

**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**  
**July 3, 2018**  
**6:00 PM**

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PUBLIC COMMENT**

**D. REPORTS OF THE COMMISSION**

**E. CONSENT AGENDA**

1. Minutes of the May 22, 2018 Joint Work Session
2. Minutes of the June 6, 2018 Regular Meeting
3. Development Review Committee Action Item: Case No. C-0038-2018. Chickahominy Riverfront Park Improvements

**F. PUBLIC HEARINGS**

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations
2. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

**G. PLANNING COMMISSION CONSIDERATIONS**

1. Legislative Application Deferral Policy

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - July 2018

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the May 22, 2018 Joint Work Session

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**ATTACHMENTS:**

	Description	Type
	Minutes of the May 22, 2018 Joint Work Session	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/26/2018 - 9:59 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 9:59 AM
Publication Management	Burcham, Nan	Approved	6/26/2018 - 10:07 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 10:12 AM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 22, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

***Board of Supervisors***

Michael J. Hipple, Powhatan District  
P. Sue Sadler, Stonehouse District  
James O. Icenhour, Jr., Vice Chairman, Jamestown District  
John J. McGlennon, Roberts District  
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator

***Planning Commission***

Paul D. Holt, III, Director, Community Development and Planning  
Julia Leverenz, Planning Commission Member, At-Large  
Frank Polster, Planning Commission Member, Jamestown District  
Jack Halderman, Planning Commission Member, Berkeley District  
Danny Schmidt, Planning Commission Vice Chair, Roberts District  
Tim O'Connor, Planning Commission Member, At-Large  
Richard Krapf, Planning Commission Member, Powhatan District  
Heath Richardson, Planning Commission Chair, Stonehouse District

Ms. Larson opened the Board of Supervisors meeting and noted the Planning Commission was in attendance.

Upon completion of the Board of Supervisors Roll Call, Mr. Heath Richardson, Planning Commission Chair, opened the Planning Commission meeting with Roll Call.

**C. BOARD DISCUSSIONS**

**1. Joint Board of Supervisors and Planning Commission Work Session**

Ms. Larson introduced Ms. Ellen Cook, Principal Planner, to discuss the Fort Eustis Joint Land Use Study (JLUS).

Ms. Cook cited the 16-month JLUS, noting the collaborative efforts of Fort Eustis and its three surrounding localities of the City of Newport News, James City County and York County, as well as community input. She introduced Mr. Ray Greer, Project Manager with Stantec, a consulting firm.

Mr. Greer highlighted the JLUS and its collaborative approach through a PowerPoint presentation. He noted the direct impact to James City County and its role in the study. He highlighted the public involvement factor of the JLUS, Fort Eustis' impact on each locality and recommendations. He emphasized compatibility issues and long-term resolution to the groups involved in the JLUS. He cited the James City County recommendations and further noted this was the first JLUS for Fort Eustis. He noted recommendations included communication, education, policy and study with locality-specific implementation plans.

Mr. McGlennon noted he had served on the Policy Committee for the JLUS and complimented all the work that had gone into the project. He further noted these recommendations posed opportunities for future Comprehensive Plans regarding military overlay. He cited Skiffes Creek as a potential conservation easement.

Mr. Greer noted James City County's involvement at the various meetings and committees with staff and Board representation. He thanked the group for its support at every meeting.

Mr. Porter asked how the JLUS related to the Base Realignment and Closure (BRAC) program.

Mr. Greer said the BRAC committee had a checklist that included JLUS and local government. He noted it showed communication and coordination between the involved parties.

Mr. Porter also asked about opposition to off-shore drilling and the power line impact.

Mr. Greer noted the study showed it and there was no impact.

Discussion ensued.

Ms. Larson asked if there were additional questions from the Board.

With no additional questions, the Board thanked Mr. Greer for his presentation.

Ms. Larson addressed Mr. Holt regarding Item No. 2.

## 2. Potential Ordinance Amendments to Address Formerly Proffered Policies

### a. Transportation and Traffic Impact Analysis

Mr. Holt referenced the February 27, 2018, Board of Supervisors' Work Session and the request for Board input regarding Ordinance amendments that were formerly proffered as they moved into the next level of discussion. He noted the Policy Committee had options, as requested by the Board, and welcomed discussion on those items. He noted the first item was the Traffic Impact Analysis Submittal Requirement Policy. He cited the requirements and the history of that policy as approved by the Board. He noted the Agenda Packet contained the detailed information and further noted two options: 1) accept the draft as noted in the packet and the ensuing steps regarding the acceptance of the draft to finality; 2) should the Board require additional feedback or changes, the Board would contact the Policy Committee and revisions would ensue until approval.

Mr. Haldeman asked the Board if there were any questions.

Mr. McGlennon asked for clarification on several items.

Discussion ensued on this matter.

Ms. Tammy Rosario, Principal Planner, noted the Hampton Roads Transportation Planning Organization (HRTPO) conducts a study every four years with James City County's projected and existing land use data with updates provided to HRTPO and growth projections allocated to zones. She noted this information became incorporated in the Traffic Impact Analysis.

Mr. Holt noted the impact of the Comprehensive Plan and traffic planning. He commented that "proactive" planning of roads was in coordination with County land use and development.

Discussion ensued on this matter.

Mr. Icenhour noted that Option 1 with the caveat to increase the upper limit to every five years to review with both the Planning Commission and Policy Committee was acceptable.

Other Board members concurred with this course of action.

b. Archaeology Policy and Natural Resources Policy

Mr. Holt noted that Option No. 4 had been chosen at the February 27, 2018 Board meeting to add an Initial Species Inventory in respect to natural heritage as a submittal requirement for site plans and subdivisions. He detailed the changes to the Ordinance and noted the Agenda Packet contained full details. He further noted two options were before the Board: 1) accept the proposed Ordinance language, inclusive of the waiver and exemption criteria; 2) have the Board provide the Policy Committee with additional feedback or policy changes.

Mr. Haldeman recommended, on behalf of the Policy Committee, that Option No. 1 be adopted.

Mr. McGlennon asked about the exception regarding land previously disturbed and endangered species returning to said land.

Mr. Holt noted, as proposed, there was no exception in the Ordinance. He further noted an upper limit could be added to encompass changes within the past five years.

Discussion ensued on the matter.

Mr. Holt acknowledged the Board's consent to proceed with Option No. 1 with the caveat to include the five-year limit.

c. Zoning - Pedestrian and Bicycle Accommodations

Mr. Holt noted that language changes in pedestrian and bicycle Ordinances, as recommended by the Policy Committee, prompted a review by the Board. He noted two options:  
1) accept the Ordinance with the language changes as noted in the Agenda Packet; 2) have the Board provide the Policy Committee with additional feedback or policy changes.

Mr. Haldeman noted the Policy Committee recommended Option No. 1.

Mr. Hipple noted the need to include bike paths and encouraged safety for cyclists.

Mr. Holt noted the endorsement of Option No. 1 as stated by the Board.

### 3. Pocahontas Trail Corridor Study

Ms. Rosario noted that over the past 10 months, the Planning Division, the Virginia Department of Transportation, and its consultant, RK&K, as well as the community, had met to reassess transportation needs, desired improvements and priorities for the Pocahontas Trail Corridor. She further noted final consideration of the Corridor Study was put on the June 6 and July 10 meeting agendas for the Board.

Mr. Jeff Kuttesch, RK&K, addressed the Board with an update on the Study Corridor. He noted the key element of community involvement. He presented a PowerPoint highlighting the Study and options with projected cost estimates. He noted the Corridor had been separated into six key areas with the cost breakdown and highest need per area.

Mr. McGlennon asked about cost impact on the underground utilities if the improvements are done as sections, as well as stormwater impact. He stressed the underground utilities and benefits from local utility cooperation on this project. He thanked committee members and the community for input.

Discussion ensued on this matter.

Mr. Hipple asked about involvement from Dominion Energy and have a representative involved in meetings. He highlighted the use of underground utilities when road improvements are made.

Discussion ensued on this matter.

Mr. Holt noted the importance of timing, particularly regarding the Smart Cycle 2018 Funding Application deadline as the program runs on a two-year cycle.

Mr. Hipple noted that transportation plans are based on six-year increments and how that affects the traffic needs for

the area.

The Board thanked Mr. Kuttesch for the presentation.

4. Legislative Case Deferral Policy

Mr. Porter referenced the 2012 Legislative Deferred Case Policy that the Board had adopted. He noted the Planning Commission might want to develop a similar policy for deferment regarding land use.

Mr. Richardson noted that recommendation for a deferral policy was currently under discussion by the Policy Committee.

Mr. McGlennon referenced a past application for a gas station adjacent to a water supply and noted County Ordinances had no restrictions on buffering requirements. He requested preliminary exploration on adding such restrictions on County Ordinances, citing potential water supply contamination.

Discussion ensued on this matter.

Mr. Icenhour requested staff review the proposal for land bay number movement in Ford's Colony. He noted the community's concern about this issue. He cited some recent changes regarding the Master Plan. He further noted changes to the Master Plan and amendments to it. He asked for consensus regarding land movement and amendment to Master Plans reviewed by the Board and change the process similar to the zoning amendment process. He also requested discussion of Purchase of Development Rights be placed on the June work session agenda.

Mr. Richardson thanked the Board for its time and input.

Ms. Larson echoed the sentiment and staff's hard work.

Mr. Icenhour asked for a summary of planning projects for the Board.

Mr. Holt acknowledged he would send the summary with a district breakdown and site details to the Board members.

**D. CLOSED SESSION**

None.

**E. ADJOURNMENT**

A motion to Adjourn the Planning Commission was made by Jack Haldeman, the motion result was Passed.

At approximately 6 p.m., Mr. Richardson adjourned the Planning Commission meeting.

As there was no further business or discussion, Ms. Larson asked for adjournment of the Board of Supervisors meeting.

1. Adjourn until 5 p.m. on June 12, 2018 for the Regular Meeting

A motion to Adjourn was made by Michael Hipple and the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:02 p.m., Ms. Larson adjourned the Work Session.



**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the June 6, 2018 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes of the June 6, 2018 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:28 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:28 AM
Publication Management	Burcham, Nan	Approved	6/26/2018 - 11:29 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:29 AM

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 6, 2018**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Heath Richardson called the meeting to order at 6:00 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Heath Richardson  
Rich Krapf  
Tim O'Connor  
Danny Schmidt  
Jack Haldeman  
Frank Polster

**Planning Commissioners Absent:**

Julia Leverenz

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Ellen Cook, Principal Planner  
Max Hlavin, Assistant County Attorney  
Roberta Sulouff, Senior Planner  
Alex Baruch, Senior Planner  
Tori Haynes, Planer

**C. PUBLIC COMMENT**

Mr. Richardson opened Public Comment.

As no one wished to speak, Mr. Richardson closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Mr. Rich Krapf stated that the Development Review Committee (DRC) met on May 23, 2018, to review one Conceptual Plan C-0039-2018, Stonehouse 2018 Proposed Master Plan Amendment.

Mr. Krapf stated that the owners of the undeveloped acreage in the Stonehouse Planned Unit Development (PUD) requested DRC feedback on a conceptual master plan and land use narrative which will ultimately require legislative approval. Mr. Krapf stated that key elements of the proposed Master Plan Amendment would: establish 2,700 acres of the Stonehouse PUD along Ware Creek and the York River as a preservation area and limit the total number of homes that can be located on the property to 19; result in a reduction of 1,100 residential units in the PUD; relocate a proffered school site from the

inner core of Stonehouse to Tract 9, located on Rt. 30, south of I-64; establish a community focal point by creating a Town Square on Tract 10B with a mix of neighborhood commercial uses, public open space and high-density residential uses; and require infrastructure changes, including changes to the planned road network.

Mr. Krapf noted that the applicant stated that they are in discussions with the County Attorney's office on a possible rezoning application from PUD to A1 with a conservation easement.

Mr. Krapf stated that as part of the Master Plan Amendment, the applicant is also amending the 2007 Proffers. Mr. Krapf stated that the proposed changes were not available to the DRC; however, the Committee did request that the applicant prepare a matrix showing all of the original proffers and how they would be changed by this new proposal.

Mr. Krapf stated that several residents of Stonehouse attended the meeting and were allowed to ask questions of the applicant. Mr. Krapf stated that the applicant intends to host community meetings to discuss the proposed Master Plan Amendment.

Mr. Jack Haldeman stated that the Policy Committee met on May 10, 2018, to consider potential ordinance amendments.

Mr. Haldeman stated that the Committee continued to review strategies for addressing impacts associated with legislative cases dealing with Bicycle and Pedestrian Accommodations which were formerly addressed through proffers. Mr. Haldeman stated that in response to the Committee's requests, staff added bicycle accommodations to requirements for pedestrian accommodations for interconnectivity between parcels and language linking construction standards for privately maintained accommodations to established standards. Mr. Haldeman stated that Virginia Department of Transportation (VDOT) standards will apply to sidewalks and Parks and Recreation Greenways Master Plan standards will apply to multi-use paths. Mr. Haldeman stated that the Committee approved staff's recommendations and voted to forward the ordinance amendments to the Planning Commission.

Mr. Haldeman stated that the Committee also considered amendments to the Zoning and Subdivision Ordinances to delete references to fees currently spread throughout the County Code. Mr. Haldeman stated that the proposed amendments adds 5% to each development fee and consolidates them into one table in Appendix A. Mr. Haldeman stated that the fee increase will be used to defray the costs of additional resources necessary to administer each of the listed programs and for the filing and processing of amendments, applications and appeals related to each of the listed programs. Mr. Haldeman stated that the Committee approved staff's recommendations and voted to forward the amendments to the Planning Commission.

Mr. Haldeman stated that, as requested by the Committee at its April meeting, staff discussed the possibility of restricting outdoor vending machines in the front of buildings located along Community Character Corridors. Mr. Haldeman stated that staff believes that implementing such restrictions would be difficult, and the subject was dropped.

Mr. Haldeman stated that the Committee also reviewed presentations for the Pocahontas Trail Corridor Study and the Ft. Eustis Joint Land Use Study (JLUS) that will be shared with the Board of Supervisors at the Joint Work Session on May 22, 2018.

Mr. Haldeman stated that the Committee also reviewed some of the work done on

ordinance amendments in preparation for the Joint Work Session.

**E. CONSENT AGENDA**

1. Minutes of the May 2, 2018 Regular Meeting

Mr. Haldeman made a motion to approve the Consent Agenda.

On a voice vote the Commission voted to approve the Consent Agenda (5-0) (Mr. Tim O'Connor abstaining).

**F. PUBLIC HEARINGS**

1. AFD-04-86-1-2017. Pates Neck Renewal

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

Ms. Roberta Sulouff, Senior Planner, stated that staff is seeking the recommendation of the Planning Commission regarding the renewal of the Pates Neck Agricultural and Forestal District. Ms. Sulouff stated that as required by State Code, the County must review all established AFDs prior to their expiration. Ms. Sulouff stated that during this review, districts must be continued, modified, or terminated. Ms. Sulouff stated that the Pates Neck AFD is scheduled to expire August 14, 2018.

Ms. Sulouff stated that the Pates Neck AFD was originally created in 1986, and currently consists of four properties totaling approximately 755 acres, all of which are zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Ms. Sulouff stated that there have been no requests to add or withdraw land since initiating the renewal process at the end of 2017.

Ms. Sulouff stated that while the District has been renewed most recently for six year intervals, staff is recommending a four year renewal period to bring this district in step with the renewal periods of most other districts.

Ms. Sulouff stated that staff finds the Pates Neck AFD compatible with the requirements of State Code and surrounding development, as well as consistent with the adopted Comprehensive Plan and Zoning Ordinance. Ms. Sulouff stated that staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years, two months and 17 days to October 31, 2022, to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Tim O'Connor made a motion to recommend approval of the AFD renewal.

On a roll call vote the Commission voted to recommend approval of AFD-04-86-1-2017. Pates Neck Renewal (6-0).

2. SUP-0004-2018. 3021 Ironbound Road Tourist Home

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

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

Ms. Tori Haynes, Planner, stated that Ms. Sharon Dennis has applied for a Special Use Permit (SUP) to allow the operation of a tourist home at 3021 Ironbound Road. The SUP will allow for the short-term rental of a 2-bedroom home with no changes to the size or footprint of the home. The property is zoned R-8, Rural Residential and is designated Low-Density Residential in the Comprehensive Plan. Ms. Haynes further stated that the property is located inside the Primary Service Area, as are all surrounding parcels.

Ms. Haynes stated that staff considered the location of the home, parking provisions and screening to be favorable factors when evaluating this application. Ms. Haynes stated that the property has an existing driveway and parking area sufficient to accommodate guests, and is screened from adjacent properties through fencing and vegetation. Ms. Haynes stated that the property is also directly adjacent to an existing tourist home of similar size and scope, whose SUP was approved by the Board of Supervisors on January 9, 2018.

Ms. Haynes stated that staff is recommending conditions that are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Haynes stated that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Haynes noted that there is an existing SUP to operate a daycare on this property. Ms. Haynes stated that should the tourist home SUP be approved, the existing daycare SUP will become void.

Ms. Haynes stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application, subject to the proposed conditions.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Krapf made a motion to recommend approval of the application subject to the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-0004-2018, 3021 Ironbound Road Tourist Home (6-0).

3. ZO-0004-2018 and SO-0004-2018. Zoning Ordinance and Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A – Fee Schedule for Development Related Permits

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

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

Mr. Paul Holt, Director of Community Development and Planning, stated that on May 8, the Board of Supervisors adopted an Ordinance creating Appendix A to the County Code. Mr. Holt stated that the Appendix consolidated fee references for development related permits. Mr. Holt further stated that the effective date of the Ordinance is July 1, to coincide with the start of the new fiscal year. Mr. Holt stated that to ensure the County Code does not have duplicative or erroneous references, the fee references now listed in Appendix A must be removed from the various individual chapters of the County Code prior to July 1.

Mr. Holt stated that the set of Ordinances before the Commission remove fee references from Chapter 19, Subdivisions and Chapter 24, Zoning. Mr. Holt stated that the attached Ordinances represent formatting changes only and do not contain any other substantive changes.

Mr. Holt stated that on May 10, 2018, the Policy Committee voted unanimously to forward the proposed changes to the Planning Commission for consideration.

Mr. Holt stated that staff recommends the Planning Commission recommend approval of these Ordinance amendments to the Board of Supervisors.

Mr. Holt noted that each item would need an individual vote.

Mr. Richardson opened the Public Hearing.

As no one wished to speak, Mr. Richardson closed the Public Hearing.

Mr. Krapf made a motion to recommend approval of the Subdivision Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of SO-0004-2018, Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits (6-0).

Mr. O'Connor made a motion to recommend approval of the Zoning Ordinance amendments.

On a roll call vote, the Commission voted to recommend approval of ZO-0004-2018, Zoning Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A - Fee Schedule for Development Related Permits (6-0).

## **G. PLANNING COMMISSION CONSIDERATIONS**

### **1. Fort Eustis Joint Land Use Study**

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

Ms. Ellen Cook, Principal Planner, stated that over the past 16 months, work has progressed

on creating the Fort Eustis Joint Land Use Study (JLUS). Ms. Cook stated that the JLUS has been a collaborative study conducted by the three surrounding localities, federal officials, residents and Fort Eustis to identify compatible land uses and growth management guidelines near the installation. Ms. Cook stated that the JLUS has been guided by a Policy Committee and a Technical Working Group, and has included significant outreach and input opportunities from the public. Ms. Cook stated that a 30-day comment period on the final draft of the JLUS recently concluded.

Ms. Cook stated that at the May 2018, Joint Work Session, the project's lead consultant, Mr. Ray Greer, provided an overview of the study and recommendations. Ms. Cook stated that the Study included recommendations regarding formalized communication, land use compatibility, policy reinforcement and the third port mission. Ms. Cook stated that the implementation of the JLUS could range from administrative actions to revisions or updates in the County's Zoning Ordinance and Comprehensive Plan.

Ms. Cook stated that the Fort Eustis JLUS is scheduled to be brought before the Board of Supervisors for formal consideration at its July 10, 2018, meeting.

Mr. Holt stated that staff would appreciate any feedback from the Commission on the JLUS and would further ask for a recommendation from the Commission to forward to the Board of Supervisors.

Mr. O'Connor inquired if there would be a more substantive presentation when the JLUS is considered by the Board of Supervisors.

Mr. Holt stated that there would be a more detailed summary at the July 10 Board of Supervisors meeting.

Mr. O'Connor stated that the information on the economic impact of Ft. Eustis would be an important item to highlight.

Mr. Holt noted that the project website and the archived video of the Joint Work Session are also good resources for anyone wanting additional in-depth information.

Mr. Frank Polster inquired if the Board of Supervisors would make the determination as to which of the study recommendations should be acted on.

Mr. Holt stated that it would fall to the Board of Supervisors to determine further action on the various recommendations; however, the action at the July 10, 2018, meeting would be simply to accept the report. Mr. Holt stated that once the report is accepted by all the entities, there is an expectation that there would be a transition from the study phase to an implementation phase. Mr. Holt stated that the implementation phase is where the Board of Supervisors would direct and allocate resources and provide guidance to staff on next steps.

Mr. Polster inquired about the recommendation to establish a special district for the area bordering on Ft. Eustis.

Mr. Holt stated that the recommendation for a special district is something that could potentially be discussed during the upcoming Comprehensive Plan review.

Mr. Polster inquired if it would be an overlay district. Mr. Holt stated that an overlay is one possibility.

Mr. Holt further stated that the district could be designated on the Comprehensive Plan Land Use Map. Mr. Holt stated that the district could also be incorporated in the Zoning map.

Mr. Haldeman stated that he appreciated the detail and quality of the report.

Mr. Haldeman made a motion to recommend that the Board of Supervisors accept the JLUS report.

On a voice vote the Commission voted to recommend that the Board of Supervisors accept the JLUS report (6-0).

2. Pocahontas Trail Corridor Study

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

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

Ayes: Haldeman, Krapf, O'Connor, Polster, Richardson, Schmidt

Absent: Leverenz

Mr. Alex Baruch, Senior Planner, stated that for the past 10 months, the Planning Division, VDOT and its consultant RK&K have been engaging with the Grove community to determine the transportation needs, desired improvements, and priorities for Pocahontas Trail. Mr. Baruch stated that the purpose of the Study was to re-assess the corridor from Fire Station 2 to James River Elementary School and to engage the community in identifying key transportation needs and in defining a vision for the future of the corridor. Mr. Baruch stated that this effort would not have been possible without the support of the Technical Committee and the Steering Committee, many of whom are in attendance tonight.

Mr. Baruch stated that to gain the community's input, three public workshops, six steering committee meetings and six technical committee meetings as well as several other opportunities, were held in different areas throughout Grove. Mr. Baruch stated that the public workshops and meetings provided tremendous feedback and direction to staff, VDOT and the consultant which has been reflected in the draft study document where the recommendations are outlined.

Mr. Baruch stated that in terms of the recommendations, Concept 1, the three-lane concept with the shared use path on one side and the sidewalk on the other, was the preferred option. Mr. Baruch further stated that the recommended improvements also included curb and gutter to improve the drainage system, a landscaped buffer area between the roadway and the sidewalk and shared use path, continuous roadway/pedestrian lighting, new crosswalks with pedestrian refuges at multiple locations, transit stop improvements including bus pull-offs and shelters and the undergrounding of overhead utilities. Mr. Baruch stated that these recommendations are a comprehensive set of improvements which address each of the needs identified by the community and which the community determined best matched its version of the Pocahontas Trail Corridor.

Mr. Baruch stated that due to the scale of the improvements needed to address the Corridor's needs and match the community's vision, the study also recommended consideration of a phased approach to constructing the improvements. Mr. Baruch stated that while the County may pursue funding for the entire length of the Corridor as one project, in an effort to secure funding, it may also be prudent to submit individual project segments (or groups of segments) for funding consideration should they be competitive for other various funding sources.

Mr. Baruch stated that in anticipation of several funding applications due this summer, the study is scheduled to be brought before the Board of Supervisors for formal consideration at its July 10, 2018, meeting. Mr. Baruch stated that staff recommends that the Planning Commission recommend approval of the draft study to the Board of Supervisors.



Mr. Holt stated that from an input perspective this was probably one of the most successful corridor studies that the County has had, thanks entirely to the leadership of the Steering Committee. Mr. Holt stated that the public workshops were very successful and the compilation of all of that feedback is what is included in the study. Mr. Holt stated that as a consideration item there is not a public hearing; however, there are a few members of the public who signed up to speak.

Mr. O'Connor asked whether extending the study further down Pocahontas Trail to get the improvements to continue closer to Green Mount Industrial Park would be an option as a part of this study.

Mr. Holt stated that it would not be possible with this work effort; however, there are some references to continuing the improvements in that direction that staff could look at in the future.

Mr. Richardson opened the floor for comment from the public.

Mr. Glenn Carter, 130 Jackson Street, stated that these improvement are much needed and welcomed by the community. Mr. Carter stated that the industrial areas, new residential development and Peninsula Pentecostals Church are contributing to the traffic issues that these improvements could solve. Pedestrian and bicycle traffic along with emergency vehicle access are other primary reasons why these improvements are so important to the community.

Ms. Gloria Hill, 112 Plantation Road, also an employee of Colonial Manor, stated that the primary concern is the safety of their residents at Colonial Manor. Half of the residents are handicapped or disabled and unable to cross Pocahontas Trail. Crosswalks proposed with this project would provide a safe means of crossing the road. Bus shelters with seating and lighting would be a huge improvement to the safety of the residents where there currently are none.

Mr. Schmidt stated that it was a pleasure to serve on the Steering Committee and be a part of the public engagement efforts at the workshops. RK&K and Planning staff listened to the community and made changes as concerns were brought up by the community. This project is long overdue for Grove and should be put into action.

Mr. Richardson stated that it was a pleasure to see former Planning Commissioner Mr. George Drummond in attendance.

Mr. James Curtis, 8405 Pocahontas Trail, stated that he represented Little Zion Baptist Church and that he chairs the Board of Trustees for the Church. At the last meeting of the Board of Trustees a vote took place where 100% of the Board voted in favor of this project.

Mr. Robert Till, Grove resident, stated that he was happy to have been a part of the Steering Committee.

Mr. Polster stated that he would like to see updates to the webpage and notification of when decisions are made in reference to these types of transportation projects.

Mr. Holt stated that one of the reasons staff would like to get this study in front of the Board of Supervisors as soon as possible is because a resolution of support is required for the applications, and the next round of funding applications is due at the end of the summer. Mr. Holt stated that as a part of the Planning Directors Report staff would update the Planning Commission as the projects progress.

Mr. O'Connor stated that he would like to thank the Steering Committee for mobilizing the community and participating in the process. Mr. O'Connor stated that on behalf of all of the

Planning Commissioners, Grove residents needs additional connectivity to get to and from school, work and within the community in a safe fashion. Mr. O'Connor stated that Mr. Schmidt has given the Planning Commission great reports and it has been wonderful to see the community's engagement on this study.

Mr. Danny Schmidt made a motion to recommend approval of the Pocahontas Trail Corridor Study Summary Report.

On a voice vote, the Commission voted to recommend approval of the Pocahontas Trail Corridor Study Report (6-0).

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

##### **1. Planning Director's Report - June 2018**

Mr. Holt stated that he had nothing in addition to the report provided in the Agenda Packet.

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

Mr. Schmidt inquired about the comment in the letter received from the Williamsburg Unitarian Universalist Church regarding whether the path in front of its property could be extended to connect to Clara Byrd Baker Elementary School.

Mr. Holt stated that the goals for connectivity are set forth in the policies adopted by the Board of Supervisors such as the Pedestrian Accommodations Master Plan and the Regional Bikeways Plan. Mr. Holt further stated that the implementation generally occurs when plans are submitted for development.

Mr. Polster inquired if the Williamsburg-James City County Schools could move forward with construction of the connection.

Mr. Holt stated that resources are limited at the local level. Mr. Holt further stated that the County sought funding from VDOT for sidewalk connections to Clara Byrd Baker elementary School; however, the application was filtered out at the regional level when compared against other such requests. Mr. Holt noted that the applications for funding are highly competitive.

Mr. Polster inquired if there is documentation related to the various corridors. Mr. Polster further inquired if staff would respond to the letter.

Mr. Holt stated that as the County finds a path forward with funding for the project, staff will certainly keep the Church updated.

Mr. Richardson requested that the soldiers who gave their lives on D-Day be remembered.

#### **J. ADJOURNMENT**

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 6:50 p.m.

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Heath Richardson, Chair

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Paul D. Holt, III, Secretary

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Development Review Committee Action Item: Case No. C-0038-2018. Chickahominy Riverfront Park Improvements

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The applicant has submitted a conceptual plan to build an additional boathouse and to relocate the RV/boat storage.

Reason for DRC Review: Special Use Permit Condition No. 1 from Case No. SUP-0014-2009, adopted by the Board of Supervisors on November 10, 2009, states that improvements to the site shall generally be located as shown on the Chickahominy Riverfront Master Plan, with only changes thereto that the Development Review Committee (DRC) determines to be generally consistent with the Master Plan and Shaping Our Shores Report.

Link to the DRC Agenda and Staff

Report: <https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=3858&MeetingID=808>

DRC Recommendation on June 20, 2018: Approval of the Conceptual Plan as being consistent with the adopted Master Plan (4-0).

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/26/2018 - 10:52 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 10:52 AM
Publication Management	Burcham, Nan	Approved	6/26/2018 - 10:57 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:28 AM

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Alex Baruch, Senior Planner and Roberta Sulouff, Senior Planner

SUBJECT: ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Draft Subdivision Ordinance Language	Exhibit
☐	Attachment 2. Draft Zoning Ordinance Language	Exhibit
☐	Attachment 3. Board of Supervisors Resolution adopting the Traffic Impact Analysis Submittal Requirements Policy	Backup Material
☐	Attachment 4. Proposed Amendments to the Traffic Impact Analysis Submittal Requirements Policy	Backup Material
☐	Attachment 5. Board of Supervisors Resolution adopting the Pedestrian Accommodations Master Plan, dated November 22, 2011	Backup Material
☐	Attachment 6. BOS Adopted Pedestrian Accommodations Master Plan	Backup Material
☐	Attachment 7. Board of Supervisors Resolution adopting the Regional Bikeways Master Plan, dated September 10, 2013	Backup Material
☐	Attachment 8. BOS Adopted Regional Bikeways Master Plan	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/26/2018 - 10:52 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 2:51 PM
Publication Management	Burcham, Nan	Approved	6/26/2018 - 3:00 PM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 3:01 PM

## MEMORANDUM

DATE: July 3, 2018

TO: The Planning Commission

FROM: Alex Baruch, Senior Planner  
Roberta Sulouff, Senior Planner

SUBJECT: Case Nos. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis

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### Overview

The James City County Comprehensive Plan includes various goals, strategies and action items with the objective to provide citizens, businesses and visitors with effective and safe means of transportation through pedestrian, bicycle and pedestrian accommodations. Currently, transportation impacts created by developments requiring legislative approval are addressed by three administrative policies and corresponding submittal requirements. First, the James City County 2011 Pedestrian Accommodation Master Plan, adopted by the Board of Supervisors on November 22, 2011, implemented the Master Plan as a binding resource in determining pedestrian accommodation requirements external to a development unless otherwise required by the pedestrian accommodation section of the Zoning Ordinance (Section 24-35). Second, the Regional Bikeways Plan, adopted by the Board of Supervisors on June 21, 1993, encourages the coordinated development of a comprehensive system of bikeways throughout the region. The Regional Bikeways Plan was amended November 10, 1998 and September 10, 2013 to revise the map to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types and incorporate multi-use paths, which serve both cyclists and pedestrians. Third, the Traffic Impact Analysis (TIA) Submittal Requirement Policy was adopted on June 12, 2012 and was designed to provide guidance to applicants regarding the minimum content requirements for a TIA. Per the current submittal requirements for legislative cases, a TIA is required for any project which may generate 100 or more peak hour vehicle trips; any case that falls under this threshold may proffer general traffic improvements or may be subject to relevant Special Use Permit conditions, but would not be required to submit a TIA.

Current policies and submittal requirements represent the desire of the County to ensure that development is responsive to the transportation needs of the community they are impacting. These policies ensure that applicants use the resources of the adopted plans mentioned above, and when applicable, any improvements recommended by a TIA in the creation of their binding master plans and proffers. Staff uses the Board of Supervisors adopted policies to evaluate applications and make recommendations on legislative cases. Absent proffers, these policies have limited ability to address transportation impacts created by new residential development. Given the recent updates to the Virginia Code through Virginia Senate Bill 549, staff has identified updates to incorporate parts of these policies into the Zoning Ordinance, Subdivision Ordinance and TIA.

The Policy Committee reviewed the revisions to the Pedestrian and Bicycle Accommodations language at its meeting on September 14, 2017, February 8, 2018 and April 12, 2018. The Committee concurred with the approach of including provisions for Bicycle Accommodations in Section 24-35 and gave guidance on various aspects of the revised languages including areas of connection and design specifications, as well as the new exception criteria that were added following the Board work session. At the joint Planning Commission/Board of Supervisors work session on February 27, 2018, the Board selected the option of proceeding with the inclusion of Bicycle Accommodations. Following review of updated language at the

joint Planning Commission/Board of Supervisors work session on May 22, 2018, the Board provided guidance to move the draft Ordinance forward to the Planning Commission.

For the Transportation items, which include the TIA Policy and the Ordinance language to clarify Virginia Department of Transportation (VDOT) and other agency's review in approving plans, the Policy Committee reviewed the language at the same meetings as listed above. The Committee asked staff to benchmark other localities to see how they handle traffic impacts. The results showed that most localities rely on VDOT to require on-site traffic improvements during the development stage, but they did not have a mechanism to obtain off-site traffic improvements without proffers at the legislative stage. The Committee agreed with the concept of the Adequate Transportation Facilities Test to provide the Planning Commission and Board of Supervisors with an assessment of the TIA and whether the application mitigated the impacts stated in the TIA. At the joint Planning Commission/Board of Supervisors work session on February 27, 2018, the Board requested that the TIA Policy be brought back to the next work session prior to moving forward to the Planning Commission for public hearing. Following review of the updated language at the joint Planning Commission/Board of Supervisors work session on May 22, 2018, the Board provided guidance to move the draft policy and Ordinance forward to the Planning Commission with minor changes.

All of the feedback from these meetings are reflected in the draft Ordinance language as listed below.

**Draft Ordinance Language:**

The draft Subdivision Ordinance language is included as Attachment No. 1 and accomplishes the following:

- This revision amends Section 19-30 to clarify James City Service Authority (JCSA) and VDOT's role in approving plans.

The draft Zoning Ordinance language is included as Attachment No. 2 and accomplishes the following:

- This revision amends Section 24-35 to add bicycle improvements to many of the required pedestrian accommodation improvements based on the Historic Triangle Bikeways Master Plan.
- This revision to Section 24-35 also amends the construction standards and exemptions sections to ensure clarity.
- This revision amends Section 24-151 to clarify JCSA and VDOT's role in approving plans.

The proposed amendments to the TIA are included as Attachment No. 3 and accomplishes the following:

- This revision adds an Adequate Transportation Facilities Test to the policy to provide clarity in staff reports regarding what traffic improvements have been identified in the TIA and if those traffic improvements have been mitigated.
- This revision also changed the exceptions portion of the policy to state that a TIA is valid for five years if all assumptions made in the TIA remain valid.
- *Note:* General traffic impact improvements cannot be addressed through submittal or master plan requirements. There is enabling legislation in the State Code which would allow some, mostly on-site, traffic impact improvements to be required at the development stage through VDOT; however, the ability to capture off-site impacts and improvements will be severely limited, at most to those that are

directly adjacent or those that are on-site and dedicated (and thus become “off-site”) after completion of the improvement.

### **Recommendation**

Staff recommends the Planning Commission recommend approval of the attached Subdivision and Zoning Ordinance revisions and TIA revisions to the Board of Supervisors.

AB/RS/nb  
ZO-02-18andSO-02-18TIA-mem

### Attachments:

1. Draft Subdivision Ordinance Language
2. Draft Zoning Ordinance Language
3. Board of Supervisors Resolution adopting the Traffic Impact Analysis Submittal Requirements Policy
4. Proposed Amendments to the Traffic Impact Analysis Submittal Requirements Policy
5. Board of Supervisors Resolution adopting the Pedestrian Accommodations Master Plan, dated November 22, 2011.
6. BOS Adopted Pedestrian Accommodations Master Plan
7. Board of Supervisors Resolution adopting the Regional Bikeways Master Plan, dated September 10, 2013.
8. BOS Adopted Regional Bikeways Master Plan

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, BY AMENDING SECTION 19-30, PROCEDURE FOR APPROVAL OF FINAL PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, by amending Section 19-30, Procedure for approval of final plan.

### **Chapter 19. Subdivisions**

#### **Article II. Procedures and Documents to be Filed**

##### **Sec. 19-30. Procedure for approval of final plan.**

The subdivider shall submit for review and approval eight copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions or multifamily subdivisions as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus eight prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

1. Has complied with the requirements and minimum standards of design set forth in this chapter;
2. Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the commission or agent on the preliminary plan;
3. Has made satisfactory arrangements for performance assurances as specified in article IV of this chapter, *including improvements required by agencies including the Virginia Department of Transportation and James City Service Authority;*
4. Has submitted data for major subdivisions in accordance with the “GIS Data Submittal Requirements for Major Subdivisions” policy, as approved by the governing body; and
5. Has executed all certificates required in section 19-29.

\_\_\_\_\_  
Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
William C. Porter  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY AMENDING AND RENAMING SECTION 24-35, PEDESTRIAN ACCOMMODATIONS; AND BY AMENDING ARTICLE III, SITE PLAN, BY AMENDING SECTION 24-151, REVIEW CRITERIA GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special regulations, Division 1, In General, by amending and renaming Section 24-35, Pedestrian accommodations; and by amending Article III, Site Plan, by amending Section 24-151, Review criteria generally.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

**Sec. 24-35. Pedestrian *and bicycle* accommodations.**

- (a) Pedestrian *and bicycle* accommodations shall be required for all projects requiring site plan or major subdivision review in accordance with the following:
- (1) ~~External sidewalks.~~ Pedestrian *and bicycle* accommodations shall be required for the subject property(ies) along all public roads as shown on the pedestrian accommodation master plan *and the regional bikeways plan*. In addition to corridors identified on the pedestrian accommodation master plan, sidewalks shall be required along at least one side of all roads built within a community character area sidewalk inclusion zone as specified on the pedestrian accommodation master plan.
  - (2) *Internal public streets.* Pedestrian accommodation internal to a residential, commercial, office or industrial development with public streets shall be required pursuant to the Secondary Street Acceptance Requirements found in 24VAC30-92, as amended.
  - (3) *Internal private streets.*
    - a. Pedestrian accommodation internal to a residential, commercial, or office development with private streets shall be required on at least one side of all internal streets.
    - b. For development designated by the Comprehensive Plan as mixed use; moderate density residential; or the residential, commercial, and office sections of an economic opportunity area, pedestrian accommodations shall be required on both sides of the private streets.
    - c. Sidewalks on private streets shall not be required internal to industrial parks or industrial sections of areas designated economic opportunity on the Comprehensive Plan.
    - d. The planning director or his designee may approve alternative locations for pedestrian accommodations that are found to have equivalent connectivity as providing sidewalks along the roads internal to the development, such as paved connections between or from cul-de-sacs to other pedestrian accommodations.
  - (4) *Interconnectivity internal to a parcel.* Pedestrian accommodations shall be required between parking areas, buildings, and public areas for residential, commercial, and office development sites. Pedestrian accommodation internal to a development shall link with any existing or master planned pedestrian accommodation along an abutting road external to the development and any

existing public transit stops. Development within industrial parks and industrial sections of the economic opportunity zone shall be required to meet applicable Americans with Disabilities Act (ADA) connectivity standards.

- (5) *Interconnectivity between parcels.* Pedestrian *and bicycle* accommodations shall be required between residential developments and adjoining schools, park, or recreational facilities as determined by the planning director or his designee. The property owner shall provide a connection internal to the development to the property line with the adjoining facility. This criterion may be waived by the planning director or his designee if the owner of the contiguous parcel objects to a connection or if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.
- (b) Construction standards: Pedestrian *and bicycle* accommodations required by section 24-35(a) shall be built in accordance with the following construction standards:
  - (1) ~~Pedestrian~~ *If accommodations are to be publicly maintained, the* accommodations shall be built to VDOT standards and located within VDOT right-of-way. ~~when they are to be publicly maintained. If accommodations are to be privately maintained, they shall be built to VDOT construction standards.~~
  - (2) ~~Right-of-way and pedestrian accommodations~~ *The accommodations* shall be shown on the final plat and/or site plan.
  - (3) ~~Sidewalks shall be paved and a minimum of five feet in width. Multi-use paths shall be paved and a minimum of eight feet in width. All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines.~~
  - (3) *If accommodations are to be privately maintained, they shall meet the following requirements:*
    - (a) *Sidewalks shall be paved and a minimum of five feet in width and be built to VDOT construction standards;*
    - (b) *Multi-use paths shall be paved and a minimum of eight feet in width and shall be built to paved trail standards in the Parks and Recreation Greenways Master Plan;*
    - (c) *All pedestrian accommodations shall meet the requirements of the ADA's Accessibility Guidelines;*
    - (d) *Width criteria for private accommodations may be reduced with approval by the planning director or designee if a significant obstruction exists (such as wetlands, slopes exceeding 25 percent gradient and guardrails) that would make a connection impracticable.*
- (c) Exemptions: Exemptions to this section may be granted by the planning director or his designee if:
  - (1) A proposed temporary structure(s) will not be erected for more than six months; or
  - (2) A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprint are proposed; or
  - (3) The development is located within an office park with private streets in existence prior to November 22, 2011 and providing pedestrian accommodations along the frontage of the development site would not result in a safe and continuous connection to an existing or planned pedestrian accommodation or public transit stop; *or*

*(4) Land disturbance on the project area is less than 2,500 square feet; or*

*(5) The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*

(d) Exceptions: Exceptions to this section may be granted by the planning director or his designee if:

(1) A pedestrian *or bicycle* accommodation is otherwise required by this section and would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project implemented by the county or VDOT. The planning director or his designee may request dedication of sufficient right-of-way for pedestrian *or bicycle* accommodations related to the road project in lieu of construction of the pedestrian *or bicycle* requirement. The requirement to dedicate right-of-way shall be based on existing right-of-way, the design of the engineered project, and additional right-of-way that is needed; or

(2) In circumstances where topographical conditions make construction of pedestrian *or bicycle* accommodations impractical, the planning director or his designee may approve an alternative alignment that is accessible by the public that differs from the pedestrian accommodation master plan. The alternative alignment shall link with adjacent pedestrian accommodations; or

(3) Pedestrian *or bicycle* accommodations *are* shown on a master plan *or corridor plan* approved by the board of supervisors that differs from the pedestrian accommodation master plan or the *regional bikeways plan*.

If an exception is granted for (d)(1) or (d)(2) above, the applicant shall be required to pay into the pedestrian *or bicycle* accommodation construction and maintenance fund in an amount determined by the county engineer or his designee. The amount shall be based on:

- a. projected engineering costs;
- b. projected material costs;
- c. projected labor and mobilization costs;
- d. current topographical conditions of the site; and
- e. linear feet of road frontage.

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

## Article II. Special Regulations

### Sec. 24-151. Review criteria generally.

The planning director, zoning administrator, the planning commission, or its designee shall review and consider site plans with respect to:

- (1) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan Development Standards;
- (2) Design and layout of the site including all existing and proposed buildings, exterior signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply locations on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics; public safety features; environmental, historic and vegetative preservation; efficient layout of buildings, parking areas, and off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles, including emergency vehicles, safe means of ingress and egress;
- (3) Design standards contained in this chapter as they relate to traffic circulation, parking, lighting, performance standards, location of structures, building and landscape, setbacks, yard requirements, height and building coverage limits shall apply, where applicable, to site plan approval. The design criteria established in the county subdivision ordinance, *and improvements required by agencies including the Virginia Department of Transportation and the James City Service Authority shall be shown on the plan before final approval of the site plan.*

\_\_\_\_\_  
Ruth M. Larson  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
William C. Porter  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of August, 2018.

Ch24ZoningSpecReg-ord

## RESOLUTION

### TRAFFIC IMPACT ANALYSIS SUBMITTAL REQUIREMENTS POLICY

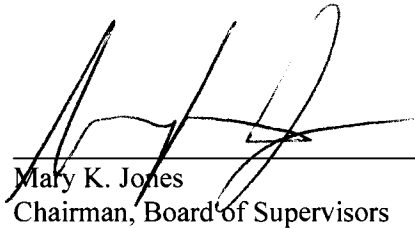
WHEREAS, the Traffic Impact Analysis Submittal Requirements Policy ("Policy") is designed to provide guidance to applicants regarding the minimum submittal requirements for a Traffic Impact Analysis (TIA); and

WHEREAS, the Policy is consistent with the Virginia Department of Transportation's Traffic Impact Statement (VTIS) submittal requirements; and

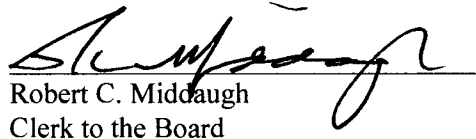
WHEREAS, the Policy Committee endorsed the Policy on September 15, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the Policy on \_\_\_\_\_ by a vote of \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Traffic Impact Analysis Submittal Requirements Policy.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
ICENHOUR	AYE
KALE	AYE
KENNEDY	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of June, 2012.

ZO11-12-13-2011-2b\_res



## **Traffic Impact Analysis Submittal Requirements Policy**

### **I. GENERAL**

In 2006, the Traffic Impact Analysis Regulations known as “Chapter 527” was approved by the General Assembly of Virginia to expand the role of the Virginia Department of Transportation (VDOT) in the land planning and development review process. Accordingly, James City County requires submission of all Traffic Impact Analyses (TIA’s) to be conformance with the aforementioned regulations. In addition, all TIA’s shall conform to the current versions of the Manual of Uniform Traffic Control Devices (MUTCD), the VDOT Road Design Manual, VDOT Access Management Regulations and Standards, the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE) manuals unless otherwise approved by the Planning Director.

### **II. APPLICABILITY**

A. Submission of a TIA shall be required when one or more of the following apply:

- Projects that expect to generate 100 or more weekday peak hour trips to and from the site during the peak hour of operation based on the ITE manual’s trip generation rates.
- Projects with an entrance or exit onto a roadway with a Level of Service (LOS) “D” or lower operation.

*Note:* VDOT has different requirements that trigger a 527 TIA than County Ordinance. Should a TIA be required by VDOT, but not be triggered County requirements, this policy would not be applicable and no additional TIA is required.

### **III. EXCEPTIONS**

A TIA does not have to be updated/submitted if a TIA or 527 TIA was previously submitted for a rezoning or Special Use Permit *within the last five years* and all assumptions made in the TIA remain valid.

### **IV. PROCEDURE**

A scoping meeting with VDOT and the Planning Division staff is required for any proposal that requires the submission of a TIA. A scoping meeting is required when the proposed development generates more than 100 peak hour site trips. At this meeting the Planning Director will determine the minimum scope of work and if additional analyses pursuant to Section VI B are applicable. Fifteen paper copies and a digital copy of the TIA shall be submitted during application of the project with the County.

### **V. WHO PREPARES**

A TIA should be prepared by a professional engineer or a transportation planner. Generally, a licensed engineer prepares a TIA; however, for smaller applications, the Planning Director may approve TIAs that have not been certified by an engineer.

## VI. CONTENTS OF A TRAFFIC IMPACT ANALYSIS

The Traffic Impact Analysis shall at minimum include the following:

### A. Executive Summary

- Introduction
- Analysis of Existing Conditions
- Analysis of Future Conditions without Development
- Projected Trip Generation
- Analysis of Future Conditions with Development
- Signal Warrant Analysis
- Improvements necessary to achieve an overall LOS “C” on adjacent roadways/signalized intersections. The Planning Director may approve movements in certain lane groups of LOS “D” in urban environments.
- Conclusion

### B. Supplemental Analysis

As determined at the scoping meeting, the Planning Director may also request the following analysis as a component of the TIA:

- Weaving Analysis
- Merge and Diverge Analysis
- Corridor Traffic Signal Progression Analysis
- Queuing/Turn Lane Analysis
- Expanded Study Area
- Examination of Transit and Travel Demand Management Measures
- Accident/Safety Analysis
- Sight Distance Analysis

## VII. ADEQUATE TRANSPORTATION FACILITIES TEST

*All special use permit or rezoning applications are subject to the adequate transportation facilities test.*

*A. A proposed rezoning or special use permit application will be tested for adequate transportation facilities. A proposed rezoning or special use permit application will pass the test if:*

- i. No off-site improvements are required by the TIA that is approved by both the Planning Director and the Virginia Department of Transportation; or*
- ii. All off-site improvements recommended by a TIA that is approved by both the Planning Director and the Virginia Department of Transportation are guaranteed in a form approved by the Planning Director and County Attorney.*

*B. If the TIA recommends off-site improvements or indicates deficiencies which cannot be mitigated or guaranteed then the application will not pass the adequate transportation facilities test.*

## RESOLUTION

### JAMES CITY COUNTY 2011 PEDESTRIAN ACCOMMODATION MASTER PLAN

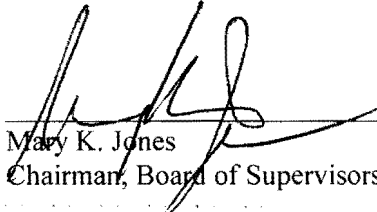
WHEREAS, Action T3.10 in the 2009 Comprehensive Plan recommended updating the James City County Sidewalk Master Plan and amending the Zoning Ordinance in a manner that would increase accessibility, provide for more design and construction flexibility, and incorporate multi-use paths as an option for pedestrian accommodation in James City County; and

WHEREAS, the James City County 2011 Pedestrian Accommodation Master Plan ("Master Plan") has been drafted to satisfy Action T3.10 and shall be the binding resource determining pedestrian accommodation requirements external to a development unless otherwise permitted by the pedestrian accommodation ordinance; and

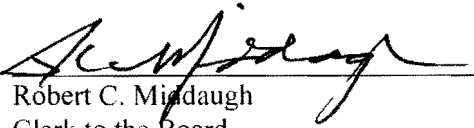
WHEREAS, on June 7, 2011, following a series of public meetings, the Policy Committee recommended approval of the Master Plan to the Planning Commission; and

WHEREAS, on October 5, 2011, following a public hearing, the Planning Commission recommended approval of the Master Plan by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the James City County 2011 Pedestrian Accommodation Master Plan dated September 2011 to be used as a binding document as referenced in the Zoning Ordinance amendments to Section 24-35 Pedestrian Accommodation to review subdivisions, site plans, special use permits, master plans, and rezonings in the County.

  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
Robert C. Mindaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.


ZO6&14\_112211\_att14





# James City County


## Draft 2011 Pedestrian Accommodation Master Plan

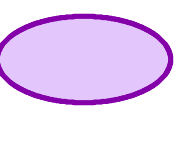
Revision date Septemeber 2011

 Multi-Use

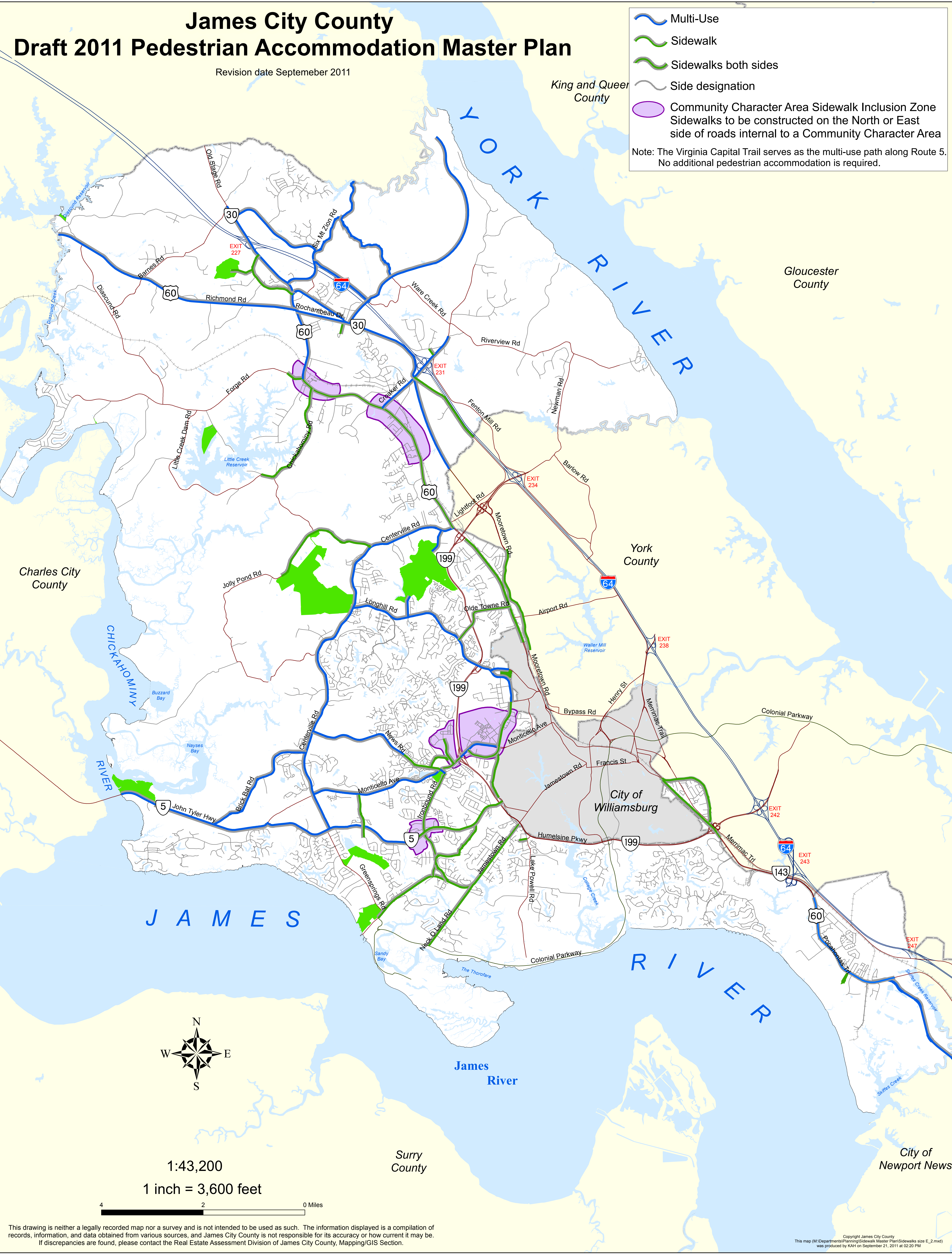
 Sidewalk

 Sidewalks both sides

 Side designation

 Community Character Area Sidewalk Inclusion Zone  
Sidewalks to be constructed on the North or East side of roads internal to a Community Character Area

Note: The Virginia Capital Trail serves as the multi-use path along Route 5.  
No additional pedestrian accommodation is required.



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.



Mr. Icenhour made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Mr. McGlennon (4). NAY: Ms. Jones (1).

## **RESOLUTION**

### **PROPOSED UPDATES TO THE WILLIAMSBURG, JAMES CITY COUNTY,**

### **AND YORK COUNTY REGIONAL BICYCLE FACILITY PLAN**

WHEREAS, as part of the Historic Triangle coordinated Comprehensive Plan review process, James City County, the City of Williamsburg, and York County have updated the Regional Bicycle Facilities Plan; and

WHEREAS, staff from the three jurisdictions have developed a revised map that strives to provide bicycle access to major destinations, eliminate routes with dead ends, recommend realistic facility types, and incorporate the multi-use paths, which cyclists would be permitted to use, as shown on the County's newly adopted Pedestrian Accommodation Plan; and

WHEREAS, Action T2.2 of the Comprehensive Plan recommends continuing the efforts of James City County, the City of Williamsburg, York County, and the Historic Triangle Bicycle Advisory Committee to coordinate and implement a regional bicycle network, including further joint planning and development of regional funding proposals; and

WHEREAS, Action T1.2.5 of the Comprehensive Plan recommends implementing strategies that encourage shorter automobile trips and accommodate walking, bicycling, and use of public transit; and

WHEREAS, on January 28, 2013, the Historic Triangle Bicycle Advisory Committee (HTBAC) endorsed the Plan; and

WHEREAS, on July 17, 2013, the Parks and Recreation Advisory Commission endorsed the Plan; and

WHEREAS, on August 7, 2013, following a public hearing, the Planning Commission recommended approval of the plan by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the Williamsburg, James City County, and York County Regional Bicycle Facility plan dated March 2013 to be used as the policy document identifying desired bikeway routes within the County.

## **J. BOARD CONSIDERATION**

### **1. Operating Contingency Transfer - St. George's Hundred Drainage Improvement**

Mr. John Horne, Director of General Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy asked for an explanation regarding the similarities between the situation before the Board and the situation in the Fernbrook neighborhood.

## **THE WILLIAMSBURG, JAMES CITY, AND YORK REGIONAL BICYCLE FACILITIES PLAN**

The Regional Bicycle Facilities Plan was developed to identify areas in James City County, the City of Williamsburg, and York County where the construction of bikeway facilities is both desirable and appropriate. Initial efforts in 1993 focused on bikeways from a transportation perspective; however, this update incorporates not only transportation-oriented facilities but recreational ones as well, including off-road facilities. This holistic approach is intended to recognize that the bicycle is both a transportation mode and a recreational vehicle while acknowledging that different funding sources may be required to achieve the purposes of each. However, it is also apparent that there can be and is a substantial overlap between trip purposes and the types of facilities serving them.

### Purpose

The purpose of the Regional Bicycle Facilities Plan is to encourage the coordinated development of a comprehensive system of bikeways throughout the region primarily as a mode of transportation but also for increased recreational opportunities. Because of the potential recreational aspect and given the unique nature of the Historic Triangle, the development of a regional bikeway system can significantly enhance the area's appeal as a tourist destination and provide direct and indirect economic benefits. Other positive attributes of a regional bikeway system include energy conservation, reduced noise and air pollution, motor vehicle traffic reduction, health and fitness improvement, as well as other personal and economic benefits. The Comprehensive Plans of all three jurisdictions identify a clear need for bikeways in the region and include strategies that specifically call for the development of an integrated bikeway system.

### Citizen Input

Several series of public input sessions were held during the development of this plan. These were sponsored by the Historic Triangle Bicycle Advisory Committee (HTBAC), the James City County Parks and Recreation Commission, the York County Parks and Recreation Advisory Board, and the Williamsburg Department of Parks and Recreation. The first series of meetings occurred on June 4 and 6, 1996 to gather input from citizens. Suggestions from this meeting were subsequently used to create a draft map of proposed bikeways and to identify priorities, and a second series of public input sessions was held on May 8 and 22 to present this information. From there a draft plan was created. This plan was presented at joint public hearings sponsored by the aforementioned bodies on November 13 and 19, 1997.

### Bikeway Route Identification

In addition to citizen input, the designation of bikeways in the region was developed through a variety of other sources. Bikeways identified in the 1993 Regional Bikeways Plan, the James City County Parks and Recreation Master Plan, the York County Comprehensive Plan, and existing bikeways and bicycle routes were compiled and then displayed on one region-wide map. Existing and planned sidewalks were also shown on this map. This map provided a framework to identify bikeway connections and joint bicycle/pedestrian facility opportunities, and bicycle parking needs. The emphasis throughout the process was to develop logical corridors that could

be used by cyclists of all ability levels for both recreational and commuting purposes. A new feature of this plan is the addition of several off-road facilities, including some specifically for mountain bikes. There is a preference for locating bikeways along lower volume roadways and finding alternative routes to major traffic arteries. Bicycles are recognized under Virginia law as vehicles with the same rights and responsibilities as motor vehicles. Bicycles are allowed on all roads (except limited access facilities such as I-64) and it is recognized that experienced cyclists do use, and will continue to use, many of the high-volume traffic arteries in the community. The Bicycle Facilities Plan is not intended to preclude or discourage the continued use of these streets.

### Bicycle Parking

Several locations in the region have been identified for the eventual development of bicycle parking facilities. Some of the locations encourage people to transfer from one mode of transportation to another. These are recommended to be constructed where transit lines, commuter parking lots, and bicycle paths intersect. At these stations, bicycle lockers are proposed to be constructed which provide bicyclists with the opportunity to safely store their bicycles as they change transportation modes. Other places needing bicycle parking were also identified, including employment, shopping, and public centers. It is also recommended that transit buses ultimately be equipped with bicycle racks that would enable individuals to take their bicycles with them while on the bus. These parking locations will make bicycling much more convenient, and, as a result, may increase the popularity of alternative modes of transportation.

### Types of Facilities

The Regional Bicycle Facilities Plan identifies three major types of bikeway facilities; these are Multi-Use Trails, Shoulder Bike Lanes, and Shared Roadways. In addition, the plan includes existing bike trails, bikeways on National Park Service property, and potential bikeway corridors and locations that are conceptual in location.

- Multi-Use Trails are constructed physically separate from the roadway. They may either be developed in a separate right-of-way, apart from roads and streets, or as a path within the road right-of-way, but physically separated and protected from motor vehicle traffic. These facilities are usually eight to twelve feet wide and are designed to accommodate two-way bicycle traffic. (See Figure 1)
- Shoulder Bike Lanes are constructed adjacent to traffic lanes and are generally delineated by pavement markings. These bike lanes are typically 3 to 6 feet wide paved shoulders. Shoulder Bike Lanes can also be separate lanes between the travel lanes and on-street parking areas in urban areas. To accommodate two-way traffic, these bike lanes must be constructed on each side of the road. Shoulder bike lanes provide wider right hand travel lanes and are considerably less costly than the multi-use trails. Shoulder bike lanes can often be constructed in conjunction with highway widening projects. (See Figure 2) When preparing the detailed implementation plans for the bikeway network, conflicts may arise in the establishment of shoulder bike lanes, particularly in developed areas. These include right-of-way width (particularly for streets having curbs and gutters), on-street parking,

intersection design, and open space and landscaped areas adjacent to the street. If implementation studies indicate that shoulder bike lanes cannot be constructed in certain areas, shared roadways would be the appropriate designation, and it is possible that in certain instances restriping could allow wider curbside travel lanes providing more room for motorists and cyclists.

- Shared Roadways are travel lanes that are shared by all users of the roadway. Occasionally the travel lanes are widened to 14 or 15 feet rather than the standard 12 feet, but often signage is the only accommodation. There are no bikeway pavement markings associated with these facilities, and the roadway is simply signed as a bicycle route. Typically, shared roadways are only designated on roadways with very light traffic and in developed areas where other modes are not feasible. Shared roadways are easy to develop and are much less costly than the Class I or II facilities and can significantly improve bicycle mobility at relatively low cost.

During the public input sessions, citizens requested that a mixture of bikeway facility types be constructed in the region. The serious cyclists, commuters and racers preferred the shoulder bike lanes, while the casual and family oriented cyclists preferred the multi-use trails. The shared roadways will serve residents in rural areas where alternative routes through residential areas are feasible and appropriate. However, the public also strongly encouraged upgrading of shared roadways wherever possible, especially when roadway construction/improvement work is undertaken. Interconnection of neighborhoods can ultimately be provided with a combination of multi-use trails and shared roadways which will provide access to schools, parks, businesses, and other areas both for neighborhood residents and less experienced cyclists. Shared roadways will be very inexpensive to develop compared to multi-use trails and shoulder bike lanes and can significantly improve bicycle and pedestrian mobility for less experienced riders. Special attention to good planning practices will be necessary to ensure that neighborhood interconnections serve the purpose of facilitating non-motorized mobility without increasing the hazards associated with higher vehicle volumes. Emphasis should be placed on securing rights-of-way for multi-use trails on which motorized traffic would be excluded between neighborhoods. If appropriately located and designed these multi-use trails might serve as an emergency access for fire and rescue services.

Several of the proposed multi-use trails parallel existing roadways. This plan does not propose that cyclists be restricted to the multi-use trails in these situations. It is recognized that the more experienced cyclists may wish to continue to use the parallel roadway in order to avoid conflicts with slower, less experienced cyclists. Because of this, even where parallel multiuse trails are available, efforts to make the roadway more bicycle friendly should continue. This best serves the needs of cyclists and motorists alike.

### Funding Strategies

There are a number of potential sources available to fund the construction of the proposed bikeways. The three regional governing bodies are committed to pursuing all alternative funding sources available prior to using local funds exclusively. Some potential federal funding sources include a number of funding categories within the new Intermodal Surface Transportation Efficiency (ISTEA) Act of 1991 including: National Highway System (NHS) funds,

Enhancement funds within the Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds, Scenic Byway program funds, and the National Recreational Trails Act funds. All of these funds are available to state and local governments provided that the locality provides 10 %-20% matching funds. Secondary System and road construction funds are available when bikeways are constructed concurrently with road improvements. Similarly, Primary System funds may be available for bikeway development in conjunction with other roadway construction. In the City of Williamsburg, Urban System funds can be used for bikeway facilities subject to the two percent match requirement applicable to all Urban System projects.

Other potential funding sources include funds from the National Park Service such as the Land and Water Conservation Fund and the Urban Park and Recreation Recovery Program. Some available state funding sources include grants through the Virginia Recreational Access Program and the Virginia Department of Conservation and Recreation.

Another potential source of funding and construction of bikeways is through the land development proffer system. During the consideration of development review cases such as special use permits and rezonings, a developer make “proffers” or offers to the jurisdiction (rezoning applications), or the jurisdiction may apply conditions (use permit applications) requiring certain things including the construction, or cash payments for needed public facilities such as sewer and water facilities, park land and bikeways. Similarly, the approval of site plans and subdivision plats along designated bike routes may be conditioned on the construction of bikeways along the frontage of the specific property. It is likely that some of the bikeways identified in this plan will be funded by developers as part of the development review process.

#### Annual Transportation Improvement Plan

Each year a four-year Transportation Improvement Plan (TIP) is prepared for the Hampton Roads region. The TIP coordinates the development of transportation projects proposed throughout the region. The Hampton Roads Planning District Commission (HRPDC) works with the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation, and the Metropolitan Planning Organization (MPO) to develop the annual TIP. The Hampton Roads Metropolitan Organization is comprised of elected officials, managers, and transit administrators from every jurisdiction within the urbanized area of Hampton Roads. This body has the final regional approval authority over the annual TIP.

Each year, as part of the TIP development process, representatives from York County, the City of Williamsburg, and James City County will consider forwarding bikeway development projects together with other transportation requests for inclusion in the annual TIP. This regional coordination will increase the possibility that the competitive federal and state funds mentioned previously will become available to fund bikeways outlined in our regional plan.

#### Coordination with the Hampton Roads Planning District Commission

The Hampton Roads Planning District Commission (HRPDC) has developed a Regional Non-Highway Plan for the development of transit, sidewalk, trail, and bikeway facilities.

Williamsburg, James City and York have been active in the development of this plan, which includes the bikeways identified in this plan.

#### Coordination with the Virginia Department of Transportation

Each jurisdiction will continue to work with VDOT to ensure that the bikeways are constructed in an appropriate and timely fashion. The vast majority of the bikeways will be designed, constructed and maintained by VDOT or the City of Williamsburg. All bikeways maintained by VDOT must be within VDOT owned right-of-way. In addition, local engineers and planners will work with VDOT to ensure that bikeway construction will occur, wherever possible, as part of regularly scheduled roadway widening and improvement projects. Finally, VDOT will be encouraged to construct paved shoulders as part of all new road construction projects and to generally ensure that all local roadways are more “bicycle friendly.” As the edge of the pavement is particularly of concern to cyclists, VDOT and the City of Williamsburg will be requested to more actively maintain pavement edges along bikeways, especially shared roadway facilities. Furthermore, an attempt will be made to achieve an agreement with VDOT regarding the placement of pavement markers and roadside signage in order to reduce the potential for these important roadway safety features to be dangerous obstructions to cyclists.

#### Bikeways Brochure and Bikeway Safety Classes

As the Regional Bicycle Facilities Plan is implemented, and a number of bikeways are constructed in the region, a Bikeways Brochure will be created. This brochure will include information on suggested bike routes for day trips, intermodal transfer station locations and safety cycling guidelines. In addition, bicycle safety programs and tours may be sponsored by the local schools or recreation divisions.

#### Bicycle Advisory Committee

As with any plan, this Regional Bicycle Facilities Plan needs to be an evolving “living” plan which can be changed to respond to changing circumstances. The HTBAC, a 9-member regional bicycle advisory committee has been created and given the responsibility of overseeing implementation of the plan and keeping it up-to-date. Representation is included from the three governmental entities, Colonial Williamsburg and William and Mary. This advisory committee reports to the governing bodies of the three jurisdictions.

## **GOAL, OBJECTIVES AND STRATEGIES**

### **GOAL**

- To identify and develop a viable bikeway system within James City County, the City of Williamsburg and York County.

## **OBJECTIVES**

- To provide an alternative mode of transportation and to increase recreational opportunities through bikeways development.
- To identify connections among automotive, transit, bicycle and pedestrian modes.
- To create interconnections of neighborhoods providing a safe pedestrian and bicycle oriented method of travel for children and adults.
- To enhance the region as a tourist destination.
- To foster energy conservation, reduced noise and air pollution, and motor vehicle traffic, and health and fitness improvement.
- To implement the bikeways-related strategies identified in the James City County, City of Williamsburg, and York County Comprehensive Plans.
- To minimize the local financial burden of bikeways construction wherever possible and practical.

## **STRATEGIES**

- Develop a mixture of multi-use trails, shoulder bike lanes, and shared roadway facilities to accommodate the needs of bicycle enthusiasts of all age and ability levels including commuters, racers and family oriented cyclists.
- Develop, as demand dictates, several bicycle parking locations that will allow people to safely and conveniently transfer from one mode of transportation to another and use their bicycles for transportation purposes. Continue to adapt transit buses to carry bicycles.
- Work with the Virginia Department of Transportation to ensure that the bikeways are constructed or upgraded in an appropriate and timely fashion, and wherever possible, as part of regularly scheduled roadway widening and improvement projects. Shared roadway facilities should be automatically upgraded to shoulder bike lanes as part of such improvement projects.
- Facilitate the timely construction of bikeways in accordance with the priorities established by this plan.
- Provide a wider shoulder bike lane design than the minimum standard where bikeways are expected to accommodate a wide range of bicycle types.
- Ensure adequate maintenance of bikeways, including regular debris removal.



- Ensure that all roads and railroad crossings, whether a part of the proposed network or not, are constructed, improved or maintained in a manner to make them more bicycle friendly.
- Utilize Federal, State, Local and private funding sources for bikeways development.
- Work with the Hampton Roads Planning District Commission and the Virginia Department of Transportation to ensure that bikeways are included as part of the annual Transportation Improvement Program.
- Develop regional bikeway brochures and maps to facilitate safe and convenient use of bikeways in the region. Encourage the creation of bikeway safety classes and locally sponsored biking tours.
- Encourage developers to include bikeways consistent with planned facilities as part of their developments, and further encourage them to provide connections to adjoining bikeways and other developments, both existing and future. Consideration should be given to authorizing bikeways which are designed to afford emergency access by emergency personnel, but preclude other forms of motorized vehicle travel.
- Continue efforts of James City County, the City of Williamsburg and York County to coordinate and implement a regional bicycle network, including further joint planning and development of regional funding proposals.

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy and ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment No. 1. Draft ordinance language: Section 19-27 of the Subdivision Ordinance	Ordinance
☐	Attachment No. 2. Draft ordinance language: Section 24-23 of the Zoning Ordinance	Ordinance
☐	Attachment No. 3. Draft ordinance language: Section 24-50 of the Zoning Ordinance	Ordinance
☐	Attachment No. 4. Draft ordinance language: Section 24-51 of the Zoning Ordinance	Ordinance
☐	Attachment No. 5. Draft ordinance language: Section 24-145 of the Zoning Ordinance	Ordinance
☐	Attachment No. 6. Natural Resource Policy	Ordinance
☐	Attachment No. 7. Archaeological Policy	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/27/2018 - 11:07 AM
Planning Commission	Holt, Paul	Approved	6/27/2018 - 11:07 AM
Publication Management	Daniel, Martha	Approved	6/27/2018 - 11:28 AM
Planning Commission	Holt, Paul	Approved	6/27/2018 - 11:38 AM

## MEMORANDUM

DATE: July 3, 2018

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy.  
Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

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### Overview

James City County is endowed with many natural resources, including threatened and endangered species and rare natural communities. The County is also one of the oldest settlement areas in the country and has numerous documented and unknown archeological sites. In order to better protect these resources, the James City County Natural Resource and Archaeological Policies were adopted by the Board of Supervisors in 1999 and 1998, respectively. The James City County Comprehensive Plan contains various goals, strategies and actions to support these policies and overall efforts to preserve the county's natural and cultural assets.

The adopted Natural Resource Policy seeks to identify and conserve areas with significant natural resource potential. If it is determined that a significant resource exists, the current policy requires that conditions or proffers requiring compliance with the policy are included for all appropriate Rezoning and Special Use Permit (SUP) applications. The policy requires that a natural resource inventory for a subject area be submitted for approval prior to land disturbance. Staff reviews the inventory in conjunction with the Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH). If the inventory confirms that a natural heritage resource exists or could be supported, a conservation management plan and/or mitigation plan is submitted to the County for approval.

The adopted Archaeological Policy seeks to identify and protect areas where significant archaeological potential exists. The current policy requires that conditions or proffers requiring compliance with the policy are included on all appropriate Rezoning and SUP cases. Typically, the condition or proffer requires a Phase I Archaeological Study be submitted for approval prior to land disturbing. Once submitted, staff reviews the study in conjunction with the Virginia Department of Historic Resources (DHR) which determines if the study meets its standards and has been conducted under the supervision of a qualified archaeologist. If further archaeological study is required, the current Archaeological Policy provides standards for the study and/or for treatment (mitigation) plans.

Staff use these adopted policies to evaluate applications and make recommendations on legislative cases. Absent proffers, these policies have limited ability to address the impact of residential development in areas where natural and/or archaeological resources exist. Given the recent updates to the Virginia Code through Virginia Senate Bill 549, staff has identified updates to incorporate parts of these policies into the Zoning and Subdivision Ordinances.

Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy.

Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

July 3, 2018

Page 2

The Policy Committee reviewed the revisions to the Natural Resource and Archaeological language at its meeting on September 14, 2017, February 8, 2018 and April 12, 2018. The Committee concurred with the approach to add the requirement to complete and submit an initial species inventory (natural heritage) and/or a Phase I Study (archaeology) as a submittal requirement for a site plan and major subdivision. The Committee also provided guidance on different aspects of the proposed languages including exemption criteria.

At the joint Planning Commission and Board of Supervisors work session on February 27, 2018, the Board selected the same option. Following review of updated language at the joint Planning Commission and Board of Supervisors work session on May 22, 2018, the Board provided comments and additional guidance to move the draft Ordinance forward to the Planning Commission.

### **Draft Ordinance Language:**

The draft language is included as Attachment Nos. 1 through 5 and accomplishes the following:

- In the Subdivision Ordinance, it amends Section 19-27 (Preliminary Plan-Submittal Requirements):
  - This revision establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for preliminary plans for subdivisions, with certain exemption criteria.
- In the Zoning Ordinance, it amends Section 24-23 (Submittal Requirements):
  - This revision updates submittal requirements for rezoning and Special Use Permit applications to require an environmental inventory and/or a project review detailing Natural Heritage Resources, and a Phase IA Archaeological Study.
- In the Zoning Ordinance, it creates new Section 24-50 (Standards for Archaeological Studies):
  - This revision creates standards for Archaeological Studies, to establish standards and specifications for Archaeological Studies.
- In the Zoning Ordinance, it creates new Section 24-51 (Standards for Natural Resource Inventories):
  - This revisions creates standards for Natural Resource Inventories, to establish standards and specifications for Natural Resource Inventories.
- In the Zoning Ordinance, it amends Section 24-145 (Site Plan Submittal Requirements):
  - This revision establishes a requirement for the submittal of a Natural Resource Inventory and a Phase I Archaeological Study for site plans.

Case Nos. ZO-0001-2018 and SO-0001-2018. Zoning and Subdivision Ordinance Amendments for the Natural Resource Policy.

Case Nos. ZO-0003-2018 and SO-0003-2018. Zoning and Subdivision Ordinance Amendments for the Archaeological Policy.

July 3, 2018

Page 3

### **Recommendation**

Staff recommends the Planning Commission recommend approval of the attached Subdivision and Zoning Ordinance revisions to the Board of Supervisors.

JR/md

ZOSO1-18NatR-ZOSO3-18ArchPlcy-mem

### Attachments:

1. Draft Ordinance Language: Section 19-27 of the Subdivision Ordinance
2. Draft Ordinance Language: Section 24-23 of the Zoning Ordinance
3. Draft Ordinance Language: Section 24-50 of the Zoning Ordinance
4. Draft Ordinance Language: Section 24-51 of the Zoning Ordinance
5. Draft Ordinance Language: Section 24-145 of the Zoning Ordinance
6. Board of Supervisors adopted Natural Resource Policy, dated July 27, 1999
7. Board of Supervisors adopted Archaeological Policy, dated September 22, 1998

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-27, PRELIMINARY PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-27, Preliminary plan-submittal requirements.

**Chapter 19. Subdivisions**

**Article II. Procedures and Documents to the Filed.**

**Sec. 19-27. Preliminary plan-submittal requirements.**

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be 100 feet to the inch for the overall view, and the scale of the detailed drawings shall be appropriate to the level of detail but not less than 60 feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow, tax parcel identification number, zoning and graphic scale. The plan shall also list any proffers or special use permit (SUP) conditions that affect the property.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals 2,000 feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A closed boundary survey, or existing survey of record, total acreage, acreage of subdivided area, existing buildings and improvements, existing graves, objects or structures marking a place of burial, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines. If any exceptions have been granted by the planning commission in accordance with section 19-18, the plan shall include a note detailing any exception so granted.
- (d) All existing, platted and proposed streets, both private and public, including their names, route numbers and widths; existing and proposed utility or other easements, existing and proposed sidewalks, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data. If the streets are to be private, the plan shall include a private streets declaration in accordance with section 19-14.

- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate receiving channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a design report with computations and drainage map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

The drainage plan shall include the topographic plan and a soil map of the site. The topographic plan shall be based on recent field run or aerial two-foot contour intervals. Five-foot contour intervals may be used with the approval of the agent. Spot elevations shall be shown at topographic low and high points.

- (f) A stormwater management plan showing proposed stormwater management facilities including best management practices (BMPs) in accordance with chapters 8, 18A and 23 of the county code, and associated checklists. Such plan shall include construction details for all parts of the stormwater and drainage system, including pipe bedding and backfill.
- (g) An erosion and sediment narrative and control plan showing the location, type and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the erosion and sediment control ordinance and associated checklists and shall be provided at a scale of 50 feet to the inch except in cases where the engineering and resource protection director approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than two feet except in cases where the engineering and resource protection director approves an alternative interval.
- (h) Cross-sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, bikeways, utilities, side ditches and other features of the proposed streets.
- (i) Street profiles showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets, together with proposed connecting grade lines and vertical curve information.
- (j) Size and location of existing sanitary sewer and water facilities; location and method of proposed connections to existing sewer and water facilities; size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and cleanouts; grinder pump locations; profile views of water and sewer mains with manhole rim and invert elevations and percent of slope; sewage pump station location, design and details; and water well facility location, design and details. A capacity study of the existing system, in accordance with service authority regulations, may be required. All improvements shall be in accordance with the latest service authority water and sanitary sewer design and acceptance criteria standards and specifications.
- (k) As provided for in Code of Va., §§ 10.1-606.2 et seq., when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the plan of the proposed subdivision.

- (l) As provided for in the Code of Va., § 15.2-2242, the agent may request submittal of a phase I environmental site assessment, where the proposed subdivision is located on a brownfield site, or where initial assessments indicate dumping or other contaminating activities have occurred on the property.
- (m) A phased clearing plan in accordance with section 24-89 of the zoning ordinance.
- (n) An outdoor lighting plan in accordance with section 24-130 of the zoning ordinance (these requirements do not apply to lighting on single-family lots).
- (o) The following environmental information about the site proposed for development including:
  - (1) All existing easements, disturbed area, impervious cover, and percent impervious estimate;
  - (2) Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable, hydrologic soils group A and B);
  - (3) Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - (4) Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized);
  - (5) County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - (6) Description of better site design or low impact development techniques if such is being used.
- (p) For proposed minor subdivisions, a copy of the plat showing the parent parcel to assist in verifying the requirements listed in section 19-21.
- (q) *A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
  - (1) *The preliminary plan is for a minor subdivision as defined in section 19-24.*
  - (2) *The preliminary plan is for a family subdivision as defined in section 19-17.*
  - (3) *The preliminary plan is for a property boundary line adjustments and/or extinguishments.*
  - (4) *A phase I archaeological study for the project area has been previously completed and no further study is recommended.*
  - (5) *The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.*
  - (6) *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Archaeological Policy.*



- (r) *A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*
- (1) *The preliminary plan is for a minor subdivision as defined in section 19-24.*
  - (2) *The preliminary plan is for a family subdivision as defined in section 19-17.*
  - (3) *The preliminary plan is for a property boundary line adjustments and/or extinguishments.*
  - (4) *An approved natural resource inventory for the project area has been completed and either found no resources, or the inventory recommendation has been appropriately addressed as determined by the director of planning.*
  - (5) *The preliminary plan is for an amendment that proposes land disturbance of less than 2,500 square feet.*
  - (6) *For natural resource inventory, if the Department of Conservation and Recreation (DCR) already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*
  - (7) *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the Natural Resource Policy.*
- (s) *If the director of planning determines that one or more of the above submittal requirements is not applicant to the proposed project, the director of planning may waive those requirements.*

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-23, Submittal requirements.

## **Chapter 24. Zoning**

### **Article I. In General**

#### **Sec. 24-23. Submittal requirements.**

- (a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit (SUP) under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.
  - (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
    - a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the traffic impact analysis submittal requirement policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and
    - b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
    - c. Environmental information shall be submitted in accordance with the environmental constraints analysis *policy* for legislative cases; and

- d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A phase IA ~~historic and~~ archaeological study if the property is identified as being an ~~ultra- or~~ highly-sensitive area on the James City County archaeological assessment. ~~If the property is identified as a moderately sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and~~
  - g. *A natural resource inventory if the property is identified as being in any B1, B2, or B3 areas, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program.* ~~An environmental inventory in accordance with the James City County natural resource policy; and~~
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:
- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
  - b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
  - c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
  - d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;

- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

<b>Type of Development</b>	<b>Area Designation</b>
Single-family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>
Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

- \* Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g. M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a SUP; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a SUP by the board of supervisors.

Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. 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 planning director 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 planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, residential planned community; RT, research and technology; PUD, planned unit development; MU, mixed use; EO, economic opportunity; and residential cluster development overlay district.

- (3) Any other submittal requirement which may be required by this chapter.
- (4) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezonings" policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.
- (c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with the "Electronic Submittal Requirements for Legislative Applications" policy, as approved by the planning commission.
- (d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY ADDING SECTION 24-50, STANDARDS FOR ARCHAEOLOGICAL STUDIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, by adding Section 24-50, Standards for archaeological studies.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

***Sec. 24-50. Standards for archaeological studies.***

- (a) *All archaeological studies shall meet the Virginia Department of Historic Resources' Guidelines for Conducting Historic Resources Survey in Virginia for preparing archaeological resource management reports and the secretary of the interior's standards and guidelines for archaeological documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the secretary of the interior's professional qualification standards.*
- (1) *When a phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places. If the phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(2) will apply.*
- a. *All sites in a phase I archaeological study that are recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*
  - i. *The preparation of a phase II study to identify, in accordance with accepted practices, all sites recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places; or*

- ii. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

*If the phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.*

- b. *All sites in a phase II archaeological study that are recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:*

- i. *The preparation of a phase III study in accordance with the plan for data recovery outlined in the approved treatment plan.*

- ii. *The phase III study should identify in accordance with accepted practices, all sites identified as being eligible for inclusion on the national register of historic places; or*

- iii. *Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the director of planning.*

- (2) *All studies and treatment plans shall be submitted to the director of planning for review and approval prior to land disturbance. If in the phase II or III study a site is determined eligible for nomination to the national register of historic places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the national register of historic places. The director of planning shall determine whether the studies and plans have been prepared in accordance with the applicable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY ADDING SECTION 24-51, STANDARDS FOR NATURAL RESOURCE INVENTORIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, by adding Section 24-51, Standards for natural resource inventories.

**Chapter 24. Zoning**

**Article II. Special Regulations**

**Division 1. In General**

***Sec. 24-51. Standards for natural resource inventories.***

- (a) When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2 and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH), in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required and development may occur within the subject area. If the inventory concludes that there is suitable habitat, then the requirements of item (b) will apply.*
- (b) If the natural resource inventory confirms that a S1, S2, S3, G1, G2, or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the director of planning for the affected area. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*
  - (1) Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the director of planning may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.*



- (c) *All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH, the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries.*
- (d) *All inventories and conservation management plans shall be submitted to the director of planning for review and approval prior to land disturbance. The director of planning shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.*

Sec24-51SpecReg-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-145, SITE PLAN SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan, Section 24-145, Site plan submittal requirements.

## **Chapter 24. Zoning**

### **Article III. Site Plan**

#### **Sec. 24-145. Site plan submittal requirements.**

(a) Site plans shall, at a minimum, identify or contain:

- (1) Project title, title block, north arrow, legend, graphic scale, zoning, parcel identification number and such information as the names and numbers of adjacent roads, streams and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
- (2) Name of engineer, architect, landscape architect, planner and/or licensed surveyor;
- (3) Vicinity and location of site by an inset map at a scale no less than one inch equal to 2,000 feet;
- (4) Boundary survey of site;
- (5) Location, type and size of all entrances to the site. All existing and proposed streets and easements, their names, numbers and width;
- (6) Existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
- (7) Existing topography using county base mapping (two-foot contour or greater with the prior approval of the engineering and resource protection director), or other mapping sources or resources, and proposed finished contours.
- (8) Spot elevations shown at topographic low and high points;
- (9) A landscaped plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas; areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes; and size and type of trees to be removed having a minimum diameter breast height of 12 inches;

- (10) A tree preservation plan and a phased clearing plan in accordance with sections 24-87 and 24-90;
- (11) An outdoor lighting plan in accordance with section 24-130;
- (12) Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, calculations indicating the number of parking spaces required and the number provided;
- (13) Number of floors, floor area, height and location of each building;
- (14) For a multi-family or apartment development, the number, size and type of dwelling units and the location, type and percentage of total acreage of recreation facilities;
- (15) Detailed utility layout including water and sanitary sewer plan with profiles; location of electrical transmission lines, gas pipelines, streetlights and fire hydrants; and showing the locations of garbage and trash disposal facilities;
- (16) Provisions for the adequate control of stormwater drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures;
- (17) Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family or apartment developments;
- (18) Bylaws of homeowner's association where applicable;
- (19) Copies of notification to adjacent property owners;
- (20) Copy of conceptual plan (if applicable);
- (21) Narrative description of compliance of plan to any proffers or special use permit conditions (SUPs); and
- (22) The following environmental information about the site proposed for development including:
  - a. All existing easements, disturbed area, impervious cover and percent impervious estimates;
  - b. Flood zone designation, resource protection areas (RPAs), soils (highly erodible, hydric, permeable hydrologic soils groups A and B);
  - c. Full environmental inventory consistent with section 23-10(2) of the county's chesapeake bay preservation ordinance (perennial stream assessment, delineated wetlands, limits of work);
  - d. Demonstration that the project complies with section 23-9(b)(1), (2), and (3) of the county's chesapeake bay preservation ordinance (how disturbance is being minimized, indigenous vegetation preserved, impervious cover minimized);
  - e. County watershed, steep slopes (grade 25% or more), sites known for populations of rare or threatened species, locations of existing conservation easements, wooded areas and wildlife habitat; and
  - f. Description of better site design or low impact development techniques if being used.
- (23) *A phase I archaeological study for the area within the limits of disturbance (project area) in accordance with section 24-50 of the zoning ordinance. These requirements do not apply if one or more of the following criteria are met:*

- a. *Land disturbance on the project area is less than 2,500 square feet.*
  - b. *A proposed temporary structure(s) will not be erected for more than six months.*
  - c. *A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprints are proposed.*
  - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning.*
  - e. *An approved phase I archaeological study for the project area has been completed and either found no resources, or all study recommendation have been appropriately addressed as determined by the director of planning.*
  - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
  - g. *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the archaeological policy.*
- (24) *A natural resource inventory for the area within the limits of disturbance (project area) in accordance with section 24-51 of the zoning ordinance. These requirements do not apply if one or more of the following criteria area met:*
- a. *Land disturbance on the project area is less than 2,500 square feet.*
  - b. *A proposed temporary structure(s) will not be erected for more than six months.*
  - c. *A proposed addition to an existing structure is less than 1,000 square feet or no changes to the building footprints are proposed.*
  - d. *The project area has been previously disturbed as evidenced by existing site features, historic aerial photography, or other documentation deemed sufficient by the director of planning provided however, for a site that has been previously disturbed, the director of planning shall consult with the Department of Conservation and Recreation (DCR) to determine if a natural heritage resource has been re-established on the site.*
  - e. *An approved natural resource inventory for the project area has been completed and either found no resources, or all study recommendations have been appropriately addressed as determined by the director of planning.*
  - f. *The site plan submittal is for a project associated with an existing individual multi-family dwelling unit.*
  - g. *The DCR has already determined, through a project review, that resources are not on site or would only be located in areas, such as RPAs, that are protected through other regulations.*
  - h. *The project area is subject to adopted proffers and/or SUP conditions that requires compliance with the natural resource policy.*
- (b) If the director of planning determines that one or more of the above submittal requirements is not applicable to the proposed project, the director of planning may waive those requirements. *In the event the director of planning disapproves the request 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.*

- (c) The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

Sec24-145SitePln-ord

## RESOLUTION

### NATURAL RESOURCE POLICY

WHEREAS, the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and

WHEREAS, the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and

WHEREAS, the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and

WHEREAS, the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and

WHEREAS, staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and

WHEREAS, the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

*A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or*

*construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.*

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.*

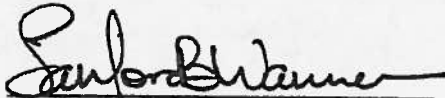
II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Warner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.

natrespo.res



## RESOLUTION

### ARCHAEOLOGICAL POLICY

- WHEREAS, the task of revising the archaeological policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, the committee, in drafting the proposed policy, used the 1997 Comprehensive Plan and "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County" for guidance; and
- WHEREAS, after meeting several weeks to discuss this topic, the Zoning Ordinance update committee responsible for developing this item recommends the following policy; and
- WHEREAS, on June 25, 1998, the site committee of the James City County Historical Commission endorsed the following policy; and
- WHEREAS, on August 3, 1998, the Planning Commission endorsed the policy by a vote of 4-0, with three absences.

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

As one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Where it appears that significant archaeological potential exists, the County seeks to identify and protect these areas and staff will recommend the following condition be added to all special use permit and rezoning cases. In making a final determination of when studies may be required, staff will consult existing archaeological studies and will seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.

*A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's*

*Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

I. In interpreting this condition, the following procedures and guidelines will be followed

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualification set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer will take risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *If a Phase II study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for*

*inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. The study will be reviewed as outlined in Guideline No. 1.*

The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.

4. *If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. The study will be reviewed as outlined in Guideline No. 1.
6. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

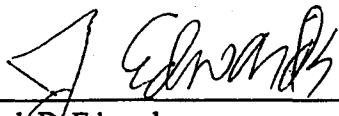
1. The policy and archaeological assessment shall be updated and revised as appropriate in advance of the Comprehensive Plan update to keep the documents current with new findings, professional archaeological standards and practices, and Virginia Department of historical Resources (VDHR) policy.
2. The following note shall be included on all future revisions of the Comprehensive Plan Land Use Map:

"Depending upon certain environmental conditions, highly-sensitive archaeological sites may occur within 3 km (1.9 mi.) of the James and Chickahominy rivers and within 2 km (1.2 mi.) of the York River. Ultrasensitive zones may occur where these high-sensitivity areas fall within the Primary Service Area. Please refer to the text of the Comprehensive Plan for further information."

3. Maps indicating the general extent of high- and moderate-sensitivity areas shall be included within the text of the Comprehensive Plan with appropriate cross-

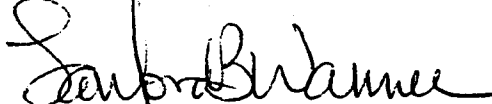
references to documents such as the James City County Archaeological Assessment.

4. Upon nomination of a developer engaging in successful archaeological preservation, the Board of Supervisors shall consider the issuance of a resolution of appreciation.
5. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional archaeologist and the Director of Planning.
6. A developer may advertise on-site preservation efforts through promotional videos to be shown on the County's cable channel.
7. To the greatest extent possible, the County shall make display areas available in public areas of all County-owned and operated buildings.
8. Any developer who completes a Phase II study shall make available a portion of the artifacts for display in public buildings.

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

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

archeolog.res

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Legislative Application Deferral Policy

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed Planning Commission Deferral Policy	Resolution
☐	BOS Legislative Application Deferral Policy, adopted September 25, 2012	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/15/2018 - 11:56 AM
Planning Commission	Holt, Paul	Approved	6/15/2018 - 11:56 AM
Publication Management	Daniel, Martha	Approved	6/15/2018 - 12:14 PM
Planning Commission	Holt, Paul	Approved	6/15/2018 - 12:16 PM

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

DATE: July 3, 2018  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Planning Commission Secretary  
SUBJECT: Legislative Application Deferral Policy

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During the Planning Commission and Board of Supervisors joint work session on May 22, 2018, Mr. William Porter, Interim County Administrator, addressed the Commission and Board on the topic of legislative applications.

Following that conversation, the Board of Supervisors asked the Planning Commission to consider developing a legislative application deferral policy.

### **RECOMMENDATION**

On June 14, 2018, the Policy Committee voted 5-0 in support of the attached policy.

PDH/nb  
LegltveADefralPol-mem

#### Attachments:

1. Proposed Planning Commission Deferral Policy for Legislative Applications, dated July 3, 2018
2. Board of Supervisors Legislative Application Deferral Policy, adopted September 25, 2012

## **RESOLUTION**

### **PLANNING COMMISSION LEGISLATIVE APPLICATION DEFERRAL POLICY**

WHEREAS, at the joint work session on May 22, 2018, the Board of Supervisors (the “Board”) requested the Planning Commission (the “Commission”) develop a legislative application deferral policy to address circumstances where an applicant requests deferral of an application after it has been advertised for a public hearing; and

WHEREAS, Section 15.2-2285 of the Code of Virginia states that no Zoning Ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local Planning Commission for its recommendations and that failure of the Commission to report 100 days after the first meeting of the Commission shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period; and

WHEREAS, the Policy Committee reviewed and discussed this policy on June 14, 2018, and recommended its approval by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications (“applications”) that have been reviewed by all applicable reviewing agencies and are deemed complete, as determined by the Director of Planning or designee (the “Director”), shall be advertised for a public hearing at the first available meeting by the Planning Commission (the “Commission”). Prior to advertising, an applicant may submit one or more written requests to the Director requesting a deferral for a period of time that does not exceed 100 days in total. Prior to advertising for any public hearing, the Director may consider a longer deferral period in consideration of the factors in No. 4, below, which shall not be exclusive. At the end of the deferral period, the application shall be placed on the Commission’s agenda with an advertised public hearing. The applicant may withdraw the application under § 15.2-2285(B) at any time.
2. Once an application has been placed on the Commission’s agenda with an advertised public hearing, the applicant may submit one or more written requests to the Director for postponement of consideration by the Commission. Such written requests shall include a statement explaining the reasons for the postponement request. The Commission shall not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing.
3. The Commission shall determine whether to grant a postponement following a public hearing on the case. If the Commission grants a postponement, the application will be scheduled for a Commission meeting requested by the applicant and approved by the Commission and the applicant shall be required to pay a fee to reimburse the County for expenses associated with postponing consideration of the application, which may include the costs of re-advertising. The Commission shall

not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing. If the Commission does not grant the postponement request, the Commission may either approve or deny the application at that meeting, or may continue the public hearing to the next regularly scheduled meeting of the Commission and either approve or deny the application at that meeting. The applicant may withdraw the application under § 15.2-2285(B) at any time.

4. In considering a postponement, the Commission may consider the following factors, which shall not be exclusive:
  - The Commission requests substantive changes to the application, supplemental materials, proffers or conditions that must be addressed prior to a vote by the Commission.
  - Substantive issues are raised by the County or a reviewing agency that must be addressed prior to a vote by the Commission.
  - Delays have occurred with County or external reviewing agency comments that affect the application.
  - Errors in legally required advertising are discovered and must be rectified.
  - Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
  - The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

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Heath Richardson  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 3rd day of June, 2018.

LegltveADefralPol-res



## **RESOLUTION**

### **LEGISLATIVE APPLICATION DEFERRAL POLICY**

WHEREAS, at its meeting on January 10, 2012, the Board of Supervisors (the "Board") requested a legislative application deferral policy to address circumstances where an applicant requests that an application not be advertised for Board consideration following action by the Planning Commission (the "Commission") or requests an indefinite deferral by the Board; and

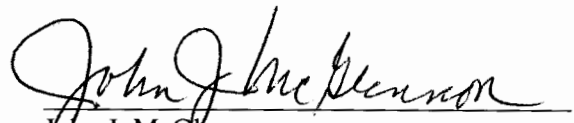
WHEREAS, the Board held a work session on May 22, 2012 to review deferral procedures and criteria and suggested modifications to the draft policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications ("applications") that have received action from the Planning Commission (the "Commission") shall be placed on the agenda for the first Board meeting the month following action by the Commission. An applicant may submit a written request to the County Administrator or his designee (the "Administrator") for a one-month administrative deferral. In this circumstance, the Administrator shall determine whether to grant the deferral in accordance with the criteria expressed herein. If the administrator approves the deferral request, the application shall not be advertised and will instead be scheduled for the first Board meeting on the second month following action by the Commission.
2. All applications shall be placed on a Board agenda with an advertised public hearing, either as a request for further deferral or consideration of approval, no more than three (3) months following action by the Commission. The applicant may withdraw the application at any time.
3. An applicant may request a deferral for a period not to exceed three (3) months. In this circumstance, the application will be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
4. An applicant may request two additional deferrals from the Board that shall, in total, be valid for no more than twelve (12) months from the date the application was placed on a Commission agenda for action. In this circumstance, the application shall be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board

and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.

5. The Administrator and/or the Board may grant a deferral as noted above for one or more of the following reasons:
- The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to the Board hearing.
  - Substantive issues are raised by a County or external reviewing agency that must be addressed prior to the Board hearing.
  - Delays have occurred with County or external reviewing agency comments that affect the application.
  - Errors in legally required advertising are discovered and must be rectified.
  - Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
  - The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Robert C. Middaugh  
Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	<u>X</u>	___	___	___
JONES	<u>X</u>	___	___	___
KENNEDY	___	___	___	<u>X</u>
ICENHOUR	<u>X</u>	___	___	___
KALE	<u>X</u>	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of September, 2012.

LegisAppDef\_res

**ITEM SUMMARY**

DATE: 7/3/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - July 2018

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Applications Received	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:29 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:29 AM
Publication Management	Burcham, Nan	Approved	6/26/2018 - 11:30 AM
Planning Commission	Holt, Paul	Approved	6/26/2018 - 11:38 AM

## **PLANNING DIRECTOR'S REPORT**

### **July 2018**

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:**  
**June 12, 2018**
  - HW-0001-2018. Busch Gardens Ireland Expansion (Approved 5-0)
  - ZO-0003-2017 and SO-0001-2017. Zoning Ordinance and Subdivision Ordinance Amendments for Streetscapes (Approved 5-0)
  - ZO-0004-2018 and SO-0004-2018. Zoning Ordinance and Subdivision Ordinance Amendments to Delete References to Fees which are Set Forth in the County Code Appendix A – Fee Schedule for Development Related Permits. An ordinance to amend and reordain JCC Code, Chapter 4, Building Regulations; An ordinance to amend and reordain JCC Code, Chapter 8, Erosion and Sediment Control. (Approved 5-0)
- **Pocahontas Trail Corridor Study:** On June 6, the Planning Commission unanimously recommended approval of the draft report for Pocahontas Trail Corridor Study, which summarized existing conditions, future conditions, alternatives considered, public engagement, refined concepts and cost estimates, project phasing and prioritization, and recommendations. The next steps for the study will be consideration of the study report at the July 10 Board of Supervisors meeting and submission of a SmartScale application for VDOT funding in August. More information, including a before/after video of the corridor can be found at the study's website at <https://jamestowncitycountyva.gov/PocTrailStudy>.

#### ▪ **Community Development**

- The Route 199 and Brookwood Drive intersection improvements have been completed. This project converted the existing right-turn lane from Brookwood Drive onto Route 199 east to a left-turn/through lane, and added a new right-turn lane on Brookwood Drive onto Route 199 east. As a result, the new lane configuration on Brookwood Drive now consists of one dedicated left-turn lane, one left-turn/through lane and one dedicated right-turn lane onto Route 199. The project began on March 5, 2018, and was completed a month ahead of schedule. To learn more about the project, please visit: [http://www.virginiadot.org/projects/hamptonroads/rt199\\_brookwood.asp](http://www.virginiadot.org/projects/hamptonroads/rt199_brookwood.asp)
- The Commonwealth Transportation Board approved JCC's request to name the section of Pocahontas Trail from Williamsburg City Limits to Route 199 the "Judge William T. Stone Memorial Highway". The Board of Supervisors requested the approval to honor and memorialize Judge Stone for his service in the United States Army and for his civic and business achievements in the community.

- On June 13, 2018, the Federal Highway Administration (FHWA) signed and approved for public availability the Skiffes Creek Connector Study Environmental Assessment (EA). A Location Public Hearing to review the alternatives retained for analysis and the results of the Environmental Assessment for the Location Study will be held on **July 18, 2018**, from 6pm-8pm at the James River Elementary School. To learn more about the project, please visit: [http://www.viriniadot.org/projects/hamptonroads/skiffes\\_creek.asp](http://www.viriniadot.org/projects/hamptonroads/skiffes_creek.asp)

New Cases for July 2018						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Agrcultural and Forestry District	AFD-02-86-2-2018	4450 Ware Creek Rd Croaker AFD Addition	4450 WARE CREEK RD	4450 Ware Creek Rd Croaker AFD Addition	Sulouff, Roberta	Stonehouse
	AFD-05-86-2-2018	10039 Old Stage Road Barnes Swamp AFD Addition	10039 OLD STAGE RD	10039 Old Stage Road Barnes Swamp AFD Addition	Sulouff, Roberta	Stonehouse
Conceptual	C-0041-2018	135 Tanbark Lane Accessory Dwelling	135 TANBARK LN	135 Tanbark Lane Accessory Dwelling	Baruch, Alex	Stonehouse
	C-0042-2018	8819 Hicks Island Road Family Sub	8819 HICKS ISLAND RD	8819 Hicks Island Road Family Subdivision	Ribeiro, Jose	Powhatan
	C-0043-2018	1620 Jamestown Road Walking Trails	1620 JAMESTOWN RD	1620 Jamestown Road Walking Trails	Leininger, Thomas	Berkeley
Subdivision	S-0023-2018	1498 Bush Neck Rd BLA	1498 BUSH NECK RD	1498 Bush Neck Rd BLA	Haynes, Tori	Powhatan
	S-0024-2018	8819 Hicks Island Road BLA	8819 HICKS ISLAND RD	8819 Hicks Island Road BLA	Ribeiro, Jose	Powhatan
Site Plan	SP-0047-2018	4521 John Tyler McDonald's Site Improvements	4521 JOHN TYLER HWY	4521 John Tyler McDonald's Site Improvements	Ribeiro, Jose	Berkeley
	SP-0048-2018	Windsormeade Pump Building SP Amend.	3975 WINDSORMEADE WAY	Windsormeade Pump Building SP Amend.	Sulouff, Roberta	Jamestown
	SP-0049-2018	107 Wickre Street Dollar General	107 WICKRE ST	9100 SF Dollar General retail store	Pietrowski, Savannah	Roberts
	SP-0050-2018	Hankins Resource Recovery Facility	8196 CROAKER RD	PlaHankins Resource Recovery Facility	Pietrowski, Savannah	Stonehouse
	SP-0052-2018	185 Industrial Boulevard Verizon Tower Amend.	185 INDUSTRIAL BLVD	185 Industrial Boulevard Verizon Tower Amend.	Sulouff, Roberta	Stonehouse
	SP-0053-2018	Liberty Baptist Lighting Amendment	8201 CROAKER RD	Liberty Baptist Lighting Amendment	Leininger, Thomas	Stonehouse
	SP-0054-2018	Patriots Colony Landscape Amendment	3400 JOHN TYLER HWY	Patriots Colony Landscape Amendment, plan is now approved	Whyte, Scott	Berkeley
	SP-18-0055	Yardworks Site Plan Amendment	20 MARCLAY RD	Site Plan for Yardworks Operation	Pietrowski, Savannah	Roberts
	SP-18-0059	JCSA Control Building Addition	7213 MERRIMAC TRL	Addition of 254 SF of control building.	Baruch, Alex	Roberts
	SP-18-0060	Billsburg Brewery Event Tent	2054 JAMESTOWN RD	Event Tent	Haynes, Tori	Berkeley
	SP-18-0066	Jacob's Industrial Park Parcel 3 SP Amend.	224 INDUSTRIAL BLVD	Building expansion and new gravel storage area	Sulouff, Roberta	Stonehouse
	SP-18-0069	HRSD force main replacement 5301 Longhill Road	5301 LONGHILL RD	Replace 1,900 feet of 24" force main in existing HRSD easement and VDOT right of way.	Whyte, Scott	Jamestown