulated with masonry piers and infill of cast stone, simulated stucco, glazing or a combination thereof. *Reference Bonstra Haresign Conceptual Design images for acceptable examples* of this treatment.
- b. Glazing shall comprise a minimum of 60% of the front facades for Building 4 and Building 6 as shown on the Master Plan. For the purposes of this requirement, the side of these buildings facing Richmond Road shall be considered the front façade.

- c. Blank lengths of walls exceeding 40 linear feet shall not be permitted. Side and rear walls shall be articulated with piers, openings and/or changes in materials, texture and color.
- d. All sides of a building, when exposed to view, shall express consistent architectural detail and character and usage of materials. Exceptions to this requirement may be made for walls that are effectively blocked from public view by existing landscaping and/or placement of building on the site (i.e. north façade of Building #1/Grocery).

7. WALLS:

- a. **Primary wall materials** shall include brick, cast stone, precast concrete, tile, stone, prefinished metal siding and simulated stucco.
- b. The base of all walls (other than full height glazed walls) shall be brick, cast stone, precast concrete, tile or stone. Prefinished metal siding and simulated stucco shall only be used on walls more than 2 feet above grade. Darker, contrasting colors on wall base materials are encouraged.
- c. **Parapet walls** shall be a contrasting material (i.e. prefinished metal) or contrasting color (i.e. light brick) to create a clear parapet top to the wall façade that recedes from the wall below.
- d. Secondary wall and trim materials shall include smooth-face, ground-face or split-face concrete masonry units (for column bases and pier bases); closed cell PVC and other approved simulated materials for trim, caps and cornices.
- e. Cementitious panels (Hardipanel or equal) may be used in lieu of other approved materials, if only smooth-face panels are used, and they are detailed with prefinished metal reveals and channels to provide further articulation of wall surfaces.
- f. **Wood siding** weatherboards, shiplap siding and other historic siding shapes are not allowed.

8. ROOFING:

- a. The primary architectural massing of Lightfoot Marketplace is low-slope roofs behind parapets. Occasional use of single sloped (shed) roof elements, curved roof elements and double sloped (gable) roof elements is allowed and encouraged to break up roof lines on large buildings.
- b. Low slope roofing shall be membrane or modified bitumen, in white or off-white color for reflectivity.
- c. **Shed, curved and gable roofing** shall be prefinished metal or architectural fiberglass/asphalt shingles with a minimum 30 year warranty.

9. WINDOWS AND DOORS:

a. Window frames shall be anodized or prefinished aluminum, or clad in aluminum or vinyl.

- b. Window openings shall be modern and simple in detailing, with larger openings where possible. Historically influenced small openings and "divided lights" shall not be permitted.
- c. **Reflective glass** shall not be permitted. Glazing shall allow visibility into the building interior.
- d. Entry doors shall be full glass, with narrow stiles and rails. Doors shall be anodized or prefinished aluminum, or clad in aluminum or vinyl. Doors and door frames shall match color of window frames.
- e. Utility doors shall be smooth flush doors, steel or aluminum, in color to match adjacent wall materials.

10. AWNINGS AND LIGHT SHELVES:

- a. Awnings and light shelves are encouraged on window openings, in order to provide variety to the building elevations, shade lower windows and reflect some natural light into high bay spaces on the building interior.
- b. **Placement height** for awnings and light shelves shall be constant on the building, between 8 feet and 14 feet above grade.
- c. Projection for awnings and light shelves shall be between 3 feet and 5 feet.
- d. **Design** for awnings shall be a simple pitched form, without ornamentation, scallops, vertical fascia or other decorative detailing.
- e. Light shelves shall be prefinished metal, with clean, modern detailing. Cable supports are allowed.

11. SCREENING:

- Trash and recycling areas shall be screened from public view with architectural screening.
- b. Screening materials shall be masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials.

LIGHTFOOT MARKETPLACE

Bonstra Haresign

NOVEMBER 8, 2013

FRONTELEVATION

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These documents were printed from the JCC official Records Management Imaging site.

GROCERY ARCHITECTURAL RENDERINGS

WILLIAMSBURG RETAIL INVESTORS, LLC

PERSPECTIVE





FRONTELEVATION

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PERSPECTIVE

WILLIAMSBURG RETAIL INVESTORS, LLC

BUILDING 2

LIGHTFOOT MARKETPLACE

NOVEMBER 8, 2013

ARCHITECTURAL RENDERINGS
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Bonstra Haresign

BUILDING 3 - REAR ELEVATION

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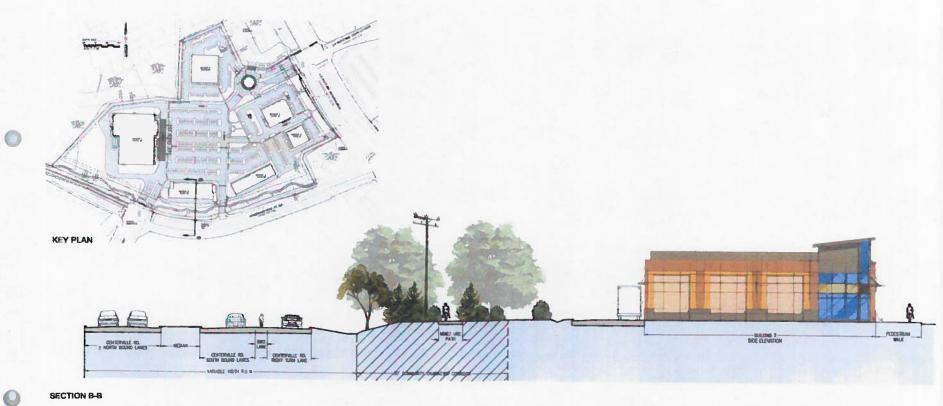
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LIGHTFOOT MARKETPLACE



BUILDING 2 - REAR ELEVATION

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WILLIAMSBURG RETAIL INVESTORS, LLC

SITE SECTION

LIGHTFOOT MARKETPLACE

DECEMBER 23, 2013 9 2013 - Danstra J Humphys Architector

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NOVEMBER 8, 2013

PERSPECTIVE

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ARCHITECTURAL RENDERINGS

LIGHTFOOT MARKETPLACE

PHARMACY

Bonstra Haresign

WILLIAMSBURG RETAIL INVESTORS, LLC



PHARMACY

FRONT ELEVATION



Bryant B. Goodloe, P.C.

8809 Adams Drive East Suffolk, Virginia 23433

September 26, 2017

Mr. Jason Grimes, P.E. Sr. Project Manager AES Consulting Engineers 5248 Olde Towne Road Williamsburg, Virginia 23188

Re: TIA update memo for Lightfoot Marketplace, James City County, Virginia

Dear Mr. Grimes:

Armada Hoffler is seeking to make several changes at Lightfoot Marketplace. Figure 1 on page 2 of this letter report shows an overall layout of this project. They are seeking to eliminate the following uses to the approved plan: 1) 14,000 square feet (s.f.) pharmacy, 2) 13,488 sf of high-turnover sit-down restaurant, 3) 22,625 sf of shopping center (ITE Code 820) shown as Building #5 on the approved plan, and 4) 4,000 sf of the 9,000 sf Building #4 shown as a shopping center (ITE Code 820) on the approved plan, They are proposing the following uses: 1) 26,625 sf of medical-dentist office building (ITE Code 720), 2) a 100 seat fast-food restaurant with a drive-through window (ITE Code 934), and 3) a 10 fueling position gasoline/service station (ITE Code 944).

The James City County Planning Division has requested a memo traffic study update to compare the proposed changes versus the approved uses. These changes are analyzed in Table I on page 3 of this letter report. In the original analysis, 25% pass-by traffic was used for all of these uses. For the proposed uses, the same 25% value is used. The new fast-food restaurant with a drive-through window & the gasoline/service station have significantly higher pass-by rates ranging from 49% to 58% during the a.m. peak hour & from 42% to 50% during the p.m. peak hour. Normally, no pass-by traffic is used with the medical-dentist office use. The continued use of the 25% pass-by traffic is a very conservative calculation.

During the most critical period of the day during the p.m. peak hour, there is a significant reduction of traffic of 12.3% for entering traffic volumes & 3.3% for exiting traffic volumes. The a.m. peak hour approved traffic volumes are significantly less than the p.m. peak hour traffic volumes, which were 379 vehicles per hour (vph) versus 975 vph for the original TIA and 442 vph versus 897 vpd for this change in uses. Although, there is an increase of 19.2% for entering traffic volumes & 13.1% in the a.m. peak hour volumes, this is not significant for this project. There is an overall increase of 1.5% for the project daily traffic volumes.

In summary, these changes will improve the p.m. peak hour traffic operations in the p.m. peak hour & will not adversely impact the traffic during the a.m. peak hour, since the original a.m. peak hour traffic volumes are significantly lower than the p.m. peak hours.

If you need further information, please let me know.

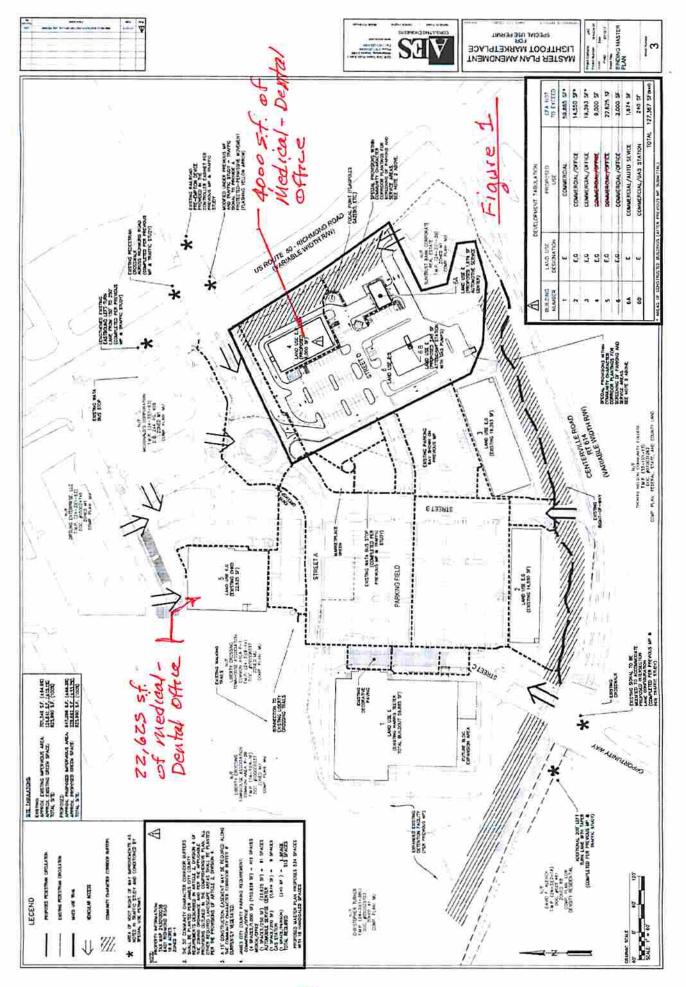
Very truly yours,

Bryant B. Geoellor

Bryant B. Goodloe, P.E. President

Office (757) 238-3835 Cell (757) 535-2435

bryant@goodloe.org



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Bryant B. Goodloe, P.C.

Revised September 26,, 2017

3

Community Impact Statement Special Use Permit

for

Lightfoot Marketplace



Prepared For

Lightfoot Marketplace Shopping Center, LLC

July 2017 (Revised September 2017)

AES Project Number: W10234-04

Sup-0005-2017 Sup-0006-2017 Sup-0007-2017 Sup-0008-2017

Prepared by:

PLANNING DIVISION

SEP 1 9 2017





5248 Olde Towne Road, Suite 1 Williamsburg, Virginia 23188 Phone: 757-253-0040 Fax: 757-220-8994 www.aesva.com

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I. INTRODUCTION

The purpose of this report is to summarize and organize the planning efforts of the project team into a cohesive package for Staff review, which addresses the pertinent planning issues affecting the property while describing the probable effects of the proposed modifications upon existing and recently approved public facilities and services, the environment, the surrounding community and the rest of James City County. This package is intended to modify the existing Special Use Permit (JCC SUP-0017-2013) to update the master plan, and add permitted uses under the JCC Zoning ordinance for Fast Food, Automotive Service and Gas Pumps.

II. THE PROJECT TEAM

The following organizations are involved in the planning and development of the 18.96± acre property.

- Developer: Lightfoot Marketplace Shopping Center, LLC
- Legal Counsel: Kaufman and Canoles Williamsburg, VA
- Architecture: INNOVATE, Portsmouth, VA
 CESO, Dayton, OH
- Land Planning: AES Consulting Engineers Williamsburg, VA
- Engineering: AES Consulting Engineers Williamsburg, VA
- Traffic Planner: Bryant B. Goodloe –Suffolk, VA

121 PROJECT [LOCATION (TEO03 165 James City County District Park Sports Complex 8 VICINITY MAP (Approximate Scale: 1"=2.000') Copyright ADC The Map People permitted use number 20905145

Exhibit 1 - Context Map (not to scale)

III. PLANNING CONSIDERATIONS AND PROJECT DESCRIPTION

Planning Considerations

The Lightfoot Marketplace site is zoned M-1, Limited Business/Industrial District. The specific intent of this district is to encourage limited business and industrial uses, prohibit residential development, permit compatible commercial and office uses, and establish minimum requirements to protect the health safety and welfare of the citizens of James City County. This project is proposing only uses that are currently permitted in the M-1 zone. These uses, including office, retail, a grocery store and a restaurant are compatible with surrounding land uses and zoning districts.

The Comprehensive Plan of James City County designates this area as Mixed Use and further identifies Richmond Road and Centerville Road as Community Character Corridors. Mixed Use Areas are centers within the Primary Service Area where more dense development, redevelopment and a broader spectrum of land uses are encouraged. Located at interstate interchanges and the intersections of main thoroughfares, mixed use areas are intended as locations for more intensive commercial, office, and limited industrial development. Lightfoot Marketplace fits this model and is a planned redevelopment (infill and commercial redevelopment is an important goal cited in the Comprehensive Plan) that will maximize the economic potential of this area. It is the intent of this plan to honor the 50' buffer requirements of Urban Community Character Corridors at Route 60 and Centerville Road and to treat the landscape as a more formal and ordered element of the plan while also using the buffers and additional landscaping to screen parking areas and to soften those building elevations fronting on these roads.

Project Description

The 18.96 acre site is currently occupied by Harris Teeter, a Children's Hospital of the King's Daughters urgent care and two retail buildings. There are 2 undeveloped outparcels remaining on the site which have received interest from uses not currently approved under the original Special Use Permit approval. The following Community Impact Statement serves to update the possible impacts based upon these proposed changes.

The architectural treatment of the proposed uses is intended to follow the original design guidelines and preliminary elevations are provided (see Appendix) showing the proposed designs. Additionally the landscaping has been installed along Route 60 and

- 5 -

Centerville Road Community Character Corridors which should buffer the uses from the adjoining roadways. Particular emphasis has been placed on views into the site from these adjacent corridors. The buildings are organized along an internal drive with the largest parking field in the middle of the site. The parking field has been designed to eliminate the impression of one large uninterrupted field with the inclusion of significant internal landscape areas serving to break the lot into smaller areas. The landscape treatment for parking areas, the buildings, buffers and landscape yards will meet or exceed the requirements of the James City County Zoning Ordinance.

IV. ANALYSIS OF EXISTING PUBLIC FACILITIES AND SERVICES

A. PUBLIC WATER FACILITIES

The property is located within the Primary Service Area (PSA) of James City County and the James City Service Authority (JCSA), where public water and sanitary sewer services are available, and the use of these public facilities is required. Public water service is currently provided to the site though a JCSA 16-inch water main located along Richmond Road and a master meter. The existing water system servicing the site are privately maintained by the developer and will be sub-metered and managed by the developer. There are no anticipated changes to the JCSA water system with this project and the flows for the proposed uses will be below those original anticipated in the SUP-0017-2013 application.

Type of Use	Design Units	Flow (GPD/Unit)	Total Flow (GPD)	Duration (hrs)	Avg Flow (GPM)	Peak Flow (GPM)	
Existing Shopping Center	230,422 SF	0.2	46,084	12	64.01	192.02	
Shopping Center Service Station Grocery Restaurant	34,943 SF 2,000 SF 63,000 SF 60 seats	0.2 0.4 0.2 60	6,989 800 12,600 12,000	12 16 12 16	9.71 0.83 17.50 12.50	38.83 3.33 70.00	
Total		32,389	.0	40.54	50.00 162.16		

TABLE 1 - PROJECTED WATER USAGE

B. PUBLIC SEWER FACILITIES

As stated above, the property is located within the Primary Service Area (PSA) of James City County and the James City Service Authority (JCSA), where public water and sanitary sewer services are available, and the use of these public facilities is required. Public sewer service is currently provided to the site via a JCSA force main located along Cetnerville Road. The existing sewer system servicing the site is privately maintained and drains to a private pump station before discharging to the JCSA system. There are no anticipated changes to the JCSA water system with this project and the flows for the proposed uses will be below those original anticipated in the SUP- 0017-2013 application.

Type of	Design	Flow	Total	Duration	Avg Flow	Peak
Use	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Flow
						(GPM)
Existing Shopping Center	230,422 SF	0.2	46,084	12	64.01	192.02
Shopping Center	44,500 SF	0.2	8,900	12	12.36	37.08
Service Staton	2,000 SF	0.2	400	16	0.42	1.25
Grocery	63,000 SF	0.2	12,600	12	17.50	52.50
Restaurant	60 seats	60	12,000	16	12.50	37.50
Total	33,900		42.78	128.33		

TABLE 2 -- EXISTING/PROJECTED WASTEWATER FLOWS

C. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES (EMS)

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) to James City County. The closest fire station to the subject site is Station #4 on Olde Towne Road at the intersection of Old Forge Road and Route 60, approximately 2.6 miles southeast of this project. The next closest fire station to the subject site is Station #1 located at the intersection of Old Forge Road and Route 60, approximately 6 miles to the northwest of this project. These two fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies. In addition, through cooperative agreements between Williamsburg, James City County, and York County, other stations may also be utilized for larger emergencies at the site. The #5 Lightfoot Skimino Station is located 3.4 miles to the east on Lightfoot Road. (No change from previous application)

D. SOLID WASTE

The property will generate solid waste that will require collection and disposal to ensure a safe and healthful environment. Collection of solid waste will be by private contract with reputable haulers acting in accordance with local health standards. This waste will be transported to the James City County Solid Waste transfer station. This project will encourage recycling through the provision of recycling dumpsters which will also be regularly serviced. (No change from previous application)

E. UTILITY SERVICE PROVIDERS

Virginia Natural Gas (VNG), Dominion Virginia Power, Cox Communications and Verizon Communications provide, respectively, natural gas, electricity, and communication services to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified. (No change from previous application)

V. ANALYSIS OF STORMWATER MANAGEMENT

Please refer to sheet 5 of the Special Use Permit Plans, Master Stormwater Management Plan. This master plan was created and implemented to handle all the proposed stormwater for the development. The change in proposed uses will not result in changes to the proposed stormwater management features and the improvements listed on the plan have been fully implemented. This plan as indicated in the original application set out with a goal to adhere to local and state stormwater requirements and implement additional measures of stormwater control to improve the water quality in the downstream watershed of the Powhatan and Yarmouth Creeks (The project is situated within the Powhatan Creek and Yarmouth Creek Watershed of the James River. The property predominately drains to the Powhatan Creek, subwatershed 205. A small portion north of the property drains to the Yarmouth Creek subwatershed 105.)

VI. ENVIRONMENTAL AND CULTURAL INVENTORY

The original Environmental and Cultural Inventories were completed and are not impacted by the proposed master plan and/or use changes proposed

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Summary of Existing Conditions

A. TOPOGRAPHY

The site is relatively flat with elevations ranging from 123 above mean sea level at the Route 60 entrance road (Lightfoot Road extended) to a low of 102 at the southwest corner of the site adjacent to Centerville Road. Sheet 2 of the Master Plan illustrates the location of a few steep slopes at the site perimeter.

B. SOILS

The Soil Survey of James City County, Virginia (USDA 1985) maps a few different soil types on this site prior to development. For the purposes of analyzing this application the existing soil classification should be considered Urban (#37).

C. SURFACE WATER

This site is within Subwatershed 205 of the Powhatan Creek Watershed and Subwatershed 105 of the Yarmouth Creek Watershed. There is one detention facility at the southwest corner of the site located along Centerville Road and low impact design stormwater management features surrounding the CHKD office building.

D. WETLANDS and FLOODPLAINS

According to Flood Insurance Rate Map (FIRM) 51095C0110C, for James City County, Virginia, there are no floodplains or associated wetlands located on this site.

E. VEGETATION

There is no significant vegetation on the site apart from a few mature trees within perimeter buffers.

F. CULTURAL RESOURCES

The site (per An Archaeological Assessment of James City County, Virginia) is not located in an area considered to be highly sensitive or have a high archaeological site potential. The site does fall within areas designated as moderately sensitive, however, due to extensive "landscaping for development" including extensive grading and earthmoving this site is likely compromised.

VII. TRAFFIC

The work associated with the approved traffic study has been complete, which includes improvements to the Richmond/Lightfoot Road Intersection and the Centerville Road/Opportunity Way Intersection. This approved study was based on the anticipated uses shown on the original master plan, which we are now proposing to alter. The proposed uses include a 5 pump gas station, 2 bay quick service station, and a quick service restaurant with drive thru. Compared to the original master plan, the proposed use changes constitute a reduction in both AM peak traffic (-34 trips) and PM peak traffic (-119 trips) (See table 3).

	ITE	Amount	Unit	Weekday 24 Hr. vol	AM Peak		PM Peak	
Description	Code				Enter vol	Exit vol	Enter vol	Exit vol
Proposed Development						1 1		1
Shopping Center	820	49,634	s.f.	4,307	62	40	195	203
Supermarket	850	58,000	s.f.	5,930	127	81	311	286
Service Station	941	2	Bays	80	4	4	6	4
Gas	944	5	Pumps	842.95	32	32	40	40
Fast Food with Drive Thru	934	60	Seats	1,171	48	42	49	49
Total				12,331	273	199	601	582
Pass-by Traffic		25%		3083	68	50	150	146
New Trips		a Stear		9,248	205	149	451	437
Approved Development								
Shopping Center	820	49,634	s.f.	4,307	62	40	195	203
Supermarket	850	58,000	s.f.	5,930	127	81	311	286
Pharmacy w/Drive-thru	881	15,000	s.f.	1,322	23	17	78	78
Restaurant - sit-down	932	13,488	s.f.	1,715	81	75	89	62
Total		136,122	s.f.	13,274	293	213	673	629
Pass-by Traffic		25%		3319	73	53	168	157
Existing Trips				9,956	220	160	505	472
Net Difference in Total Trips				-943	-20	-14	-72	-47

TABLE 3 – TRAFFIC CHANGES

VIII. CONCLUSION

In summary, we believe that this proposed change to the Special Use Permit is complimentary to surrounding land uses and zoning and in conformance with the current James City County Comprehensive Plan. Developing this site under the current M-1 zoning guided by a master plan will lead to the types of commercial services that are called for in the Comprehensive Plan and will complement the surrounding land uses. This proposed development will provide particular benefits to the community as well. These benefits will include:

- Specific architectural treatment to compliment the surrounding area.
- Multiple access points to alleviate traffic impacts, with further improvement to projected traffic.
- Sidewalks providing pedestrian connectivity throughout the site adding to the pedestrian corridor along Richmond Road and establishing a mixed use path along a portion of the Centerville Road frontage.
- Significant landscaping shall be provided to supplement existing trees and shrubs in a coherent, readily discernible theme and enhance the pedestrian experience within the development.
- Significant reduction in the overall impervious surfaces on the site.
- Easily accessible services that will benefit the surrounding community and promote development of business with a positive fiscal impact for the County.
- Improvement of the overall appearance of the County's urban and suburban environment.
- Maintenance of Community Character by providing a compact commercial center that reduces its visual presence and scale through the thoughtful use of landscaping, architecture and site design.
- The employment of sustainable initiatives in site and building design.

SUP-0005-2017, SUP and Master Plan amendment

Master plan. This Special Use Permit ("SUP") shall apply to that certain property located at 6401 1. Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of $\pm 128,000$ square feet of commercial and office uses and all improvements as shown and designated on that certain Master Plan entitled "Master Plan Amendment Lightfoot Marketplace" dated July 19, 2017, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Director of Planning concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan. If the Director of Planning determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the Director of Planning disapproves the amendment, the applicant may appeal the decision to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. <u>Impervious cover</u>. Impervious cover on the Property shall be reduced by at least 20% as compared to the existing conditions. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover, and the cumulative total impervious cover reduction of all plans.

3. <u>Water conservation</u>. The owner of the Property ("Owner") shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

4. <u>Irrigation</u>. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.

5. <u>*Richmond Road Bike Lane*</u>. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. 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 adjacent to parcel 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet VDOT requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Director of Planning. In the event the Director of Planning

disapproves the waiver, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.

6. <u>Pedestrian Facilities.</u> The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Director of Planning. All pedestrian facilities shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the Director of Planning. The pedestrian facilities shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning, or his designee, in writing.

7. <u>*Traffic Improvements.*</u> Prior to issuance of a Certificate of Occupancy for the initial building on the site (unless other timing is approved by the Director of Planning in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

Intersection of Richmond Road and Lightfoot Road/West Site Entrance

- a. The Property's West Entrance shall have three exiting lanes (1-left, 1-left-through, & 1-right) and two entering lanes.
- b. The existing eastbound Richmond Road left turn lane shall be lengthened from 150' to 250'.
- c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
- d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left turn movements, the pedestrian movements, and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
- e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

Intersection of Richmond Road and Centerville Road

a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

Intersection of Centerville Road, Opportunity Way and the Property's South Entrance

- a. The Property's South Entrance shall have three exiting lanes (1-left, 1-left-through, &1 right) and two entering lanes.
- b. An additional 200' left turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
- c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the traffic signal equipment

necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.

- d. With the widening of the Property's South Entrance, the improvements shall include the restriping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.
- 8. <u>Sustainable Design Initiatives</u>.
 - a. Sustainable design initiatives shall be implemented during development of the Property and construction of buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Director of Planning. In addition, for up to a maximum of 10% of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Director of Planning.
 - b. Application for formal LEED certification by the USGBC is at the discretion of the Owner, and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Director of Planning or his designee(s), and a meeting between the Director of Planning or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.
 - c. The Owner, in coordination with the Director of Planning, will examine the feasibility of including sustainable design initiatives in Buildings 6a and 6b on the Master Plan. Prior to the issuance of a building permit for Buildings 6a and 6b, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Director of Planning. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Director of Planning.
 - d. In the event the Director of Planning disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Buildings 6a and 6b as specified in (c) above, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.
- 9. <u>Architectural Review</u>.
 - a. Prior to issuance of a building permit for each building shown on the Master Plan, the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013 and the architectural elevations titled "Lightfoot Marketplace Architectural Renderings" dated November 8, 2013 and December 23, 2013 prepared by Bonstra Haresign Architects and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the waiver, the applicant may appeal the decision of the Director

of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission.

- b. For Buildings 4 (sections "a" and "b") and 6a, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Director of Planning.
- 10. <u>Site Landscaping</u>.
 - a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50-feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of 2 rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3' to 4' evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.
 - b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A- D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.
 - c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.
 - d. Landscaping designed to screen the rear façade of the Harris Teeter building and the BMP from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.
 - e. The landscaping detailed in a d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition. In the event the Director of Planning disapproves a component of the landscape plan, the applicant may appeal the decision of the Director of Planning to the Development Review Committee which shall forward a recommendation to the Planning Commission. The landscaping shown on the approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Director of Planning.

11. <u>Marketplace Green</u>. The layout of the Marketplace Green shall be generally in accordance with the "Marketplace Green Alternative 2" design as depicted on the document entitled "Marketplace Green Lightfoot Marketplace Special Use Permit" prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Director of Planning.

12. <u>Entrance Modification</u>. Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained, and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.

13. <u>Signage</u>. Entrance signage located at the Property's three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Director of Planning for consistency with this condition.

14. <u>Screening of Site Features</u>. Dumpsters and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Director of Planning for consistency with this condition.

15. <u>*Richmond Road Median Landscaping.*</u> All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Director of Planning prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a re-location/replanting plan shall be approved by the Director of Planning and VDOT prior to final site plan approval for the plan specified above.

16. <u>Internal Traffic Signage Plan</u>. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Director of Planning, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Director of Planning, or his designee.

17. <u>Shared Maintenance of Site Improvements</u>. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.

18. <u>Severance Clause</u>. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP-0008-2018- Drive-through Restaurant

1. Architectural Review.

a. Prior to issuance of a building permit for the drive-through restaurant the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design, and colors and materials for such structure. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace-Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.

b. The front façade shall face Richmond Road and shall have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director. In addition the front façade shall include pedestrian connectivity to Richmond Road. The menu order board and drive-through pick up window(s) shall not be located at the front façade.

- 2. <u>Enclosed dumpsters</u>. Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition.
- 3. <u>Commencement of Construction</u>. Construction on the drive-thru restaurant shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
- 4. <u>Severance Clause</u>. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

SUP-0007-2018- Automotive Service Center

1. <u>Spill Prevention, Control and Countermeasures (SPCC) Plan.</u> Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan which addresses chemical handling including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Stormwater and Resource Protection for review and approval.

2. Architectural Review.

a. Prior to issuance of a building permit for the automotive service center the Director of Planning, or his designee, shall review and approve the final building elevations and architectural design, and colors and materials, for such structure. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace-Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.

b. The front façade shall face Richmond Road and shall have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director. In addition, the front façade shall include pedestrian connectivity to Richmond Road.

- 3. <u>Enclosed dumpsters</u>. Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition. No Dumpsters shall front and/or be located adjacent to the internal "Street D" as shown on the master plan.
- 4. <u>Commencement of Construction</u>. Construction on the automotive service station shall commence within thirty-six (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
- 5. <u>Severance Clause</u>. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

SUP-0006-2017- Gasoline Service Station

- 1. Gas Pumps. There shall be no more than five (5) fueling islands on the Property.
- 2. <u>Spill Prevention, Control and Countermeasures (SPCC) Plan.</u> Prior to the issuance of a Land Disturbing Permit, a Spill Prevention, Control and Countermeasures Plan which addresses chemical handling including but not limited to oil, diesel and gasoline, shall be submitted to the Director of Stormwater and Resource Protection for review and approval.
- 3. <u>Architectural Review.</u>
 - a. Prior to issuance of a building permit for the convenience store (to also specifically include the Canopy), the Director of Planning, or his designee, shall review and approve the final building elevations, architectural design, and colors and materials, for the convenience store and canopy. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations submitted with this SUP. Determination of substantial architectural consistency shall be determined by the Director of Planning or his designee. In the event the Director of Planning disapproves the architectural elevations, the applicant may appeal the decision to the DRC which shall forward a recommendation to the Planning Commission.
 - b. The architecture of the Canopy, including any columns, shall match the design and exterior building materials of the convenience store. The canopy shall have a maximum height of fifteen (15) feet measured from the finished grade to the underside of the canopy. No more than two signs shall be allowed on the canopy. The canopy shall not include gas pricing signs.
- 4. <u>Enclosed dumpsters</u>. Dumpsters shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan and shall be reviewed and approved by the Director of Planning for consistency with this condition.
- 5. <u>Outside display, sale, or storage</u>: Unless otherwise stated in this condition, no outside display, sale, or storage of merchandise shall be permitted. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines. For the Convenience Store, only one outside vending machine and one outside ice chest shall be permitted.
- 6. <u>Landscaping.</u> Prior to final site plan approval, a landscape plan shall be submitted to the Director of Planning, or his designee, showing evergreen screening of a minimum of three (3) feet tall located within the islands/medians flanking the proposed gasoline service station, as shown on the Master Plan. In order to accommodate the landscaping, the islands/medians shall be constructed to a minimum of five (5) feet wide. Landscaping of the islands/medians shall be installed and/or bonded before issuance of any Certificate of Occupancy for the proposed gasoline service station.
- 7. <u>Commencement of Construction</u>. Construction on the convenience store and the canopy shall commence within thirty-six (36) months from the date of approval of this special use permit or this

permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.

8. <u>Severance Clause</u>. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

AGENDA ITEM NO. G.1.

ITEM SUMMARY

SUBJECT:	Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations
FROM:	Christy H. Parrish, Zoning Administrator
TO:	The Planning Commission
DATE:	10/4/2017

ATTACHMENTS:

	Description		Туре
٥	Memorandum		Staff Report
۵	Resolution		Resolution
REVIEWERS:			
Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/21/2017 - 2:19 PM
Planning Commission	Holt, Paul	Approved	9/21/2017 - 2:20 PM
Publication Management	Burcham, Nan	Approved	9/21/2017 - 2:22 PM
Planning Commission	Holt, Paul	Approved	9/21/2017 - 2:25 PM

MEMORANDUM

DATE:	October 4, 2017
TO:	The Planning Commission
FROM:	Christy H. Parrish, Zoning Administrator
SUBJECT:	Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations

In response to recent guidance from the Federal Emergency Management Agency Region III ("FEMA") and the Department of Conservation and Recreation ("DCR"), staff has identified the need to update the Floodplain Ordinance to address the construction regulations of small accessory structures in the special flood hazard area.

The current regulations only permit the construction of nonresidential structures in the floodplain when the lowest floor of that structure is either elevated or watertight flood-proofed up to the level of two feet above the base flood elevation. All structures that are not used for dwelling purposes are considered nonresidential, which include residential detached garages and sheds.

As a result of the recent FEMA determinations, DCR guidance and model regulations have been recently updated to address wet-proofing construction standards for small accessory structures in the floodplain. This option, if adopted locally, will also provide a lower construction cost option for property owners.

In addition, staff will use this opportunity to consult with DCR and re-review all sections of the Floodplain Area Regulations to ensure compliance with the National Flood Insurance Program.

Staff recommends adoption of the attached resolution to initiate consideration of such amendments to the Zoning Ordinance pursuant to Virginia Code §15.2-2286.

CHP/gt FloodplainArReg-mem

Attachment

<u>**RESOLUTION**</u>

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE,

DIVISION 3. FLOODPLAIN AREA REGULATIONS

- WHEREAS, Virginia Code §15.2-2286 and County Code Section 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and
- WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; 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 Zoning Ordinance of James City County to consider amending Article 1. In General, Section 24-2 Definitions and Article VI. Overlay Districts Division 3. Floodplain Area Regulations (all sections) to incorporate construction regulations of small accessory structures in the special flood hazard area and to ensure all sections are compliant with the National Flood Insurance Program regulations. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation to the Board of Supervisors in accordance with law.

Richard Krapf Chairman, Planning Commission

ATTEST:

Paul D. Holt, III Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 4th day of October, 2017.

FloodplainArReg-res

AGENDA ITEM NO. G.2.

ITEM SUMMARY

SUBJECT:	Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members
FROM:	Max Hlavin, Assistant County Attorney
TO:	The Planning Commission
DATE:	10/4/2017

ATTACHMENTS:

	Description	Туре
D	Cover memo	Cover Memo
D	Resolution	Resolution
D	Current Planning Commission Policy for Remote Participation	Backup Material
D	Proposed Edits to the Policy (Redline version)	Backup Material
۵	Revised Policy (Clean version)	Backup Material
REVIEWERS:		

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/22/2017 - 2:21 PM
Planning Commission	Holt, Paul	Approved	9/22/2017 - 2:21 PM
Publication Management	Burcham, Nan	Approved	9/22/2017 - 2:38 PM
Planning Commission	Holt, Paul	Approved	9/22/2017 - 2:46 PM

MEMORANDUM

DATE:	October 4, 2017
TO:	The Planning Commission
FROM:	Max Hlavin, Assistant County Attorney
SUBJECT:	Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members

The Planning Commission (the "Commission") currently has a policy, pursuant to Virginia Code Section 2.2-3708.1(B)(1), governing remote participation in Commission meetings by Commission members due to emergencies, personal matters or a disability (the "Policy"). This Policy was adopted by the Planning Commission on May 6, 2015 (Attachment No. 2).

Virginia Code Section 2.2-3708.1 was recently amended during the 2017 General Assembly Legislative Session such that the Policy should be amended to reflect the new legislation.

Namely, the General Assembly removed language in Virginia Code Section 2.2-3708.1 pertaining to emergencies and limited the number of times a member of a public body could remotely participate in a meeting because of a personal matter to two meetings each calendar year. Previously, remote participation by a member because of an <u>emergency</u> or personal matter was limited each calendar year to two meetings <u>or 25% of the meetings of the public body</u>, whichever was fewer.

The proposed revised Policy, presented in Attachment No. 3, is in conformance with the new legislation such that reference to emergencies is removed and remote participation because of a personal matter is limited to two meetings each calendar year. There are also minor revisions to clarify certain portions of the Policy.

On September 14, 2017, the Policy Committee recommended approval of the Revised Policy (Attachment No. 4) by a vote of 5-0.

Staff recommends Planning Commission approval of the attached Resolution and Revised Policy.

MH/gt RemotePartcptn-mem

Attachments:

- 1. Resolution
- 2. Current Planning Commission Policy for Remote Participation
- 3. Proposed Edits to the Policy (Redline version)
- 4. Revised Policy (Clean version)

<u>RESOLUTION</u>

ADOPTION OF A REVISED POLICY FOR REMOTE PARTICIPATION

IN MEETINGS BY COMMISSION MEMBERS

- WHEREAS, the James City County Planning Commission (the "Commission") has a Policy, pursuant to Virginia Code Section 2.2-3708.1(B)(1), governing remote participation in Commission meetings by Commission members (the "Policy"); and
- WHEREAS, the Virginia General Assembly amended Virginia Code Section 2.2-3708.1 during the 2017 Legislative Session; and
- WHEREAS, the Commission desires to reauthorize, clarify and revise its Policy to conform to the newly amended Virginia Code Section 2.2-3708.1.
- NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby adopt the revised James City County Planning Commission Policy for Remote Participation referenced in the staff report.

Richard Krapf Chairman, Planning Commission

ATTEST:

Paul D. Holt, III Clerk to the Board

Adopted by the Planning Commission of James City County, Virginia, this 4th day of October, 2017.

RemoteParticptn-res

PLANNING COMMISSION POLICY FOR REMOTE PARTICIPATION

In accordance with the Planning Commission Bylaws and pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Planning Commission meetings due to:

1. An emergency or personal matter

a. As expeditiously as possible on or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to an emergency or personal matter that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commission members present must approve the remote participation by a majority vote, which shall be recorded in the Commission's minutes. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Secretary shall record in the Commission's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Commission's minutes.

c. Remote participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Commission, whichever is fewer.

2. A temporary or permanent disability

a. As expeditiously as possible on or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Secretary shall record in the Commission's minutes the fact of the disability or other condition and the remote location from which the absent member participated.

3. For any remote participation, the Secretary shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

4. The above provisions shall also be applicable to committee meetings of the Commission, to include the Development Review Committee and the Policy Committee.

Bledson **Robin Bledsoe**

Chair

Adopted by the Planning Commission of James City County, Virginia, this 6th day of May, 2015.

PLANNING COMMISSION POLICY FOR REMOTE PARTICIPATION

In accordance with the Planning Commission Bylaws and pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Planning Commission meetings due to a personal matter or a disability. A member may participate in a meeting through electronic communication means from a remote location that is not open to the public only as follows:

1. An emergency or personal matter

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to an emergency or personal matter that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commission members present must approve the remote participation by a majority vote, which shall be recorded in the Commission's minutes. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Secretary shall record in the Commission's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Commission's minutes.

c. Remote participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Commission, whichever is fewer.

2. A temporary or permanent disability

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Secretary shall record in the Commission's minutes the fact of the disability or other condition and the remote location from which the absent member participated.

3. For any remote participation, the Secretary shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

4. The above provisions shall also be applicable to committee meetings of the Commission, to include the Development Review Committee and the Policy Committee.

Richard Krapf Chair

Adopted by the Planning Commission of James City County, Virginia, this 4th day of October, 2017.

PLANNING COMMISSION POLICY FOR REMOTE PARTICIPATION

In accordance with the Planning Commission Bylaws and pursuant to § 2.2-3708.1 of the Code of Virginia, the following policy is established for members' remote electronic participation in Planning Commission meetings due to a personal matter or a disability. A member may participate in a meeting through electronic communication means from a remote location that is not open to the public only as follows:

1. A personal matter

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to a personal matter. The member must identify with specificity the nature of the personal matter. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to personal matter that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commission members present must approve the remote participation by a majority vote, which shall be recorded in the Commission's minutes. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Secretary shall record in the Commission's minutes the specific nature of the personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Commission's minutes.

c. Remote participation by the absent member due to a personal matter shall be limited in each calendar year to two (2) meetings.

2. A temporary or permanent disability

a. On or before the day of a meeting, the member shall notify the chair of the Commission that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence. The member should also notify the Commission's Secretary (i.e., the Director of Planning) if the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

b. A quorum of the Commission must be physically assembled at the primary or central meeting location. The Secretary shall record in the Commission's minutes the fact of the disability or other condition and the remote location from which the absent member participated.

3. For any remote participation, the Secretary shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

4. The above provisions shall also be applicable to committee meetings of the Commission, to include the Development Review Committee and the Policy Committee.

Richard Krapf Chair

Adopted by the Planning Commission of James City County, Virginia, this 4th day of October, 2017.

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE:	10/4/2017
TO:	The Planning Commission
FROM:	Paul D. Holt, III, Director of Community Development and Planning
SUBJECT:	Planning Director's Report - October 2017

ATTACHMENTS:

	Description	Туре
D		Cover Memo
۵	Spreadsheet listing new applications received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:25 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:25 PM
Publication Management	Burcham, Nan	Approved	9/27/2017 - 2:31 PM
Planning Commission	Holt, Paul	Approved	9/27/2017 - 2:35 PM

PLANNING DIRECTOR'S REPORT October 2017

This report summarizes the status of selected Department of Community Development activities during the past month.

- Planning
 - Monthly Case Report: For a list of all cases received in the last month, please see the attached documents.
 - **Board Action Results:** September 12, 2017
 - SUP-0004-2017, McClure Family Subdivision Approved (5 – 0)
 - ZO-0009-2016, Zoning Ordinance Amendments to the Mixed Use District Approved (4 – 1)
 - SUP-0026-2016, Forest Glen Section 5
 Approved (3 2)

• Building Safety & Permits

Congratulations to Stacy McKinney on her promotion to Plans Examiner! She will be assisting John Pope in reviewing all residential plan submittals.

The average monthly rate of residential plan submittals in July and August has broken a 17-year record and is more than double the average monthly rate of plans received in FY 2008 and 2009.

ase Type	Case Number	Case Title	Address	Description	Planner	District
gricultural and Forestal District	AFD-02-86-1-2017	9730 Sycamore Landing Road, Croaker AFD Addition	9730 SYCAMORE LANDING RD	Request for addition to Croaker AFD.	Alex Baruch	01-Stonehouse
	C-0060-2017	Upper County Park Camping Area	180 LEISURE ROAD	Master plan consistency determination for a "Leave no trace" youth group primitive camping area at Upper County Park.	Alex Baruch	01-Stonehouse
	C-0061-2017	7435 Richmond Road Garden Supply Store	7435 RICHMOND ROAD	Proposal for garden supply store, with improvements including: re-gravel parking lot, landscaping, enlarging shed.	Scott Whyte	01-Stonehouse
C Dinceptual Plan	C-0062-2017	Arbordale Residential Development (York Co. Courtesy Review)	N/A	Request to amend the conditions of approval for the Arbordale residential development - increase the maximum allowable apartment building height from 40 to 50 feet, modify the required recreational amenities, and reduce the parking requirements. Property is located at 200, 300, & 401 Ashby Park Drive; 401 & 501 Bulifants Blvd.	Alex Baruch	N/A
	C-0063-2017	Bad Company Inc. Fuel Storage	251 INDUSTRIAL BLVD	Proposal to sell/store 93 non-ethanol road fuel; 100 & 112 non-ethanol fuel; pre-canned sealed C16 race fuel; and nitro-methane hobby fuel.	Savannah Pietrowski	01-stonehouse
	C-0064-2017	Lidl Enhanced Conceptual Plan	6495 RICHMOND ROAD	Approximate 35,962 SF grocery store and accompanying parking, utilities, stormwater, and landscaping.	Lauren White	01-Stonehouse
	C-0065-2017	Veritas Prep School - Enrollment/Traffic Update	275 MCLAWS CIRCLE	Condition of SUP-0011-2013 yearly enrollment and traffic update.	Terry Costello	05-Roberts
	C-0066-2017	3877 Strawberry Plains Minor Subdivision	3877 STRAWBERRY PLAINS	Proposed minor subdivision to create 9 single family lots that utilize a single shared use driveway.	Alex Baruch	04-Jamestown
Coule alteritations	S-0031-2017	234 Neck O'Land Subdivision	234 NECK-O-LAND RD	Final plat of 5 lots on 2 acres.	Roberta Sulouff	05-Roberts
bdivision	S-0032-2017	8196 & 8220 Croaker Road BLA	8220 CROAKER ROAD	BLA between 8196 and 8220 Croaker Road.	Savannah Pietrowski	01-Stonehouse
	SP-0093-2017	5791 Centerville Verizon Tower Antenna Modifications	5791 CENTERVILLE RD	Upgrade to 6 antennas and 6 remote radio heads at 170' level. Number of antennas will be reduced from 12 to 6. No changes to tower or ground. Site plan approved.	Scott Whyte	02-Powhatan
	SP-0094-2017	RJ Smith Companies Gravel Parking	750 BLOW FLATS ROAD	Temporary staging area to support a construction project. Gravel yard will be a staging area for approximately 3 years.	Alex Baruch	05-Roberts
Site Plan	SP-0095-2017	Branscome Truck Scale Installation	750 BLOW FLATS ROAD	Installation of a truck scale and relocation of existing ticket trailer to support ongoing mining operations.	Alex Baruch	05-Roberts
	SP-0096-2017	Patriot's Colony Kitchen Modular Space	3400 JOHN TYLER HGWY	Proposal for a modular space during kitchen renovations.	Jose Ribeiro	03-Berkeley
	SP-0097-2017	Exit 231 Verizon Tower Amendment	INTERSTATE 64 EXIT 231	Installation of antennas and associated equipment.	Lauren White	01-Stonehouse
	SP-0098-2017	The King's Garden Site Plan Amend.	8850 MERRY OAKS LANE	Landscape amendment. Amendment has been approved	Scott Whyte	00-Unknown
	SP-0099-2017	Aleworks Site Plan Amendment	5711 RICHMOND ROAD	Site plan amendment to add a CO2 tank and bollards.	Tom Leininger	02-Powhatan
	SUP-0009-2017	3601 La Grange Parkway Expansion	3601 LA GRANGE PKWY	Expansion of the existing 85,000 SF facility in Stonehouse Commerce Park to add up to $\pm 50,000$ SF.	Jose Ribeiro	01-Stonehouse
pecial Use Permit	SUP-0010-2017	Kensington School	8231 RICHMOND ROAD	Propsed 2nd location for The Kensington School - Pre-school and Development Center.	Scott Whyte	02-Powhatan
	SUP-0011-2017	3001 Ironbound Tourist Home	3001 IRONBOUND ROAD	Short-term vacation rental home.	Lauren White	03-Berkeley