

**A G E N D A**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 5, 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 May 1, 2019 Regular Meeting
2. Proposed amendment to the meeting calendar
3. Development Review Committee Action Item: Case No. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver
4. Development Review Committee Action Item: Case No. C-18-0082. 7082 Menzels Road Subdivision

**F. PUBLIC HEARINGS**

1. SUP-19-0010. Norge Dental Center Expansion
2. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions
3. ORD-19-0002. Zoning Ordinance Amendment – Section 24-111, Temporary Offices
4. ORD-18-0013. Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations

**G. PLANNING COMMISSION CONSIDERATIONS**

1. Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - June 2019

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

**J. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the May 1, 2019 Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes of the May 1, 2019 Regular Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:16 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:16 AM
Publication Management	Daniel, Martha	Approved	5/29/2019 - 10:26 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:26 AM

**MINUTES  
JAMES CITY COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**County Government Center Board Room  
101 Mounts Bay Road, Williamsburg, VA 23185  
May 1, 2019  
6:00 PM**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Tim O'Connor  
Danny Schmidt  
Frank Polster  
Julia Leverenz

**Planning Commissioners Absent:**

Rich Krapf  
Odessa Dowdy

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Deputy County Attorney  
Tom Leininger, Planner  
Thomas Wysong, Planner

**C. PUBLIC COMMENT**

Mr. Haldeman opened Public Comment.

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

**D. REPORTS OF THE COMMISSION**

Ms. Julia Leverenz stated that the Policy Committee met on April 11 to discuss prospective Zoning Ordinance amendments. Ms. Leverenz stated that in response to a Board of Supervisors Initiating Resolution, staff introduced draft regulations to protect the public water supply and areas of public health and water quality sensitivity. Ms. Leverenz stated that the Committee reviewed the proposed regulations, along with regulations in place in Newport News and York County. Ms. Leverenz stated that following discussion, the Committee agreed on several changes, and asked staff to incorporate them for review at the next Policy Committee meeting.

Ms. Leverenz further stated that in response to an earlier Board of Supervisors Initiating Resolution, which had been discussed at three previous Policy Committee meetings, staff presented amended wording regarding master plan consistency determinations. Ms. Leverenz stated that the Committee agreed that the proposed language, which would be added to Sections 24-23, 24-276, and 24-516 of the Zoning Ordinance addresses the intent of the

Board's resolution:

“Any development plan that proposes significant changes in dwelling unit location, dwelling unit counts and/or dwelling unit type over that shown on the adopted Master Plan, shall be submitted and approved in accordance with Section 24-13, and such decisions by the Planning Director are not subject to appeal to the DRC.”

Ms. Leverenz further stated that because of concerns expressed at this and previous meetings, the Committee voted to forward the Ordinance amendments to the full Planning Commission for review without a recommendation. Ms. Leverenz stated that concerns included the small number of past cases which would have been subject to this amendment and the increased obstacles that it would present to holders of approved Master Plans.

Mr. Frank Polster stated that the Development Review Committee (DRC) met on April 17, 2019 to provide preliminary input on a proposed assisted living facility project: C-19-00302. Colonial Heritage Commercial Property Design Guidelines and Conceptual Plan.

Mr. Polster stated that no decision was required and the project would return to the DRC after staff had finalized the project's Design Guidelines.

Mr. Polster stated that the applicant's architect made a presentation to the DRC. Mr. Polster stated that the DRC also reviewed the preliminary conceptual design and master plan for the assisted living facility.

Mr. Polster stated that staff reported that the open space requirements were met by the entire Colonial Heritage development, which includes the Land Bay VI site for the assisted living facility.

Mr. Polster stated that staff from Stormwater and Resource Protection recommended that a master stormwater plan for the project's future development on the portion closer to Richmond Road and future wing of the facility should be considered.

Mr. Polster stated that the Design Guidelines for the assisted living facility are a compilation of design guidelines from previous projects that the Planning Director has on record. Mr. Polster stated that staff will provide the DRC with a copy of the guidelines.

Mr. Polster noted that the applicant based the number of parking spaces on experience with other facilities. Mr. Polster stated that no plans have been made to provide charging stations for electric vehicles.

Mr. Polster stated that the DRC asked the applicant if there had been consideration of “green building” techniques for the facility, accommodation for staffing given the low amount of affordable housing for employees, and providing transportation for staff living outside of the area. Mr. Polster stated that the applicant acknowledged the challenge of recruiting and keeping workers in the region and discussed the company's approach to recruiting, training, and transporting staff.

## **E. CONSENT AGENDA**

1. Minutes of the April 3, 2019 Regular Meeting

Mr. Polster made a motion to approve the Minutes of the April 3, 2019, Regular Meeting.

On a voice vote the Commission approved the Minutes of the April 3, 2019, Regular Meeting (5-0).

## **F. PUBLIC HEARINGS**

### **1. SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion**

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

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

Ayes: Haldeman, Leverenz, O'Connor, Polster, Schmidt

Absent: Dowdy, Krapf

Mr. Tom Leininger, Planner, stated that Chase Grogg of LandTech Resources, Inc. has applied for a Special Use Permit (SUP) for a 19,000-square-foot expansion to the existing King of Glory Lutheran Church at 4897 Longhill Road. Mr. Leininger stated that the property is zoned R-2, General Residential and is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map. Mr. Leininger further stated that the property is located inside the Primary Service Area (PSA). Mr. Leininger stated that surrounding development includes Ford's Colony, Windsor Forest, Williamsburg Plantation, and Wellsprings United Methodist Church.

Mr. Leininger stated that the expansion will include a 4,604-square-foot sanctuary to seat 500-550 people, administrative offices, a nursery, gathering spaces, and an enlarged kitchen. Mr. Leininger stated that the existing sanctuary will be remodeled to add six classrooms for the preschool. Mr. Leininger stated that the expanded facility will allow more flexibility to support the proposed neighborhood resource center. Mr. Leininger stated that this proposal also includes additional parking to support the three uses. Mr. Leininger stated that places of public assembly and school and neighborhood resource centers are specially permitted uses in the R-2 Zoning District.

Mr. Leininger stated that currently, King of Glory utilizes Founder's Hall and the existing sanctuary for three services each Sunday. Mr. Leininger further stated that the Church currently provides preschool for students ages two through six. Mr. Leininger stated that there are currently 220 parking spaces and that the proposal will add 155 spaces for a total of 375 parking spaces. Mr. Leininger noted that the parking lot will be brought closer into conformance with current Zoning Ordinance requirements by removing existing parking spaces from the Community Character Corridor buffer and increasing the buffer by 368 square feet.

Mr. Leininger stated that this property received multiple SUPs between 2000 and 2012 to allow for the construction of a modular building, purchase adjacent property to expand its use, and previous church expansions.

Mr. Leininger stated that improvements included in the Longhill Road Corridor Widening Project will mitigate the additional traffic impacts associated with this expansion. Mr. Leininger stated that the Virginia Department of Transportation (VDOT) has reviewed and recommended approval and that there be continued coordination between the two projects.

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

Mr. Danny Schmidt inquired if the entire parking lot would be paved.

Mr. Leininger stated that the gravel would be removed and the entire parking area would be paved.

Ms. Leverenz inquired if there would be a sidewalk associated with the project.

Mr. Leininger stated that a shared-use path would be installed as part of the Longhill Road widening project. Mr. Haldeman inquired if staff is comfortable that the spire will not exceed height limitations.

Mr. Leininger stated that the building can be up to 35 feet and the spire up to 60 feet without a waiver.

Mr. Haldeman inquired about the location of the Neighborhood Resource Center as it was not shown on the Master Plan.

Mr. Leininger stated that Founder's Hall would be used for the Neighborhood Resource Center.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

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

Mr. Polster noted that he was disappointed that the Master Plan did not reflect the location of the stormwater facility. Mr. Polster further noted that the Stormwater Division has concerns about the existing dry swale and the stormwater retention pond. Mr. Polster stated that he hoped the stormwater facility would ultimately resolve these concerns and provide adequate coverage for the impacts of the new structure and additional impervious pavement.

Ms. Leverenz made a motion to recommend approval the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion (5-0).

2. Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 2

Ayes: Haldeman, O'Connor, Polster, Schmidt

Nays: Leverenz

Absent: Dowdy, Krapf

Mr. Thomas Wysong, Planner, stated that Doug Harbin of Wayne Harbin Builder, Inc. has applied on behalf of the Salvation Army to amend the adopted proffers and Master Plan for Forest Heights to allow for the addition of up to 46 townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on the 11.42-acre property currently owned by the Salvation Army. Mr. Wysong stated that the property is located within the PSA and is designated Low Density Residential on the Comprehensive Plan Land Use Map. Mr. Wysong further stated that this portion of Richmond Road is designated as a CCC in the

## Comprehensive Plan.

Mr. Wysong stated that the County initiated the original rezoning of Forest Heights in 2011 from R-2, General Residential to MU, Mixed Use with proffers. Mr. Wysong stated that the purpose of this rezoning was twofold: first, the County sought to facilitate improvements to the existing neighborhood and second, allow the Salvation Army to build new offices, a community meeting space and gym, and other accessory uses. Mr. Wysong stated that as a result, the Forest Heights neighborhood was significantly improved. Mr. Wysong stated that Forest Heights Road and Neighbors Drive were realigned and paved, uncontrolled drainage and stormwater runoff were addressed, and existing housing was rehabilitated as needed. Mr. Wysong further stated that the uses proposed by the Salvation Army on the 11.42-acre property were not constructed. Mr. Wysong stated that today, this property is vacant and is the subject of this application.

Mr. Wysong stated that the applicant is proffering for 100% of the 46 townhomes to be offered at prices in accordance with the County's Housing Opportunities Policy. Mr. Wysong further stated that the applicant has also provided cash proffers in accordance with the County's cash proffer policy for schools for each dwelling unit, as well as cash for in lieu of the Parks and Recreation facility. Mr. Wysong stated that regarding the self-storage facility and the townhouses, the applicant has put forward simple design guidelines for the townhouses and the facility.

Mr. Wysong stated that although staff finds the offering of affordable housing to be supported by the Comprehensive Plan, there are two concerns that prevent staff from recommending approval: first, as proffered this project does not align with the County's Mixed Use Construction Phasing Policy, which is needed to ensure the commercial component of this project is pursued; and second, staff finds that the design guidelines submitted for this project are not sufficient to ensure the character of Richmond Road is enhanced, which is a goal for a CCC. Mr. Wysong stated that staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors.

Ms. Leverenz inquired if there was a schematic showing the storage facility and the buffer.

Mr. Wysong stated that there is a 50-foot buffer shown on the Master Plan. Mr. Wysong stated that the applicant provided design guidelines, but has not provided any proposed elevations for the storage building.

Ms. Leverenz inquired if there is anything that shows what the buffer will look like.

Mr. Holt stated that the buffer will be plated in accordance with the County's Landscape Ordinance; however, there is no typical cross section.

Ms. Leverenz stated that she is accustomed to seeing a schematic of buffer details and proposed building design. Ms. Leverenz further stated that this is important information since the property fronts on a CCC.

Mr. Schmidt inquired if the proffered amenities, such as the playground, would be shared with the adjacent single-family homes.

Mr. Wysong stated that the pocket park shown on the Master Plan will be for the benefit of the townhome residents.

Mr. Polster inquired about the location of the future development area. Mr. Wysong stated that the future development area had been designated with the earlier rezoning and was located to the west of the subject property and would comprise the back portion of several existing lots.

Mr. Polster inquired if that was part of the original Master Plan.

Mr. Wysong confirmed that the future institutional use areas are on the Master Plan.

Mr. Polster inquired about who owned the lots.

Mr. Wysong stated that the entirety of the lot is owned by the property owner.

Mr. Polster inquired about who is responsible for the vacant area adjacent to Route 60 that is labeled "Playground" on the Master Plan.

Mr. Wysong stated that he did not know, but would find the answer.

Mr. Polster inquired if that parcel was subject to the same standards for buffering as the subject property.

Mr. Wysong stated that he did not have that information since his focus was on the subject property.

Mr. Polster requested that staff specify which of the requirements in the Design Guidelines apply to the townhomes and which apply to the storage facility.

Ms. Leverenz noted that the document was set up to set forth the town home requirements first and the storage facility guidelines second.

Mr. Holt noted that the parcels to the east of the subject property are part of the Forest Heights redevelopment. Mr. Holt further stated that because of the existing homes, it was not possible to reestablish the 50-foot buffer.

Mr. Polster noted that if the property were developed as a playground, then there would be some buffering to make it a consistent look. Mr. Polster further stated that the question is still who is responsible for that parcel.

Mr. Holt stated that staff would find out who owns the property.

Mr. O'Connor stated that with the Forest Heights redevelopment, there was a mandatory Homeowner's Association for the new homes and for the existing homes, participation was voluntary.

Mr. Holt confirmed that there is a blended HOA as well as a blended partnership to maintain the stormwater facility and ensure the grass is cut.

Mr. Haldeman requested that staff discuss why the applicant is not able to comply with the Mixed Use Construction Phasing Policy.

Mr. Wysong stated that he would defer to the applicant to answer that question.

Mr. O'Connor inquired about the mechanism for maintenance of the stormwater drainage facility.

Mr. Wysong stated that it would be a standard maintenance agreement with the property owner.

Mr. Schmidt requested that Mr. Hlavin explain why the applicant is able to offer cash proffers

when the County is no longer accepting proffers.

Mr. Hlavin stated that the Board of Supervisors' resolution applies to residential rezonings after July 1, 2016. Mr. Hlavin further stated that the application before the Commission is a Master Plan and Proffer Amendment from a case that was approved prior to that date and does not trigger the requirements of the Ordinance under State Law.

Mr. Holt noted that common area parcels in Forest Heights, including the pocket park are owned and maintained by the County.

Mr. Haldeman called for disclosures.

Mr. Schmidt stated that he spoke with the applicant's representative.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck, & Hickman, representing the applicants, introduced the applicant, the company and the vision for the project. Mr. Geddy further provided an overview of the project and the history of the property. Mr. Geddy noted that the Mixed Use envisioned for this property is not the traditional Mixed Use such as New Town. Mr. Geddy further noted that the reason Mixed Use zoning was selected was to take advantage of the flexibility with setbacks so that the Forest Heights Redevelopment would be feasible. Mr. Geddy noted that the applicant has offered a proffer in a good faith effort to address phasing while leaving the project financeable and viable. Mr. Geddy stated that as a small builder, it is not feasible to obtain financing for both the townhouse and the storage facility at the same time. Mr. Geddy stated that in regard to the appearance of the self-storage units, the applicants have every reason to make them attractive since they are at the entrance to the townhomes. Mr. Geddy further stated that the applicant is willing to provide elevations; however, the contract with the Salvation Army is expiring soon. Mr. Geddy noted that the positive aspects of the project far outweigh any issues.

Mr. Doug Harbin, Wayne Harbin Builder, Inc., 202 Lane Road, provided an overview of the company's participation in several of the County's rehabilitation and affordable housing projects. Mr. Harbin discussed the attributes of the project and its benefits to the County. Mr. Harbin further discussed difficulties and incongruities with adhering to the Phasing Policy. Mr. Harbin stated that the proposed Forest Heights project will fill a need in the County and requested that the Commission recommend approval.

Ms. Leverenz inquired why the parcel could not be rezoned.

Mr. Chase Grogg, LandTech Resources, Inc., 7657 Turlington Road, stated that the primary reason was that the other Mixed Use properties would need the mix of residential and commercial uses on this property to stay in compliance with the Zoning Ordinance.

Ms. Leverenz inquired if Phase 1 of Forest Heights could be rezoned.

Mr. Geddy stated that the logistics would be difficult and in the end it would still not be viable for the same reasons that led to making it Mixed Use in the beginning.

Ms. Leverenz inquired if the storage facility would be the only commercial use on the Master Plan.

Mr. Geddy stated that it would be difficult to predict.

Ms. Leverenz noted that the only other area that could be developed would be the future

development parcel and that did not seem amenable to anything other than residential.

Mr. Grogg stated that having the future development available for potential commercial development was necessary to meet the Mixed Use requirements.

Mr. Schmidt inquired if the Board could set aside the 80/20 rule.

Mr. Holt stated that the 80/20 rule is set by Ordinance and could not be set aside without amending the Ordinance. Mr. Holt further stated that the Board could choose to waive the Phasing Policy.

Mr. Polster inquired about the reference to PUD.

Mr. Geddy stated that PUD referred to a Planned Unit Development which was a similar type of development. Mr. Geddy further stated that there was no potential to rezone to PUD or any other zoning designation.

Mr. Polster requested clarification on the proffer language for compliance with the Housing Opportunities Policy (HOP).

Mr. Geddy stated that there are three tiers and that at minimum four units would be in the two lower tiers. Mr. Geddy further stated that the remainder would at worst be in the upper tier. Mr. Geddy stated that the remainder would fall in the 31/20 range.

Mr. Polster stated that the proffer language does not make that clear.

Mr. Polster stated that the proffer states that the units will be either rental or purchase. Mr. Polster inquired what the rent would be.

Mr. Geddy stated that he did not have the figures, but it would follow the calculations set forth in the HOP.

Mr. Polster stated that he was trying to determine how many units will fall in the 40/60 and 80/20 tiers.

Mr. Geddy stated that there would be at least four units in the lower tier, four units in the middle tier, and the remainder could be in any of the three tiers.

Mr. Polster stated that this is, again, not clear in the proffer language and requested that Mr. Hlavin provide clarification.

Mr. Hlavin stated that Mr. Geddy's explanation was correct. Mr. Hlavin stated that there would be four in the first and second tiers each and that the remainder would fall between 30 and 120.

Mr. Polster inquired about what the caretaker unit for the storage facility might look like.

Mr. Harbin stated that it would be a single story over the office and would be at the back of the unit.

Mr. Polster inquired if the caretaker unit would be shown on the elevations to be provided.

Mr. Harbin confirmed.

Mr. Haldeman inquired about the phasing of the development.

Mr. Harbin stated that the road infrastructure would come first and would be followed by work on the townhomes. Mr. Harbin further stated that when 75% of the townhomes were complete, they would begin work on the storage facility.

Mr. Haldeman inquired how many storage buildings were planned.

Mr. Harbin stated that there would be five buildings.

Mr. Haldeman inquired about the timing for the remainder of the storage buildings.

Mr. Harbin stated that he hoped that, by then, the townhomes would be generating a profit and they would be able to complete the remaining building without any delay.

Mr. Haldeman inquired when the remaining townhomes would be constructed.

Mr. Harbin stated that he hoped they would be constructed at the same time as the storage units.

Mr. O'Connor noted that staff has recommended that the buildings fronting on Richmond Road be two story. Mr. O'Connor inquired if the applicant has considered this as an option.

Mr. Holt clarified that staff has made the recommendation, but is not insisting on it.

Mr. Harbin stated that they would be willing to consider it; however, they believe that the plan in mind will be attractive and provide a suitable design to face Richmond Road.

Ms. Leverenz stated that she understood that it would be difficult to finance both the townhomes and the storage facility at the same time. Ms. Leverenz inquired if it would be possible to construct the storage facility first.

Mr. Harbin stated that their preference would be not to have any commercial aspect to the project; however, it is necessary because of the zoning. Mr. Harbin stated that their focus is on the residential aspect.

Mr. Haldeman stated that he appreciated the applicant's perspective; however, it did not really answer the question. Mr. Haldeman inquired if it would be financially feasible to construct the storage unit first.

Mr. Harbin stated that it would not be feasible. Mr. Harbin stated that the housing is what would generate sufficient revenue to make the storage facility viable.

Mr. Haldeman inquired if the applicant would own the storage facility. Mr. Harbin stated that they would like to own it.

Mr. Wayne Harbin, 4041 Coronation, addressed the Commission in support of the project and requested that the Commission approve the project.

Lieutenant Jeremy Lind, Salvation Army of Greater Williamsburg, addressed the commission in support of the project. Lieutenant Lind stated that the Salvation Army has found a more suitable location for its facilities and is eager to see the property put to use. Lieutenant Lind requested that the Commission recommend approval of the project.

Mr. Gary Moore, 158 Forest Heights Road, addressed the Commission with concerns about traffic impacts. Mr. Moore inquired if it would be possible to have an entrance off Route 60

rather than funneling traffic through Forest Heights Road.

Mr. Brian Maynor, 4079 Dunbarton Circle, addressed the Commission in support of the project and requested that the Commission recommend approval of the project.

Mr. William Burcher, 4005 Coronation, addressed the Commission in support of the project and requested that the Commission approve the project.

Mr. Jerry Hall, 3000 Erol's Court, addressed the Commission in support of the project.

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

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

Mr. Polster stated that when the proposal was initially brought forward to the DRC, he had some concerns about the commercial piece of the property and had wondered if there were an option to rezone. Mr. Polster stated that he is pleased to see that the project has progressed. Mr. Polster stated that he concurs with citizens' concerns over traffic on Forest Heights Road and noted that it might be beneficial to restrict parking on the road.

Mr. Holt stated that Forest Heights Road has been accepted into the VDOT Secondary Road system and as such there is no prohibition on parking on the road.

Mr. Polster stated that he would support the project with some of the stipulations that had been discussed such as providing proposed elevations and considering revisions to the project phasing.

Mr. Holt stated that staff could certainly work with the applicant regarding the design guidelines and elevations. Mr. Holt stated that staff would also look at the buffer between the neighborhoods. Mr. Holt noted that he did not believe that staff could require an alteration to the proposed phasing since the Board of Supervisors policy is fairly specific.

Mr. Polster suggested that the Commission recommend that the Board of Supervisors make an exception to the Phasing Policy.

Ms. Leverenz stated that she concurred with the stipulation for the applicant to provide design details and elevations. Ms. Leverenz inquired if it is true that there have been no other projects that had to adhere to the Phasing Policy.

Mr. Holt stated that there were three projects proposed since the adoption of the Mixed Use Phasing Policy. Mr. Holt stated that two of the three had no new residential construction and the Policy did not apply. Mr. Holt stated that the one where the Policy applied was the Promenade development. Mr. Holt noted that the mitigating factor in that instance was the existing shopping center.

Ms. Leverenz noted that the project also deviates from the 80/20 split.

Mr. Holt stated that the project does conform and further stated that the split is based on building square footage, not acreage.

Ms. Leverenz inquired if the square footage of the storage facility was 20% of the entire Forest Heights Master Plan.

Mr. Wysong stated that the 80/20 split is looking at the acreage of the original rezoning. Mr. Wysong further stated that the portion designated future institutional use accounts for a portion

of the non-residential use.

Ms. Leverenz inquired if that portion is required to be developed in order for the residential units to be built.

Mr. Wysong stated that staff has accepted that the area will be developed in the future.

Ms. Leverenz stated that she has concerns about the lack of information on several items and is not comfortable recommending approval, particularly when the project does not conform to the Phasing Policy.

Mr. Schmidt stated that because of the applicant's reputation, he does not have any concerns over the phasing. Mr. Schmidt stated that he has good faith that something can be worked out with the elevations before it is heard by the Board of Supervisors. Mr. Schmidt noted that this is the third development that would impact Norge Elementary School. Mr. Schmidt stated that he would support the project.

Ms. Leverenz inquired if the Board could waive the requirement for the commercial aspect of the project.

Mr. Holt stated that the Board could waive the phasing requirements but not the requirement for commercial development without an amendment to the Zoning Ordinance.

Mr. Haldeman stated that he would support the project. Mr. Haldeman further stated that he would like to include a requirement that the applicant provide detailed elevations including colors and material to be used.

Mr. O'Connor inquired if the connectivity to the adjacent parcels is a VDOT requirement.

Mr. Holt stated that it is a VDOT requirement. Mr. Holt stated that the traffic network was taken into account with the initial Master Plan.

Mr. Haldeman noted that the road for the storage facility continues on to the townhomes and could take some of the burden off Forest Heights Road.

Mr. Holt noted that the streets are interconnected to provide a variety of travel paths.

Mr. O'Connor stated that he has mixed feelings about the proposal because of the uniqueness of the site and the zoning requirements.

Mr. Polster made a motion to recommend approval of the application with the stipulations that: 1) staff and the applicant review the design guidelines and elevations for the storage facility; and 2) that the Commission recommend that the Board set aside or modify the Phasing Policy for this project to allow economically viable development of both the residential units and the storage facility.

Mr. O'Connor inquired if the applicant would be willing to meet those conditions.

The applicant confirmed.

On a roll call vote the Commission voted to recommend approval of Z-19-0007/MP-18-0004, Forest Heights Proffer and Master Plan Amendments to the Board of Supervisors subject to the noted conditions. (4-1)

**G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - May 2019

Mr. Holt stated that he had nothing in addition to what was provided in the report.

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Haldeman noted that Mr. Schmidt would have Board of Supervisors coverage for May.

Ms. Leverenz noted that she would not be at the June Planning Commission meeting; however, she would be at the June Policy Committee meeting.

Mr. Schmidt noted that he, also, will miss the June Planning Commission meeting.

Mr. Haldeman stated that he would poll the Commissioners to ensure having a quorum.

**J. ADJOURNMENT**

Ms. Leverenz made a motion to adjourn.

The meeting was adjourned at approximately 7:34 p.m.

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Jack Haldeman, Chair

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Paul D. Holt, III, Secretary

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Proposed amendment to the meeting calendar

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At its March organizational meeting, the Planning Commission adopted its annual meeting calendar.

Since that time, the annual joint meeting of the Planning Commission and Board of Supervisors has been confirmed for July 23 at 4:00 p.m.

Staff recommends adoption of the updated Planning Commission meeting calendar.

**ATTACHMENTS:**

	Description	Type
▣	Updated PC meeting calendar for 2019-2020	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/28/2019 - 3:24 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 3:24 PM
Publication Management	Daniel, Martha	Approved	5/28/2019 - 3:28 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 3:30 PM

## PC Schedule 2019 / 2020

### **Planning Commission 2019/20 (6PM)**

- April 3
- May 1
- June 5
- ~~- June 25 Joint Work Session w/BOS (4pm)~~
- July 3
- July 23 Joint Work Session w/BOS (4pm)
- August 7
- September 4
- October 2
- November 6
- December 4
- January 8 (2020)
- February 5 (2020)
- March 4 (2020)
- March 16 (2020)\*

\*Special Meeting (Organizational and CIP)

### **Policy Committee 2019/20 (4PM)**

- April 11
- May 9
- June 13
- July 11
- August 8
- September 12
- October 10
- November 14
- December 12
- January 9 (2020)
- February 13 (2020)\*\*
- February 20 (2020)\*\*
- February 27 (2020)\*\*
- March 5 (2020)\*\*
- March 12 (2020)

\*\*CIP Meetings

### **DRC 2019/20 (4PM)**

- March 27
- April 17
- May 22
- June 19
- July 24
- August 21
- September 18
- October 23
- November 20
- December 18
- January 22 (2020)
- February 19 (2020)

### **Planning Commission 2020/21 (6PM)**

- April 1
- May 6
- May 26 Joint Work Session w/BOS (4pm)
- June 3
- July 1
- August 5
- September 2
- October 7
- November 4
- December 2
- January 6 (2021)
- February 3 (2021)
- March 3 (2021)
- March 15 (2021)\*

\*Special Meeting (Organizational and CIP)

### **Policy Committee 2020/21 (4PM)**

- April 9
- May 14
- June 11
- July 9
- August 13
- September 10
- October 8
- November 12
- December 10
- January 14 (2021)
- February 11 (2021)\*\*
- February 18 (2021)\*\*
- February 25 (2021)\*\*
- March 4 (2021)\*\*
- March 11 (2021)

\*\*CIP Meetings

### **DRC 2020/21 (4PM)**

- March 25
- April 22
- May 20
- June 17
- July 22
- August 19
- September 23
- October 21
- November 18
- December 16
- January 20 (2021)
- February 17 (2021)

2019/20 Calendar Year = March 19, 2019 – March 16, 2020

2020/21 Calendar Year = March 17, 2020 – March 15, 2021 (2020/21 Calendar provided for reference only)

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: Development Review Committee Action Item: Case No. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver

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The applicant has submitted an application to permit an overhead power line connection to a single-family home that is currently under construction.

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=4713&MeetingID=1001>

DRC Recommendation: The DRC will consider this item at a specially called meeting on June 5, 2019.

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:14 PM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:14 PM
Publication Management	Burcham, Nan	Approved	5/29/2019 - 2:16 PM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:36 PM

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner

SUBJECT: Development Review Committee Action Item: Case No. C-18-0082. 7082 Menzels Road Subdivision

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The applicant is proposing a nine-lot subdivision on an undeveloped tract of land located at 7082 Menzels Road.

Reason for DRC Review: Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more undeveloped lots shall limit direct access from the existing road to one shared driveway. The applicant 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=4714&MeetingID=1001>

DRC Recommendation: The DRC will consider this item at a specially called meeting on June 5, 2019.

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:13 PM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:13 PM
Publication Management	Burcham, Nan	Approved	5/29/2019 - 2:16 PM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 2:35 PM

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Tom Leininger, Planner

SUBJECT: SUP-19-0010. Norge Dental Center Expansion

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed Special Use Permit Conditions	Backup Material
▣	Location Map	Backup Material
▣	Master Plan	Backup Material
▣	Traffic Analysis	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/29/2019 - 8:30 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 8:30 AM
Publication Management	Daniel, Martha	Approved	5/29/2019 - 9:31 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:14 AM

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion**  
**Staff Report for the June 5, 2019, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant:	Mr. Adam Pratt of Kaufman & Canoles
Land Owner:	Johnston Development, LLC
Proposal:	To expand the existing dental facility, expand parking lot, and add a new storage building.
Locations:	7450 Richmond Road 127 Peach Street
Tax Map/Parcel Nos.:	2320100018 2320100017
Project Acreage:	± 2.33
Zoning:	A-1, General Agriculture
Comprehensive Plan:	Low Density Residential
Primary Service Area: (PSA)	Inside
Staff Contact:	Tom Leininger, Planner

**PUBLIC HEARING DATES**

Planning Commission:	June 5, 2019, 6:00 p.m.
Board of Supervisors:	July 9, 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.

**FACTORS UNFAVORABLE**

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

**SUMMARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit (SUP) and conditions to the Board of Supervisors.

**PROJECT DESCRIPTION**

Mr. Adam Pratt of Kaufman & Canoles has applied on behalf of Norge Dental Center for an SUP amendment to expand the existing 10,500-square-foot building by 3,000 square feet. With the expansion of the building, the applicant has also proposed additional parking spaces and a 2,400-square-foot storage building. According to the applicant, the building expansion will allow for six to eight more treatment rooms. The site currently has 44 parking spaces. The Master Plan proposes 25 additional parking spaces for a total of 69 spaces.

The proposal will require a boundary line adjustment between 7450 Richmond Road, the location of the existing business, and 127 Peach Street, located behind this property. 7450 Richmond Road will be

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

**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion**  
**Staff Report for the June 5, 2019, Planning Commission Public Hearing**

---

increased from 1.51 acres to 2.33 acres. 127 Peach Street will be decreased from 4.10 acres to 3.29 acres.

The project will be developed in phases. Phase 1 will include the construction of 25 parking spaces and the storage building. Per the Zoning Ordinance, a waiver is required for the addition of parking spaces beyond 120% the required amount. Parking for a dental/medical office is seven spaces per practitioner, or one space per 250 square feet, whichever is greater. This facility has five dentists and the parking requirement would be 35. Based on the existing square footage, the Zoning Ordinance requires 42 spaces with a maximum of 51 spaces. During the site plan stage, the proposed 69 parking spaces would require a parking waiver from the Planning Director. If the Planning Director does not approve the parking waiver, the applicant may reduce the amount of parking or appeal the Planning Director's decision to the Development Review Committee (DRC). The applicant has indicated that additional parking is needed based on the current and anticipated demand and to avoid queueing on Richmond Road.

**PLANNING AND ZONING HISTORY**

- On December 11, 2001, SUP-0021-2001 was approved by the Board of Supervisors to allow for the construction of a 10,500-square-foot dental office with 44 off-street parking spaces.

**SURROUNDING ZONING AND DEVELOPMENT**

- Properties directly across from the subject parcel are zoned B-1 General Business and are designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map.
- The property to the northwest is zoned R-8, Rural Residential and designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

- Properties to the southeast and northeast are zoned A-1, General Agriculture and are designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.
- The property is surrounded by St. Olaf's Catholic Church, a private residence, and across from a mix of private residential and commercial development.

**PUBLIC IMPACTS**

Anticipated Impact on Public Facilities and Services:

*Streets:*

The new building expansion is expected to have an average of 488 vehicle trips per day and 50 vehicle trips in the PM peak hour. A traffic analysis provided by the applicant states that the necessary improvements are already in place (a left-turn lane and a right-turn taper) and no further improvements are needed.

The Virginia Department of Transportation (VDOT) has reviewed this application and stated that the entrance is adequate for the use. VDOT has recommended approval.

The most recent traffic count along Richmond Road from Croaker Road to Lightfoot Road is 19,481 trips. The 2035 Volume Projected for Richmond Road (Route 60) from Croaker Road to Norge Elementary is 39,110 daily trips. The Level of Service will remain A-C.

The Regional Bikeways Master Plan calls for a bike lane along Richmond Road. This item has been addressed in Staff's proposed SUP Condition No. 6. The applicant is objecting to Condition No. 6 and has not included a bicycle accommodation, per the Board of

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**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion**  
**Staff Report for the June 5, 2019, Planning Commission Public Hearing**

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Supervisors adopted policy and per the Ordinance requirement, on the Master Plan.

To be consistent with the Adopted Regional Bikeways Master Plan, staff does not recommend approving the Master Plan without a bike lane for this proposal. There is an existing bike lane along eastbound Route 60 from Croaker Road to the Mt. Vernon United Methodist Cemetery. The planned expansion of Croaker Road will include bike lanes and a multi-use path to create more connectivity and this project also includes a bike lane along a portion of Richmond Road which will bring the corridor a step closer in creating more connectivity for bicycles. As more properties plan along Richmond Road, bike lanes would be required as well.

*Fire:*

- Fire Station 1 on Forge Road serves this area of the County, approximately 2.2 miles from the Norge Dental Center.

*Utilities:*

- Project receives public water and sewer. The James City Service Authority (JCSA) has reviewed the application and had no objection.
- The existing Water Conservation agreement associated with approved SUP-0021-2001 was deemed acceptable by JCSA staff for this proposal.

*Environmental:*

Watershed: Powhatan Creek

Stormwater and Resource Protection reviewed and approved the SUP application and does not have any comments or concerns with the Master Plan.

*Cultural/Historic:*

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

*Nearby and Surrounding Properties:*

- Enhanced landscaping is required along all side and rear property lines as stated in Attachment No. 1, Condition No. 3.

**COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map. Low Density Residential describes areas within the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Additionally, parcels designated Low Density Residential have natural characteristics such as terrain and soils suitable for residential development.

Recommended uses are divided into three different groups. Group 2 includes schools, places of public assembly, very limited commercial, and community-oriented facilities. Staff finds the use consistent with the Group 2 recommended uses.

Group 2 uses should complement the residential character of the area, have traffic, noise, lighting, and other impacts similar to surrounding residential areas and generally be located on a collector or arterial road. This application complements the residential character and acts as a transitional use between the commercial and residential areas.

The property is located along a Community Character Corridor (CCC). Buffering along a CCC is required to be an average width of 50 feet. This application does not propose any changes to the existing

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**SPECIAL USE PERMIT-19-0010. Norge Dental Center Expansion  
Staff Report for the June 5, 2019, Planning Commission Public Hearing**

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landscaping in this parcel's CCC buffer, which was addressed in previous SUP conditions.

With the proposed conditions, staff finds that any impacts to adjacent properties would be mitigated.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the proposed SUP with associated conditions to the Board of Supervisors.

TL/md  
SUP19-10NorgeDental

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Traffic Analysis

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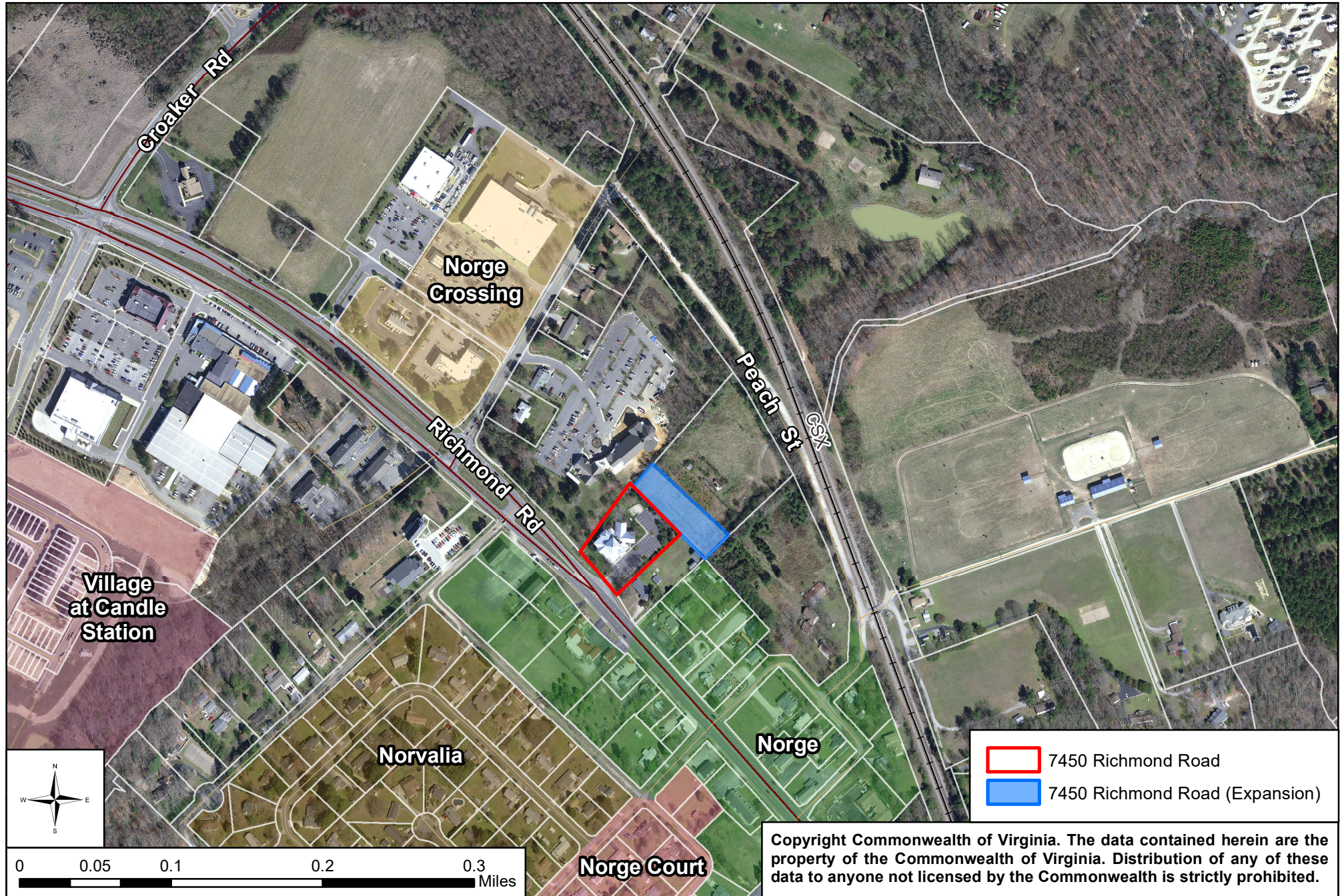
*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## Proposed SUP Conditions

1. **Master Plan:** This Special Use Permit (“SUP”) shall apply to property consisting of a parcel located at 7450 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 2320100018, and a 0.81 acre portion of a parcel located at 127 Peach Street, further identified as James City County Real Estate Tax Map Parcel No. 2320100017 (together, the “Property”). The SUP shall be valid for the 10,500 square-foot existing medical clinic (the “Clinic”) and up to 3,000 square feet of expansion to the Clinic (the “Expansion”), associated parking, and a storage building. All final development plans shall be consistent with the master plan entitled, “Norge Dental Center” prepared by LandTech Resources, dated January 23, 2019 (the “Master Plan”) with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Subdivision:** Prior to final site plan approval for the Expansion, a plat of subdivision shall be recorded for the Property to allow the Clinic and the Expansion to be on one parcel of property.
3. **Architectural Review:** Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the Expansion, and the storage building. The design and materials of the Expansion shall be consistent with the Clinic and the architectural elevations, titled “Dr. Johnston Office Concept Elevations” dated September 14, 2001, submitted with SUP-0021-2001, as determined by the Planning Director. The design and materials of the storage building shall be consistent with the architectural description noted on the Master Plan, as determined by the Planning Director. Any exterior alterations to the Clinic shall remain consistent with existing design and materials as determined by the Planning Director, in advance.
4. **Landscaping:** Prior to final approval of the initial site plan, the Planning Director shall review and approve the proposed landscaping plan for the Property. An enhanced landscaping narrative and plan shall be provided that exceeds the planting standards of the general landscaping section, Section 24-98 of the Zoning Ordinance. In addition, a minimum fifteen (15) foot wide landscape buffer shall be provided along all side and rear property lines.
5. **Water Conservation:** Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. **Bicycle and Pedestrian Accommodations:** In accordance with the Regional Bikeway Map, a bike lane shall be constructed along the Property’s Richmond Road frontage. and the bike lane shall be shown on the initial site plan and guaranteed in a manner acceptable to the County Attorney prior to site plan approval. The bike lane shall be installed prior to issuance of a Certificate of Occupancy for the Expansion.
7. **Commencement for Construction:** If construction of the Expansion has not commenced within thirty-six (36) months from the issuance of the SUP, the SUP shall only be valid for a medial office of up to 10,500 square feet. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations for the Expansion.
8. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

# JCC SUP-19-0010

## Norge Dental Center Expansion



# MASTER PLAN FOR NORGE DENTAL CENTER

JAMES CITY COUNTY

STONEHOUSE DISTRICT

VIRGINIA

## PROJECT INFORMATION:

PROPERTY ADDRESS	7450 RICHMOND ROAD / 127 PEACH STREET
TAX MAP No.	2320100018 / 2320100017
ZONING	A1
FRONT YARD SETBACK	50'
REAR YARD SETBACK	35'
SIDE YARD SETBACK	15'
PROPOSED BUILDING FOOTPRINT	13,500 S.F. / 0.3099 AC.
PROPOSED ADDITION	3,000 S.F. / 0.0689 AC.
EXISTING BUILDING	10,500 S.F. / 0.2410 AC.
CURRENT USE	DENTAL OFFICE / VACANT PROPERTY
PROPOSED USE	DENTAL OFFICE / VACANT PROPERTY
WATER	PUBLIC (JCSA)
SEWER	PUBLIC (JCSA)
HYDROLOGIC UNITS	
SUBWATERSHED	YORK RIVER – SKIMINO CREEK (VAHU6 YO65)
WATERSHED	UPPER YORK RIVER (VAHU5 YO–R)
SUBBASIN	YORK

## PARKING CALCULATIONS

MEDICAL OFFICE 1 SPACE REQUIRED PER 250 S.F.

REQUIRED PARKING	13,500 S.F. / 250 =	54 (65 MAX)
PROVIDED PARKING		69
(PROVIDED PARKING WILL EXCEED 120% MAXIMUM; WILL REQUIRE AN EXEMPTION TO THE JCC PARKING REQUIREMENTS)		
REQUIRED HANDICAP SPACES		4
PROVIDED HANDICAP SPACES		4

## DOMESTIC WATER CALCULATIONS

DISCHARGE FACILITY	GALLONS PER DAY/UNIT	UNITS	AVERAGE FLOW	MAX DAILY FLOW (1.7 x AVG.)	PEAK FLOW (4.0 x AVG.)	DURATION
DENTAL OFFICE	0.25	13,500 S.F.	3,375 GPD / 4.69 GPM	5,738 GPD / 7.97 GPM	13,500 GPD / 18.76 GPM	12
TOTAL			3,375 GPD / 4.69 GPM	5,738 GPD / 7.97 GPM	13,500 GPD / 18.76 GPM	

## VICINITY MAP



## OWNER / APPLICANT

JOHNSTON DEVELOPMENT, LLC  
7450 RICHMOND ROAD  
WILLIAMSBURG, VIRGINIA 23188

## TABLE OF CONTENTS

C001	01 OF 03	COVER SHEET
VF101	02 OF 03	EXISTING CONDITIONS PLAN
CS101	03 OF 03	MASTER PLAN

## STATISTICAL DATA

PARCEL I.D. NO.	2320100018	2320100017
EXISTING SITE AREA	65,978 S.F. / 1.5146 AC.	178,810 S.F. / 4.1049 AC.
EX. SITE COVER		
IMPERVIOUS SURFACES	31,803 S.F. / 0.7301 AC. (48.2%)	3,500 S.F. / 0.0803 AC. (2.0%)
GREEN AREA	34,175 S.F. / 0.7845 AC. (51.8%)	175,310 S.F. / 4.0246 AC. (98.0%)
PROPOSED SITE AREA	101,659 S.F. / 2.3338 AC.	143,129 S.F. / 3.2858 AC.
PROP. SITE COVER		
IMPERVIOUS SURFACES	46,803 S.F. / 1.0744 AC. (46.0%)	3,500 S.F. / 0.0804 AC. (2.4%)
GREEN AREA	54,856 S.F. / 1.2594 AC. (54.0%)	139,629 S.F. / 3.2054 AC. (97.6%)

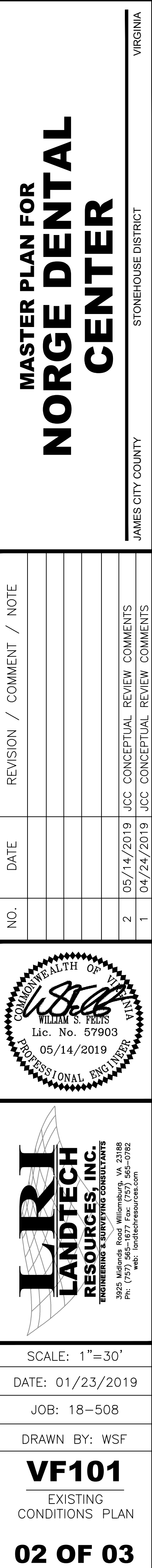
## MASTER PLAN FOR NORGE DENTAL CENTER

NO.	DATE	REVISION / COMMENT / NOTE
3	05/20/2019	JCC CONCEPTUAL REVIEW COMMENTS
2	05/14/2019	JCC CONCEPTUAL REVIEW COMMENTS
1	04/24/2019	JCC CONCEPTUAL REVIEW COMMENTS



SCALE: N/A
DATE: 01/23/2019
JOB: 18-508
DRAWN BY: WSF
<b>C001</b>
COVER SHEET







**03 OF 03**

# **Traffic Analysis**

**For**

**Norge Dental Center  
#7450 Richmond Road**

**James City County, Virginia**

**Preparation Date:**

**March 12, 2019**

**Revision Date(s):**

**LRI Project No. 18-508**



### Traffic Turn Lane Warrants:

The proposed development on the property located at 7450 Richmond Road is for the construction of an approximately 3,000 sf addition to the existing 10,500 sf Norge Dental Center. The existing facility has the need to expand their building as well as their current parking areas to service an increase in patient numbers. Below are anticipated traffic volumes based on total building square footage for a medical-dental office building based on ITE publications:

<b>Traffic Analysis: Turn Lane Warrants</b>									
<b>Project:</b> Norge Dental Center									
<b>ITE Code:</b> 720 Medical-Dental Office Building									
Traffic Scenario	# of Trips	% Enter	Enter	% Exit	Exit	% Right	Right Turns	% Left	Left Turns
Average Day	488	50%	244.00	50%	244.00	50%	122	50%	122
AM Peak Hour	34	79%	26.86	21%	7.14	50%	13	50%	13
PM Peak Hour	50	27%	13.50	73%	36.50	50%	7	50%	7
Saturday Average	121	50%	60.50	50%	60.50	50%	30	50%	30
Saturday Peak Hour	49	57%	27.93	43%	21.07	50%	14	50%	14
Sunday Average	21	50%	10.50	50%	10.50	50%	5	50%	5
Sunday Peak Hour	5	52%	2.60	48%	2.40	50%	1	50%	1

State Route 60 (Richmond Road)	21000
Directional Factor, D	0.575
Peak Hour Factor, K	0.095
Peak Hour Volume, PHV	1147
Opposing Volume / Approach Volume	1147
Advancing Volume	848
Total Peak Hour Trips Making Right Turn Into Site	14
Total Peak Hour Trips Making Left Turn Into Site	14

On the following pages you will find the required calculations for the above summarized table as well as the Turn Lane Warrant charts from the Virginia Department of Transportation Road Design Manual Appendix F. Based on the anticipated traffic for the proposed parcel as well as the traffic counts within the adjacent Richmond Road right-of-way this project **DOES** warrant the installation of a left-hand turn lane, and a right-hand turn taper.

The existing facility is located on Virginia State Route 60 which is constructed as a 4-lane divided highway with an existing left-hand turn lane located along front of the property with a stacking length in excess of 50'. In addition, the previously constructed dental office was constructed with a commercial entrance per VDOT standards and already provides the required turning radii as well as tapers along Richmond Road. No further improvements to the existing entrance into the site should be required as a result of this building expansion.

Virginia Department of Transportation  
Traffic Engineering Division

2017

Annual Average Daily Traffic Volume Estimates By Section of Route  
James City Maintenance Area

Route	Jurisdiction		Length	AADT	QA	4Tire	Bus	-----Truck-----			QC	K	QK	Dir	AAWDT	QW
	From	To						2Axle	3+Axle	1Trail	2Trail	Factor	Factor			
<div><div>60</div><div>Richmond Rd</div></div>	James City County		3.12	15000	G	97%	1%	1%	1%	0%	0%	F	0.089	0.577	16000	G
	SR 30 North of Toano															
<div><div>60</div><div>Richmond Rd</div></div>	James City County		2.85	21000	G	97%	1%	1%	1%	0%	0%	C	0.095	0.575	23000	G
	47-607 Croaker Rd															
<div><div>60</div><div>Richmond Rd</div></div>	James City County		0.15	23000	G	97%	1%	1%	1%	0%	0%	F	0.095	0.575	25000	G
	47-614 Centerville Rd															
<div><div>60</div><div>Richmond Rd</div></div>	James City County		1.81	13000	G	97%	1%	1%	1%	0%	0%	F	0.093	0.528	14000	G
	SR 199															
<div><div>60</div><div>Richmond Rd</div></div>	James City County		0.43	21000	N	99%	0%	1%	0%	0%	0%	N	0.083	0.523	23000	N
	47-658 Olde Towne Rd															
<div><div>60</div><div>Richmond Rd</div></div>	City of Williamsburg		1.37	21000	G	99%	0%	1%	0%	0%	0%	F	0.083	0.523	23000	G
	WCL Williamsburg															
<div><div>60</div><div>Richmond Rd</div></div>	City of Williamsburg		0.30	25000	G	99%	0%	1%	0%	0%	0%	C	0.077	0.544	27000	G
	Ironbound Rd															
<div><div>60</div><div>Bypass Rd</div></div>	City of Williamsburg		0.11	25000	G	99%	0%	0%	0%	0%	0%	C	0.082	0.555	26000	G
	Richmond Rd															
<div><div>60</div><div>Bypass Rd</div></div>	City of Williamsburg		0.50	14000	G	98%	0%	1%	0%	0%	0%	C	0.091	0.514	15000	G
	NCL Williamsburg															
<div><div>60</div><div>Bypass Rd</div></div>	City of Williamsburg		0.16	11000	G	98%	0%	1%	0%	0%	0%	F	0.091	0.525	12000	G
	Parkway Dr															
<div><div>60</div><div>5 Page St</div></div>	City of Williamsburg		0.31	21000	G	99%	0%	1%	0%	0%	0%	F	0.090	0.708	22000	G
	SR 5 Capitol Landing Rd															
<div><div>60</div><div>5 Page St</div></div>	City of Williamsburg		0.25	14000	G	99%	0%	1%	0%	0%	0%	C	0.082	0.575	15000	G
	Second Street															
<div><div>60</div><div>York St</div></div>	City of Williamsburg		0.60	12000	G	98%	0%	1%	0%	0%	0%	C	0.084	0.544	13000	G
	SR 5 Lafayette St; York St															
<div><div>60</div><div>Pocahontas Trail</div></div>	James City County		1.34	8600	G	98%	0%	1%	0%	0%	0%	F	0.095	0.543	9200	G
	ECL Williamsburg															
<div><div>60</div><div>Pocahontas Trail</div></div>	James City County		0.04	8600	N	98%	0%	1%	0%	0%	0%	N	0.095	0.543	9200	N
	SR 199															
<div><div>60</div><div>Pocahontas Trail</div></div>	James City County		3.10	10000	G	93%	1%	2%	1%	3%	0%	C	0.096	0.54	11000	G
	York County Line															
<div><div>60</div><div>Pocahontas Trail</div></div>	James City County		NCL Newport News													
	New Kent County Line															
<div><div>East 64</div></div>	James City County		2.45	30000	A	91%	1%	1%	1%	6%	0%	F	0.105		26000	A
	New Kent County Line															
Combined Traffic Estimates for 2 Parallel Roadways on this Route: 59000 A 91% 1% 1% 6% 0% F 0.102 A 0.523 51000 A																
SR 30 Old Stage Rd																

# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday

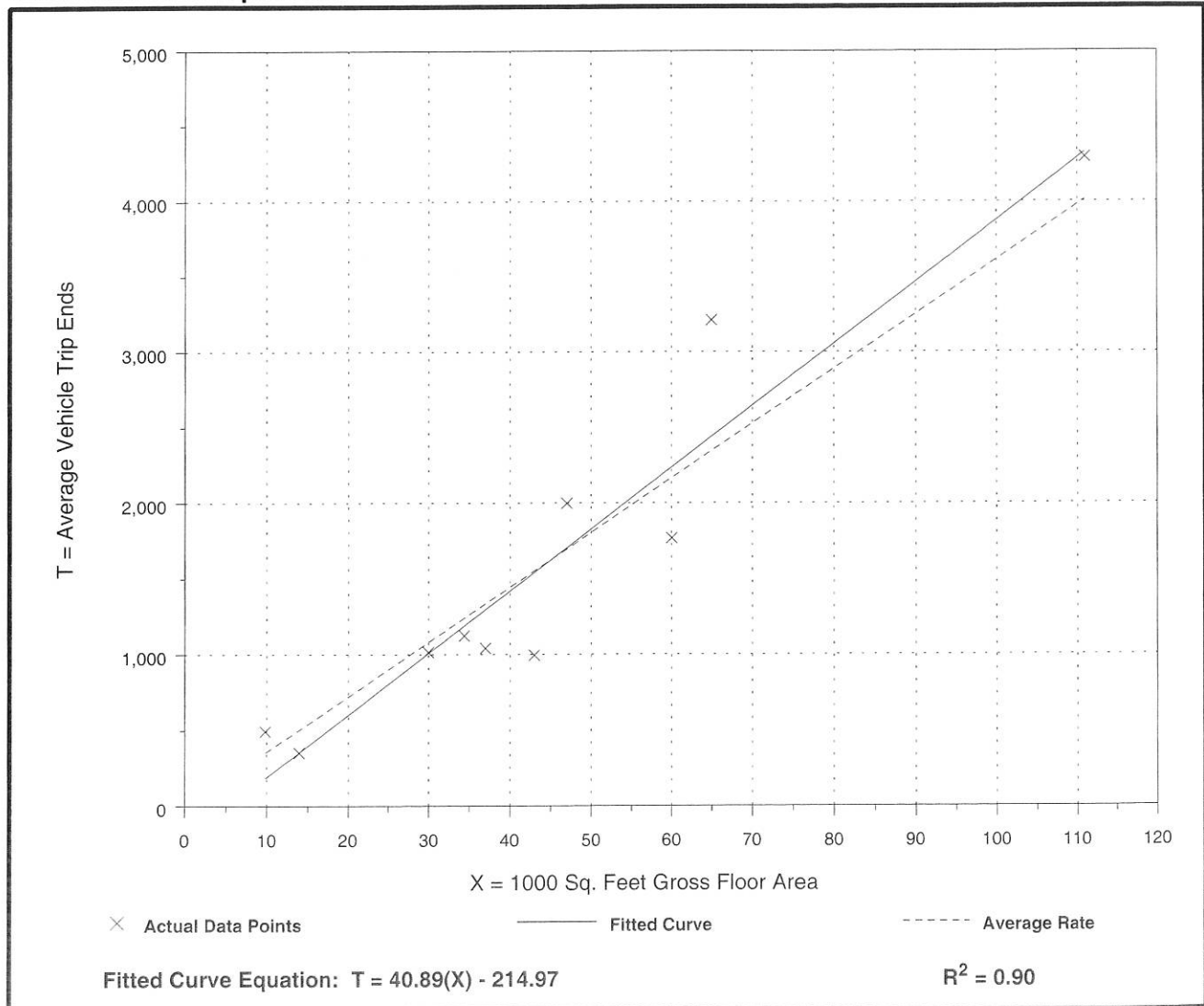
$$T = 36.13 \times 13.50 = 488$$

Number of Studies: 10  
Average 1000 Sq. Feet GFA: 45  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
36.13	23.16 - 50.51	10.18

## Data Plot and Equation



# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 7 and 9 a.m.

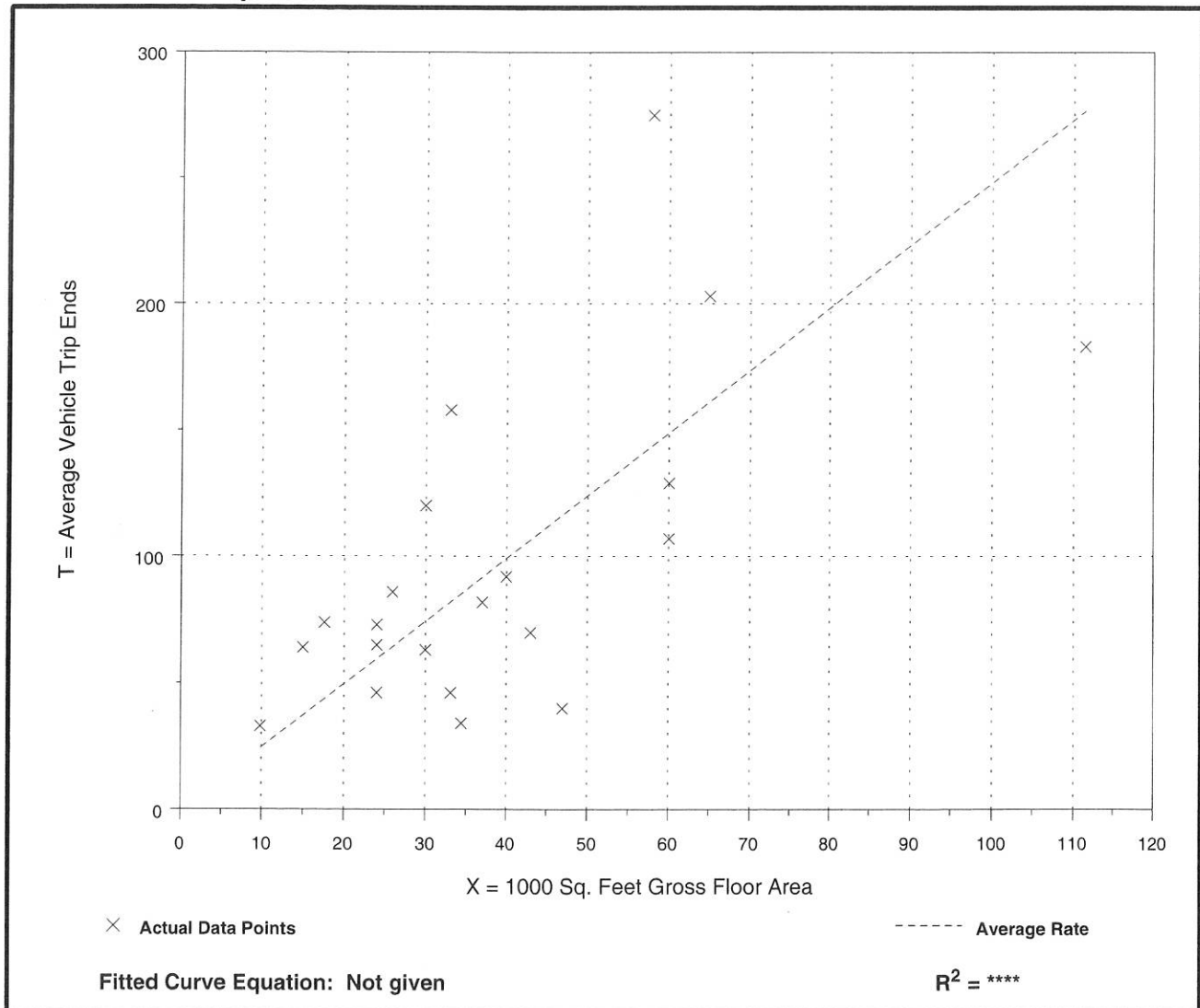
Number of Studies: 21  
Average 1000 Sq. Feet GFA: 39  
Directional Distribution: 79% entering, 21% exiting

$$T = 2.48 \times 13.5 = 34$$

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
2.48	0.85 - 4.79	1.94

## Data Plot and Equation



# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.

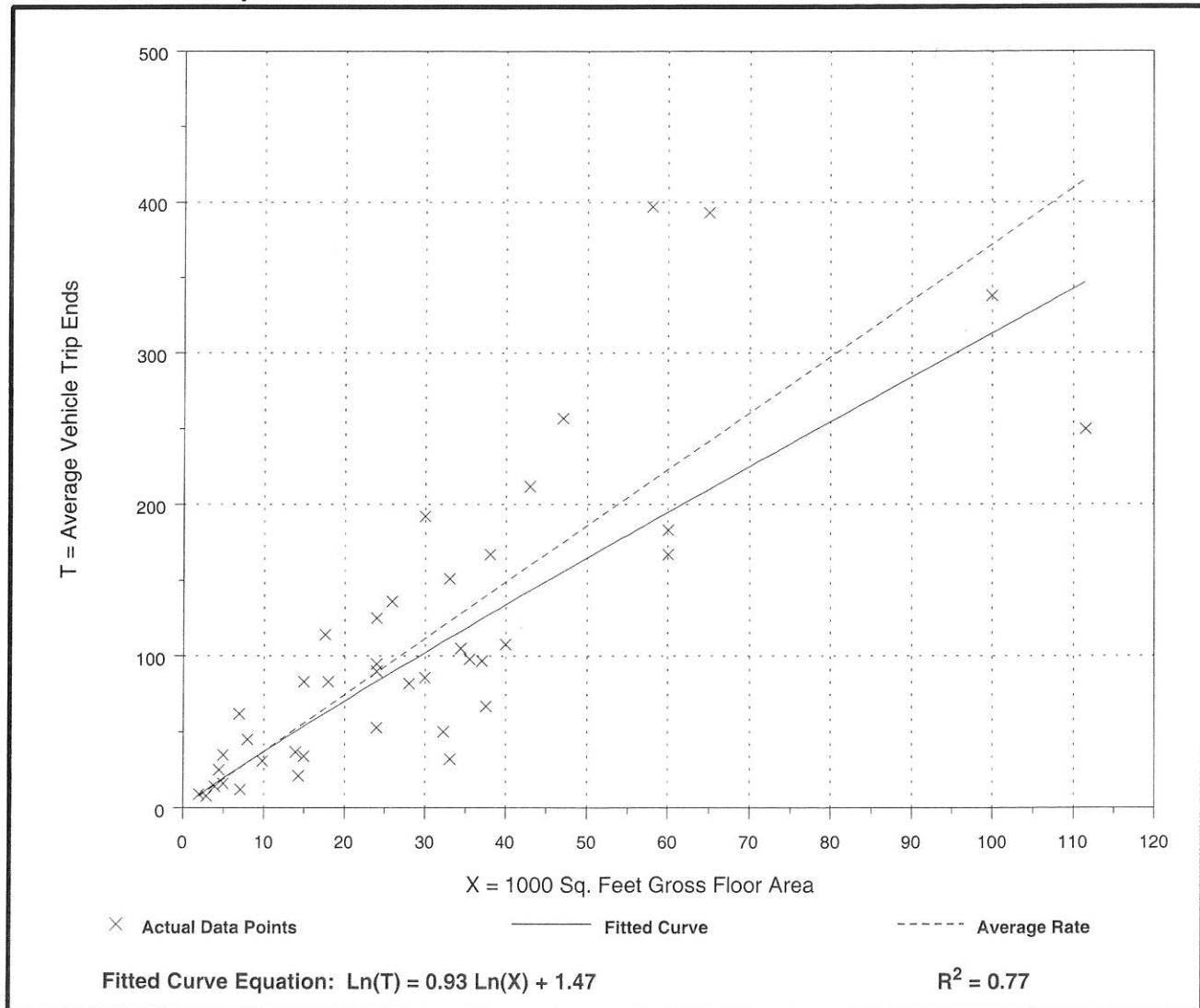
Number of Studies: 41  
Average 1000 Sq. Feet GFA: 30  
Directional Distribution: 27% entering, 73% exiting

$$T = 3.72 \times 13.5 = 50$$

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.72	0.97 - 8.86	2.50

## Data Plot and Equation



# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Saturday

$$T = 8.96 \times 13.5 = 121$$

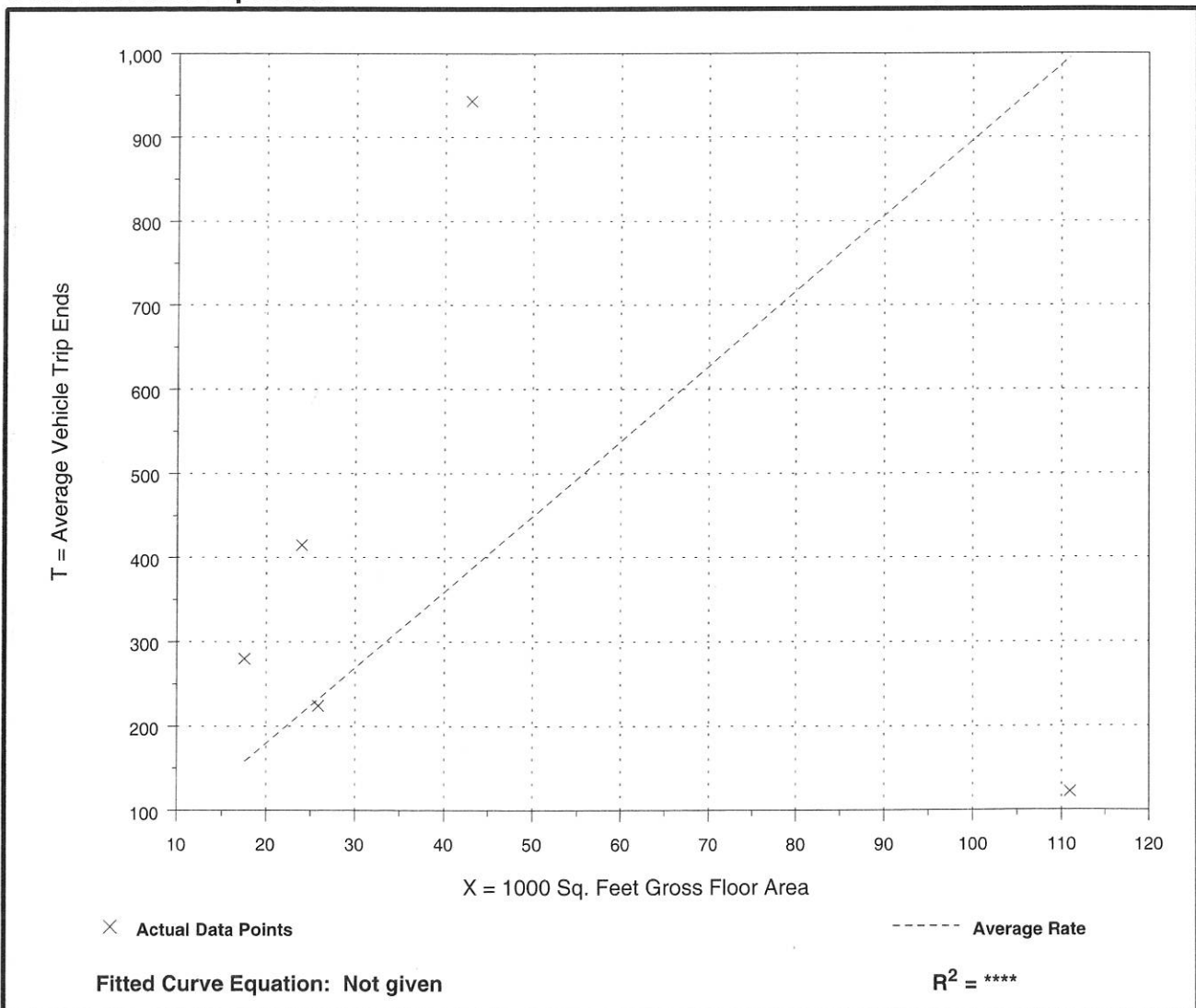
Number of Studies: 5  
Average 1000 Sq. Feet GFA: 44  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
8.96	1.10 - 21.93	9.17

## Data Plot and Equation

Caution - Use Carefully - Small Sample Size



# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Saturday,  
Peak Hour of Generator

Number of Studies: 3  
Average 1000 Sq. Feet GFA: 28  
Directional Distribution: 57% entering, 43% exiting

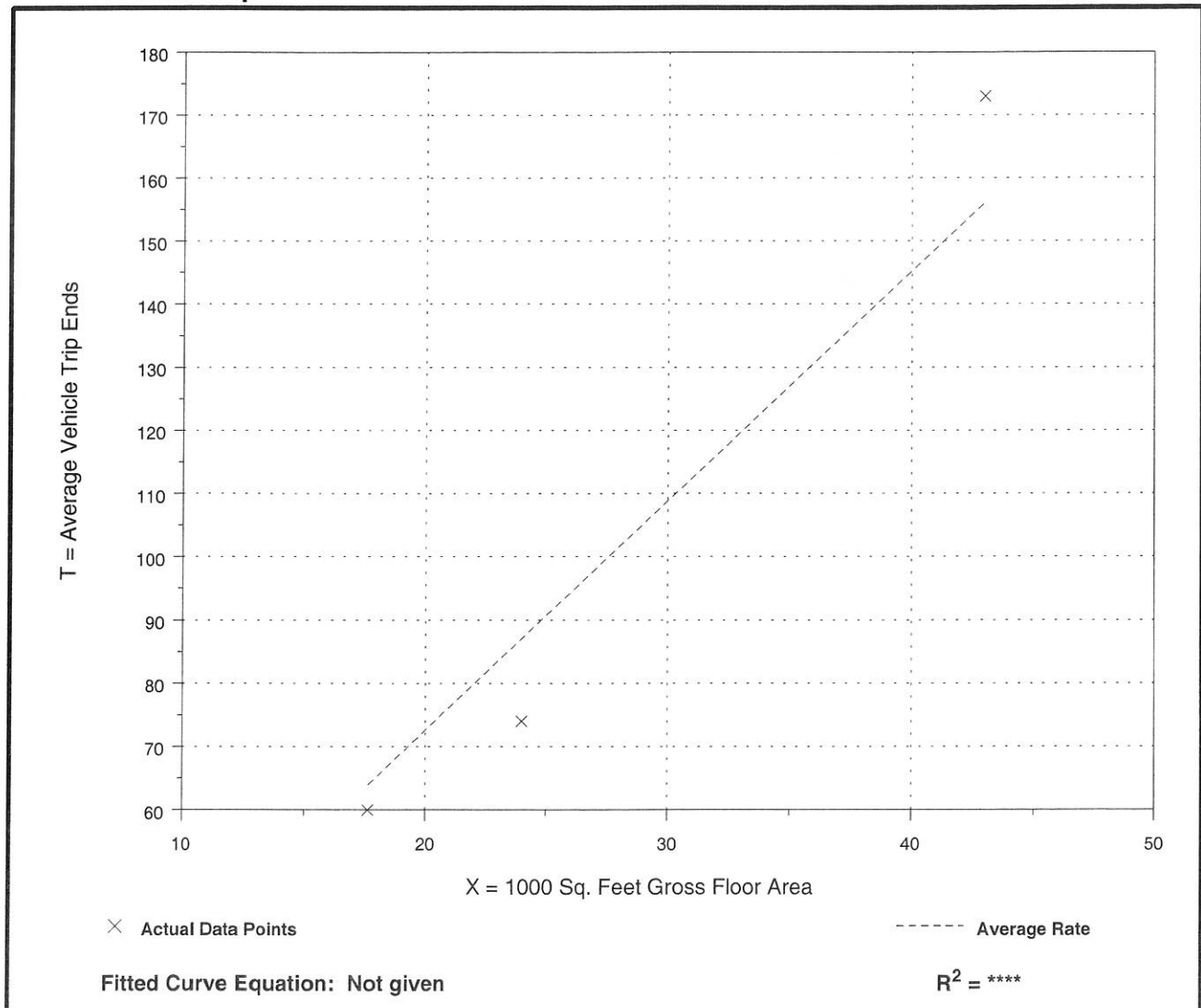
$$T = 3.63 \times 13.5 = 49$$

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.63	3.08 - 4.02	1.93

## Data Plot and Equation

Caution - Use Carefully - Small Sample Size



# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Sunday

$$T = 1.55 \times 13.5 = 21$$

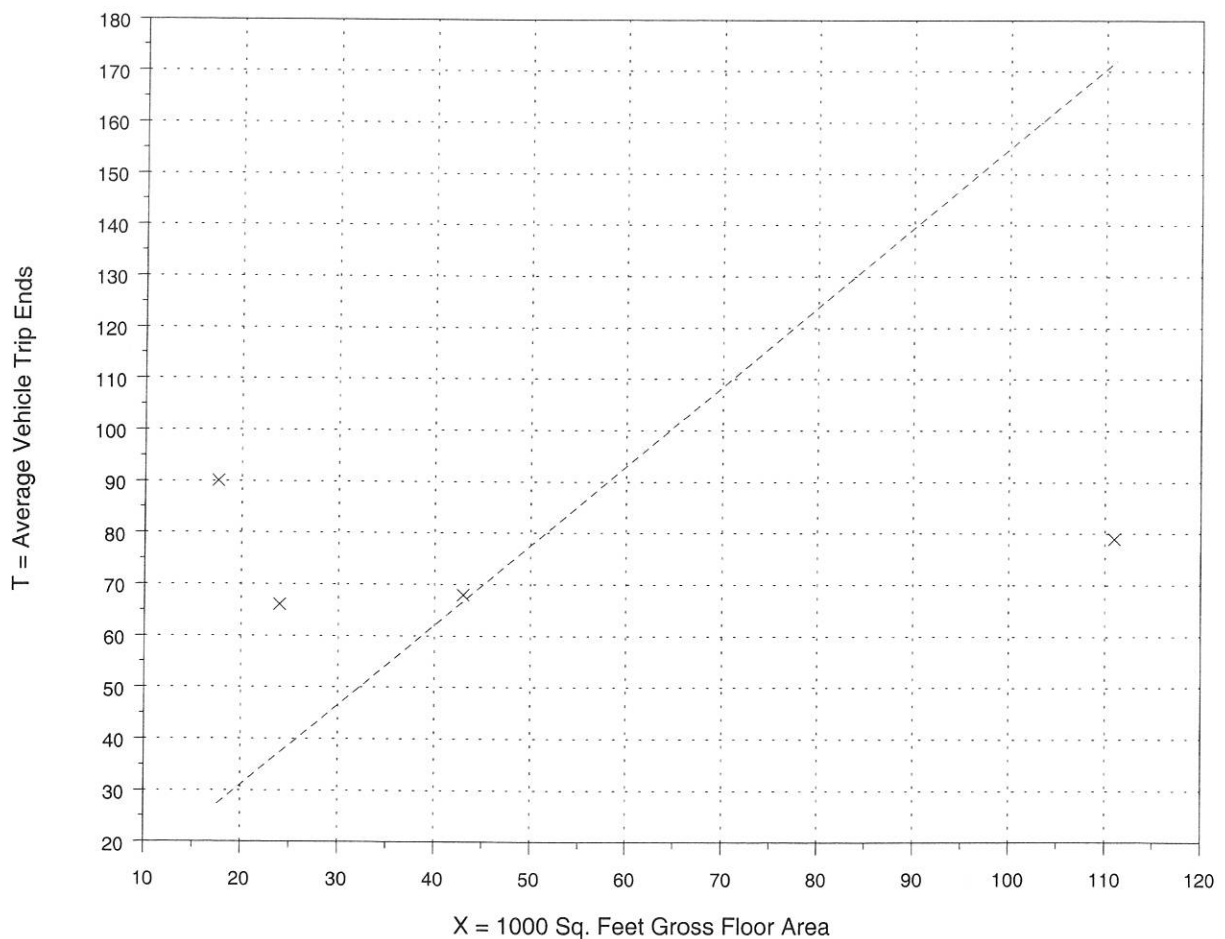
Number of Studies: 4  
Average 1000 Sq. Feet GFA: 49  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.55	0.71 - 5.11	1.80

## Data Plot and Equation

Caution - Use Carefully - Small Sample Size



× Actual Data Points

----- Average Rate

Fitted Curve Equation: Not given

$R^2 = ****$

# Medical-Dental Office Building (720)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Sunday,  
Peak Hour of Generator

$$T = 0.40 \times 13.5 = 5$$

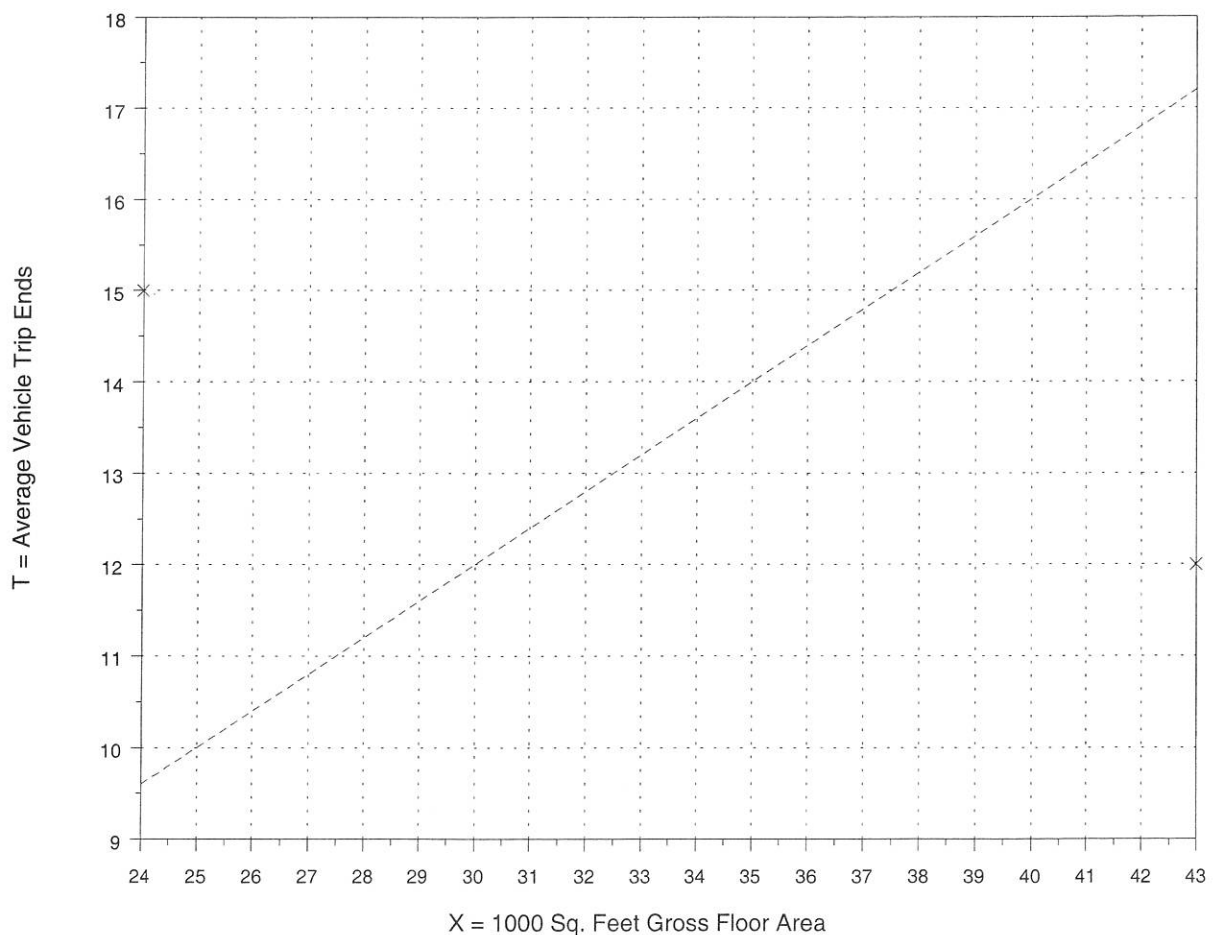
Number of Studies: 2  
Average 1000 Sq. Feet GFA: 34  
Directional Distribution: 52% entering, 48% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.40	0.28 - 0.63	*

## Data Plot and Equation

Caution - Use Carefully - Small Sample Size



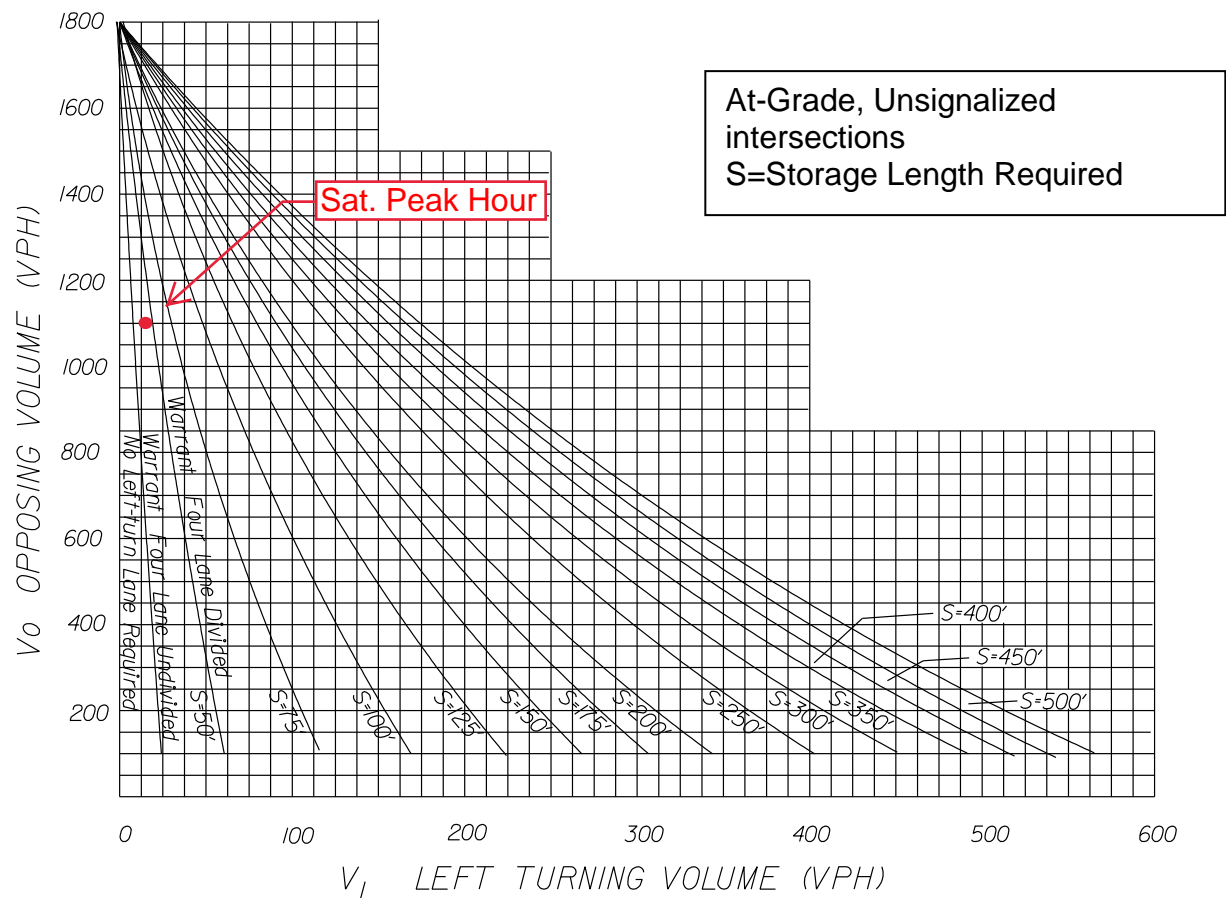
× Actual Data Points

----- Average Rate

Fitted Curve Equation: Not given

$R^2 = ****$

## Warrants for Left Turn Storage Lanes on Four-Lane Highways



**FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS**

Figure 3-3 was derived from Highway Research Report No. 211.

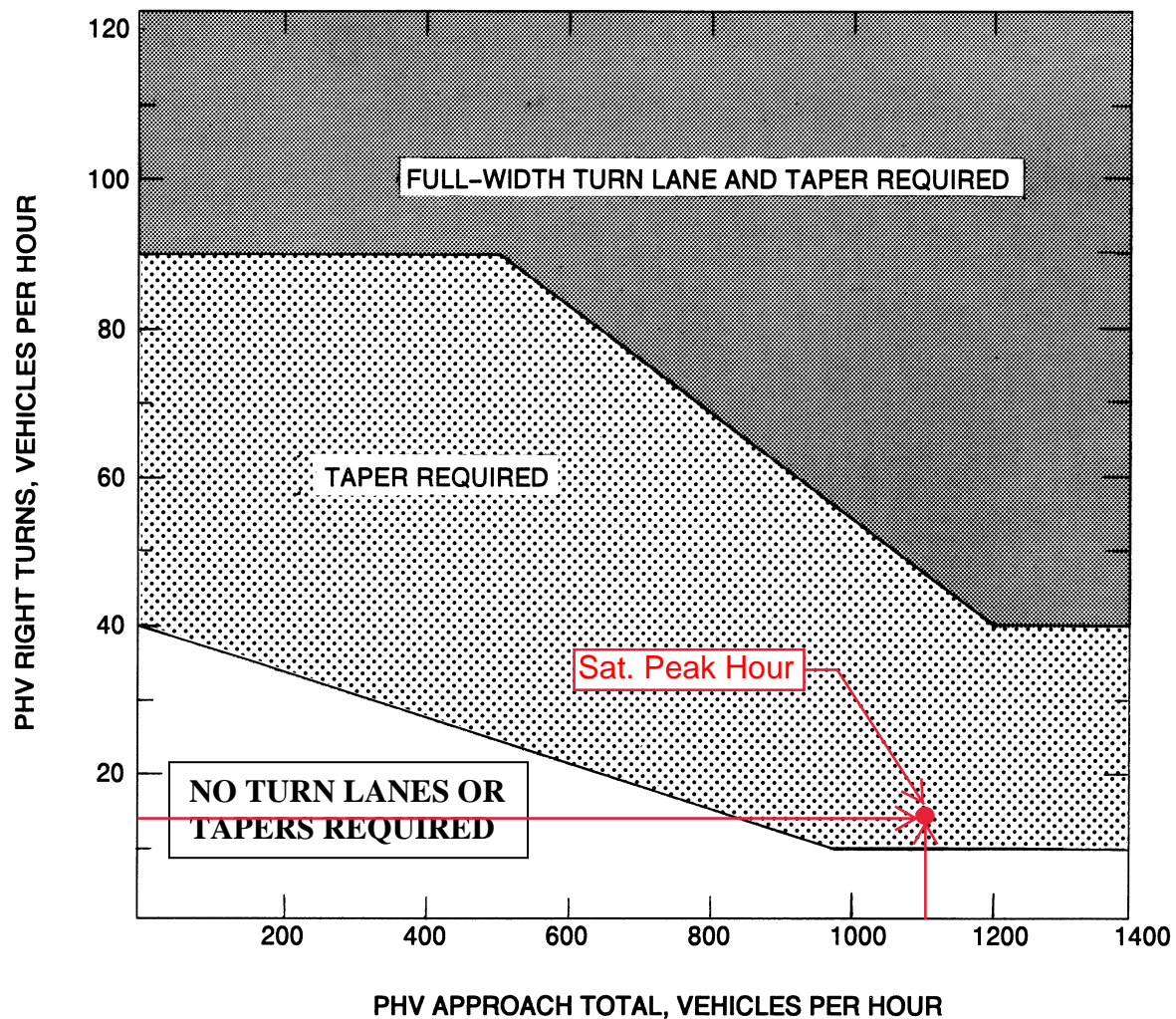
Opposing volume and left turning volume in vehicles per hour (VPH) are used for left turn storage lane warrants on four-lane highways.

For plan detail requirements when curb and/or gutter are used, see VDOT's Road Design Manual, [Section 2E-3](#) on the VDOT web site:

<http://www.virginia-dot.org/business/locdes/rdmanual-index.asp>.

Left-turn lanes shall\* also be established on two-lane highways where traffic volumes are high enough to warrant them.

\* Rev. 1/15



Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

### LEGEND

**PHV-** - Peak Hour Volume (also Design Hourly Volume equivalent)

### Adjustment for Right Turns

If PHV is not known use formula:  $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.\*

**FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)**

\* Rev. 1/15

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

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

SUBJECT: ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed edits to Section 24-16 of the Zoning Ordinance	Backup Material
☐	Adopted legislation	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:42 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:42 PM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 4:44 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:45 PM

## MEMORANDUM

DATE: June 5, 2019

TO: The Planning Commission

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

SUBJECT: Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

---

On September 13, 2016, the Board of Supervisors adopted Case No. ZO-0008-2016 (Ordinance No. 31A-304) which amended the Zoning Ordinance to state that the County would no longer accept proffers for applications for any portion of a rezoning application that included a residential component. This was in reaction to Senate Bill 549 which was passed and approved during the 2016 General Assembly session.

On March 5, 2019, the General Assembly's changes to Section 15.2-2303.4 of the Code of Virginia were approved by the Governor of Virginia and enacted as Chapter 245 of the Acts of Assembly ("Chapter 245"). Upon review, the adopted changes in State Code appear to address many of the concerns stated by the Board when it adopted Ordinance No. 31A-304.

Accordingly, on April 9, 2019, the Board of Supervisors adopted an Initiating Resolution directing staff to more thoroughly consider the effects of Chapter 245 and recommend any warranted changes to James City County Code Section 24-16 to accept proffers associated with any new residential rezoning or zoning map amendment, or any new residential component of a multiuse district rezoning or zoning map amendment (<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4535&MeetingID=878>).

As such, attached is a proposed amendment to the Zoning Ordinance which reverses the Code amendment passed by the Board of Supervisors in 2016.

At its May 9, 2019 meeting, the Policy Committee recommended approval of this item by a vote of 3-0.

PDH/md  
ZOAORD19-1Proffer-mem

Attachments:

1. Proposed edits to Section 24-16 of the Zoning Ordinance
2. Adopted legislation

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-16, PROFFER OF CONDITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-16, Proffer of conditions.

**Chapter 24. Zoning**

**Article I. In General**

**Sec. 24-16. Proffer of conditions.**

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the board of supervisors, which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the county's zoning map. ~~No proffers shall be submitted or accepted for any new residential rezoning or zoning map amendment, or any new residential component of a multi-use district rezoning or zoning map amendment filed after July 1, 2016.~~

BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that

1. this ordinance shall be effective as to any pending rezoning application in which the applicant elects to proceed hereunder by amendment of that pending application; and,
2. an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

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

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this \_\_\_\_ day of \_\_\_\_, 2019.

## 2019 SESSION

### CHAPTER 129

*An Act to amend and reenact § 15.2-2303.4 of the Code of Virginia and to repeal the third enactment of Chapter 322 of the Acts of Assembly of 2016, relating to conditional rezoning proffers.*

[S 1373]

Approved February 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2303.4 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2303.4. Provisions applicable to certain conditional rezoning proffers.

A. For purposes of this section, unless the context requires a different meaning:

"New residential development" means any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when such new residential development requires a rezoning or proffer condition amendment.

"New residential use" means any use of residentially zoned property that requires a rezoning or that requires a proffer condition amendment to allow for new residential development.

"Offsite proffer" means a proffer addressing an impact outside the boundaries of the property to be developed and shall include all cash proffers.

"Onsite proffer" means a proffer addressing an impact within the boundaries of the property to be developed and shall not include any cash proffers.

"Proffer condition amendment" means an amendment to an existing proffer statement applicable to a property or properties.

"Public facilities" means public transportation facilities, public safety facilities, public school facilities, or public parks.

"Public facility improvement" means an offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this section, the term "public park" shall include playgrounds and other recreational facilities.

"Public safety facility improvement" means construction of new law-enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

"Public school facility improvement" means construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.

"Public transportation facility improvement" means (i) construction of new roads; (ii) improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

"Residentially zoned property" means property zoned or proposed to be zoned for either single-family or multifamily housing.

"Small area comprehensive plan" means that portion of a comprehensive plan adopted pursuant to § 15.2-2223 that is specifically applicable to a delineated area within a locality rather than the locality as a whole.

B. Notwithstanding any other provision of law, general or special, no ~~locality~~ *local governing body* shall (i) ~~request or accept~~ *require* any unreasonable proffer, as described in subsection C, in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.

C. Notwithstanding any other provision of law, general or special, ~~(i)~~ as used in this chapter, a proffer, or proffer condition amendment, whether onsite or offsite, offered voluntarily pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1, shall be deemed unreasonable unless ~~it~~:

1. *It addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for; and* ~~(ii) an offsite proffer shall be deemed unreasonable pursuant to subdivision (i) unless~~

2. *If an offsite proffer, it addresses an impact to an offsite public facility, such that* ~~(a)~~ *(i) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and* ~~(b)~~ *(ii) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of this section, a* ~~A~~ *locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development or new residential use.*

D. *Notwithstanding the provisions of subsection C:*

1. *An applicant or owner may, at the time of filing an application pursuant to this section or during the development review process, submit any onsite or offsite proffer that the owner and applicant deem reasonable and appropriate, as conclusively evidenced by the signed proffers.*

2. *Failure to submit proffers as set forth in subdivision 1 shall not be a basis for the denial of any rezoning or proffer condition amendment application.*

E. Notwithstanding any other provision of law, general or special:

1. Actions brought to contest the action of a ~~locality~~ *local governing body* in violation of this section shall be brought only by the aggrieved applicant or the owner of the property subject to a rezoning or proffer condition amendment pursuant to subsection F of § 15.2-2285, *provided that the applicant objected in writing to the governing body regarding a proposed condition prior to the governing body's grant or denial of the rezoning application.*

2. In any action in which a ~~locality~~ *local governing body* has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer or proffer condition amendment that ~~it has proven~~ *was suggested, requested, or required in writing by the* ~~locality~~ *local governing body in violation of this section*, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

3. In any successful action brought pursuant to this section contesting an action of a ~~locality~~ *local governing body* in violation of this section, the applicant may be entitled to an award of reasonable attorney fees and costs and to an order remanding the matter to the governing body with a direction to approve the rezoning or proffer condition amendment without the inclusion of any unreasonable proffer *or to amend the proffer to bring it into compliance with this section*. If the ~~locality~~ *local governing body* fails or refuses to approve the rezoning or proffer condition amendment, *or fails or refuses to amend the proffer to bring it into compliance with this section*, within a reasonable time not to exceed 90 days from the date of the court's order to do so, the court shall enjoin the ~~locality~~ *local governing body* from interfering with the use of the property as applied for without the unreasonable proffer. Upon remand to the local governing body pursuant to this subsection, the requirements of § 15.2-2204 shall not apply.

~~E-F.~~ The provisions of this section shall not apply to any new residential development or new residential use occurring within any of the following areas: (i) an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit as defined in § 33.2-100, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof; (ii) an approved small area comprehensive plan that encompasses an existing or planned Metrorail station, or is adjacent to a Metrorail station located in a neighboring locality, and allows additional density within the vicinity of such existing or planned station; or (iii) an approved service district created pursuant to § 15.2-2400 that encompasses an existing or planned Metrorail station.

~~F-G.~~ This section shall be construed as supplementary to any existing provisions limiting or curtailing proffers or proffer condition amendments for new residential development or new residential use that are consistent with its terms and shall be construed to supersede any existing statutory provision with respect to proffers or proffer condition amendments for new residential development or new residential use that are inconsistent with its terms.

*H. Notwithstanding any provision in this section to the contrary, nothing contained herein shall be deemed or interpreted to prohibit or to require communications between an applicant or owner and the locality. The applicant, owner, and locality may engage in pre-filing and post-filing discussions regarding the potential impacts of a proposed new residential development or new residential use on public facilities as defined in subsection A and on other public facilities of the locality, and potential voluntary onsite or offsite proffers, permitted under subsections C and D, that might address those impacts. Such verbal discussions shall not be used as the basis that an unreasonable proffer or proffer condition amendment was required by the locality. Furthermore, notwithstanding any provision in this section to the contrary, nothing contained herein shall be deemed or interpreted to prohibit or to require presentation, analysis, or discussion of the potential impacts of new residential development or new residential use on the locality's public facilities.*

2. That the third enactment of Chapter 322 of the Acts of Assembly of 2016 is repealed.

3. That this act shall be effective as to any application for a rezoning filed on or after July 1, 2019, or for a proffer condition amendment amending a rezoning that was filed on or after July 1, 2019, or to any then-pending rezoning application in which the applicant elects to proceed hereunder, by amendment of that pending application.

4. That an applicant with a pending application for a rezoning or proffer condition amendment that was filed prior to July 1, 2016, may continue to proceed under the law as it existed prior to that date, and an applicant with a pending rezoning application filed on or after July 1, 2016, but before July 1, 2019, or proffer condition amendment application amending a rezoning for which the application was filed on or after July 1, 2016, but before July 1, 2019, may continue to proceed under the law as it existed during that period.

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

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

SUBJECT: ORD-19-0002. Zoning Ordinance Amendment – Section 24-111, Temporary Offices

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed edits to Section 24-111 of the Zoning Ordinance	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:34 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:40 PM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 4:42 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:44 PM

## MEMORANDUM

DATE: June 5, 2019

TO: The Planning Commission

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

SUBJECT: Case No. ORD-19-0002. Zoning Ordinance Amendment - Section 24-211, Temporary Offices

---

In 2018, the Development Review Committee and the Planning Commission considered an applicant's request to waive the requirements of the Zoning Ordinance found in Section 24-200, Public Utilities, as it applied to a temporary storage trailer. At a subsequent meeting of the Policy Committee, a Committee member asked staff for a potential amendment to the Ordinance to make future requests easier for applicants.

Per that request, a proposed Ordinance amendment is attached. Staff does not recommend creating an exception for all structures, generally. The attached Ordinance language however, would be applicable to structures used as temporary offices. Staff notes that this is the only section of the Zoning Ordinance that defines and permits temporary structures, and sets forth time limitations for the removal of such structures.

No other section of the Zoning Ordinance allows staff to attach a time limit to the placement/construction of structures that are otherwise allowed by-right.

At its May 9, 2019 meeting, the Policy Committee recommended approval of this item by a vote of 3-0.

PDH/md  
ZOAORD19-2TempOff-mem

Attachment:

1. Proposed edits to Section 24-111 of the Zoning Ordinance

ORDINANCE NO: \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 5, MANUFACTURED HOMES AND TEMPORARY STRUCTURES, SECTION 24-111, TEMPORARY OFFICES.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 5, Manufactured Homes and Temporary Structures, Section 24-111, Temporary offices.

**Sec. 24-111. Temporary offices.**

Trailers and portable buildings may be used as temporary offices in any zoning district by issuance of a certificate of occupancy by the zoning administrator, subject to the following conditions:

- (1) The location of a temporary building or structure shall be necessary for use as a business office during the construction of any commercial structure or structures or for the sale or rental of on-site property by a developer.
- (2) The location of a temporary building or structure shall be necessary for use in conjunction with a temporary special event such as a golf tournament or music festival.
- (3) The temporary building or structure shall not be used for residential purposes.
- (4) A minimum area of 5,000 square feet shall be provided for each structure.
- (5) The structure shall not be placed closer than 15 feet to any lot line.
- (6) The sanitary facilities shall conform to county and state health regulations.
- (7) The electrical connections shall meet the requirements of the Uniform Statewide Building Code.
- (8) *If the Director of Planning finds that it is not practicable for the application to meet the undergrounding requirements of Section 24-200(c), then such requirements shall not apply to the temporary office provided that all other provisions of this section are met. If the Director of Planning finds that it is practicable to place new utilities underground, an applicant may request waiver from the planning commission in accordance with Section 24-200(c).*

~~(8)~~(9) The temporary office shall be used for a period not to exceed one year; provided, that:

- a. The one-year time period may be extended by written request to the zoning administrator showing reasonable cause; and
- b. The temporary office *and any aboveground utilities and associated equipment* shall be removed from the site within 60 days after the completion of construction.

---

James O. Icenhour, Jr.  
Chairman, Board of Supervisors

VOTES

AYE      NAY      ABSTAIN

ATTEST:

HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

---

Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this \_\_\_\_ day of \_\_\_\_,  
2019.

24-111TempOffices-ord

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

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

SUBJECT: ORD-18-0013. Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed edits to the Zoning Ordinance	Exhibit
☐	Existing Section 24-13 of the Zoning Ordinance, for reference	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:44 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:44 PM
Publication Management	Burcham, Nan	Approved	5/28/2019 - 4:46 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 4:46 PM

## MEMORANDUM

DATE: June 5, 2019

TO: The Planning Commission

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

SUBJECT: Case No. ORD-18-0013. Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations

---

Currently, Section 24-23 of the Zoning Ordinance states that final development plans may be approved after approval of a master plan by the Board of Supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of housing units or buildings; significantly alter the distribution of recreation or open space areas; significantly affect the road layout; or, significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case.

In the event the Planning Director determines that a proposed change would deviate from the approved master plan, the applicant may appeal the decision to the Development Review Committee.

At its May 22, 2018 work session, the Board of Supervisors asked the Commission to consider limiting the number of residential dwelling units that could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance.

The Policy Committee discussed this Code section and possible revisions on July 10, 2018 and August 9, 2018. At the request of the Policy Committee, the Board of Supervisors provided input into this matter at its November 27, 2018 work session. The Policy Committee discussed this item further at its December 13, 2018 meeting and at its meetings on January 10, March 7, and April 11, 2019.

At its April 11, 2019 meeting, the Policy Committee found that the attached Ordinance amendment reflected the Board's requested amendments and voted to forward this item to the Planning Commission by a vote of 3-0.

PDH/md  
ZOAORD18-13MstrPln-mem

Attachment:

1. Proposed edits to the Zoning Ordinance
2. Existing Section 24-13 of the Zoning Ordinance, for reference

ORDINANCE NO: \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-23, SUBMITTAL REQUIREMENTS; AND BY AMENDING ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION. 24-276, DOCUMENTS REQUIRED FOR SUBMISSION, AND DIVISION 15, MIXED USE, MU, SECTION 24-516, DEVELOPMENT PLANS.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-23, Submittal requirements; and by amending Article V, Districts, Division 5, Residential Planned Community District, R-4, Section 24-276, Documents required for submission, and Division 15, Mixed Use, MU, Section 24-516, Development plans.

## **Chapter 24. Zoning**

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

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

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

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

- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

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

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

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter becomes binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the *Director of Planning* ~~planning director concludes~~ *determines* that the development plan does not:

- ~~1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;~~
- ~~1.~~ 2. Significantly alter the distribution of recreation or open space areas on the master plan;
- ~~2.~~ 3. Significantly affect the road layout or *traffic patterns* as shown on the master plan; *or*
- ~~3.~~ 4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

*If the Director of Planning determines that a proposed change would significantly deviate from the approved master plan according to the three criteria above, the applicant may submit*

*alternative proposed development plans, proceed with amendment of a master plan in accordance with section 24-13, or appeal the decision to the development review committee (DRC) which shall forward a recommendation to the planning commission.*

~~If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission.~~

*Any development plan that proposes dwelling unit counts and/or dwelling unit types that are different from, or dwelling unit locations that are significantly different from, that shown on the adopted master plan shall be submitted and approved in accordance with section 24-13. Such decisions by the Director of Planning are not subject to appeal to the DRC.*

For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

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

## Article V. Districts

### Division 5. Residential Planned Community District, R-4

#### Sec. 24-276. Documents required for submission.

- (a) Generally. The applicant shall submit documents in accordance with section 24-23 to the planning director prior to any rezoning or special use permit application consideration by the planning commission.

The purpose of the master plan and community impact statement is to set an overall population and development ceiling for the planned community, to determine off-site impacts of the development and to identify the general arrangement of internal land uses.

- (b) Master plan. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. It shall include:
- (1) The approximate boundaries of each section, land use or density, a general circulation plan with an indication of whether streets are to be public or private, and the approximate location of recreation areas, sidewalks and other pedestrian access ways, common open space areas, public facilities and areas proposed for dedication to public use within the project. Each residential section of the master plan shall be designated according to the following categories:

Area Designation	Dwelling Type
A	Single-family
B	Multi-family dwellings containing up to and including four dwelling units
C	Multi-family dwellings containing more than four dwelling units
D	Apartments

The above designation shall be the highest and densest use to which such land may be put without amending the master plan. ~~However, where the planning director finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under [section 24-279](#), the planning director may approve final plans for projects with lower densities or a lower category of uses than those shown on the master plan without amending the master plan.~~ *Any development plan that proposes dwelling unit counts and/or dwelling unit types that are different from, or dwelling unit locations that are significantly different from, that shown on the adopted master plan shall be submitted and approved in accordance with section 24-13. Such decisions by the Director of Planning are not subject to appeal to the DRC.*

**Division 15. Mixed Use, MU**

**Sec. 24-516. Development Plans**

- (a) Development plans shall be submitted and reviewed in accordance with article III of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A conceptual plan may be submitted for this purpose in a form sufficient to illustrate the proposed deviations. If the planning director determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with section 24-13.
- (b) Appeals. In the event the planning director disapproves the items specified in section 24-516 (a) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee, which shall forward a recommendation to the planning commission. *Any development plan that proposes dwelling unit counts and/or dwelling unit types that are different from, or dwelling unit locations that are significantly different from, that shown on the adopted master plan shall be submitted and approved in accordance with section 24-13. Such decisions by the Director of Planning are not subject to appeal to the DRC.*
- (c) Documentation satisfactory to the county attorney for the maintenance of common open space, recreation areas, sidewalks, parking, private streets and other privately owned but common facilities serving the project shall be submitted as part of any application for development plan review.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

**VOTES**

AYE      NAY      ABSTAIN

ATTEST:

HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this \_\_\_\_ day of \_\_\_\_,  
2019.

24-23SubmitReqmt-ord

## Sec. 24-13. - Amendment of chapter.

As provided for by section 15.2-2286(7) of the Code of Virginia, the board of supervisors may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established; any such amendment may be initiated by resolution of the board of supervisors or by motion of the planning commission or by petition of any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor of the property which is the subject of the proposed zoning map amendment, addressed to the board of supervisors. Petitions for change or amendment shall comply with the requirements of section 24-23. These changes may be made, provided:

- (1) The planning commission and the board of supervisors shall each hold at least one public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.
- (2) That notice shall be given of the time and place of such hearing by publication as a box advertisement in at least two issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.
- (3) When a proposed amendment of the zoning ordinance involves a change in the zoning classification of 25 or less parcels of land, then, in addition to the advertising as required above, written notice shall be given by the planning commission at least five days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and to the owners, their agent or the occupant of all abutting property and property immediately across the street from the property affected. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, then, in addition to the advertising as above required, written notice shall be given at least five days before the hearing to the owner, owners or their agent of each parcel of land involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate assessment books shall be deemed adequate compliance with this requirement; provided, that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the planning commission to give written notice to the owner, owners or their agent of any parcel involved. Such notice shall be sent in accordance with section 15.2-2204 of the Code of Virginia.
- (4) No plan, ordinance or amendment shall be enacted, amended or re-enacted unless the

board of supervisors has referred the proposal to the planning commission for its recommendation or has received the planning commission recommendation. Failure of the planning commission to report 100 days after the first meeting of the commission after the proposed plan, amendment or reenactment has been referred to the commission for action shall be deemed approval. After the public hearing required in subsection (1) above, the board may make appropriate changes or corrections in the ordinance or proposed amendment.

- (5) A petition for a plan or amendment substantially the same as one previously considered shall not be reconsidered within a one-year period from the date the similar petition was decided by the board of supervisors.

(Ord. No. 31A-88, § 20-14, 4-8-85; Ord. No. 31A-201, 12-1-99; Ord. No. 31A-210, 12-10-02; Ord. No. 31A-266, 6-12-12)

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Initiating Resolution	Resolution
☐	2019 General Assembly Session - Chapter 508	Backup Material
☐	Section 15.2-905 of the Code of Virginia	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/28/2019 - 2:23 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 2:23 PM
Publication Management	Daniel, Martha	Approved	5/28/2019 - 3:32 PM
Planning Commission	Holt, Paul	Approved	5/28/2019 - 3:34 PM

## MEMORANDUM

DATE: June 5, 2019

TO: The Planning Commission

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles

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During the 2019 session of the General Assembly, amendments were made to Chapters 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County of James City County. This charter amendment grants additional authority to James City County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperable motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller.

Section 15.2-905 of the Code of Virginia allows certain localities to restrict the keeping of vehicles not screened from view and which are not in operating condition, or do not display valid license plates, or do not display inspection decals. In order to more effectively address inoperative vehicles in James City County as granted by the General Assembly, Section 24-37 of the James City County Zoning Ordinance will need to be amended.

In addition, staff has received complaints regarding the parking and/or keeping of oversized commercial type vehicles in residentially zoned areas. This situation is not adequately addressed in the Zoning Ordinance. It is recommended to direct staff to research neighboring localities and recommend changes to address the parking and keeping of oversized commercial type vehicles in residential zoned areas.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of such amendments to the Zoning Ordinance and to refer this matter to the Policy Committee.

CHP/nb  
InitZOrd-Veh-mem

Attachments:

1. Initiating Resolution
2. 2019 General Assembly Session - Chapter 508
3. Section 15.2-905 of the Code of Virginia

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE**

#### **REGARDING INOPERABLE MOTOR VEHICLES AND**

#### **OVERSIZED COMMERCIAL VEHICLES**

WHEREAS, Code of Virginia § 15.2-2286 and James City County Code § 24-13 permit the Planning Commission of James City County (the "Commission") to, by motion, initiate amendments to the regulations of the Zoning Ordinance that the Commission finds to be prudent; and

WHEREAS, the General Assembly amended Chapters 779 and 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City County, in order to grant additional powers under Section 15.2-905 of the Code of Virginia for James City County to regulate the keeping of inoperable motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller; and

WHEREAS, Section 15.2-905 of the Code of Virginia allows certain localities to regulate the keeping of vehicles not screened from view and which are not in operating condition, or does not display valid license plates, or does not display an inspection decal on properties less than two acres in size; and

WHEREAS, complaints have been received on the keeping and/or parking of oversized commercial type vehicles in residentially zoned areas in which the Zoning Ordinance does not adequately address; and

WHEREAS, amendments to James City County, Section 24-37 of the James City County Zoning Ordinance are necessary to more effectively address inoperative vehicles and keeping and/or parking of oversized commercial type vehicles in certain areas; and

WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of the Chapter 24, Article II, Special Regulations Division 1, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts of the James City County Code in order to address the recent granted authority to James City County by the General Assembly to regulate inoperable vehicles as defined by State Code and to address the keeping and/or parking of oversized commercial type vehicles in residentially zoned areas. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

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Jack Haldeman  
Chairman, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of  
June, 2019.

InitZOrd-Veh-res

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 508

*An Act to amend Chapters 779 and 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City, by adding in Chapter 7 a section numbered 7.5, relating to additional planning powers; inoperable vehicles.*

[S 1408]

Approved March 18, 2019

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 779 of the Acts of Assembly of 1993, which provided a charter for the County of James City, is amended by adding in Chapter 7 a section numbered 7.5 as follows:**

*§ 7.5. Additional planning powers.*

*The board of supervisors may, by ordinance, exercise those powers granted to certain localities pursuant to § 15.2-905 of the Code of Virginia. Such powers shall only be exercised on property two acres in area or smaller.*

**2. That Chapter 798 of the Acts of Assembly of 1993, which provided a charter for the County of James City, is amended by adding in Chapter 7 a section numbered 7.5 as follows:**

*§ 7.5. Additional planning powers.*

*The board of supervisors may, by ordinance, exercise those powers granted to certain localities pursuant to § 15.2-905 of the Code of Virginia. Such powers shall only be exercised on property two acres in area or smaller.*

## § 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles

A. The governing bodies of the Counties of Albemarle, Arlington, Fairfax, Henrico, Loudoun, Prince George, and Prince William; any town located, wholly or partly, in such counties; and the Cities of Alexandria, Fairfax, Falls Church, Hampton, Hopewell, Lynchburg, Manassas, Manassas Park, Newport News, Petersburg, Portsmouth, Roanoke, and Suffolk may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.

The locality in addition may by ordinance limit the number of inoperable motor vehicles that any person may keep outside of a fully enclosed building or structure.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. The provisions of this section shall not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

In the event the locality removes the inoperable motor vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises and the cost may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of the cost has been made to the locality.

1991, c. 673, § 15.1-11.03; 1992, c. 490; 1995, c. 58; 1997, cc. 587, 741; 1999, c. 901; 2004, cc. 508,

934;2005, c. 775;2013, c. 364;2014, cc. 606, 731.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**ITEM SUMMARY**

DATE: 6/5/2019

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - June 2019

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**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:15 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:15 AM
Publication Management	Daniel, Martha	Approved	5/29/2019 - 10:21 AM
Planning Commission	Holt, Paul	Approved	5/29/2019 - 10:26 AM

## **PLANNING DIRECTOR'S REPORT**

### **June 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:**
  - **May 14, 2019**
    - Z-19-0002. 8231 Richmond Road Rezoning  
(Approved 5-0)
    - HW-19-0001. Busch Gardens Height Limitation Waiver 2019  
(Deferred to the June 11, 2019 Board of Supervisors Meeting)
    - Proposed Fiscal Year 2020-2025 Secondary Six-Year Plan  
(Approved 5-0)
    - C-18-0118. 4704 Lady Slipper Path, Fence  
(Approved 5-0)
- Katie Pelletier, Community Development Assistant, made use of the County's volunteer program by participating in a meal packing event at James River Elementary School supporting Rise Against Hunger [www.riseagainsthunger.org](http://www.riseagainsthunger.org), an international organization that sends meals to those in need across the globe. Throughout the day, students packed a total of 10,000 meals likely headed to South America. Each bag they packed with soy, rice, dried vegetables and vitamins will feed 6 children. Katie also participated with the Williamsburg House of Mercy Monthly Mobile Food Pantry, a large-scale fresh food distribution that is a partnership with the Virginia Peninsula Foodbank. Katie set up and stocked tables with groceries and assisted citizens with shopping and loading groceries into vehicles.

New Cases for June 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0041	Hill Pleasant Farm Solar Farm	7150 RICHMOND RD	Conceptual plan to construct a solar farm at 7150 Richmond Road.	Thomas Leininger	Stonehouse
	C-19-0042	146 Red Oak Landing Road Tourist Home	146 RED OAK LANDING RD	Conceptual plan for a tourist home use at 146 Red Oak Landing Road.	Roberta Sulouff	Berkeley
	C-19-0046	5676 Mooretown Road Auto Impound (York Co. Courtesy Review)	5676 MOORETOWN RD	Conceptual plan to review York County Special Use Permit for an auto impound yard at 5676 Mooretown Road.	Thomas Leininger	Roberts
	C-19-0047	Marston Property Subdivision	242 BUSH SPRINGS RD	Conceptual plan for 75 lot subdivision on 7 existing R-1 parcels at South end of Bush Springs Road.	Alex Baruch	Stonehouse
Subdivision	S-19-0031	Stonehouse Tract 3, Parcel A, Section 2	9495 ASTILBE LN	68 lot subdivision for townhomes in Stonehouse Tract 3, Parcel A, Section 2.	Ellen Cook	Stonehouse
	S-19-0032	New Town Wetland Restricted Areas - Courthouse Plat	4400 CASEY BLVD	Courthouse plat showing Wetland Restricted Areas in New Town Sections 4, 7, 8 and 9.	Ellen Cook	Jamestown
	S-19-0033	Stonehouse Tract 3, Parcel B, Section 2	9535 GODDIN CT	55 lot subdivision for single family detached dwellings in Stonehouse Tract 3, Parcel B, Section 2.	Ellen Cook	Stonehouse
	S-19-0034	2653 & 2663 Jolly Pond Road Subdivision	2653 JOLLY POND RD	4 lot subdivision for single family detached dwellings at 2653 & 2663 Jolly Pond Road.	Jose Ribeiro	Powhatan
	S-19-0038	The Promenade at John Tyler Phase 4	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler Phase 4.	Jose Ribeiro/Ellen Cook	Berkeley
	S-19-0039	The Promenade at John Tyler Phase 54	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler Phase 54.	Jose Ribeiro/Ellen Cook	Berkeley
Site Plan	SP-19-0026	4548 John Tyler Hwy. Parking SP Amend.	4548 JOHN TYLER HWY	Site plan amendment to add parking spaces at 4548 John Tyler Highway.	Thomas Leininger	Jamestown
	SP-19-0032	10039 Old Stage Rd. Tower SP Amend.	10039 OLD STAGE RD	Site plan amendment to replace antennas on existing communication tower at 10039 Old Stage Road.	Thomas Leininger	Stonehouse
	SP-19-0036	Chickahominy Riverfront Park Shade Structure SP Amend.	1350 JOHN TYLER HWY	Site plan amendment for addition of 10' x 20' shade structure at Chickahominy Riverfront Park pool.	Tori Haynes	Powhatan
	SP-19-0039	6446 Richmond Rd. Wawa Gas Station with Convenience Store	6446 RICHMOND RD	Site plan for the construction of a Wawa at 6446 Richmond Road.	Alex Baruch	Stonehouse
	SP-19-0041	HRSD Treatment Plant Generator and Switchgear Replacement	300 RON SPRINGS DR	Site plan amendment to construct a new building for a generator and switchgear at the HRSD Treatment Plant.	Tori Haynes	Roberts
	SP-19-0042	JCSA College Creek Pipeline Project	97 KINGSPPOINT DR	Site plan to replace JCSA water main crossing College Creek.	Scott Whyte	Roberts
	SP-19-0043	JCC Recreation Center Shade Structure SP Amend.	5301 LONGHILL RD	Site plan amendment to add a shade structure at the child care area of the James City County Recreation Center.	Thomas Wysong	Jamestown
	SP-19-0045	8953 Pocahontas Trl Home Cookin' Shed & Privacy Screening SP Amend.	8953 POCAHONTAS TRL	Site plan amendment to add a shed and privacy screening at 8953 Pocahontas Trail.	Thomas Wysong	Roberts
	SP-19-0046	129-B Industrial Blvd Tower SP Amend.	129-B INDUSTRIAL BLVD B	Site plan amendment to replace antennas on existing communication tower at 129-B Industrial Boulevard.	Thomas Leininger	Stonehouse
Special Use Permit	SUP-19-0010	Norge Dental Center Expansion	7450 RICHMOND RD	Special use permit to expand the building and parking area for Norge Dental Center at 7450 Richmond Road.	Thomas Leininger	Stonehouse
Rezoning	Z-19-0010	Stonehouse Proffer Amendments	9354 FIELDSTONE PKWY	Proffer amendment to accompany Stonehouse Master Plan Amendment currently in review.	Ellen Cook	Stonehouse