

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
April 3, 2019
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 March 6, 2019 Regular Meeting
2. Minutes of the March 18, 2019 Special Meeting

F. PUBLIC HEARINGS

1. Z-19-0002. 8231 Richmond Road Rezoning

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2019

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 4/3/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the March 6, 2019 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the March 6, 2019 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:01 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:02 PM
Publication Management	Daniel, Martha	Approved	3/27/2019 - 4:08 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:10 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 6, 2019
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Danny Schmidt

Rich Krapf

Tim O'Connor

Jack Haldeman

Frank Polster

Odessa Dowdy

Planning Commissioners Absent:

Julia Leverenz

Staff Present:

Paul Holt, Director of Community Development and Planning

Max Hlavin, Deputy County Attorney

Terry Costello, Deputy Zoning Administrator

Roberta Sulouff, Senior Planner

C. PUBLIC COMMENT

Mr. Schmidt opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Development Review Committee met on February 20, 2019, to review an appeal of a Planning Director's denial of a parking waiver request for SP-18-0089. Extra Mile Landscapes and Two Drummers Smokehouse Expansion.

Mr. Polster stated that the Master Plan that was approved by the Board of Supervisors in 2016 allows for 110 parking spaces. Mr. Polster further stated that the addition to the restaurant would double the seating to around 250 seats, which would equate to a minimum of 63 parking spaces and a maximum of 75 spaces under the County's minimum off-street parking requirements for commercial uses. Mr. Polster stated that 110 parking spaces were found not to be supported by the Ordinance.

Mr. Polster stated that the applicant presented the results of his traffic study to the Committee. Mr. Polster stated that it was noted that during peak operational hours the restaurant is currently filling the existing parking lot and the overflow is parking next door in Extra Mile

Landscapes parking lot. Mr. Polster further stated that the applicant felt that the current parking formula does not account for the 10-15 employees who also require parking spaces.

Mr. Polster stated that the applicant also provided comments on the proposed site plan indicating the proposed parking space layout and stormwater mitigation plans given the location of the parking space to the 100-foot Resource Protection Area (RPA) buffer.

Mr. Polster stated that approval of the parking waiver request at this time would allow all parking improvements to be completed at the same time as the restaurant expansion, without the need for phasing the parking lot construction.

Mr. Polster stated that the Committee voted 3-0 to approve the parking waiver request to go above the 120% maximum parking cap.

Mr. Jack Haldeman stated that the Policy Committee met on February 14, 2019.

Mr. Haldeman stated that Ms. Tammy Rosario, Principal Planner, introduced the Capital Improvements Program (CIP) process. Mr. Haldeman stated that the Committee agreed that the new spreadsheet and ranking mechanism was easy to use. Mr. Haldeman stated that 24 CIP applications were submitted by various divisions, of which four were for schools. Mr. Haldeman stated that the applications totaled \$114.5 million, of which \$14.0 million were for Fiscal Year 2020. Mr. Haldeman further stated that school applications amounted to \$5,380,000 for 2020 and \$60,430,000 over the subsequent four years.

Mr. Haldeman stated that Committee discussed rankings and criteria for the various projects. Mr. Haldeman further stated that there was a lengthy discussion on the school enrollment projections and cost methodology for the school projects.

Mr. Haldeman stated that the Committee also met on February 21, 2019.

Mr. Haldeman stated that Mr. José Ribeiro, Senior Planner, II, introduced the subject of a capital request of \$8,910,000 for a new 14,000-square-foot four-bay fire station, which would be the County's sixth fire station. Mr. Haldeman stated that the request is for \$1,410,000 for design and engineering in FY 2020, \$6,215,000 for construction in FY 2021, and \$1,285,000 for furniture and fixtures in FY 2022. Mr. Haldeman stated that the design would be patterned after Station 4, with some modifications and allowances for future expansion, and the design cost may be somewhat lower when the exact location is determined. Mr. Haldeman stated that the ideal location is on Opportunity Way because the largest number of calls from outside the 6-minute response time required by policy and safety originate between Stations 1 and 4. Mr. Haldeman stated that this location will also eliminate the cost of land acquisition. Mr. Haldeman further stated that the cost estimates do not include new equipment. Mr. Haldeman stated that Ryan Ashe, Fire Chief and Tristan Aiken, Assistant Fire Chief, presented coverage maps and discussed the need for a safer environment within the station, greater support for neighboring coverage areas, particularly Stations 1 and 4, and those in York County and Williamsburg.

Mr. Haldeman stated that the Committee also discussed the Parks and Recreation department's requests for a total of \$18,028,000 to fund 10 projects. Mr. Haldeman stated that \$2,053,000 of the request would fall in Fiscal Year 2020. Mr. Haldeman stated that the division's top 2020 priority is \$1,720,000 to replace a 1970s-era wooden bulkhead, replace/fix the docks and gas tanks and to create a green shoreline. Mr. Haldeman further stated that requests for these projects made in Fiscal Years 2018 and 2019 were not funded. Mr. Haldeman stated that a second phase of marina improvement requests will come in later years, although total cost could be reduced by doing both phases together.

Mr. Haldeman stated that John Carnifax, Director of Parks and Recreation, and Alister Perkinson, Parks Administrator, also discussed requests for the ongoing restoration/renovation of the Chickahominy River Park under the Shaping Our Shores Master Plan and a new park and swimming pool for the lower County.

Mr. Haldeman stated that the Committee met again on February 28, 2019.

Mr. Haldeman stated that Mr. Marcellus Snipes, Senior Director for Operations, Williamsburg-James City County (WJCC) Schools, introduced CIP requests for four projects to address school capacity totaling \$65,809,493 for increased school capacity. Mr. Haldeman stated that \$5,380,296 is planned for Fiscal Year 2020. Mr. Haldeman stated that the requests exclude land acquisition, furniture and fixtures, and buses. Mr. Haldeman stated that the WJCC school's first priority is \$38.5 million for a new elementary school, with design and engineering costs of \$3.5 million to be committed in Fiscal Year 2020 and the balance committed for construction in Fiscal Year 2021. Mr. Haldeman stated that existing designs may be used, depending upon current pedagogical requirements. Mr. Haldeman further stated that the cost estimates were provided by the division's architect. Mr. Haldeman stated that the building would house 700 students in approximately 106,000 square feet. Mr. Haldeman noted that the cost per square foot of the construction is \$330, compared to an average of \$204 for the 11 schools built in Virginia over the past two years. Mr. Haldeman stated that the WJCC school's CIP development committee supported moving this project up from 2027 to 2020 based on enrollment trends and growth estimates. Mr. Haldeman stated that the nine elementary schools are currently at 98% capacity. Mr. Haldeman further stated that a site has not yet been identified a site for the school, which will require about 11 acres under Comprehensive Plan guidelines.

Mr. Haldeman stated that the Committee discussed the feasibility of building separate facilities for pre-school on three school sites. Mr. Haldeman noted that this idea had been considered discussed by the WJCC schools and was found to have potential negative impacts on transportation.

Mr. Haldeman stated that the other projects are to expand capacity of the three high schools, as follows:

	<u>FY2020</u>	<u>Total</u>
New Elementary School	\$3,533,221	\$38,533,221
Lafayette High School		\$3,106,904
Warhill High School	\$890,332	\$12,238,512
Jamestown High School	<u>\$956,743</u>	<u>\$11,930,856</u>
	\$5,380,296	\$65,809,493

Mr. Haldeman stated that the high school projects will add 12 classrooms and an auxiliary gym at Warhill and eight classrooms at Jamestown and Lafayette.

E. CONSENT AGENDA

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

On a voice vote, the Commission voted unanimously to approve the Consent Agenda.

1. Minutes of the February 6, 2019 Regular Meeting
2. Development Review Committee Action Item: SP-18-0089, Extra Mile Landscapes and Two

F. PUBLIC HEARINGS

1. SUP-19-0004. James City Service Authority College Creek Pipeline Project

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

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

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

Absent: Leverenz

Ms. Terry Costello, Deputy Zoning Administrator stated that Mr. Mike Gaffney of Rummel, Klepper & Kahl (RK&K) has applied on behalf of the James City Service Authority (JCSA) for a Special Use Permit (SUP) to allow for the installation of approximately 1,100 linear feet of a 14-inch water main. Ms. Costello stated that the proposed water main will be located under College Creek, along the south side of the Humelsine Parkway eastbound bridge. Ms. Costello stated that the project is within the Virginia Department of Transportation's (VDOT) right-of-way, which is Zoned R-5, Multifamily residential, R-8, Rural Residential, and R-1, Limited Residential. Ms. Costello further stated that the property is designated Low Density Residential on the Comprehensive Plan Land Use Map and is located inside the Primary Service Area.

Ms. Costello stated that the current water main is located along the north side of the Humelsine Parkway westbound bridge and is need of major repair and rehabilitation. Ms. Costello stated that this water main was installed in 1976 when water lines were a permitted use in accordance with the issuance of a conditional use permit. Ms. Costello stated that staff was unable to locate this permit in County records.

Ms. Costello further stated that the proposed water main will handle a larger capacity of water than what is currently in use, therefore it would not be considered a maintenance project. Ms. Costello stated that the current Ordinance also requires an SUP for water lines that are located outside a subdivision or other approved development.

Ms. Costello stated that the County will simultaneously be co-locating a fiber optic cable which will enhance the County's communication system as well as serve the WJCC School Division.

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

Mr. Schmidt inquired about the box structure shown on the Master Plan.

Ms. Costello stated that on one side there will be a staging area where the drilling will occur and on the opposite end an area where the pipe and fiber optic cable will be pulled back.

Mr. Schmidt inquired whether the box was a three dimensional structure.

Ms. Costello stated that she did not think it was three dimensional but would defer to the applicant.

Mr. Schmidt inquired if the area of clearing shown could be reduced by having vehicles and equipment stored where there are existing pull-offs and cleared area adjacent to the project.

Ms. Costello stated that the intent is to keep everything within the VDOT right-of-way and not have to cross property lines.

Mr. Paul Holt, Director of Community Development and Planning, requested that the applicant address questions about the staging areas.

Mr. Mike Gaffney, Municipal Engineer, RK&K, stated that area on the western side of the creek includes the drill rig, mud mixing equipment, recovery equipment, and any equipment necessary to move the other equipment. Mr. Gaffney further stated that on the eastern side is the pipe stringing area where the pipe would be laid out and welded together. Mr. Gaffney stated that this area would be behind a jersey barrier for safety. Mr. Gaffney stated that the initial access would be created and then reamed out to accommodate the pipe. Mr. Gaffney further stated that the pipe would be assembled at the same time. Mr. Gaffney stated that the pipe would be pulled back and then conduits would be run for the fiber optic cable.

Mr. Gaffney stated that they could require the contractor to limit the number of personal vehicles on site.

Mr. Schmidt stated that he was more concerned with reducing the amount of vegetation that would be removed since the vegetation provides a sound buffer for the adjacent neighborhoods.

Mr. Gaffney stated that they have and will continue to limit the clearing area. Mr. Gaffney noted that the area in question has been developed previously and the trees are not mature trees.

Mr. Schmidt inquired if there would be any structures above ground at the completion of the project.

Mr. Gaffney stated that the only above ground structure would be the existing hydrant.

Mr. Schmidt noted that this matter has come forward as he was contacted by a friend who noticed the leak while boating. Mr. Schmidt stated that he notified the JCSA.

Mr. Schmidt opened the Public Hearing.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that he was impressed with the quality and detail of the Environmental Impact Study.

Mr. Rich 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-19-0004. James City Service Authority College Creek Pipeline Project (6-0).

2. AFD-02-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition

A motion to Approve was made by Frank Polster, the motion result was Passed.

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

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

Absent: Leverenz

Ms. Roberta Sulouff, Senior Planner, stated that Mr. Jonathan Kinney has applied to add a 14.18-acre parcel to the Croaker Agricultural and Forestal District (AFD). Ms. Sulouff stated that the parcel is located at 4450 Ware Creek Road, is Zoned A-1, General Agricultural and is designated Low Density Residential on the Comprehensive Plan Land Use Map.

Ms. Sulouff stated that the land is currently under the care of a professional forester and meets proximity requirements for inclusion into the AFD. Ms. Sulouff stated that approval of this application would bring the total District to approximately 1,197.3 acres.

Ms. Sulouff stated that staff recommends that the Planning Commission recommend inclusion of this parcel into the Croaker AFD to the Board of Supervisors, subject to the conditions adopted during the renewal of the Croaker AFD in 2018.

Mr. Schmidt opened the Public Hearing.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that he does not understand how some of the properties qualify for inclusion in an AFD based on the criteria used to determine an agriculturally significant property. Mr. Polster stated that he realizes there is not a set number of the specific factors that a property must meet. Mr. Polster further stated that the AFD Committee minutes did not shed light on how the criteria applied to the properties.

Mr. Polster stated that the applicant and owner of this property has three parcels in the Barnes Swamp AFD. Mr. Polster noted that the professional forester for this property is under contract to the property owner and manages approximately 3,200 acres. Mr. Polster stated that he had hoped that the AFD Committee would have looked at each parcel and provided advice on whether any of the seven factors other than Comprehensive Plan, agriculture, and soil applied to the property.

Mr. Polster stated that he believes that this property does meet Criteria 1 and Criteria 2 for inclusion in the AFD and he will support this application.

Mr. Polster made a motion to recommend approval of the addition of the parcel into the Croaker AFD.

On a roll call vote, the Planning Commission voted to recommend approval of AFD-02-86-2-2018. 4450 Ware Creek Road Croaker AFD Addition (6-0).

3. AFD-18-0016. 365, 358, and 382 Ivy Hill Road Mill Creek AFD Addition

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1
Ayes: Dowdy, Haldeman, Krapf, O'Connor, Schmidt
Nays: Polster
Absent: Leverenz

Ms. Sulouff stated that Mr. John Sim has applied to enroll the parcels located at 365, 358, and 382 Ivy Hill Road, which total approximately 60.73, acres into the Mill Creek AFD. The parcels are Zoned A-1, General Agricultural and are designated Rural Lands on the Comprehensive Plan Land Use Map.

Ms. Sulouff stated that staff finds that the property meets applicable criteria for inclusion including proximity requirements. Ms. Sulouff stated that approval of this application would bring the total District to approximately 3,224 acres or if AFD-18-0020 is also approved, 3,234 acres. Ms. Sulouff stated that staff recommends that the Planning Commission recommend inclusion of this parcel into the Mill Creek AFD to the Board of Supervisors, subject to the conditions adopted during the renewal of the Mill Creek AFD in 2018.

Mr. Polster inquired if anyone from the AFD Committee or the Commissioner of the Revenue's Office was in attendance.

Ms. Sulouff stated that there were no representatives in attendance.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing.

Mr. Krapf stated that he meant to disclose that he owns a property enrolled in this AFD; however, it does not create a conflict of interest that would prevent him from voting on the application.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that he had concerns about the property located at 382 Ivy Hill Road; specifically the amount of land that is in the RPA and the steep slopes. Mr. Polster stated that he understands that if the parcel is in an AFD it is permissible to encroach 50 feet into the RPA; however, it must be restored at the end of use. Mr. Polster stated that his question for the Commissioner of the Revenue was whether the portion of the property in the AFD would qualify for a tax reduction. Mr. Polster noted that there is another property in an AFD that is entirely within the RPA, being mostly marsh land. Mr. Polster further stated that he questioned the need to protect a property through enrolling it in an AFD when it was already protected by being in the RPA or by virtue of its topography. Mr. Polster stated that the only expert advice on the whether the property qualified to be in an AFD related to the Comprehensive Plan, soil, and agriculture and did not cover any of the other criteria. Mr. Polster stated that he would not support the application.

Mr. Tim O'Connor stated that although the property is likely undevelopable by virtue of the RPA and topography; however, the AFD offers the advantage of ensuring that the entire property is protected for the life of the AFD.

Mr. O'Connor further stated that based on information provided on the County's website, "... it is the policy of the Commonwealth of Virginia to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes." Mr. O'Connor stated that these are the reasons that a parcel might be included in an AFD when it might not meet other criteria.

Mr. Haldeman stated that one purpose of the AFD is to reduce the property assessment. Mr. Haldeman further stated that properties that are non-developable should already be assessed at a lower value.

Mr. Polster stated that he wants to understand the process the Commissioner of the Revenue uses to make those determinations.

Mr. Holt stated that over the years, it does not appear that the main reason for enrolling a property in an AFD is the tax reduction. Mr. Holt further stated that the purposes of an AFD, as set forth by the Commonwealth, are very broad. Mr. Holt stated that many of the property owners are in the AFD for good stewardship of the land and the protection it provides from development pressures.

Mr. Haldeman made a motion to recommend approval of the addition of the parcel into the Mill Creek AFD.

On a roll call vote the Planning Commission voted to recommend approval of AFD-18-0016. 365, 358, and 382 Ivy Hill Road Mill Creek AFD Addition (5-1).

4. AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, O'Connor, Schmidt

Nays: Polster

Absent: Leverenz

Ms. Sulouff stated that Ms. Kelly Fulton has applied on behalf, and with the permission of Mr. Thomas Dana, to add 62.35 acres of land to the Croaker AFD. Ms. Sulouff stated that the land is located at 9888 Sycamore Landing Road, is Zoned A-1, General Agricultural and is designed Rural Lands on the Comprehensive Plan Land Use Map.

Ms. Sulouff stated that while the land is outside of the mile radius from the core of the District, State Code permits parcels to be added upon finding that the property contains agriculturally and forestally significant land. Ms. Sulouff further stated that the Board of Supervisors approved a similar case, AFD-2-86-1-2017, 9730 Sycamore Landing Road, for addition in to the Croaker AFD in 2017.

Ms. Sulouff stated that the United States Department of Agriculture (USDA) Soil Survey indicates that the site is home to soils which have moderately high potentially potential for both crops and timbering. State Code indicates that one such factor for the consideration of the addition of property is the presence of suitable soils on the site.

Ms. Sulouff further stated that at its January 24 meeting, the AFD Advisory Committee unanimously found that the land in question contains agriculturally and forestally significant land and voted to include this parcel in the District.

Ms. Sulouff stated that staff recommends that the Planning Commission recommend inclusion of this parcel into the Croaker AFD to the Board of Supervisors, subject to the conditions adopted during the renewal of the Croaker AFD in 2018.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that he continues to have the same concerns as with the previous applications. Mr. Polster stated that he has reviewed several Conceptual Plans brought before the DRC where properties have been removed from an AFD and been developed. Mr. Polster noted that there are also parcels in the AFD Program that are also part of the Purchase of Development Rights (PDR) program. Mr. Polster stated that there are multiple ways to restrict development on a parcel. Mr. Polster stated that he believes the Commission needs to be given more evidence in addition to what is provided in the staff report that the AFD Program is the best method to preserve the property.

Mr. Krapf stated that he would support the application. Mr. Krapf further stated that the AFD Program is part of the County's tool box to preserve and protect open space, wooded areas, and agricultural land. Mr. Krapf stated that he tends to take a broader perspective using the overarching principles of the Commonwealth of Virginia that support measures to preserve and protect agricultural and wooded lands.

Mr. Krapf made a motion to recommend approval of the addition of the parcel into the Croaker AFD.

On a roll call vote the Planning Commission voted to recommend approval of AFD-18-0017. 9888 Sycamore Landing Road Croaker AFD Addition (5-1).

5. AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition

A motion to Approve was made by Frank Polster, the motion result was Passed.

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

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

Absent: Leverenz

Ms. Sulouff stated that Mr. Charles Apperson and Ms. Patricia Russo have applied to enroll a 52-acre parcel in the Croaker AFD. Ms. Sulouff stated that the parcel is located at 4928 Fenton Mill Road, is Zoned A-1, General Agricultural, and is designated Rural Lands on the Comprehensive Plan Land Use Map.

Ms. Sulouff stated that staff believes this parcel was not included in the AFD after the 1996 renewal of the District due to an administrative error. Ms. Sulouff stated that the parcel has remained active in agricultural and forestal activities in conjunction with neighboring parcels since that time.

Ms. Sulouff stated that staff finds that the property meets applicable criteria for inclusion including proximity requirements. Ms. Sulouff stated that approval of this application would bring the total District to approximately 1,234 acres.

Ms. Sulouff further stated that at its January 24 meeting, the AFD Advisory Committee unanimously voted to recommend inclusion of this parcel into the District.

Ms. Sulouff stated that staff recommends that the Planning Commission recommend inclusion of this parcel in the Croaker AFD to the Board of Supervisors, subject to the conditions adopted during the renewal of the Croaker AFD in 2018.

Mr. Schmidt called for disclosures from the Commission.

There were no disclosures.

Mr. Schmidt opened the Public Hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Polster stated that, while he raises the same issues as mentioned previously, he would support this application. Mr. Polster stated that when looking at the criteria for considering significance to adjacent areas, the applicant has two properties that have been actively worked since they were purchased in 1995. Mr. Polster noted that one of the adjacent parcels has new planting that extend onto the subject parcel and there is no doubt about what the applicant is trying to protect as well as how they are making a living from agricultural and forestal products. Mr. Polster stated that this is the type of specific evidence he is looking for.

Mr. O'Connor noted that the discussion on criteria for enrollment in an AFD and the options for land preservation has been helpful. Mr. O'Connor further stated that the AFD can be summed up as a mutual undertaking between the property owner and the local government where the property owner agrees not to convert their farm, forestland, and other open space lands to more intense commercial, industrial or residential uses for a term of four to 10 years. Mr. O'Connor stated that in return, the County and Commonwealth agree not to take actions or make infrastructure investments that will place increased pressure on landowners to convert land in the District to more intense land uses during the term of the AFD. Mr. O'Connor stated that this is the broad brush approach the County has encouraged through the Comprehensive Plan. Mr. O'Connor further stated that by enrolling a property in an AFD, it makes them subject to meeting specific criteria for removal through a legislative review process.

Mr. Polster stated that he concurs with those points; however, the Commission is not receiving the specific advice, guidance, or testimony as to why the property should be in an AFD that was provided with earlier applications.

Mr. Polster made a motion to recommend approval of the addition of the parcel into the Croaker AFD.

On a roll call vote the Planning Commission voted to recommend approval of AFD-18-0019. 4928 Fenton Mill Road Croaker AFD Addition (6-0).

6. AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1
Ayes: Dowdy, Haldeman, Krapf, O'Connor, Schmidt
Nays: Polster
Absent: Leverenz

Ms. Sulouff stated that Mr. John Sim has applied to enroll the entire 10 acres of his property located at 8328 Diascund Road into the Mill Creek AFD. Ms. Sulouff stated that the parcel is Zoned A-1, General Agricultural and is designated Rural Lands on the Comprehensive Plan Land Use Map.

Ms. Sulouff stated that staff finds that the property meets applicable criteria for inclusion including proximity requirements. Ms. Sulouff stated that approval of this application would bring the total District to approximately 3,224 acres.

Ms. Sulouff stated that staff recommends that the Planning Commission recommend inclusion of this parcel into the Mill Creek AFD to the Board of Supervisors, subject to the conditions adopted during the renewal of the Mill Creek AFD in 2018.

Mr. Schmidt called for disclosures from the Commission.

Mr. Krapf noted again that he owns a property that is enrolled in this AFD; however, this does not create a conflict of interest that would preclude him from voting on this application.

Mr. Schmidt opened the Public Hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Haldeman made a motion to recommend approval of the addition of the parcel into the Mill Creek AFD.

On a roll call vote the Planning Commission voted to recommend approval of AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition (5-1).

G. PLANNING COMMISSION CONSIDERATIONS

1. Planning Commission and Board of Zoning Appeals 2018 Annual Report

Mr. Holt stated that the format of the Annual Report follows that of previous years. Mr. Holt further stated that the report provides an excellent summary of all the legislative cases considered by the Commission during the calendar year. Mr. Holt stated that one of the most interesting features is the roll-up summary of all the efforts undertaken by various County departments in implementing the Comprehensive Plan.

Mr. Polster inquired about the impact of PermitLink on the plan and permit review process.

Mr. Holt stated that there is always an initial learning curve; however, each week shows more and more progress. Mr. Holt further stated that over time more efficiencies will be realized. Mr. Holt noted that the initial reaction from applicants has been very favorable.

Mr. Krapf inquired about the large jump in the population increase noted for 2010.

Mr. Holt stated that the difference most likely related to the Census count for that year. Mr. Holt stated that in the intervening years the County only does estimates of population, does not reflect real population growth; rather, the “jump” is attributed to a recalibration of the population figure based on new data from the U.S. Census Bureau released in 2010.

Mr. Holt noted that the Commission can accept the Annual Report by voice vote.

Mr. Holt stated that following the Commission’s vote, the Annual Report would be provided to the Board of Supervisors as a Reading File item.

Ms. Odessa Dowdy stated that, as a new member of the Commission, the Annual Report gave her good insight on what to expect for the coming year.

On a voice vote the Commission voted to accept the Planning Commission and Board of Zoning Appeals 2018 Annual Report.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2019

Mr. Holt stated that he did not have anything in addition to what was included in the agenda packet.

Mr. Holt stated that in anticipation of the upcoming Organization Meeting on March 18, 2019, he had included a proposed calendar. Mr. Holt stated that the Commissioners should review the draft calendar and let staff know if there are any questions or concerns or anything that should be changed.

Mr. Holt noted that for 2019, it is proposed to move the joint work session with the Board of Supervisors from May to June. Mr. Holt further stated that the Planning Commission meeting for January 2020 is proposed to be the second Wednesday, January 8, since the first Wednesday is New Year’s Day. Mr. Holt stated that the other item not fitting the typical pattern is the March 27 DRC meeting due to the need to give notice of that meeting from when the Calendar is adopted.

Mr. Holt further stated that the Commission should also consider if there should be any change to the meeting start time. Mr. Holt stated that most of the other Boards and Committees start at 5 p.m.

Mr. O’Connor inquired about the next steps with the Workforce Housing Task Force.

Mr. Haldeman stated that the draft report has been done. Mr. Haldeman stated that the next step would be to have it accepted by the Board of Supervisors. Mr. Haldeman further stated that the document would be available on the County’s website along with the Housing Conditions Study.

Mr. Holt stated that he is not certain that there is a discrete next step with the Board of Supervisors with the report. Mr. Holt stated that there are still steps to be confirmed and determined. Mr. Holt noted that staff will be applying for several grants that will allow work on individual single-family homes throughout the County. Mr. Holt further stated that while the Task Force has completed its work, the staff members who supported the Task Force will move forward with reviewing the recommendations and determining the resources available to implement those recommendations.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Polster stated that he appreciated the collegial conversation on the AFD issues and trying to understand the different points of view. Mr. Polster stated that he was very interested in clarifying this issue as the Comprehensive Plan is reviewed. Mr. Polster stated that the Board of Supervisors would be hearing from staff on the AFD, PDR and Greenspace programs in the next several months and he would be interested in hearing the Board's guidance on those programs and how it impacts the toolset for land preservation.

Mr. Schmidt stated that he would like to kick off the discussion on meeting start time.

The Commission discussed the benefits and drawbacks of meeting at either 5 p.m. or 6 p.m. The consensus of the Commission was that 6:00 p.m. would be preferable with the goal of encouraging citizen participation in the meeting.

Mr. Schmidt stated that the Commission would convene again on Monday, March 18, at 6 p.m. for the Annual Organizational Meeting and CIP Public Hearing.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn to March 18, 2019, at 6:00 p.m.

The meeting was adjourned at approximately 7:13 p.m.

Danny Schmidt, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 4/3/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the March 18, 2019 Special Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the March 18, 2019 Special Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:07 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:08 PM
Publication Management	Daniel, Martha	Approved	3/27/2019 - 4:11 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 4:11 PM

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
SPECIAL MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 18, 2019
6:00 PM

A. CALL TO ORDER

Mr. Danny Schmidt called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Danny Schmidt
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Odessa Dowdy

Planning Commissioners Absent:

Jack Haldeman

Staff Present:

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

C. ANNUAL ORGANIZATION MEETING

1. Election of Officers

Mr. Schmidt stated that the newly elected officers would take their seats at the April meeting. Mr. Schmidt further stated that the Policy Committee and Development Review Committee (DRC) assignments will be confirmed at that meeting as well.

Mr. Schmidt called for nominations for Chair.

Mr. Rich Krapf nominated Jack Haldeman for Chair.

There were no other nominations.

Mr. Schmidt closed nominations for Chair.

Ms. Julia Leverenz inquired if Mr. Haldeman had confirmed his willingness to serve.

Mr. Schmidt confirmed that Mr. Haldeman is willing to serve as Chair.

On a voice vote, Mr. Haldeman was elected as Chair.

Mr. Schmidt called for nominations for Vice Chair.

Mr. Tim O'Connor nominated Rich Krapf for Vice Chair.

There were no other nominations.

Mr. Schmidt closed nominations for Vice Chair.

On a voice vote, Mr. Krapf was elected as Vice Chair.

2. Proposed Calendar for 2019-2020

Mr. Paul Holt, Director of Community Development and Planning, stated that the calendar is the same as the one seen by the Commission at its March 6, 2019 Regular Meeting.

Mr. Holt noted that no changes were requested and that the meeting start time remains 6 p.m. Mr. Holt further noted that the Commission is adopting the schedule for the upcoming 12 months and that the dates after the Organizational Meeting in March 2020 are placeholders.

Mr. Schmidt made a motion to approve the Calendar.

On a voice vote, the Commission approved the Calendar for 2019-2020.

Mr. Polster inquired about the DRC meeting on March 27.

Mr. Holt stated that this meeting was scheduled off-cycle to allow time to advertise the meeting once the Commission approved the Calendar.

Mr. Polster inquired if the current members of the DRC would attend the March 27 meeting.

Mr. Holt confirmed.

D. PUBLIC COMMENT

Mr. Schmidt opened Public Comment.

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

E. PUBLIC HEARING

1. Fiscal Year 2020-2024 Capital Improvements Program

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

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

Ayes: Dowdy, Krapf, Leverenz, O'Connor, Polster, Schmidt

Absent: Haldeman

Ms. Tori Haynes, Planner, stated that after a series of meetings to discuss and evaluate the Capital Improvements Program (CIP) requests, the Policy Committee is forwarding its recommendations for the FY2020-2024 CIP for Planning Commission consideration. Ms. Haynes stated that this year there was a total of 20 projects submitted for consideration by the Policy Committee: 16 from James City County departments and four from WJCC Schools. Ms. Haynes further stated that the projects total \$114.47 million, with \$13.96 million of that total identified for FY20 CIP.

Ms. Haynes stated that Policy Committee members used a standardized set of ranking criteria to prioritize the potential projects. Ms. Haynes stated that individual Committee member scores were then averaged to generate the final project score and priority number. Ms. Haynes further stated that the priority list was:

1. Stormwater Capital Improvements Program
2. Transportation Match
3. Fire Station 6
4. Columbia Drive
5. Lower County Park
6. James City County Marina Phase I
7. Grove Convenience Center
8. Jamestown Beach Event Park Improvement
9. New Restroom and Concession Building at Chickahominy Riverfront Park
10. Warhill High School Expansion
11. Jamestown Corridor-Ambler House Utilities
12. James City County Marina Phase II
13. Chickahominy Riverfront Park Improvements Phase III
14. New Elementary School
15. Lafayette High School Expansion
15. Jamestown High School Expansion
17. Pickleball Courts at Warhill Sports Complex
18. Veterans Park Phase 2 Improvements
19. Baseball Field Expansion at Warhill Sports Complex
20. Demolition of Baby Pool and Replacement with Splashing Pad at Upper County Park

Ms. Haynes stated that staff recommends that the Planning Commission forward the priorities to the Board of Supervisors for consideration during the budget process.

Mr. Frank Polster stated that he had submitted a list of questions regarding the WJCC schools projects.

Mr. Marcellus Snipes, WJCC Schools, Senior Director for Operations, stated that he would be happy to answer any questions.

Mr. Polster stated that it appears that the current enrollment for the Bright Beginnings Program is 344 and is projected to remain flat through FY2024. Mr. Polster inquired if these figures were correct.

Mr. Snipes stated that the question would need to be answered by the Curriculum and Instruction Division.

Mr. Polster stated that he strongly supports the Bright Beginnings Program. Mr. Polster noted that this program addresses what is referred to as the Fourth-Grade Slump. Mr. Polster stated that if a child gets to the fourth grade without being able to read and do some mathematics he or she will never catch up. Mr. Polster stated that what he is concerned about is whether we have the accurate numbers of what that program needs to be and whether there is a plan to accommodate those numbers.

Mr. Polster stated that the information he had showed a wait list of 82 students with 52 more processing. Mr. Polster stated that the projections for next year showed one additional classroom. Mr. Polster inquired how the additional 134 Bright Beginnings students would be accommodated in the next fiscal year.

Mr. Snipes stated that there would be approximately 200 students transitioning out of the program.

Mr. Polster inquired where the additional classroom would be located.

Mr. Snipes stated that it has not yet been determined where the classroom will be located.

Mr. Polster stated that he had inquired why there is not a Bright Beginnings class at James River Elementary School where there is available capacity and the answer came back that there were two Project Head Start classes there. Mr. Polster inquired about how many Project Head Start students were projected for the next year.

Mr. Snipes stated that there are currently 39 students total enrolled in the Project Head Start Program.

Mr. Polster inquired if there were Project Head Start classes at other locations.

Mr. Snipes stated that there are two Head Start classes at Norge Elementary School.

Ms. Dowdy inquired about the difference between Project Head Start and Bright Beginnings.

Mr. Snipes stated that Project Head Start is for students from three to five years old. Mr. Snipes further stated that Bright Beginnings is for ages younger than three years old.

Ms. Dowdy inquired if students required an Individual Education Plan (IEP) to enroll in Bright Beginnings.

Mr. Snipes stated that he would provide that information.

Mr. Polster stated that it is necessary to have a better understanding of the Bright Beginnings Program and the Project Head Start Program and how the numbers break down for those individual programs. Mr. Polster stated that there may be a better way to accommodate the population other than building another elementary school. Mr. Polster stated that in upcoming applications he would like to have information on what the programs are, the projected enrollment and what the projection is based on.

Mr. O'Connor stated that the Warhill expansion has two components: the gym and 12 additional classrooms. Mr. O'Connor inquired if those projects could be separated and done independently.

Mr. Snipes stated that it is possible, but constructing the projects at the same time would provide certain economies of scale. Mr. Snipes further stated that by separating the projects, there would be more and longer disruption to the school.

Mr. Schmidt opened the Public Hearing.

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

Mr. Schmidt opened the floor for discussion by the Commission.

Mr. Krapf made a motion to forward the list of priorities as recommended by the Policy Committee to the Board of Supervisors for consideration.

On a roll call vote, the Commission voted to forward the list of priorities as recommended by the Policy Committee to the Board of Supervisors for consideration (6-0).

F. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf expressed appreciation for Mr. Schmidt stepping in as Chair.

G. ADJOURNMENT

Ms. Leverenz made a motion to adjourn the meeting.

The meeting was adjourned at approximately 6:19 p.m.

Danny Schmidt, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 4/3/2019

TO: The Planning Commission

FROM: Tom Leininger, Planner

SUBJECT: Z-19-0002. 8231 Richmond Road Rezoning

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Location Map	Backup Material
☐	Signed Proffers	Backup Material
☐	Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/26/2019 - 2:12 PM
Planning Commission	Holt, Paul	Approved	3/26/2019 - 2:12 PM
Publication Management	Daniel, Martha	Approved	3/26/2019 - 2:28 PM
Planning Commission	Holt, Paul	Approved	3/26/2019 - 2:28 PM

REZONING-19-0002. 8231 Richmond Road Rezoning**Staff Report for the April 3, 2019, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. Harris Forrest, Bicast Inc.

Land Owner: Toano NCC Investments, LLC

Proposal: To rezone a total \pm 2.11 acres of land currently zoned A-1 to M-1, Limited Business/Industrial with proffers.

Location: 8231 Richmond Road

Tax Map/Parcel No.: 1240100007

Project Acreage: \pm 2.11 acres

Zoning: A-1, General Agriculture

Comprehensive Plan: General Industry

Primary Service Area:
(PSA) Inside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: April 3, 2019, 6:00 p.m.
Board of Supervisors: May 14, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal is consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding zoning and development.
3. The Economic Development chapter of the Comprehensive Plan encourages the creation of new and retention of existing small businesses (Goal ED 1.2) and the adaptive re-use of existing buildings (Goal ED 5).

FACTORS UNFAVORABLE

1. With the proposed proffers, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed rezoning and acceptance of the voluntary proffers.

PROJECT DESCRIPTION

This proposal includes the rezoning as follows:

- A 2.11-acre parcel from A-1, General Agriculture to M-1, Limited Business/Industrial with proffers.
- The proposal is to re-use the existing 7,500-square foot building for Bicast which produces novelty items such as custom magnets, custom designs on glassware, wood engravings, and jewelry.

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.

REZONING-19-0002. 8231 Richmond Road Rezoning

Staff Report for the April 3, 2019, Planning Commission Public Hearing

- This use is classified in the Zoning Ordinance as the manufacturing, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone. This use is a permitted use within M-1.
- According to the applicant, Bicast currently has 14 employees at their largest shift and operation may run up to 24-hours a day when required.
- Bicast currently operates its business at 231 Parkway Drive which is inside the City of Williamsburg city limits.
- Staff finds the proposed use would have minimal impacts on the surrounding areas in regards to outdoor dust, odor, and noise. The entire operation is kept indoor. During a site visit to their existing operation, staff did not notice any evidence of outdoor dust, odors, or noise while the business was in operation. (Attachment No. 3, Proffer No. 4)
- As part of the rezoning to M-1, the applicant proposes to limit the other by-right uses that could be conducted on-site in the future (Attachment No. 3, Proffer No. 13).

PLANNING AND ZONING HISTORY

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

SURROUNDING ZONING AND DEVELOPMENT

- All surrounding properties are zoned A-1, General Agricultural.
- Surrounding properties to the north and south contain single-family residential dwellings and small businesses. Properties to the east across Richmond Road are agricultural use. Property to the east is currently vacant.
- Property is ± .2 miles north of Toano Business Park and Hankins Industrial Park.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services:

Streets:

- Staff estimates that with 14 employees, the business would generate approximately 9.38 AM peak hour trips and 9.52 PM peak hour trips based on the General Light Industrial use of the ITE Traffic Generation Manual. With peak hour estimates below 100, no traffic study is required by the Zoning Ordinance or the Virginia Department of Transportation (VDOT). This section of Richmond Road was operating at Level of Service (LOS) A-C as of 2010, and is projected to continue to operate at LOS C or better through 2034. VDOT has reviewed the proposal and has recommended approval of the proposal.
- Staff finds the proposed proffers limit the possible permitted uses on this parcel in an effort to minimize traffic impacts and impacts to surrounding property owners (Attachment No. 3, Proffer No. 12).

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.

REZONING-19-0002. 8231 Richmond Road Rezoning

Staff Report for the April 3, 2019, Planning Commission Public Hearing

Fire:

- This area of the County is served by Fire Station 1 on Forge Road in Toano.

Utilities:

- Project receives public water and sewer. The James City Service Authority (JCSA) has reviewed the application and had no objection.
- A Water Conservation Agreement, consistent with past use of the property, is already in place (Attachment No. 3, Proffer No. 10).
- No in-ground irrigation systems shall be installed to utilize JCSA water (Attachment No. 3, Proffer No. 9).

Environmental:

- Stormwater management practices were included when this property was developed in 2009/2010. A maintenance agreement was signed by the owner to maintain the Best Management Practice (BMP) as designed. The Stormwater and Resource Protection staff has reviewed this application and has requested that the owner have the BMP analyzed and perform any repairs and maintenance of the existing BMP facility as required by the maintenance agreement. The applicant has submitted a proffer to address BMP issues prior to Certificate of Occupancy (Attachment No. 3, Proffer No. 5).
- Watershed: Diascund Creek.

Cultural/Historic:

- This project site has been previously disturbed and no impact on cultural or historic resources are expected.

Nearby and Surrounding Properties:

- With no new exterior construction proposed, staff finds that this proposal is generally compatible with the character of the existing surrounding development which is generally commercial/industrial in nature.
- The parcel is currently developed; however, any expansions to the building would need to be approved by the Planning Director to ensure that new development is uniform and compatible with existing structures and in accordance with the Master Plan (Attachment No. 3, Proffer Nos. 1 and 2).
- All outdoor storage, HVAC units and dumpsters will be screened by approved landscaping or fencing and cannot be located within landscape buffers (Attachment No. 3, Proffer Nos. 3, 7, 8, and 13).
- The proposed proffers limit the time of day for deliveries to 8 a.m.- 6 p.m. on weekdays only. (Attachment No. 3, Proffer No. 11)

COMPREHENSIVE PLAN

- The site is designated General Industry on the 2035 Comprehensive Plan Land Use Map.
- General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require

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.

REZONING-19-0002. 8231 Richmond Road Rezoning

Staff Report for the April 3, 2019, Planning Commission Public Hearing

buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.

- During SUP-0006-2009, Nick's Lawn Equipment Supply, staff consulted with the Office of Economic Development regarding this application and the current Land Use designation. The parcels in this vicinity were designated General Industry primarily due to their proximity to the CSX railroad. However, due to significant Resource Protection Area (RPA) buffers paralleling the railroad, future proposals to access the property from the railroad are unlikely without encroaching into a RPA buffer; therefore, it is staff's assessment that although parcels in this area are designated for General Industry, it would not be economically practical to develop them for industrial uses requiring rail access. This particular parcel, as currently configured, is not directly adjacent to the railroad tracks. Staff notes that properties adjacent to this site are generally residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Further, the proposed use constitutes only a small portion (2.11 acres) of the industrially designated area, which includes the 157-acre Hankins Industrial Park and the seven-acre Toano Business Center.
- Staff finds that the proposed industrial use to be the surrounding industrial uses. This application would support the creation and retention of local small businesses and work force housing in keeping with the intent of the Economic Development Section of the Comprehensive Plan.
- With the proposed proffers, staff finds that any impacts to adjacent properties would be mitigated.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed rezoning and acceptance of the voluntary proffers.

TL/nb

Z19-0002-8231RichmondRd

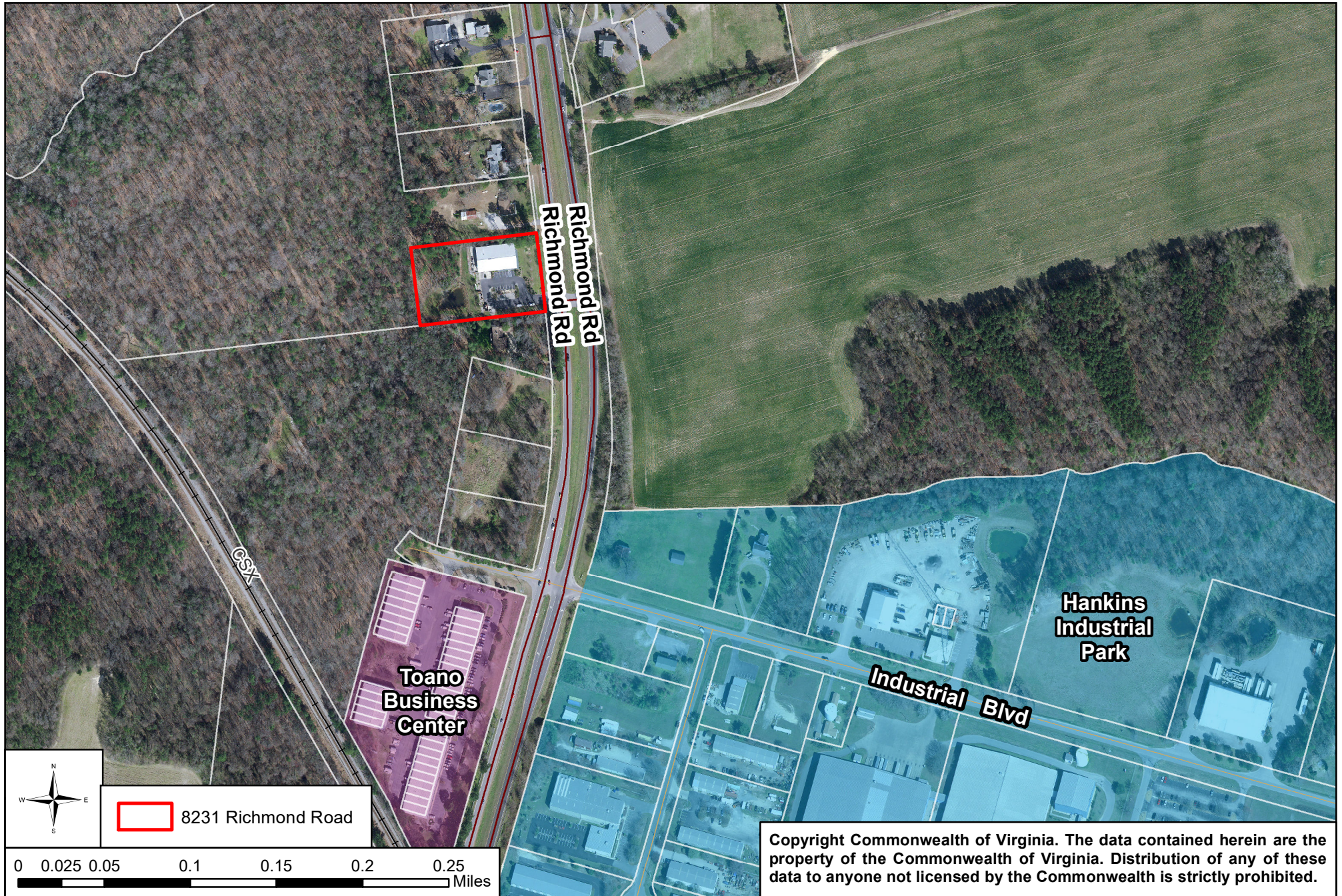
Attachments:

1. Location Map
2. Master Plan
3. Signed Proffers

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

JCC Z-19-0002

8231 Richmond Road Rezoning



PROFFERS

THESE PROFFERS are made this 22 day of March, 2019 by Toano NCC Investments, LLC a Virginia corporation (together with its successors in title and assigns, the "Owner").

RECITALS

A. The Owner owns a parcel of land in James City County, Virginia, containing approximately 2.11 acres, more or less, located at 8231 Richmond Rd., and further identified as James City County Tax Map Parcel No. 1240100007 (the "Property").

B. The Property was rezoned in 1986 from B-1, general business, to A-1, general agriculture. There are no proffers associated with the Property. There is a special use permit, SUP-0006-2009, for the sale/repair of lawn equipment and garden supplies. The Owner has applied to rezone the Property from A-1 to M-1, Limited Business/Industrial, with proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Master Plan. The use and layout of the Property shall be generally located as shown on the document entitled "Bicast Master Plan" and date stamped 3/22/2019 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Architectural Review. Expansions to the building shown on the master plan shall be submitted to the Director of Planning for review and approval. The intent of this condition is to ensure that

all future changes to the Property are uniform and compatible with existing structures in terms of design, materials, and colors, and are designed for minimal visual impact.

3. Landscaping. A fifty (50) foot wide community character corridor buffer shall remain along Richmond Road. Existing plantings along the perimeter of the Property shall remain preserved in accordance with the landscape section of the Zoning Ordinance

4. Odor/Noise/Dust. All noise, dust, and odor effects shall be limited to a fully enclosed building.

5. Stormwater Management. The on-site stormwater management facility (the “BMP”), shall be inspected by a professional engineer for determination of functionality. The professional engineer’s full report, including any testing and performance evaluations shall be submitted to the Director of the Stormwater & Resource Protection Division for review and approval prior to issuance of a Certificate of Occupancy. If the evaluation determines that the BMP is inadequate, or not functioning properly, proper maintenance, repairs, or upgrades as determined by the Director of Stormwater & Resource Protection shall be required and the Owner shall enter into a new maintenance agreement with the County prior to issuance of a Certificate of Occupancy.

6. Exterior Lighting. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing and meet requirements of the Zoning Ordinance. No light poles shall exceed twenty (20) feet in height unless otherwise approved by the Director of Planning.

7. Fencing. Information on the colors for any proposed fencing, which is either designed for security and/or ornamental purposes, shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval. All fencing shall be brown, black or another neutral color.

8. Dumpster/HVAC. All dumpster and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or designee prior to site plan approval.

9. Irrigation. All new or existing irrigation systems shall not use the James City Service Authority ("JCSA") public water supply, except as otherwise provided by this condition. If the Owner demonstrates, to the satisfaction and approval of the General Manager of the JCSA, through the drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve shallow (less than 100 feet) irrigation wells to supplement the water provided by the impoundments. No JCSA water will be used for in-ground irrigation systems.

10. Water Conservation. The Owner shall be responsible for enforcing water conservation standards previously agreed upon and approved by JCSA. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

11. Delivery Trucks/Heavy Machinery

Deliveries to the site shall be limited to 8am to 6pm on weekdays only. No heavy machinery, trucks, or equipment shall be stored on the Property without approved landscaped screening or fencing as described herein.

12. Outdoor Storage

All outdoor storage shall be screened with approved landscape and fencing from the public right of way and adjacent properties. No outdoor storage or display shall be located within the parking area or landscape buffers.

13. Uses.

- a. Uses that require a Special Use Permit as determined by the M-1 Zoning District use list shall be permitted with the approval of a Special Use Permit.
- b. Any use otherwise permitted in M-1 not listed below, is not permitted. The following uses otherwise permitted by-right in M-1, , are permitted:

Accessory uses and structures as defined in section 24-2

Barber shops and beauty salons

Business and professional offices

Catering and meal preparation

Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Data processing centers

Dry cleaners and laundries

Janitorial service establishments

Laboratories, research and development centers

Laser technology production

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Photography, artist and sculptor stores and studios

Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet less in height

Research, development and design facilities or laboratories

Security service offices

Small-scale alcohol production

Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property)

Water well drilling establishments

Welding and machine shops (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps

Manufacture and processing of textiles and textile products

Manufacture and storage of ice, including dry ice

Manufacture, assembly, or fabrication of sheet metal products

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone

Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products

Manufacture of cans and other products from previously processed metals

Manufacture of carpets and carpet yarns

Manufacture of furniture

Manufacture of glass and glass products

Manufacture of pottery and ceramic products using kilns fired by gas or electricity

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment

Manufacture or assembly of electronic instruments, electronic devices or electronic components

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment

WITNESS the following signature.

Toano NCC Investments, LLC

John Cianelli

Anthony Cianelli

Title: owner

STATE OF Virginia
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 22 day of March,
2019, by Anthony Cianelli, as owner of Toano NCC Investments, LLC.

Annette M Logan
NOTARY PUBLIC

My commission expires: 4/30/2022
Registration No.: 761602

8231 Richmond Road, Bicast Inc

Property Information

1240100007
Toano NCC Investments, LLC
8231 Richmond Road
Toano, VA 23168
A-1 General Agriculture
Comp Plan: General Industry
Acres: 2.11

Project Description

Rezone from A-1 General Agriculture to M-1,
Limited Business/Industry.

Sheet Index

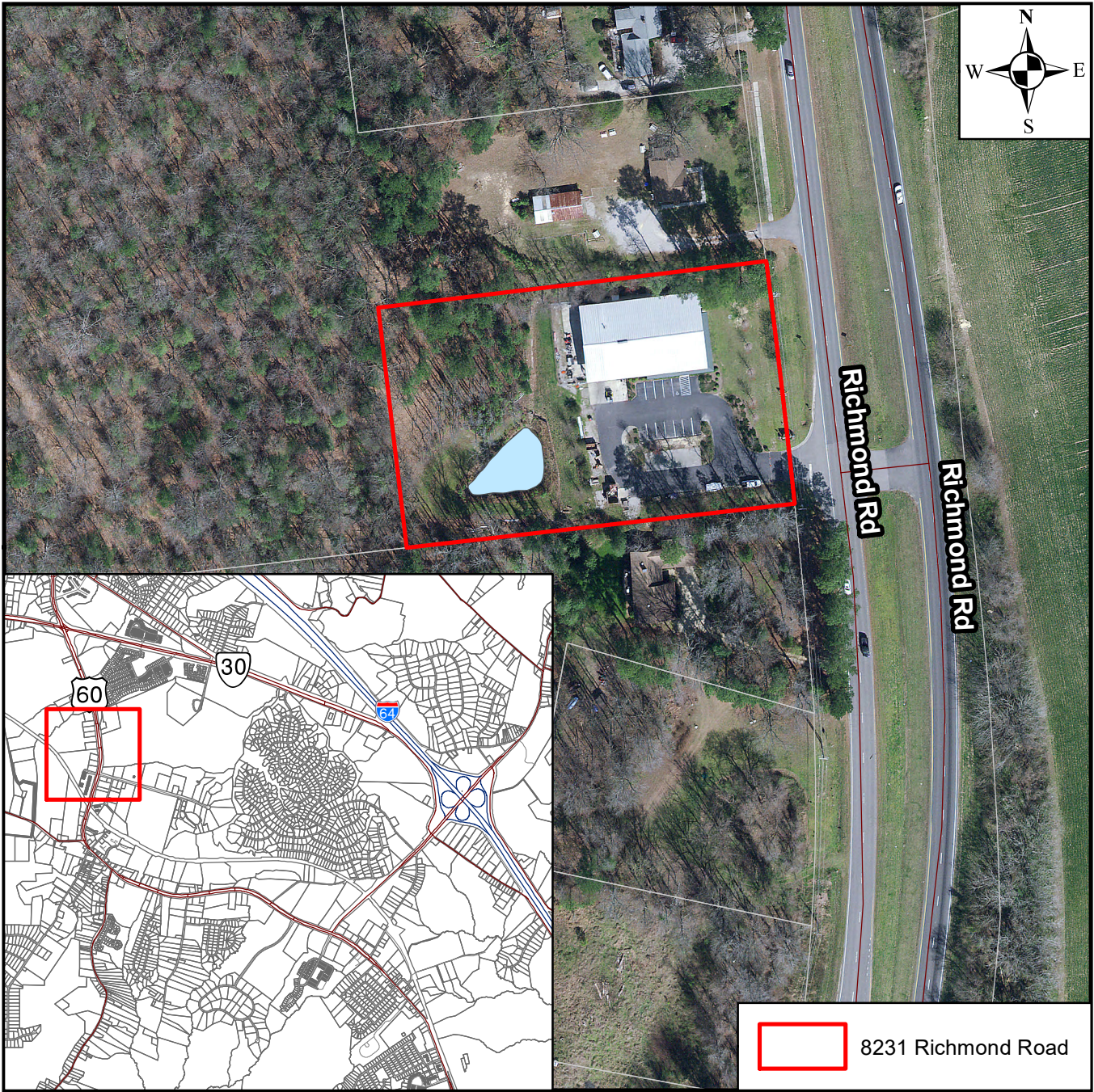
- 1. Cover Page
- 2. Master Plan

General Notes

- 1. Site is not located in the Resource Protection Area.
- 2. This site is not located in the special flood hazard area based on Flood Insurance Rate Map 51095C0043D, effective 12/16/15.

Parking

- No new parking is proposed.
1 parking space per two employees on the largest shift.
7 Parking Spaces Required.
19 Parking Spaces Provided.



PLANNING DIVISION

Mar 22, 2019

RECEIVED

PARCEL ID#1240100064
DOC# 080030652
8251 RICHMOND ROAD

TOANO NCC INVESTMENTS, LLC
PARCEL ID#1240100007
ZONED: A1 General Agricultural
AREA: 91,878 SQ. FT.
2.11 ACRES

DOC# 060010141
8231 Richmond Road

**1-STORY
7500 SF
BUILDING**

LIMITS OF CLEARING

RICHMOND ROAD (ROUTE 60)

N/F
STEWART, WILLIAM W & PA
PARCEL ID#1240100009A
8205 RICHMOND ROAD

SITE BENCHMARK
ELEV=114.82
60D NAIL IN
UTILITY POLE

ITEM SUMMARY

DATE: 4/3/2019

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - April 2019

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/27/2019 - 1:45 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 1:45 PM
Publication Management	Daniel, Martha	Approved	3/27/2019 - 1:52 PM
Planning Commission	Holt, Paul	Approved	3/27/2019 - 2:03 PM

PLANNING DIRECTOR'S REPORT

April 2019

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:**

- **March 12, 2019**

- SUP-18-0027. 121 Leisure Road, Luxterra Electric Inc. (Approved 5-0)
- SUP-18-0030. 6446 Richmond Rd. Convenience Store with Gas Pumps (Wawa) (Approved 5-0)
- SUP-18-0031. 115 Constance Lane Detached Accessory Apartment (Approved 5-0)
- SUP-18-0032. 3020 Ironbound Road Rental of Rooms (Approved 5-0)
- Z-18-0006. Ironbound Crossing Rezoning (Approved 5-0)
- Z-19-0001. Powhatan Terrace Proffer Amendment (Approved 5-0)
- Disposition of James City County Property for the Construction of a Turn Lane on Olde Towne Road (Approved 5-0)
- Case No. ORD-18-0007. Consideration of a Zoning Ordinance Amendment to Authorize the Board of Zoning appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable
- Case Nos. ORD-18-0010 and ORD-18-0011. Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans
- C-18-0123. HRSD Treatment Plant Expansion within Carter's Grove AFD (Applicant deferral to April 9, 2019)

- **Community Development**

- **Employee Highlight**

Name: Sharon Merchant

Department: Building Safety & Permits

Years with the County: Fours year and 3 months

What is the most challenging aspect about your job?

We work in a fast-paced environment. We are continually looking for ways to improve customer service so it takes a lot of focus to accomplish this goal.

Best moment on the job:

Helping citizens, especially senior citizens. I feel good when a homeowner comes in to get assistance and they walk away feeling better or they received the information or help they needed.

What would be your dream job if you did not work for JCC?

My dream job would be to be a party planner. I enjoy the excitement of putting it all together then seeing the satisfaction of the party goers.

If you could be anybody for a day who would it be?

I would be my mother! She was a kind, fair, giving and stern person. She always encouraged the best from anyone that was a part of her life. She gave others the benefit of the doubt before passing judgement.

What is the motto you live by?

“Do unto others as you would have them do to you”. I make it my business to treat everyone in a fashion that I would expect them to treat me. It makes me feel like I have done the right thing even if they don’t realize my intention.

➤ **Special Event Permits**

The following Special Event Permits are currently in review:

Event:	Currently scheduled for:
PLZEN FEST at Billsburg	4/6/2019
VA 70.3 Training Day	4/6/2019
Southern Food Festival at New Town	4/6/2019
Bunny Hopps 5k	4/20/2019
DJ Montague Country Fair	4/26/2019
Walk MS Williamsburg	4/27/2019
Vintage Market	4/27/2019
Hike for Hospice - A Walk to Remember	5/4/2019
Pedal the Parkway	5/4/2019
Virginia Regional Ballet 5K & Fun Run	5/4/2019
Williamsburg Taco Festival 2019	5/5/2019
Ironman 70.3 Virginia	5/5/2019
Cap 2 Cap Bike Ride	5/11/2019
Family Fun Fest	5/18/2019
The Arthritis Foundation's Walk to Cure Arthritis	6/1/2019
Chickahominy Association Walk-A-Thon	6/1/2019
Bike MS Colonial Crossroads 2019	6/1/2019
Jamestown Triathlon - 2019	6/8/2019
Run/Bike Relay presented by Ragnar	6/21/2019
WISC Gymnastics Flipping 5K and Color Fun Run	6/22/2019
Sweethaven Lavender Festival	6/29/2019
Park to Park Bicycle Tour 2019	7/13/2019

New Cases for April 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0017	1912 Jamestown Rd Subdivision	1912 JAMESTOWN RD	Conceptual plan to subdivide 1912 Jamestown Road to separate existing dwellings.	Haynes, Tori	Berkeley
	C-19-0018	3014 Forge Road Horse Farm	3014 FORGE RD	Conceptual plan to construct horse barn and pasture land on 3014 Forge Road for personal use.	Ribeiro, Jose	Powhatan
	C-19-0019	2900 Monticello Ave. Event Facility	2900 MONTICELLO AVE	Conceptual plan to construct an indoor/outdoor wedding venue at 2900 Monticello Avenue.	Leininger, Thomas	Berkeley
	C-19-0022	2427 Pocahontas Trail Rezoning (York Co. Courtesy Review)	8421 POCAHONTAS TRL	Courtesy review of proposed rezoning of 2427 Pocahontas Trail in York County.	Baruch, Alex	Roberts
	C-19-0023	7375 Richmond Rd. Anderson Hughes House	7375 RICHMOND RD	Conceptual plan for expanding and converting existing building into restaurant at 7375 Richmond Rd.	Sulouff, Roberta	Stonehouse
	C-19-0024	1324 & 1326 Jamestown Road Doggie Day Care	1326 JAMESTOWN RD	Conceptual plan to add fenced area at 1326 Jamestown Road and potentially extiguish property line with 1324 Jamestown Road to construct new building.	Haynes, Tori	Roberts
	C-19-0025	8799 Barnes Rd. Subdivision	8799 BARNES RD	Conceptual plan to subdivide 8799 Barnes Road into two lots.	Ribeiro, Jose	Powhatan
	C-19-0026	Governor's Land Pickleball Courts	2711 TWO RIVERS RD	Conceptual plan to amend proffers to add pickleball courts at Governor's Land.	Sulouff, Roberta	Berkeley
	C-19-0027	3884 Fox Run Detached Accessory Apartment	3884 FOX RUN	Conceptual plan for new construction detached accessory apartment at 3884 Fox Run.	Leininger, Thomas	Powhatan
	C-19-0028	8780 Croaker Road Single Family House	8780 CROAKER RD	Conceptual plan for constructing a second dwelling on existing 11.5 acre A-1 lot at 8780 Croaker Road.	Haynes, Tori	Stonehouse
	C-19-0029	455-A Merrimac Trail Mini-Storage (York Co. Courtesy Review)	101 MOUNTS BAY RD	Courtesy review of proposed special use permit for mini-storage development at 455-A Merrimac Trail in York County.	Wysong, Thomas	Roberts
	C-19-0030	Colonial Heritage VHS Assisted Living	6799 RICHMOND RD	Conceptual plan for proposed VHS assisted living facility in Colonial Heritage.	Baruch, Alex	Stonehouse
Master Plan	MP-18-0004	Forest Heights Master Plan Amend.	6015 RICHMOND RD	Master plan amendment for the Forest Heights neighborhood.	Wysong, Thomas	Powhatan
	MP-19-0002	Settlement at Powhatan Creek Phase IV Master Plan Amend.	4101 MONTICELLO AVE	Master plan amendment for proposed assisted living facility at Settlement at Powhatan Creek.	Sulouff, Roberta	Berkeley
Subdivision	S-19-0004	101 School House Lane Subdivision	101 SCHOOL HOUSE LN	Subdivision of 101 School House Lane into two lots to allow construction of self storage facility.	Wysong, Thomas	Stonehouse
	S-19-0017	3308 & 3304 Mary Byrd BLA	3308 MARY BYRD	Boundary line adjustment between 3308 & 3304 Mary Byrd BLA.	Whyte, Scott	Berkeley
	S-19-0018	3520 Cedar Branch Setback Line Adjustment	3520 CEDAR BR	Setback line adjustment for 3520 Cedar Branch.	Ribeiro, Jose	Berkeley
	S-19-0019	900 Mounts Bay Rd. BLA	900 MOUNTS BAY RD	Boundary line adjustment between 900 Mounts Bay Road and golf course parcel in Kingsmill.	Leininger, Thomas	Roberts
	S-19-0020	Condominium Plat, Governor's Grove at Five Forks, Phase 15A	4360 JOHN TYLER HWY	Courthouse plat for Governor's Grove at Five Forks, Phase 15A.	Cook, Ellen	Berkeley
	S-19-0021	6213 & 6221 Old Mooretown Rd. BLA	6221 OLD MOORETOWN RD	Boundary line adjustment between 6213 and 6221 Old Mooretown Rd.	Baruch, Alex	Powhatan
	S-19-0022	102 & 104 Acacia Ct. BLA	104 ACACIA CT	Boundary line adjustment between 102 & 104 Acacia Court.	Whyte, Scott	Roberts
Site Plan	SP-18-0143	Colonial Heritage Ph. 5 Sec. 1 SP Amend.	499 JOLLY POND RD	Site plan amendment for BMP and stockpile in Colonial Heritage Phase 5 Section 1.	Baruch, Alex	Stonehouse
	SP-19-0012	Williamsburg Crossing Taco Bell SP Amend.	5239 JOHN TYLER HWY	Site plan amendment to alter parking lot and sidewalks at the Williamsburg Crossing Taco Bell.	Leininger, Thomas	Berkeley
	SP-19-0013	New Town Sec. 9 Settler's Market Walmart SP Amend.	4670 CASEY BLVD	Site plan amendment to alter parking lot to provide spaces for grocery pickup at Settler's Market WalMart.	Wysong, Thomas	Jamestown
	SP-19-0015	Christ Community Church Multi-Purpose Building	9001 RICHMOND RD	Site plan for construction of a mult-purpose building at Christ Community Church.	Baruch, Alex	Powhatan
	SP-19-0016	4091 Ironbound Road Self Storage Facility	4091 IRONBOUND RD	Site plan for the construction of a self storage facility at 4091 Ironbound Road.	Haynes, Tori	Jamestown
	SP-19-0017	JSG Mineral Resource Management Expansion	5701 CENTERVILLE RD	Site plan for expansion of JSG Mineral Resource Management at 5701 Centerville Road.	Sulouff, Roberta	Powhatan
	SP-19-0018	Toano Middle School Outdoor Classroom and Learning Garden	7817 RICHMOND RD	Site plan amendment for an outdoor classroom and garden at Toano Middle School.	Leininger, Thomas	Stonehouse
	SP-19-0019	Williamsburg Landing, 3017 Spotswood Cay Sunroom & Deck SP Amend.	3017 SPOTSWOOD CAY	Site plan amendment for the construction of a sunroom and deck at 3017 Spotswood Cay in Williamsburg Landing.	Wysong, Thomas	Roberts
	SP-19-0020	3900 John Tyler AT&T Tower SP Amend.	3900 JOHN TYLER HWY	Site plan amendment to replace antennas and equipment on AT&T tower at 3900 John Tyler Hwy.	Leininger, Thomas	Berkeley
	SP-19-0021	5791 Centerville Rd. AT&T Tower SP Amend.	5791 CENTERVILLE RD	Site plan amendment to replace antennas and equipment on AT&T tower at 5791 Centerville Road.	Leininger, Thomas	Powhatan