

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
September 5, 2018
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Development Review Committee Action Item: Case No. C-18-0071. BASF Temporary Overhead Power Line
2. Development Review Committee Action Item: Case No. C-18-0064. 7083 Menzels Road Minor Subdivision
3. Development Review Committee Action Item: Case No. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision
4. Minutes of the August 1, 2018 Regular Meeting

F. PUBLIC HEARINGS

1. SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2018

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

FROM: Roberta Sulouff, Senior Planner

SUBJECT: Development Review Committee Action Item: Case No. C-18-0071. BASF
Temporary Overhead Power Line

The applicant has submitted a conceptual plan proposing a temporary overhead power line connection to a temporary construction trailer.

Reason for DRC Review: Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. The applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC as described in Section 24-200(c) of the Zoning Ordinance.

Link to the DRC Agenda and Staff Report:
[https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?
ItemID=4020&MeetingID=810](https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4020&MeetingID=810)

DRC Recommendation on August 22, 2018: Approval of the waiver request (4-0) subject to the condition that all overhead power line infrastructure must be removed by May 17, 2019 or within 60 days of completion of construction.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:39 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:39 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:07 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:29 PM

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Development Review Committee Action Item: Case No. C-18-0064. 7083 Menzels Road Minor Subdivision

The applicant has submitted a conceptual plan proposing a nine-lot subdivision on an undeveloped tract of land.

Reason for DRC Review: Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. The applicant would like to have each lot served by an individual driveway and has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

Link to the DRC Agenda and Staff Report:
<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4021&MeetingID=810>

DRC Recommendation on August 22, 2018: Approval of the exception request (4-0) subject to the condition that the development shall be limited to a total of four shared driveways and that the first 50 feet of each shared drive consist of gravel stone a minimum of 3 inches deep and a minimum 10 feet wide.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:38 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:39 PM
Publication Management	Burcham, Nan	Approved	8/24/2018 - 3:52 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:28 PM

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

FROM: Alex Baruch, Senior Planner

SUBJECT: Development Review Committee Action Item: Case No. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision

The applicant has submitted a conceptual plan proposing a five-lot subdivision on an undeveloped tract of land.

Reason for DRC Review: Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. The applicant would like to have each lot served by an individual driveway and has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

Link to the DRC Agenda and Staff Report:
<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4022&MeetingID=810>

DRC Recommendation on August 22, 2018: Approval of the exception request (4-0).

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:39 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 3:39 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:07 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:29 PM

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the August 1, 2018 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the August 1, 2018 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:30 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:30 PM
Publication Management	Daniel, Martha	Approved	8/24/2018 - 4:42 PM
Planning Commission	Holt, Paul	Approved	8/24/2018 - 4:44 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
August 1, 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
Jack Haldeman
Frank Polster
Julia Leverenz

Planning Commissioners Absent:

Tim O'Connor
Danny Schmidt

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Roberta Sulouff, Senior Planner
Savannah Pietrowski, Senior Planner
Tori Haynes, Planner

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. Jack Haldeman stated that the Policy Committee met on July 12, 2018, to review how residential dwelling units could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance. Mr. Haldeman stated that staff provided a review of the roles of the Planning Director, the Development Review Committee, the Planning Commission and the Board of Supervisors in the process. Mr. Haldeman stated that the Committee discussed the nature of a contract between the subdivision Homeowners Association and the residents and the need for any ordinance amendments to respect that contract. Mr. Haldeman stated that staff would develop a visual guide to outline the conditions where dwelling unit transfers may be approved administratively by the Planning Director and when they must be approved legislatively. Mr. Haldeman stated that the Committee noted that the Comprehensive Plan Land Use GSA 1.3 calls on the County to use policy and ordinance tools to ensure the provision of open space in development proposals and, in particular, maintain and increase incentives for cluster development in exchange for additional open

space. Mr. Haldeman stated that the Committee will discuss whether this can be incorporated in the transfer of residential dwelling units at a future Policy Committee meeting.

E. CONSENT AGENDA

1. Minutes of the July 3, 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).

F. PUBLIC HEARINGS

1. Z-0001-2018. Colonial Manor

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

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

Ayes: Haldeman, Krapf, Leverenz, Polster, Richardson

Absent: O'Connor, Schmidt

Ms. Roberta Sulouff, Senior Planner, stated that Dr. Pedro Becerra has applied on behalf of BC Secure Holdings to rezone approximately 7.4 acres of land located at 8679 Pocahontas Trail from R-5, Multi-family Residential with proffers, to MU, Mixed Use with proffers. Ms. Sulouff stated that the rezoning would permit the operation of a mixed-use building including the uses of independent living, assisted living, skilled nursing and a medical office. Ms. Sulouff stated that the property is located inside the primary service area and is designated Low-Density Residential by the adopted Comprehensive Plan.

Ms. Sulouff stated that the facility has operated as a Continuing Care Retirement Community (CCRC), including the services of independent living, skilled nursing and assisted living, for almost two decades. Ms. Sulouff stated that Colonial Manor currently offers physical therapy services exclusively to its residents and this use is considered accessory to the CCRC. Ms. Sulouff stated that the accessory use is permitted under the current zoning of the property. Ms. Sulouff stated that the applicant would like to extend those services as an outpatient physical therapy office to the general public; however, this use, medical office as defined in the Zoning Ordinance, would no longer be considered accessory to the CCRC and would not be permitted under the current zoning of the property. Ms. Sulouff stated rezoning the property to MU, Mixed Use, would allow all three uses in one building. Ms. Sulouff stated that, while the applicant is proposing a new use, the proposal does not include any expansion to the physical footprint of the existing building.

Ms. Sulouff stated that the applicant is proffering conditions which are intended to limit the impact of the added use and preserve the existing protections provided by current proffers and Special Use Permit (SUP) conditions. Ms. Sulouff stated that the proffers include limits on occupancy and uses permitted on the property, as well as provisions for buffering, traffic, landscaping and signage. Ms. Sulouff further stated that the development would be subject to a binding master plan, which specifically calls out square footage and density limits for each use.

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

Mr. Richardson called for disclosures from the Commission.

There were no disclosures. Mr. Richardson opened the Public Hearing.

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

Mr. Rich Krapf made a motion to recommend approval of the Rezoning.

On a roll call vote, the Commission voted to recommend approval of Case No. Z-0001-2018, Colonial Manor (5-0).

2. Agricultural and Forestal District 2018 Renewals (Cover Memo)
3. AFD-02-86-1-2018. Croaker AFD Renewal
4. AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal
5. AFD-05-86-1-2018. Barnes Swamp AFD Renewal
6. AFD-06-86-1-2018. Cranston's Pond AFD Renewal
7. AFD-07-86-1-2018. Mill Creek AFD Renewal
8. AFD-09-86-1-2018. Gordon Creek AFD Renewal
9. AFD-10-86-1-2018. Christenson's Corner AFD Renewal
10. AFD-11-86-1-2018. Yarmouth Island AFD Renewal
11. AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal
12. AFD-01-89-1-2018. Armistead AFD Renewal
13. AFD-01-94-1-2018. Wright's Island AFD Renewal
14. AFD-01-02-1-2018. Carter's Grove AFD Renewal

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

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

Ayes: Haldeman, Krapf, Leverenz, Polster, Richardson

Absent: O'Connor, Schmidt

Mr. Paul Holt, Director of Community Development and Planning, stated that Mr. Max Hlavin, Deputy County Attorney, has advised that under Roberts Rules of Order, a Public Hearing may cover a series of related items and may be voted on with one comprehensive motion. Mr. Holt stated that staff would provide a brief report on all the districts. Mr. Holt stated one Public Hearing would be opened to encompass all the districts. Mr. Holt stated that the Commission could vote on the renewals in one all-inclusive motion or vote on the renewals individually or in groups.

Mr. Haldeman inquired if the withdrawal requests would be treated as separate items.

Mr. Holt stated that withdrawals during a renewal period are by-right under State Code and the property owners can request withdrawal up to the time the Board of Supervisors votes on the matter. Mr. Holt further stated that it was not necessary for the Commission to proactively affirm or deny the withdrawals.

Ms. Savannah Pietrowski, Senior Planner, provided the Commission with an overview of each of the districts under review and noted with each district if there were any withdrawal requests or changes to the recommended conditions. Ms. Pietrowski stated that the Agricultural and Forestal District Committee voted to recommend approval of the renewals to the Planning Commission and the Board of Supervisors. Ms. Pietrowski further stated that staff finds the districts compatible with State Code, the surrounding development and the Comprehensive Plan and Zoning Ordinance. Ms. Pietrowski stated that staff recommends that the Commission recommend renewal of the districts for a period of four years with the exception of the Wright's Island AFD which would be an eight-year term. Ms. Pietrowski noted that the districts would be subject to the conditions listed in the respective staff reports.

Ms. Julia Leverenz inquired about the renewal term for the Wright's Island AFD.

Ms. Pietrowski stated that when the district was established it was the preference of the property owners to set the term at eight years.

Mr. Richardson recognized the presence of Mr. Richard Bradshaw, Commissioner of the Revenue.

Mr. Holt provided the Commission with an overview of the AFD program. Mr. Holt stated that in 1977 the Virginia General Assembly created a process to "provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and an economic and environmental resource of major importance." Mr. Holt further stated that the process also allows property owners to protect their land from pressures to develop. Mr. Holt stated that the process is identified in State Code as the Agricultural and Forestal Districts Act. Mr. Holt stated that the AFD Act allows property owners to voluntarily establish Agricultural Districts, Forestal Districts and Districts that contain a mix of Agricultural and Forestal lands. Mr. Holt stated that land in an AFD may qualify for use value taxation; however, that is a program administered by the Commissioner of the Revenue. Mr. Holt stated that enrollment in an AFD prevents local governments from restricting farming or forestry practices except to protect public health or safety. Mr. Holt further stated that local decisions, plans and ordinances affecting property adjacent to and AFD must take in to account both the district and the AFD Act. Mr. Holt stated that it is the policy of state Agencies to encourage farming and forestry within the districts. Mr. Holt stated that no special purpose assessments or tax levies may be imposed on the basis of frontage, acreage or value of land used for farming or forestry within a district. Mr. Holt further stated that land acquisition by agencies, or political subdivisions or public service corporations must be reviewed by the Board of Supervisors if the acquisition exceeds 10 acres from the district or one acre from any farm or forestry operation. Mr. Holt stated that the essential purpose of the AFD program is to provide a tool to preserve open space within the County.

Mr. Richardson opened the Public Hearing for Agenda Items 3 through 14 which include the following AFD renewals: Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD and Carter's Grove AFD.

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

Mr. Haldeman made a motion to recommend approval of Agenda Items 3 through 14.

On a roll call vote, the Commission voted to recommend approval of the Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD and Carter's Grove AFD renewals (5-0).

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2018

Mr. Holt stated that in addition to the report provided in the Agenda Packet, he wanted to make the Commission and the public aware of a public meeting regarding drainage and road improvements in the Toano area. Mr. Holt stated that the meeting would be on August 2 at Fire Station 1 at 4:00 p.m. Mr. Holt stated that the County has received Revenue Sharing funds through the Virginia Department of Transportation for the project and this meeting is to obtain input from the public to ensure that the right improvements will be implemented.

Mr. Haldeman inquired if this project would be reviewed by the Commission.

Mr. Holt stated that none of the project components would require a legislative application. Mr. Holt further stated that the Stormwater Advisory committee and the Stormwater and Resource Protection Division have taken the lead on the project. Mr. Holt stated that while making the drainage improvements was the primary focus of the project there would also be improvements to the roadway and implementation of some of the recommendations in the Toano Design Guidelines adopted by the Board of Supervisors.

Mr. Frank Polster noted that the funding for the County's share of the project was included in the Capital Improvements Program request for the Stormwater and Resource Protection Division.

Ms. Leverenz stated that she appreciated the information in the monthly spreadsheet of new cases and inquired if there is a master list of all active cases.

Mr. Holt stated that he would provide instructions to the Commission for finding this information through the PermitLink application.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no requests or items for discussion.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:33 p.m.

Heath Richardson, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment No. 1. Location Map	Exhibit
▣	Attachment No. 2. Master Plan	Exhibit
▣	Attachment No. 3. Proposed SUP Conditions	Cover Memo
▣	Attachment No. 4. Letter from Citizen	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/30/2018 - 12:18 PM
Planning Commission	Holt, Paul	Approved	8/30/2018 - 12:18 PM
Publication Management	Daniel, Martha	Approved	8/30/2018 - 12:32 PM
Planning Commission	Holt, Paul	Approved	8/30/2018 - 12:32 PM

SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road**Staff Report for the September 5, 2018, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: David Otey of Otey Smith & Quarles

Land Owner: B & L of North Carolina LLC

Proposal: An outdoor flea market

Location: 6623 Richmond Road

Tax Map/Parcel No.: 2430100035A

Project Acreage: ± 11.09 acres

Current Zoning: B-1, General Business (front portion of the property)
A-1, General Agricultural (rear portion of the property)

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: September 5, 2018, 6:00 p.m.
Board of Supervisors: October 9, 2018, 5:00 p.m. (tentative)

FACTORS FAVORABLE

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

FACTORS UNFAVORABLE

1. A letter from an adjacent property owner has been submitted in opposition to this project.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the Special Use Permit (SUP) conditions proposed by staff.

PROJECT DESCRIPTION

- The applicant is requesting an SUP to allow an outdoor flea market that would be operated in the existing parking lot area of the commercial/office/warehouse complex located at 6623 Richmond Road (formerly known as the Wythe-Will Complex).
- An SUP is required for outdoor flea markets in B-1 Zoning District.
- The flea market would provide space for approximately 15-20 vendors located in the front parking lot area as shown on the Master Plan (Attachment No. 2).

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

SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road

Staff Report for the September 5, 2018, Planning Commission Public Hearing

- The flea market would operate Saturdays and Sundays from 6 a.m. to 4 p.m. year-round.
- No new permanent structure or building addition is proposed to be constructed as part of this SUP application. As proposed, the vendors would bring their own tables, which are later disassembled and removed from the site after the end of business hours.
- The flea market will not connect to water or new utilities and no new outdoor lighting is proposed.

PLANNING AND ZONING HISTORY

- This parcel is currently zoned B-1, General Business and A-1, General Agriculture. The existing structure on the site had formerly been used entirely by the Wythe-Will Company, which moved its production facilities to Stonehouse Commerce Park in the early 2000s.
- On August 8, 2006, the Board of Supervisors approved an SUP request for the redevelopment of the property. The SUP proposed no additional square footage, only changes in use to the existing structure (i.e. Skateboard Park). In the years since, the Development Review Committee (DRC) has approved several master plan consistency requests for specific uses within the structure:
 - On February 27, 2008, the DRC recommended approval of switching the location of office and commercial space (for Ameri Clean Cleaners) as consistent with the approved Master Plan.

- On January 25, 2012, the DRC recommended approval of the placement of a roller-skating rink in an area previously identified for a skate park as consistent with the approved Master Plan.
- On October 30, 2013, the DRC recommended approval of the placement of Sears Hometown and Outlet Store at a location previously identified on the Master Plan as a roller-skating rink as consistent with the Master Plan.
- Staff notes that all SUP conditions associated with the addition of the Skate Park (Case No. SUP-0020-2006) are outstanding; however, as the Skate Park was never pursued the conditions were never triggered.

SURROUNDING ZONING AND DEVELOPMENT

- North: Across Richmond Road properties are zoned M-1, Limited Business/Industrial.
- South: Properties are zoned A-1, General Agricultural and MU, Mixed Use.
- West: Properties are zoned A-1, General Agricultural.
- East: Properties are zoned M-1, Limited Business/Industrial.

Flea Market Location

The applicant has requested to locate the flea market in the parking area at the front of the complex where ± 27 parking spaces will be used to set up the flea market. Each vendor would use up to two parking spaces where vendors park their cars and set up display tables. According to the applicant, to avoid potential conflicts with vehicular

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

SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road

Staff Report for the September 5, 2018, Planning Commission Public Hearing

traffic entering the property, the flea market area will be roped off to separate the flea market from the rest of the parking area during hours of operations (SUP Condition No. 3).

Parking Analysis

There are a total of $\pm$ 180 parking spaces on the site: 118 parking spaces located in the commercial part of the complex (front), and 62 parking spaces located in the warehouse part of the complex (rear). A total of 158 parking spaces were originally calculated to be required to accommodate all the proposed uses (i.e., office and commercial spaces, warehousing and the Skate Park).

Staff notes that since approval of the SUP in 2006 the complex has never experienced full tenant occupancy. The Skate Park and the skating rink were never developed and stores such as Ameri Clean Cleaners and Sears Hometown and Outlet Store are no longer tenants in the complex. According to the real estate agency responsible for leasing at the complex the current tenant configuration is:

- Venom: A youth baseball travel team occupying an area of $\pm$ 8,000 commercial square feet. A total of 40 parking spaces are required per the Zoning Ordinance. According to the real estate agency representing the property owner, the youth baseball travel team typically meet during weeknights.
- Car Club: A nonprofit group with eight active members occupying $\pm$ 2,300 of commercial square footage. A total of 11 parking spaces are required per the Zoning Ordinance.
- Antique Mall: Multiple vendors selling antique merchandise occupying an area of $\pm$ 5, 500 square feet of commercial and office square footage. A total of 21 parking spaces are required per the Zoning Ordinance.

- Sentara Health Care: Medical equipment and storage on $\pm$ 7,000 square feet of commercial square footage. A total of 28 parking spaces are required per the Zoning Ordinance.
- Mini-Storage/Warehousing: All storage/warehousing square footage is currently empty.
- Available Commercial and Office Space: Over 25,000 square feet of commercial and office square footage is currently empty.

Based on the Zoning Ordinance, staff calculates that a total of 100 parking spaces are required to meet the parking needs of existing tenants. The proposed flea market will occupy an area of $\pm$ 7,000 square feet, which would require a total of 14 parking spaces. The area occupied by the proposed flea market will take the space of a total of 27 parking spaces. Therefore, the total number of parking spaces required for the existing uses and proposed outdoor flea market is 141 parking spaces. Based on the number of existing parking spaces (i.e., 180 spaces) there are a total of 39 parking spaces left for the remaining uses on the property. In order to ensure the availability of parking in the entire complex year-round, SUP Condition No. 8 requires that prior to any new tenant occupying the building a change of use application or parking verification must be submitted to the Director of Planning for review in order for staff to ensure the availability of parking spaces for all uses in accordance with the Zoning Ordinance. The remaining empty spaces the property (i.e., warehousing and commercial) will be required to meet the minimum parking requirements of the Zoning Ordinance in order to be permitted.

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

PUBLIC IMPACTS

Streets

- No impacts anticipated. The Virginia Department of Transportation (VDOT) reviewed this application and suggested that the two entrances in the property be consolidated. Richmond Road is designated by the Comprehensive Plan as a Community Character Corridor. SUP Condition No. 4 requires that landscaping shall be installed in the northern area of the property to screen the flea market from Route 60.

Schools/Fire/Utilities

- No impacts anticipated. The Fire Department has reviewed this application and has no objections. The flea market will not require connection to public water and/or sewer.

Environmental

Watershed: Yarmouth Creek.

- No impacts anticipated. The Stormwater and Resource Protection Division has reviewed this application and offers no objections. There is no additional impervious surface proposed as part of this application.

Cultural/Historic

- No impacts anticipated. The property is already developed and no land use disturbance is required for the flea market.

Nearby and Surrounding Properties

- The attached SUP conditions are proposed to mitigate impacts to nearby and surrounding properties, specifically impacts associated with visual screening (SUP Condition No. 4).

COMPREHENSIVE PLAN

- This parcel is designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. Recommended uses in Mixed Use include moderate density housing, commercial development and office developments. Staff finds the proposed flea market to be a commercial use consistent with the recommended uses.

PROPOSED SUP CONDITIONS

- The full text of the proposed conditions is provided as Attachment No. 3.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with the 2035 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the attached conditions.

JR/nb

SUP18-10OutdrFleaMkt

Attachments:

1. Location Map
2. Master Plan
3. Proposed SUP Conditions
4. Letter from Citizen

SUP-18-0010

Outdoor Flea Market at 6623 Richmond Road



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SUP-18-0010, Outdoor Flea Market at 6623 Richmond Road

Property Information

2430100035A
B & L of NC LLC
6623 Richmond Road
Williamsburg, VA 23188
Zoning: B1 General Business
Comp Plan: Mixed Use
Acres: 11.09

Sheet Index

- 1. Cover Page
- 2. Master Plan



Maps Not To Scale

General Notes

- 1. Property is Zoned B-1. General Business and A-1. General Agricultural
 - 2. No changes to water/sewer utilities.
 - 4. This site does not appear to be located in the special flood hazard area based on Flood Insurance Rate Map 51095C0108D, effective 12/16/15.
 - 5. No new outdoor lighting is proposed.
- DATE: 8/21/2018

SUP-18-0010, Outdoor Flea Market at 6623 Richmond Road



1. **Master Plan.** This Special Use Permit (“SUP”) shall be valid for a year-round outdoor flea market of no more than twenty (20) vendors and accessory uses thereto (the “Flea Market”) on property located at 6623 Richmond Road, further identified as JCC Tax Map No. 2430100035A (the “Property”). The Flea Market shall only operate on that portion of the Property designated as the “Special Use Permit Area” as shown on the master plan titled “Outdoor Flea Market at 6623 Richmond Road” dated 8/21/2018 (the “Master Plan”). Development of the Flea Market shall be generally in accordance with the Master Plan, with any deviations considered per section 24-23(a)(2) of the Zoning Ordinance.
2. **Operating Hours.** The Flea Market shall only operate between the hours of 6 a.m. and 4 p.m. on Saturdays and Sundays. All vendor’s tables and materials associated with the Flea Market shall be removed by the end of each day.
3. **Flea Market Area.** The location of the Flea Market, as shown on the Master Plan, will be roped off along its perimeter to separate the Flea Market area from the remaining parking lot during hours of operation in a manner as approved by the Director of Planning.
4. **Landscape and Screening Plan.** As part of the required site plan, a landscape and screening plan shall be submitted for the review and approval of the Director of Planning or designee. Landscaping shall be installed in the northern corner of the Property and the center island adjacent to Richmond Road. The landscaping shall serve to screen the Flea Market from the road. Additional landscaping shall also be installed along the northern side yard to supplement the existing landscaping and to screen the parking lot from the adjacent property. All landscaping in these areas shall consist of upright evergreen trees and shrubs that meet the requirements for numbers and size contained in section 24-96 of the Zoning Ordinance. Prior to the start of the Flea Market, the screening shown on the approved site plan shall be either installed or guaranteed in a manner acceptable to the County Attorney’s Office. If a guarantee is provided for any required screening material, such screening material shall be installed within six (6) months of the start of the Flea Market.
5. **Fire Extinguishers.** At least two (2) fire extinguishers, shall be provided on the site of the Flea Market during all hours of operation. The type and location of the fire extinguishers shall be approved by the Fire Department prior to final site plan approval.
6. **Public Restrooms.** Indoor bathrooms shall be open to provide public restrooms during the hours of operation of the Flea Market. The planned location of the indoor bathrooms open to the public and any additional information necessary to demonstrate compliance with the building code shall be approved by the Director of Building Safety and Permits prior to final site plan approval.
7. **Site Plan.** A site plan shall be required for the Flea Market. Final approval of the site plan shall be obtained within twelve (12) months of issuance of this SUP or the SUP shall become void.

8. **Parking Verification.** Starting with the date of approval of this SUP, and prior to any new tenant occupying part of the building located on the Property, a change of use or an application to verify parking availability shall be submitted to the Director of Planning or designee for review. This information will be used to calculate parking needs for the Flea Market, ensuring the availability of parking for all tenants and customers of the Flea Market year-round.
9. **Severability.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the reminder.

**BASIC PROPERTIES, LLC
11832 Rock Landing Drive, Suite 106
Newport News, VA 23606**

August 23, 2018

Mr. Paul D. Holt, III
Director of Community Development and Planning
James City County
P. O. Box 8784
Williamsburg, VA 23187-8784

Re: SUP-18-0010, 6623 Richmond Road Outdoor Flea Market

Dear Mr. Holt:

We received your notice of the request for a Special Use Permit to operate an outdoor flea market on the above referenced property.

This property is adjacent to a commercial lot that we own in the Liberty Crossing development. Our lot is for sale and we hope to attract a business that will complement the surrounding area.

We are against approval of the special use permit because we feel that an outdoor flea market is not in keeping with the intended purpose of the current zoning, nor will it improve the area. We feel that allowing such an operation would create a nuisance and eyesore, leading to a decline in surrounding property values. Other businesses have been required to meet strict requirements as to appearance, landscaping, finishes and signage. A flea market, by its nature, could not be held to the same standards and would detract from area appearance, rather than enhance it.

We ask that the Planning Commission deny the request for the special use permit.

Sincerely,

A handwritten signature in blue ink that reads "Lloyd U. Noland III / km". The signature is fluid and cursive, with a large "L" and "N".

Lloyd U. Noland, III
Chairman

ITEM SUMMARY

DATE: 9/5/2018

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - September 2018

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/28/2018 - 10:34 AM
Planning Commission	Holt, Paul	Approved	8/28/2018 - 10:34 AM
Publication Management	Burcham, Nan	Approved	8/28/2018 - 10:36 AM
Planning Commission	Holt, Paul	Approved	8/28/2018 - 10:53 AM

PLANNING DIRECTOR'S REPORT

September 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:**
 - **August 14, 2018**
 - FY 2019-2020 Virginia Department of Transportation Revenue Sharing Program Projects - Affirmation of Commitment to Fund James City County Share of Projects and Provision of Signature Authority. (Approved 5-0)
 - 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. (Approved 5-0)
 - ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations and Traffic Impact Analysis Policy Amendments. (Approved 5-0)
- In late August, Scott Whyte, Senior Landscape Planner II, participated in a field review of the Noise Wall Mock-Up Panel for the I-64, Segment II widening project. Scott, along with a representative from York County and VDOT were reviewing the sample to ensure the design would be a good fit for the Historic Triangle. While a large portion of Segment II is in York County, Scott has been promoting JCC's adopted Sound Wall Design Guidelines.

- **Building Safety & Permits**

- Congratulations to David Malarkey on his promotion to Plans Examiner! Dave's career path from carpenter to contractor to inspector is a tremendous asset. We also welcome back Charles Todd as full-time Inspector I. Charles previously worked for us as a temporary employee during the Permit Link software implementation process. Charles holds two master tradesman certifications and has almost 40 years' experience working in the plumbing and mechanical trades.

New Cases for September 2018						
Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Agricultural and Forestal District	AFD-18-0017	9888 Sycamore Landing Road Croaker AFD Addition	9888 SYCAMORE LANDING RD	Addition of 62 acres to the Croaker AFD	Sulouff, Roberta	Stonehouse
Conceptual Plan	C-18-0065	182 Clark Lane Subdivison	182 CLARK LN	Subdivide 182 Clark Lane from 186 Clark Lane	Sulouff, Roberta	Powhatan
	C-18-0069	1720 Endeavor Drive Trailer Lot	1720 ENDEAVOR DR	Construction of a crush and run parking lot for trailers	Ribeiro, Jose	Roberts
	C-18-0070	102 Selby Lane Subdivision	102 SELBY LN	Subdivide 102 Selby Lane into two or three parcels	Ribeiro, Jose	Roberts
	C-18-0071	8961 Pocahontas Trail Temporary Power Line	8961 POCAHONTAS TRL	Construct a temporary overhead utility line to a temporary construction trailer	Sulouff, Roberta	Roberts
	C-18-0072	146 Racefield Drive Gamebird Farm	146 RACEFIELD DR	Operate a gamebird farm on 13.1 acres at 146 Racefield Drive	Whyte, Scott	Stonehouse
	C-18-0073	3175 Ironbound Road Rezoning	3175 IRONBOUND RD	Rezone 3175 Ironbound Rd from R8 to B1	Ribeiro, Jose	Berkeley
Master Plan Amendment	MP-18-0002	Stonehouse PUD Master Plan	9354 FIELDSTONE PKWY	Amending the Stonehouse PUD Master Plan	Cook, Ellen	Stonehouse
Subdivision	S-18-0034	4 & 6 Buford Road BLA	4 BUFORD RD	Boundary line adjustment between 4 & 6 Buford Road	Whyte, Scott	Jamestown
	S-18-0035	6141 & 6137 Richmond Road BLE	6141 RICHMOND RD	Combine 6141 and 6137 Richmond Road	Haynes, Tori	Powhatan
	S-18-0036	3150 Jolly Pond Road Subdivision	3150 JOLLY POND RD	Subdivide 3150 Jolly Pond Road into 5 parcels	Sulouff, Roberta	Powhatan
	S-18-0037	6100 and 6060 Centerville Road BLA	6100 CENTERVILLE RD	Boundary line adjustment between 6100 and 6060 Centerville Road	Ribeiro, Jose	Powhatan
	S-18-0041	Reece Family Subdivision	258 SANDY BAY RD 4730100012	Subdivide 258 Sandy Bay Road into two parcels for family subdivision	Haynes, Tori	Berkeley
	S-18-0043	Mounts Bay Road and Carters Grove Country Road Subdivision Plat	101 MOUNTS BAY RD 5010100009	Courthouse plat for 101 Mounts Bay Road and Carters Grove Country Road	Cook, Ellen	Roberts
	S-18-0045	Skiffes Creek Switching Station Courthouse Plat	8968 POCAHONTAS TRL 5920100002	Courthouse plat for Skiffes Creek Switching Station	Cook, Ellen	Roberts
Site Plan	SP-18-0059	JCSA Control Building Addition	7213 MERRIMAC TRL	Addition of 254 SF control building.	Baruch, Alex	Roberts
	SP-18-0060	Billsburg Brewery Permanent Event Tent	2054 JAMESTOWN RD	Place permanent event tent at 2054 Jamestown Road	Haynes, Tori	Berkeley
	SP-18-0077	Kingsmill Townhomes	900 Mounts Bay 5040100002B	Construct 24 townhomes on 4.43 acres in Kingsmill	Leininger, Thomas	Roberts
	SP-18-0088	1784 Jamestown Road SP Amend	1784 JAMESTOWN RD 4730100021	Permanently place a smoker/grill adjacent to existing restaurant building	Pietrowski, Savannah	Berkeley
	SP-18-0089	Extra Mile Landscapes & Two Drummers Smokehouse Expansion	8856 RICHMOND RD	Site plan for expansions of Extra Mile Landscapes and Two Drummers Smokehouse	Pietrowski, Savannah	Stonehouse
	SP-18-0090	JCSA 103 The Colony Fence	103 THE COLONY	Construct a fence around JCSA 103 The Colony PRV-2	Baruch, Alex	Roberts
	SP-18-0091	Lightfoot McDonalds SP Amend.	6473 RICHMOND RD	Add a new menu board to existing drive thru. Improvements to sidewalks and parking.	Baruch, Alex	Stonehouse
	SP-18-0092	101 School House Lane Mini Storage	101 SCHOOL HOUSE LN	Construct 67,500 sqft. Of mini storage units.	Haynes, Tori	Stonehouse
Special Use Permit	SUP-18-0011	750 Blow Flats Road Borrow Pit Renewal	750 BLOW FLATS RD	Renew SUP for Borrow Pit	Costello, Terry	Roberts
	SUP-18-0023	700 Blow Flats Road Borrow Pit Renewal	700 BLOW FLATS RD	Renew SUP for Borrow Pit	Costello, Terry	Roberts
Rezoning	Z-18-0002	9800 Six Mount Zion	9800 SIX MOUNT ZION RD	Rezone portions of Stonehouse PUD to A-1 with a restricted use easement	Cook, Ellen	Stonehouse