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
May 6, 2020
6:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to a Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. Citizens may attend and participate in the electronic meeting via Zoom at: https://zoom.us/j/92299519599?pwd=cStIZDgwVmtwT2lnTkNZaDI2K0FHdz09, or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 922 9951 9599. To attend the meeting via Zoom, please call 757-253-6750 for the meeting password. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

B. ROLL CALL

1. Virtual Meeting Resolution

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the April 1, 2020 Regular Meeting
2. S-0046-2015. Colonial Heritage Deer Lake Estates Construction Plan

F. PUBLIC HEARINGS

1. SUP-20-0005. 230 Peach St. Tourist Home
2. SUP-20-0007. 805 Arlington Island Road Tourist Home
3. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District
4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - May 2020

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

AGENDA ITEM NO. A.1.

ITEM SUMMARY

DATE:	5/6/2020
TO:	The Planning Commission
FROM:	Paul D. Holt, III, Secretary
SUBJECT:	This meeting will be held electronically pursuant to a Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. Citizens may attend and participate in the electronic meeting via Zoom at: https://zoom.us/j/92299519599?pwd=cStIZDgwVmtwT2lnTkNZaDI2K0FHdz09, or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 922 9951 9599. To attend the meeting via Zoom, please call 757-253-6750 for the meeting password. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/28/2020 - 3:40 PM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 3:55 PM
Publication Management	Burcham, Nan	Approved	4/28/2020 - 4:02 PM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 4:02 PM

AGENDA ITEM NO. A.2.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planniing Commission

FROM: Paul D. Holt,III, Secretary

SUBJECT: Zoom Meeting Instructions

ATTACHMENTS:

	Description	Type
🗋	Zoom Meeting Instructions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/28/2020 - 3:41 PM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 3:57 PM
Publication Management	Burcham, Nan	Approved	4/28/2020 - 4:02 PM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 4:03 PM

Zoom Instructions for Participants before a Meeting

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.

2. You will receive notice for a videoconference or conference call via email. The notification will include a link to "Join via computer" as well as phone numbers for a conference call option. It will also include the 9-digit (usually) Meeting ID.

Join the Videoconference

1. At the start time of your meeting, click on the link in your invitation to join via computer. You may be instructed to download the Zoom application.

2. You have an opportunity to test your computer's audio and microphone at this point by clicking on "Test Computer Audio." Once you are satisfied that your audio works, click on "Join audio by computer."

You may also join a meeting without clicking on the invitation link by going to join.zoom.us on any browser and entering the Meeting ID provided by your committee analyst.

Join Audio via Phone (Recommended for best connection)

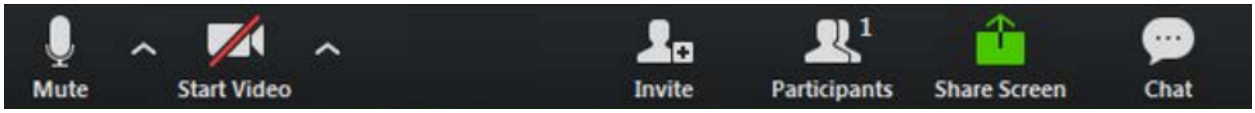
If you have sluggish internet connection, your computer or phone lacks a microphone, or for issues with hearing the audio, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided in your invitation.

2. Enter the Meeting ID number (also provided in your invitation) when prompted using your touch-tone keypad. 3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

During the Meeting

Using the participant controls in the lower left corner of the Zoom screen you can:



• Mute/Unmute your microphone (far left)

• Turn on/off camera ("Start/Stop Video")

• Invite other participants

• View Participant list – opens a pop-out screen that includes a "Raise Hand" icon that you may use to raise a virtual hand

• Change your screen name that is seen in the participant list and video window

• Share your screen

On your Zoom screen you will also see a choice to toggle between "speaker" and "gallery" view. "Speaker view" shows the active speaker. "Gallery view" tiles all of the meeting participants (like a grid).

AGENDA ITEM NO. B.1.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Virtual Meeting Resolution

ATTACHMENTS:

	Description	Type
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2020 - 2:50 PM
Planning Commission	Holt, Paul	Approved	4/27/2020 - 2:50 PM
Publication Management	Daniel, Martha	Approved	4/27/2020 - 3:11 PM
Planning Commission	Holt, Paul	Approved	4/27/2020 - 3:11 PM

R E S O L U T I O N

PLANNING COMMISSION VIRTUAL MEETING

WHEREAS, on March 24, 2020, the James City County Board of Supervisors (the "Board") adopted an emergency Ordinance to ensure the continuity of government in response to the coronavirus pandemic negatively affecting the health, safety, and welfare of the citizens of James City County (the "County"); and

WHEREAS, on April 14, 2020, the Board readopted the continuity of government Ordinance (the "Ordinance"), which, under certain circumstances, permits the Board and its subordinate boards, committees, and commissions to conduct regularly scheduled, special, or emergency meetings solely by electronic or telephonic means without a quorum of members physically present (a "Virtual Meeting"); and

WHEREAS, the Planning Commission is a subordinate Commission of the Board and is therefore eligible to conduct a Virtual Meeting; and

WHEREAS, the Planning Commission desires to conduct a Virtual Meeting on May 6, 2020, at which time those items listed on the agenda attached hereto (the "Agenda") will be considered; and

WHEREAS, each of the members of the Planning Commission have reviewed each the items listed on the Agenda and have determined that consideration of each is necessary to ensure the continuation of the essential functions of the government during the emergency described in the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby finds and declares that immediate consideration of each of the items set forth in the Agenda is necessary to ensure the continuation of essential functions of the government during the emergency declared by the Board and further described in the Ordinance.

_____
Rich Krapf
Chairman, Planning Commission

ATTEST:

_____
Paul D. Holt III
Secretary to the Planning Commission

	VOTES		
	AYE	NAY	ABSTAIN
HALDEMAN	____	____	____
LEVERENZ	____	____	____
NULL	____	____	____
POLSTER	____	____	____
ROSE	____	____	____
O'CONNOR	____	____	____
KRAPF	____	____	____

Adopted by the Planning Commissions of James City County, Virginia, this 6th day of May, 2020.

VirtualMtg-PC-res

AGENDA ITEM NO. E.1.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the April 1, 2020 Regular Meeting

ATTACHMENTS:

	Description	Type
🗋	Minutes of the April , 2020 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/17/2020 - 8:22 AM
Planning Commission	Holt, Paul	Approved	4/17/2020 - 8:22 AM
Publication Management	Daniel, Martha	Approved	4/17/2020 - 8:30 AM
Planning Commission	Holt, Paul	Approved	4/17/2020 - 8:31 AM

M I N U T E S
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
April 1, 2020
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Mr. Paul Holt, Director of Community Development and Planning, stated that a physical quorum was present. Mr. Holt further stated that three Commissioners, Frank Polster, Julia Leverenz, and Rob Rose, have requested to participate remotely. Mr. Holt stated that the Commissioners present must vote to approve the remote participation.

Mr. Krapf made a motion to approve the three Commissioners remote participation.

On a roll call vote, the Commissioners present voted to approve that Mr. Polster, Ms. Leverenz, and Mr. Rose participate remotely. (4-0)

Planning Commissioners Present:
Jack Haldeman
Rich Krapf
Tim O'Connor
Barbara Null

Planning Commissioners Present Via Telephone:
Frank Polster
Julia Leverenz
Rob Rose

Staff Present:
Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Alex Baruch, Senior Planner
Tori Haynes, Planner

Mr. Haldeman stated that the Commission's March 16, 2020, meeting was canceled due to the County Offices being closed. Mr. Haldeman stated that a motion is needed to temporarily suspend and set aside Article III, Section 6 of the Planning Commission Bylaws which calls for the Annual Organizational Meeting to take place the third week of March. Mr. Haldeman stated that a motion is also required to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment.

Mr. Krapf made a motion to temporarily suspend and set aside Article III, Section 6 of the Planning Commission Bylaws and to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment.

On a roll call vote, the Commission voted to temporarily suspend and set aside Article III,

Section 6 of the Planning Commission Bylaws and to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment. (7-0)

ANNUAL ORGANIZATIONAL MEETING

Mr. Haldeman opened the floor for nominations for Chair.

Mr. Tim O'Connor nominated Mr. Krapf.

As there were no further nominations, Mr. Haldeman closed the nominations.

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

Mr. Haldeman opened the floor for nominations for Vice Chair.

Mr. Krapf nominated Ms. Leverenz.

As there were no further nominations, Mr. Haldeman closed the nominations.

On a unanimous voice vote, Ms. Leverenz was elected as Vice Chair.

Mr. Krapf thanked Mr. Haldeman for his leadership of the Commission over the last year.Mr. Krapf noted that he would be in touch with the Commissioners to establish Board of Supervisors coverage and Committee assignments.

Mr. Krapf stated that he is appointing Mr. Haldeman as Chair of the Development Review Committee and Mr. Polster as Chair of the Policy Committee.

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Krapf stated that he would provide the Policy Committee report on behalf of Ms. Leverenz.

Mr. Krapf stated that the Policy Committee met on March 5, 2020. Mr. Krapf stated that this was the fourth and final meeting of the Policy Committee to establish the final scoring and ranking recommendations for Fiscal Year (FY) 2021-2025 Capital Improvements Programs. Mr. Krapf stated that the Committee discussed and agreed on the rankings that will be presented to the Planning Commission for review, and then to the Board of Supervisors.

Mr. Krapf stated that the Policy Committee also met on March 12, 2020, to consider draft language for two proposed Ordinance amendments.

Mr. Krapf stated that staff presented Phase II proposed Zoning Ordinance amendments to address the keeping of bees in residential districts. Mr. Krapf stated that in a previous meeting, the Committee reviewed regulations in other jurisdictions, as well as the state's best management practices, and recommended allowing beekeeping in all zoning districts. Mr. Krapf stated that the Board of Supervisors' Initiating Resolution addressed beekeeping only in residential and agricultural districts. Mr. Krapf noted that if the Planning Commission wishes to

extend beekeeping to the entire County, then the Board of Supervisors would have to revise its Initiating Resolution. Mr. Krapf stated that the Committee revisited previously-discussed restrictions and permitting requirements, and discussed providing maximum protection to adjoining property owners while encouraging beekeeping. Mr. Krapf stated that staff will draft Ordinance language requiring notification of adjoining property owners and adherence to best management practices for Committee review at a future meeting. Mr. Krapf stated that the Committee recommended that the Board of Supervisors amend the Initiating Resolution to allow beekeeping County-wide.

Mr. Krapf stated that staff also presented Phase II proposed Zoning Ordinance amendments to address combat tactical training facilities. Mr. Krapf stated that in Phase I discussions, the Committee agreed with the Board of Supervisors' Initiating Resolution and recommended excluding such facilities from all zoning districts. Mr. Krapf stated that after considering provisions used in other jurisdictions, the Committee asked staff to prepare a definition of these facilities. Mr. Krapf stated that the Committee reviewed and agreed with staff's definition of "combat tactical training facilities." Mr. Krapf stated that staff will draft final Ordinance language for consideration at a future Committee meeting.

Mr. Frank Polster stated that the Development Review Committee (DRC) met on April 1, 2020, to consider SP-0020-0012, Axe Throwing Facility at Freedom Park. Mr. Polster stated that the adopted Special Use Permit (SUP) conditions for this development require DRC review of any proposed changes to the Master Plan for Freedom Park for general consistency. Mr. Polster stated that the proposal was to establish an axe throwing lane facility of approximately 384 square feet at Freedom Park. Mr. Polster stated that the proposed facility will be located next to the Ropes Courses within an area currently leased to Go Ape. Mr. Polster stated that the Committee voted 4-0 to recommend that the proposal is consistent with the adopted Master Plan.

E. CONSENT AGENDA

1. Minutes of the March 4, 2020 Regular Meeting

2. Proposed Calendar for 2020-2021

3. Development Review Committee Action Item: SP-0020-0012. Axe Throwing Facility at Freedom Park

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

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

F. PUBLIC HEARINGS

1. Fiscal Year 2021-2025 Capital Improvements Program

A motion to Approve was made by Jack Haldeman, the motion result was Passed.
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Ms. Tori Haynes, Planner, stated that after a series of meetings to discuss and evaluate this year's Capital Improvements Program (CIP) requests, the Policy Committee is forwarding its recommendations for the FY 2021 through 2025 CIP to the Commission for consideration.

Ms. Haynes stated that a total of 28 projects were submitted: 20 from County departments, two from Williamsburg Regional Library, and six from Williamsburg-James City County (WJCC) Schools. Ms. Haynes further stated that the projects total $154.7 million dollars, with $13.9 million of that identified for FY 2021.

Ms. Haynes stated that Committee members used a standardized set of ranking criteria to prioritize each application. Ms. Haynes further stated that individual Committee member scores were then averaged to generate the final project score and ranking.

Ms. Haynes stated that at its March 5, 2020 meeting, the Committee voted unanimously to forward the following priorities to serve as a recommendation to the Planning Commission.

1. Stormwater Capital Improvements Program
2. Transportation Match
3. Lower County Park
4. Fire Station 6
5. Grove Convenience Center
6. Police Firing Range Expansion
7. Warhill High School Auxiliary Gym/Emergency Shelter
8. Covered Parking for Specialty Police Vehicles and Trailers
9. Jamestown Corridor - Amblers House Utilities
10. Jamestown Beach Event Park Improvements
11. Chickahominy Riverfront Park Phase III Improvements
12. Chickahominy Riverfront Park - New Restroom and Concession Building
13. Jamestown Corridor - Marina New Building
14. James City County Marina Land Improvements
15. James City County Marina Phase 2
16. Lafayette High School Renovation
17. New School Site in Stonehouse: Site Preparation and Environmental Remediation
18. Jolly Pond Road at the Dam Termini Construction
19. New James City County Library Branch
20. Jamestown High School Expansion
20. Warhill High School Expansion
21. Warhill Sports Complex Baseball Field Expansion
22. Upper County Park Improvements
23. Freedom Park Phase IV - Active Recreation Facilities
24. Veterans Park Phase 2 Improvements
25. New Elementary School
26. James City County Library Playground
27. Buses for New 10th Elementary School

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

Mr. Krapf opened the Public Hearing.

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

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Haldeman stated that he would like to see the utility work at Jamestown Beach Event Park and the Amblers House done concurrently which could result in a cost savings. Mr. Haldeman further recommended that the two projects at the Marina be done concurrently for

cost savings and to minimize operational impacts. Mr. Haldeman further stated that he concurs with the need for more library space; however, he was concerned that there is no clear idea of where the new facility would be located.

Mr. Frank Polster stated that he has concerns over the incomplete elementary school application and the lack of answers regarding why not adding new buildings for the New Beginnings program was not a viable option or fiscally appropriate. Mr. Polster further stated that he would like to have that explanation when the application comes back again. Mr. Polster stated that he finds the application lacking in detail for a project of that scope and cost.

Mr. Krapf noted that a summary of those concerns would be forwarded to the Board of Supervisors along with the Commission's recommendation.

Mr. Tim O'Connor stated that he was pleased to see that there would be parity among the high schools with the Warhill Auxiliary Gym application. Mr. O'Connor noted that he also appreciates that the structure will be designed so that it can also serve as an emergency shelter.

Ms. Julia Leverenz stated that she supports the prioritization of the stormwater improvements and improvements in the Grove community.

Mr. Haldeman made a motion to approve the FY 2021-2025 CIP priorities.

On a roll call vote, the Commission voted to recommend the list of CIP project priorities as ranked by the Policy Committee to the Board of Supervisors. (7-0)

2. Z-19-0003. Fords Colony Proffer Amendment

A motion to Approve was made by Jack Haldeman, the motion result was Passed.
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Alex Baruch, Senior Planner, stated that Ms. Susan Tarley of Tarley Robinson, PLC has applied, on behalf of Realtec Community Services, for a proffer amendment to amend previously approved proffers for Ford's Colony to address traffic improvements and outstanding proffers. Mr. Baruch stated that the Ford's Colony development is nearing build-out. Mr. Baruch further stated that the Master Plan, not including the Continuing Care Retirement Communities on the south side of News Road, allows for up to 3,250 dwelling units. Mr. Baruch stated that approximately 2,857 units have been constructed to date and other lots have been platted but are not yet improved. Mr. Baruch stated that the subject properties listed on the application include those properties where new development is still planned.

Mr. Baruch stated that staff and the applicant are in agreement that there are 104 dwelling units that remain to be constructed on four parcels that have a residential designation on the Master Plan. Mr. Baruch stated that the overall purpose and intent of this proffer amendment is to specify the division of these units between those four parcels, specify the remaining traffic improvements that need to be constructed as a part of the build-out of Ford's Colony, and eliminate traffic related improvements which were listed in the original proffers, but which are no longer necessary.

Mr. Baruch stated that the parcels are zoned R-4, Residential Planned Community and are designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Mr. Baruch stated that staff finds the proposal to be compatible with the surrounding development and consistent with the adopted Comprehensive Plan. Mr. Baruch further stated that staff recommends that the Planning Commission recommend approval of this application and the amended proffers to the Board of Supervisors.

Mr. Rob Rose inquired about why the bike lane was eliminated. Mr. Baruch stated that the bike lane is no longer shown on the Longhill Road Corridor Study on that side of the road.

Mr. Baruch further stated that it is now shown as a multi-use path on the north side of the road.

Mr. Krapf called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with Mr. Drew Mulhare.

There were no further disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Drew Mulhare, General Manager, Ford's Colony at Williamsburg Homeowners Association (FCHOA), stated that FCHOA has been joined in this application by Windsor Healthcare Equities, LLC, the Dorothea M. Ford Trust, and Redus Va. Housing, LLC. Mr. Mulhare addressed the Commission in support of the application and commended staff for the efforts to find appropriate strategies to resolve outstanding issues.

Mr. O'Connor inquired if the unit counts on each parcel were locked in or if fewer units could be constructed on one parcel and the remaining units added to the unit count on another parcel. Mr. Mulhare stated that the unit counts could not be redistributed.

Mr. Mulhare stated that the application partners have agreed to the unit counts and further, that FCHOA has entered into a supplemental Declaration of Covenants regarding those parcels.

Mr. Holt noted that should any changes be requested, it would require a further proffer amendment.

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

Mr. O'Connor noted that there are likely several developments where the developer is no longer present or has made certain obligations that have carried over to a homeowners association (HOA) that do not necessarily belong under the HOA's purview.

Mr. O'Connor stated that the traffic study is one of those obligations. Mr. O'Connor stated that he appreciates FCHOA working through the issues to arrive at a resolution.

Mr. Rose noted that, in regard to the bike lane, for avid bikers, the multiuse path is not an equivalent option due to the other uses that would occur on the multiuse path.

Mr. O'Connor inquired if the Longhill Road Corridor called for dual lanes.

Mr. Holt stated that the Longhill Road Corridor Study recommendations were developed with a substantial amount of public engagement. Mr. Holt stated that based on citizen preferences for the road design, the multiuse path came forward as one of the recommendations. Mr. Holt stated that staff would need to review the recommendations regarding a separate on-street bike lane.

Mr. Polster stated that he participated in the three public meetings for the Longhill Road Corridor Study. Mr. Polster noted that the issue of bike safety was discussed extensively. Mr. Polster further stated that the consensus was that bikers could use the road or the multiuse path. Mr. Polster stated that he would like to see the multiuse path extend along the entire corridor.

Mr. Haldeman made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of Z-19-0003. Ford's Colony Proffer Amendment. (7-0)

3. Z-20-0001. Norge Center Proffer Amendment

A motion to Approve was made by Jack Haldeman, the motion result was Passed.
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Paul Holt stated that in order to minimize the number of people in attendance, he would present this case. Mr. Holt stated that Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP, on behalf of Norge Plaza, Inc. and Chesapeake Bank, has applied to amend the previously approved proffers to allow office use on the property. Mr. Holt stated that professional offices are permitted uses in the B-1 Zoning District; however, the existing proffers limit uses to a shopping center. Mr. Holt stated that the proposed use does not fit within the definition of a shopping center, and the proposed proffer amendment would allow for office use, in addition to the shopping center use.

Mr. Holt stated that the existing 52,915-square-foot building previously served as a grocery store. Mr. Holt Chesapeake Bank plans to use the building for its Chesapeake Payment Systems. Mr. Holt stated that those operations include phone support, electronic communications, or on-site support at a customer's place of business. Mr. Holt further stated that Chesapeake Bank also plans to use the building to consolidate the call center and other support personnel that are currently in multiple locations throughout James City County. Mr. Holt noted that according to information provided by the applicant, the location will not have retail banking. Mr. Holt stated that the existing vacant building will be repurposed, and no new development or construction is proposed other than the renovation of the interior of the building.

Mr. Holt stated that staff finds that the proposed use is compatible with the B-1, General Business Zoning District, surrounding zoning, and the adopted Comprehensive Plan. Mr. Holt stated that staff recommends that the Planning Commission recommend approval of this proffer amendment.

Ms. Barbara Null inquired if the fuel station would be removed.

Mr. Holt stated that the fuel station had been demolished within the past several weeks.

Ms. Leverenz inquired about the number of employees to be transferred to that location.

Mr. Holt stated that according to the applicant it would be 60 employees.

Ms. Leverenz stated that her question related to traffic impacts.

Mr. Holt stated that the traffic impacts would be greatly improved; reducing from 402 peak

hour trips to 75.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he spoke with Mr. Geddy and with one of the property owners.

Mr. Haldeman stated that he also spoke with one of the property owners.

Mr. Holt noted that after the agenda materials were published, staff received a letter of support from the property owners. Mr. Holt further noted that this information was provided to the Commissioners by email.

There were no further disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Commission in support of the application. Mr. Krapf noted that there is a tremendous amount of impervious cover on the site and inquired if the applicant would be amenable to converting some of that to pervious cover and adding greenspace. Mr. Geddy stated that this is something that is being considered.

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

Mr. O'Connor stated that he commends the applicant for seeking to repurpose an existing structure. Mr. O'Connor stated that he would support the application.

Mr. Krapf stated that, since there had not been any interest from another grocery store for the property, this is an excellent reuse of the structure. Mr. Krapf stated that he will support the application.

Ms. Null stated that she supports the application. Ms. Null stated that it is important to ensure that buildings do not remain dormant and deteriorate.

Mr. Polster stated that this is the first project he has seen that falls under the category of infill development. Mr. Polster stated that repurposing a structure for economic development that will bring jobs to that area is a positive factor. Mr. Polster further stated that in light of what the County is doing to widen Croaker Road and improve access to the interstate, this makes good sense in terms of economic development.

Mr. Haldeman made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to approve Z-20-0001. Norge Center Proffer Amendment. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2020

Mr. Holt stated that he appreciates the Commission's flexibility and willingness to try out new things to minimize contact, but still provide transparency with the meetings.

Mr. O'Connor inquired if applications are still being submitted and if staff is able to process them in a timely fashion. Mr. Holt stated that the County remains open for business.

Mr. Holt stated that in-office staff is being kept at a minimum; however, thanks to exceptional resources and IT staff, most staff members are able to work from home. Mr. Holt further stated that this proves the value of the PermitLink system which allows applications, resubmittals, and payments to be done online. Mr. Holt stated that arrangements have been made to accept the required paper copies of plans. Mr. Holt further stated that there are some small delays in moving those paper copies due to the recommendations on safely handling such items; however, everyone on the development side has been very understanding and appreciative of staff's efforts. Mr. Holt stated that some adaptations have been made to how building inspections are done, particularly when it involves an occupied dwelling, an age restricted community, or an assisted living facility. Mr. Holt stated that those inspection requests are being triaged and rescheduled to space them out as much as possible. Mr. Holt stated that he appreciates staff's willingness to adapt and still provide the necessary services. Mr. Holt stated that he was very appreciative of the development community's patience and understanding during this time.

Ms. Leverenz stated that there are three tourist home applications on the New Cases Spreadsheet. Ms. Leverenz stated that this highlights the need to review how those applications should be evaluated and where this type of use is appropriate.

Mr. Holt stated that there had been one change to the 2020-2021 Calendar. Mr. Holt noted that the Commissioners should be certain to use the latest version when setting their calendars.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf requested that Mr. Holt update the Commission on a special Planning Commission meeting.

Mr. Holt stated that at its meeting on March 24, 2020, the Board of Supervisors adopted an Ordinance to ensure the continuity of government. Mr. Holt stated that the Ordinance contained several provisions on how Boards and Commissions can operate. Mr. Holt stated that under those provisions, those entities can meet electronically in an effort to minimize in person contact. Mr. Holt further stated that the intent is that the Planning Commission Working Group (PCWG) meeting on April 6, 2020 will be held electronically. Mr. Holt stated that since the calendar was just adopted, the PCWG meeting could not be advertised as a Regular Meeting and would need to be advertised as a Special Meeting. Mr. Holt stated that it would be necessary to have a motion to have a Special Meeting of the Planning Commission for the purposes of accomplishing the work of the PCWG on April 6, 2020 at 4 p.m. to be held electronically, pursuant to Section D-2, Public Meetings of the Emergency Ordinance.

Mr. O'Connor made a motion to hold the Special Meeting.

On a voice vote, the Commission voted to have a Special Meeting of the Planning Commission for the purposes of accomplishing the work of the PCWG on April 6, 2020, at 4 p.m. to be held electronically, pursuant to Section D-2, Public Meetings of the Emergency Ordinance. (7-0)

Mr. Holt noted that even with the PCWG being advertised as a Special Meeting and being held electronically, the public is still able to provide comments in several ways: via email to community.development@jamescitycountyva.gov, or the Public Comment Hotline 757-253-6750. Mr. Holt noted that this information will also be included in the notice and published with the agenda materials. Mr. Holt stated that the meeting will also be televised live.

Mr. O'Connor stated that he looked up the Longhill Road Corridor Study recommendations for the bike facility. Mr. O'Connor stated that the preferred cross section incorporated the bike facility in the outside lane with sharrows - arrows built into the road designating the lane as a place for both bicycles and cars.

Mr. Polster stated that he wanted to thank staff, particularly Ms. Terry Costello, for answering his questions and making the documentation for the CIP available. Mr. Polster further stated that he likes the process that has been developed for evaluating CIP applications. Mr. Polster stated that the process not only evaluates the applications on their merits, but also allows for judgement to be made on where they should fall in the priorities.

Mr. Krapf stated that he would cover the Board of Supervisors meeting for April. Mr. Krapf further stated that he would contact the Commissioners to set that schedule for the remainder of the year.

Mr. Krapf stated that he wanted to thank all of the essential workers who are providing necessary services.

J. ADJOURNMENT

Ms. Null made a motion to adjourn to the PCWG meeting on April 6, 2020, at 4 p.m.

The meeting was adjourned at approximately 7:01 p.m.

_____ _____

Paul D. Holt, III, Secretary Rich Krapf, Chair

AGENDA ITEM NO. E.2.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: S-0046-2015. Colonial Heritage Deer Lake Estates Construction Plan

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ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Attachment No.1. Cover Sheet and Overall Layout Sheet	Exhibit
	Attachment No.2. Summary of the History of the Project	Exhibit
	Attachment No.3. Agency Comments	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/23/2020 - 1:59 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:00 PM
Publication Management	Daniel, Martha	Approved	4/23/2020 - 2:04 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:07 PM

SUMMARY FACTS

Applicant:	Mr. Ryan Stephenson
Land Owner:	Colonial Heritage, LLC
Proposal:	50 Single-family dwellings
Location:	499 Jolly Pond Road
Tax Map/Parcel No.:	2240100007
Project Acreage:	± 135.56 acres
Current Zoning:	A-1, General Agricultural, with proffers and rural cluster
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

Section 19-23 of the Subdivision Ordinance requires Planning Commission review for all major subdivisions with 50 or more lots.

FACTORS FAVORABLE

1. The proposal is compatible with surrounding development.
2. The proposal is consistent with the recommendations of the James City County Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

FACTORS UNFAVORABLE

1. No factors unfavorable.

PROJECT HISTORY

Please refer to Attachment No. 2 for a summary of the history of this property.

PROJECT DESCRIPTION

- Proposal is for 50 single-family dwellings. The proposed development is within the density allowed by the previously approved Master Plan.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding area to the east is zoned MU, Mixed Use, (Phase 6, Sections 1 and 2, Colonial Heritage) and is designated Low Density Residential on the Comprehensive Plan. The ± 282 acres, area to the west is zoned A-1 and designated as Rural Lands on the Comprehensive Plan and is also part of the Colonial Heritage development. This area is under a natural open space easement. Properties to the north and south are also zoned A-1 and designated as Rural Lands on the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant Colonial Heritage Deer Lake Estates preliminary subdivision approval subject to agency comments.

JR/md
S46-2015CHDrLake

Attachments:
1. Cover sheet and Overall Layout Sheet
2. Summary of History of the Project
3. Agency Comments

SUBDIVISION PLAN

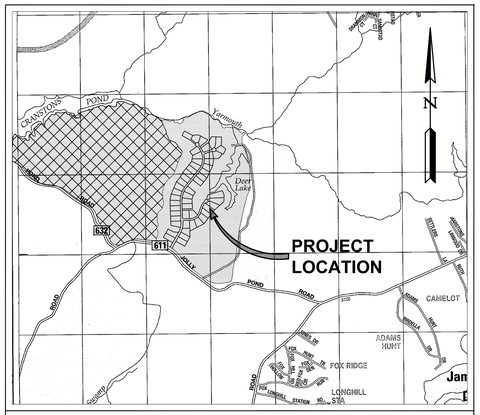
FOR

DEER LAKE ESTATES

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

GENERAL NOTES

1. ALL PROPOSED UTILITIES SHOWN ARE TO BE PLACED UNDERGROUND AS PER THE CURRENT JAMES CITY COUNTY SUBDIVISION ORDINANCE SECTION 19-33.
2. ALL RESIDENTIAL SUBDIVISION SIGNS SHALL BE IN ACCORDANCE WITH ARTICLE II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE.
3. ALL NEW STREET SIGNS SHALL BE INSTALLED PER SECTION 19-55 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE.
4. ALL PROPOSED ROADS SHALL BE 25 MPH. JOLLY POND ROAD, RT. 661, HAS A DESIGN/POSTED SPEED LIMIT OF 45 MPH.
5. STORM SEWER PIPE SHALL BE CLASS III RCP OR SMOOTH WALL INTERIOR HDPE PIPE UNLESS OTHERWISE DESIGNATED. PRIOR TO THE RELEASE OF THE BOND AND SURETY IT SHALL BE SHOWN THAT INSTALLATION OF HDPE STORM SEWER PIPE WAS CONDUCTED WITH COMPLIANCE TO ASTM D-2321, THE SEALING AREA OF THE BELL SHALL BE REINFORCED TO PROVIDE JOINT INTEGRITY AND TOLERANCE CONTROL. HDPE PIPE AND FITTING JOINTS ARE TO COMPLY WITH ASTM F477 FOR WATERTIGHT GASKETS. HDPE PIPE IS TO BE USED IN LIEU OF CLASS III RCP PIPE ONLY; WHERE CLASS IV RCP OR HIGHER IS REQUIRED THE CONTRACTOR SHALL USE RCP PIPE ONLY.
6. STORM STRUCTURES, SEWER AND BEDDING SHALL CONFORM TO THE VDOT ROAD AND BRIDGE STANDARDS AND VDOT SPECIFICATIONS. ALL WEEP HOLES INSTALLED FOR DI-7/YARD DRAIN INLETS SHALL BE PLUGGED UPON STABILIZATION OF SURROUNDING AREAS. ALL PIPE BEDDING SHALL BE IN ACCORDANCE WITH PB-1 AND MANUFACTURER SPECS. AND GUIDELINES, AND STORM SEWER MANHOLES DEEPER THAN 4 FEET SHALL HAVE STEPS (ST-1). ALL STORM PIPE WITHIN A VDOT R.O.W. SHALL BE REINFORCED CONCRETE PIPE (RCP) AND SHALL BE CLASS III UNLESS OTHERWISE NOTED. STORM PIPE OUTSIDE OF A VDOT R.O.W. CAN BE HIGH DENSITY POLYETHYLENE (HDPE). UNLESS OTHER WISE NOTED ALL DI-3 STRUCTURES TO USE TYPE A NOSE. VDOT STANDARD IS-1 SHAPING TO BE USED IN ALL STORM STRUCTURES.
7. RESEARCH HAS SHOWN NO EVIDENCE OF ENVIRONMENTAL OR HEALTH HAZARDS ON THIS SITE.
8. A LAND DISTURBING PERMIT AND SILTATION AGREEMENT, WITH SURETY ARE REQUIRED FOR THIS PROJECT.
9. CONSTRUCTION OF STORMWATER CONVEYANCE SYSTEMS WITHIN THIS DEVELOPMENT OUTSIDE OF THE VDOT RIGHT-OF-WAY SHALL COMPLY WITH THE CURRENT JAMES CITY COUNTY GUIDELINES FOR DESIGN AND CONSTRUCTION OF STORMWATER MANAGEMENT BMP'S AND THE ENVIRONMENTAL DIVISION STORMWATER DRAINAGE CONVEYANCE SYSTEMS (NON-BMP RELATED) GENERAL DESIGN AND CONSTRUCTION GUIDELINES.
10. A PRECONSTRUCTION CONFERENCE SHALL BE HELD ON-SITE BETWEEN THE COUNTY, THE PROJECT ENGINEERS AND THE CONTRACTOR PRIOR TO ISSUANCE OF A LAND DISTURBING PERMIT.
11. ALL ROADS SHALL BE PUBLIC RIGHT-OF-WAYS AND SHALL BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION.
12. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS SHALL REMAIN PRIVATE.
13. ALL NEW PROPERTY MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-38 OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE
14. NO BUILDING OR STRUCTURE CAN EXCEED 60' IN HEIGHT WITHOUT A HEIGHT WAIVER FROM JAMES CITY COUNTY.
15. IN ACCORDANCE WITH SECTION 19-29(H) OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE, THE NATURAL OPEN SPACE EASEMENTS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES REFERENCED IN THE DEED OF EASEMENT.
16. IN ACCORDANCE WITH SECTION 19-29(G) OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE, WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(C)(1) OF THE JAMES CITY COUNTY CODE.
17. PER THE PROFFERS, NO IRRIGATION WELLS SHALL BE ESTABLISHED OR UTILIZED FOR ANY RESIDENTIAL UNIT.
18. THE CONTRACTOR IS REQUIRED TO SECURE ALL NECESSARY PERMITS FOR THE ABANDONMENT OR DEMOLITION OF ALL EXISTING WELLS/WATERLINES AND SEPTIC FIELDS IN ACCORDANCE WITH JAMES CITY COUNTY AND VIRGINIA DEPARTMENT OF HEALTH REGULATIONS. CONTACT VIRGINIA DEPARTMENT OF HEALTH AT 1-757-253-4813
19. THE CONTRACTOR IS REQUIRED TO SECURE ANY DEMOLITION PERMITS FOR EXISTING STRUCTURES INDICATED ON THE PLAN. CONTACT CODE COMPLIANCE AT 1-757-253-6626.
20. ALL LOTS TO BE SERVED BY PUBLIC WATER AND SEWER.
21. ALL ERRORS OR DISCREPANCIES WITH THE PLANS OR EXISTING SITE CONDITIONS SHALL BE REPORTED TO THE ENGINEER OR SURVEYOR OF RECORD BEFORE PROCEEDING WITH THE WORK.
22. CONTOUR INTERVAL IS 2 FOOT.
23. ANY EXISTING, UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH THE VIRGINIA PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
24. SOLID WASTE DISPOSAL SHALL BE PROVIDED BY A PRIVATE HAULER.
25. ROADWAY AND DITCH CONSTRUCTION SHALL CONFORM TO THE VDOT ROAD AND BRIDGE STANDARDS AND VDOT SPECIFICATIONS.
26. A VDOT LAND USE PERMIT IS REQUIRED FOR ALL WORK WITHIN THE VDOT RIGHT-OF-WAY. THE CONTRACTOR SHALL NOTIFY VDOT IN WRITING 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK WITHIN THE VDOT RIGHT-OF-WAY. THE GENERAL CONTRACTOR SHALL SECURE THIS PERMIT.
27. ALL COMPONENTS OF THE WATER DISTRIBUTION AND SANITARY SEWER SYSTEM SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH THE LATEST EDITION OF THE JAMES CITY SERVICE AUTHORITY DESIGN AND ACCEPTANCE CRITERIA FOR WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS, THE HRPDC REGIONAL STANDARDS, AND THE COMMONWEALTH OF VIRGINIA WATERWORKS AND SEWERAGE REGULATIONS.
28. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTIFY JAMES CITY SERVICE AUTHORITY PRIOR TO ANY EXCAVATION OR DEMOLITION WITHIN UTILITY CORRIDORS.
29. THE CONTRACTOR SHALL MAINTAIN A COMPLETE SET OF THE APPROVED PLANS AT THE PROJECT SITE AT ALL TIMES DURING CONSTRUCTION.
30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING MISS UTILITY (1-800-552-7001) FOR EXISTING UTILITY LOCATIONS AT LEAST 3 WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION, AND A PRIVATE UTILITY LOCATOR FOR THE LOCATING OF PRIVATE UTILITIES.
31. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING EROSION AND SEDIMENT CONTROL MEASURES AS SHOWN ON THE DRAWINGS AND FOR EXCAVATION STOCKPILES, STAGING AREAS, MOBILIZATION SITES, BEDDING/BACKFILL STOCKPILES AND OTHER LAND DISTURBANCES NOT SPECIFICALLY ADDRESSED IN THE DRAWINGS OR CONTRACT DOCUMENTS. EROSION AND SEDIMENT CONTROL MEASURES SHALL MEET OR EXCEED THE MINIMUM STANDARDS OF THE "VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK" (LATEST PUBLICATION) AND THE REQUIREMENTS OF THE LOCAL GOVERNING AUTHORITY.
32. THE CONTRACTOR SHALL PROVIDE WRITTEN NOTIFICATION TO ALL OWNERS AND RESIDENTS OF PROPERTY ADJACENT TO THE PROJECT 30 DAYS PRIOR TO THE COMMENCEMENT OF WORK, UNLESS OTHERWISE DIRECTED BY THE OWNER, CONSTRUCTION WITHIN EASEMENTS OR ON PUBLIC RIGHT-OF-WAY NECESSITATES NOTICE WHETHER ADJACENT TO OR LOCATED ON THE ADJOINING PROPERTY. FAILURE TO PROVIDE THE MINIMUM NOTIFICATION TIME WILL RESULT IN SUSPENSION OF WORK.
33. THE ABSENCE OF THE OWNER OR THE ENGINEER AT THE JOB SITE DOES NOT, IN ANY WAY, RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE DRAWINGS, CONTRACT DOCUMENTS, ADDENDA, AND WRITTEN AUTHORIZED PLAN REVISIONS.
34. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS, AND ORDERS OF ANYBODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
35. ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH THE CURRENT JAMES CITY COUNTY STANDARDS AND SPECIFICATIONS, VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE STANDARDS AND SPECIFICATIONS, VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, AND ANY OTHER APPLICABLE CITY OR STATE ORDINANCES, CODES, AND LAWS PRIOR TO ANY CONSTRUCTION ACTIVITY.
36. THE CONTRACTOR SHALL AT ALL TIMES POSSESS AND MAINTAIN A CURRENT COPY OF THE JAMES CITY SERVICE AUTHORITY STANDARDS AND SPECIFICATIONS, WATER DISTRIBUTION AND SANITARY SEWER SYSTEMS AND A COPY OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION (HRPDC) REGIONAL STANDARDS AT THE JOB SITE AND READILY AVAILABLE FOR IMMEDIATE REFERENCE.
37. THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS AND PRODUCTS ON ALL PROJECTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE WORK. A COPY OF THE JCSA STANDARDS AND REGIONAL STANDARDS MUST BE KEPT ON-SITE BY THE CONTRACTOR DURING THE FULL TIME OF INSTALLING, TESTING, AND CONVEYING THE FACILITIES TO JCSA.
38. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO COMMENCEMENT OF WORK INCLUDING, BUT NOT LIMITED TO, LAND DISTURBING, BUILDING, RIGHT-OF-WAY, AND UTILITY PERMITS.
39. CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF CONSTRUCTION EFFORTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), LOCAL EMERGENCY SERVICES, AND ALL NECESSARY UTILITY COMPANIES INCLUDING, BUT NOT LIMITED TO, ELECTRICITY, NATURAL GAS, TELECOMMUNICATIONS, CABLE TELEVISION, WATER, SEWER, PRIVATE LIGHTING, AND OTHERS THAT MAY BE REQUIRED.
40. THE CONTRACTOR SHALL SATISFY HIMSELF AS TO ALL SITE CONDITIONS PRIOR TO CONSTRUCTION. EXISTING UTILITY LOCATIONS INDICATED ARE APPROXIMATE. FIELD VERIFY PRIOR TO COMMENCING THE WORK.
41. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL SITE IMPROVEMENTS, INCLUDING LANDSCAPING, AS SHOWN ON THE APPROVED PLAN.
42. THE CONTRACTOR SHALL REMOVE ALL EXCESS MATERIAL, INCLUDING SOIL AND DEBRIS, FROM THE SITE.
43. THE CONTRACTOR WILL IMMEDIATELY REPAIR OR REPLACE CHANNEL STABILIZATION BLANKETS AND EROSION CONTROL MATTINGS IF SITEWORK OR ASSOCIATED UTILITY OPERATIONS SUCH AS CABLE, ELECTRIC, GAS, PHONE, SEWER, WATER, ETC. DAMAGE THEIR FUNCTIONAL INTENT.
44. THE CONTRACTOR SHALL COMPLY WITH ALL PROVISIONS OF THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT (SECTION 56-265.14 ET. SEQ, CODE OF VIRGINIA, 1950, AS AMENDED) AND HEREBY AGREES TO HOLD THE DEVELOPER AND THE ENGINEER HARMLESS AGAINST ANY LOSS, DAMAGE, OR CLAIMS OF ANY NATURE WHATSOEVER ARISING OUT OF THE CONTRACTOR'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF SAID ACT.
45. THE CONTRACTOR IS REQUIRED TO COMPLY WITH THE VIRGINIA OVERHEAD HIGH VOLTAGE LINE SAFETY ACT (SECTIONS 59.1-406 THROUGH 59.1-414, CODE OF VIRGINIA, 1950, AS AMENDED). THE CONTRACTOR IS REQUIRED TO VISIT THE SITE AND NOTE THE POSITION OF OVERHEAD CABLES PRIOR TO CONSTRUCTION.
46. ALL UTILITY AND SURVEY DATA SHOWN ON THE DRAWINGS HAVE BEEN PROVIDED BY AES CONSULTING ENGINEERS. INFORMATION HAS BEEN OBTAINED FROM THE BEST AVAILABLE SOURCES AT THE TIME OF THE SURVEY BUT IS NOT REPRESENTED AS BEING COMPLETE AND ACCURATE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND PROTECT EXISTING UTILITIES AND UNDERGROUND STRUCTURES. DAMAGE TO EXISTING UTILITIES AND UNDERGROUND STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE DEVELOPER.
47. HORIZONTAL DATUM - NAD83 (1192) VIRGINIA STATE PLAIN COORDINATE SYSTEM SOUTH ZONE
VERTICAL DATUM - NGVD29 VIRGINIA STATE PLAIN COORDINATE SYSTEM SOUTH ZONE.
48. PRIVATELY OWNED UTILITIES (EG WATER & SEWER LINES, FIRE MAINS) SHOWN ON THIS PLAN ARE REGULATED BY THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND ENFORCED BY THE BUILDING SAFETY AND PERMITS DIVISION. THESE PRIVATELY OWNED UTILITIES MUST COMPLY FULLY WITH THE INTERNATIONAL PLUMBING CODE, THE NATIONAL FIRE PREVENTION ASSOCIATION STANDARD 24 AND THE INTERNATIONAL FIRE CODE. CONTRACTORS WORKING FROM THIS SITE PLAN ARE CAUTIONED NOT TO INSTALL OR CONCEAL PRIVATELY OWNED SITE UTILITIES WITHOUT OBTAINING REQUIRED PERMITS AND INSPECTIONS.
49. EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
50. ANY STORM STRUCTURES OVER 12' IN DEPTH SHALL BE INSTALLED WITH A SAFETY SLAB AS REQUIRED BY VDOT.
51. THE PROPOSED CUL-DE-SACS ARE IN ACCORDANCE WITH SECTION 19-54 OF THE SUBDIVISION ORDINANCE.



VICINITY MAP
(Approximate Scale: 1"=2000')
Copyright ADC The Map People permitted use number 21004223

SUP NO.: SUP-0003-2015
COUNTY PROJECT NO.: S-0046-2015
ORIGINAL SUBMITTAL DATE: NOVEMBER 16, 2015

(THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF Z-0003-2002/Z-0004-2002)

1. CONTRACTORS SHALL NOTIFY MISS UTILITY @ 811 OR (800) 552-7001 PRIOR TO STARTING CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND DETERMINING SIZES OF ALL UTILITIES PRIOR TO CONSTRUCTION.
3. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, CONTACT THE CONSTRUCTION MANGER BEFORE PROCEEDING.
4. GOVERNMENT WILL MARK ALL GOVERNMENT-OWNED UTILITIES.

VSMP PERMIT DATA:

EXISTING PERMIT COVERAGE #:

SITE LOCATED IN CHESAPEAKE BAY PRESERVATION AREA: Yes☒ No☐

LOCATION OF OFF-SITE ACTIVITY: JOLLY POND ROAD (S.R. 611) (RIGHT-OF-WAY IMPROVEMENTS)
PARCEL ID #2330400001A & #2330600001G (UTILITY CONNECTIONS TO COLONIAL HERITAGE)

STATUS OF ACTIVITY: ☐Federal ☐ State ☐Public ☒Private

NATURE OF CONSTRUCTION ACTIVITY: ☐Commercial ☒ Residential ☐Industrial ☐Other

NAME OF RECEIVING WATER(S): SUB-WATERSHED 105 OF THE YARMOUTH CREEK WATERSHED

NAME OF IMPAIRED WATER(S): YARMOUTH CREEK

HYDROLOGIC UNIT CODE (HUC): HUC JL-28

MUNICIPAL STORM SEWER SYSTEM (MS-4): JAMES CITY COUNTY

COMMON PLAN OF DEVELOPMENT: Yes ☒ No☐

INDEX OF SHEETS

SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET
2	ENVIRONMENTAL INVENTORY PLAN
3	OVERALL PLAN OF DEVELOPMENT
4	PRELIMINARY PLAT
5	PHASE I E&S PLAN
6	OVERALL SITE AND UTILITY PLAN
6A	BIKE LANE SITE, GRADING, DRAINAGE, AND PHASE II E&S PLAN
7	ROAD, UTILITY, GRADING, DRAINAGE, AND PHASE II E&S PLAN
8	ROAD, UTILITY, GRADING, DRAINAGE, AND PHASE II E&S PLAN
9	ROAD, UTILITY, GRADING, DRAINAGE, AND PHASE II E&S PLAN
9A	ROAD, UTILITY, GRADING, DRAINAGE, AND PHASE II E&S PLAN
10	ROAD, UTILITY, GRADING, DRAINAGE, AND PHASE II E&S PLAN
11	ROAD AND UTILITY PROFILE
12	ROAD AND UTILITY PROFILE
13	ROAD AND UTILITY PROFILE
14	OFFSITE WATER & SANITARY #1 PLAN, PROFILE, AND PHASE II E&S
15	OFFSITE SANITARY #2 PLAN, PROFILE, AND PHASE II E&S
16	OFFSITE SANITARY #3 PLAN, PROFILE, AND PHASE II E&S
17	E&S NOTES & DETAILS
17A	E&S NOTES & DETAILS
18	SITE AND VDOT NOTES & DETAILS
19	VDOT NOTES & DETAILS
L1	LANDSCAPE PLAN
L2	LIGHTING PLAN

OWNER/DEVELOPER INFORMATION:

COLONIAL HERITAGE, LLC
CONTACT: MR. TIM BATES
COLONIAL HERITAGE, LLC
14280 PARK MEADOW DRIVE, SUITE 105
CHANTILLY, VIRGINIA 20151
TELEPHONE NO.: (703) 449-6538

CERTIFIED RESPONSIBLE LAND DISTURBER:

JOSEPH ROQUE
CERTIFICATE #RLD04567
EXPIRATION DATE: 07/13/2022
COLONIAL HERITAGE, LLC
7015 STATESMAN
WILLIAMSBURG, VIRGINIA 23188
TELEPHONE NO.: (757) 748-3969
FAX NO.: (757) 257-8356

SITE DATA:

SITE ADDRESS:	499 JOLLY POND ROAD WILLIAMSBURG, VA 23188
ZONING:	A1 CLUSTER WITH SPECIAL USE PERMIT NO. SUP-0021-2004/SUP-0003-2015 AND PROFFERS Z-0003-2002 / Z-0004-2002
PROPOSED PROJECT LIMITS:	5,905,196 S.F.±, 135.56 AC.±
PROPOSED RIGHT OF WAY AREA:	259,541 S.F.±, 5.96 AC.±
PROPOSED IMPERVIOUS AREA:	454,934 S.F.±, 10.44 AC.±
TOTAL DISTURBED AREA:	2,015,709 S.F.±, 46.27 AC.±
FLOOD HAZARD MAP:	THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON PANELS 0106D & 0108D, FOR COMMUNITY NUMBER 510201, DATED 12/16/2015 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE X IS DEFINED AS AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN.

NATURAL RESOURCE INVENTORY

"THIS SITE PLAN (OR SUBDIVISION PLAN) HAS BEEN REVIEWED AGAINST THE NATURAL RESOURCE INVENTORY APPROVED ON FEBRUARY 7, 2003 BY THE DIRECTOR OF PLANNING, IN ACCORDANCE WITH THE COLONIAL HERITAGE PROFFER #6 DATED NOVEMBER 7, 2001, AND THE NATURAL RESOURCE INVENTORY RECOMMENDATIONS HAVE BEEN INCORPORATED INTO THESE DEVELOPMENT PLANS"

NOTE:
ALL WORK SHALL BE OBSERVED BY A QUALIFIED LICENSED PROFESSIONAL. PRIOR TO THE RELEASE OF RELATED POSTED BONDS AND SURETY, RECORD DRAWINGS AND CONSTRUCTION CERIFICATIONS MUST BE PROVIDED TO, AND APPROVED BY THE JAMES CITY COUNTY ENGINEERING AND RESOURCE PROTECTION DIVISION AND SHALL BE CONSISTENT WITH THE STORMWATER MANAGEMENT/BMP FACILITIES RECORD DRAWING AND CONSTRUCTION CERTIFICATION FORMS.

Rev.	Date	Description	Revised By
3	11/16/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS
2	08/06/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS
1	03/15/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS

COMMONWEALTH OF VIRGINIA
T. RYAN STEPHENSON
Lic. No. 044405
11/15/2019
PROFESSIONAL ENGINEER

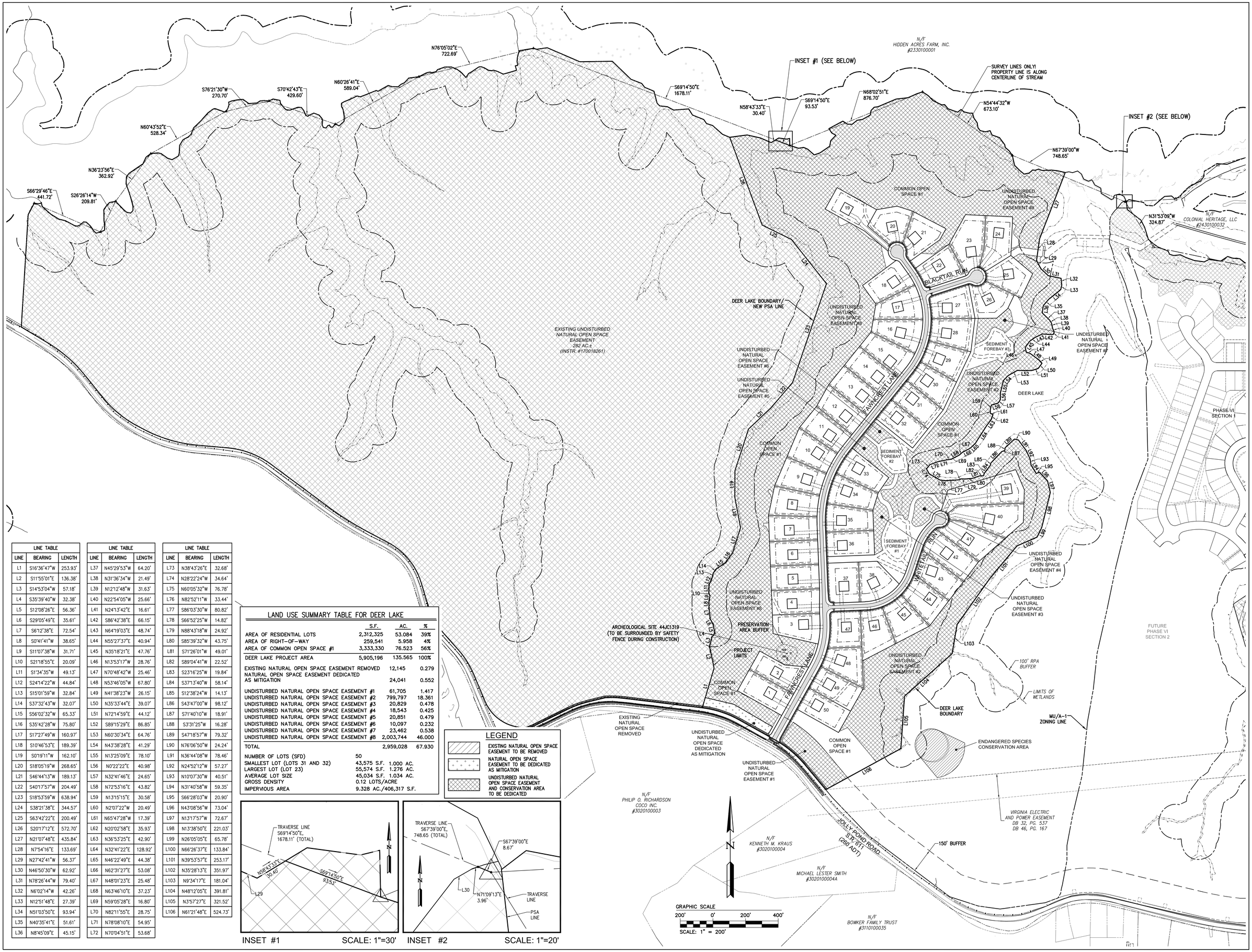
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
AES CONSULTING ENGINEERS
Hampton Roads | Central Virginia | Middle Peninsula

SUBDIVISION PLAN
FOR
DEER LAKE ESTATES
OWNER/DEVELOPER: COLONIAL HERITAGE L.L.C.
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	HWP/TRS
Project Number:	9625-03
Scale: AS NOTED	Date: 11/16/15

Sheet Title:
COVER SHEET

Sheet Number
1



LINE TABLE		
LINE	BEARING	LENGTH
L1	S16°36'47"W	253.93'
L2	S11°55'01"E	136.38'
L3	S14°53'04"W	57.18'
L4	S35°39'40"W	32.38'
L5	S12°08'26"E	56.36'
L6	S29°05'49"E	35.61'
L7	S6°12'38"E	72.54'
L8	S0°41'41"W	38.65'
L9	S11°07'38"W	31.71'
L10	S21°18'55"E	20.09'
L11	S1°34'35"W	49.13'
L12	S24°14'22"W	44.84'
L13	S15°01'59"W	32.84'
L14	S37°32'43"W	32.07'
L15	S56°02'32"W	65.33'
L16	S35°42'28"W	75.80'
L17	S17°27'49"W	160.97'
L18	S10°46'53"E	189.39'
L19	S0°19'11"W	162.10'
L20	S18°05'19"W	268.65'
L21	S46°44'13"W	189.13'
L22	S40°17'57"W	204.49'
L23	S18°53'59"W	638.94'
L24	S38°21'38"E	344.57'
L25	S63°42'22"E	200.49'
L26	S20°17'12"E	572.70'
L27	N21°07'48"E	435.84'
L28	N7°54'16"E	133.69'
L29	N27°42'41"W	56.37'
L30	N46°50'30"W	62.92'
L31	N78°26'44"W	79.40'
L32	N6°02'14"W	42.26'
L33	N12°51'48"E	27.39'
L34	N51°03'50"E	93.94'
L35	N40°35'41"E	51.61'
L36	N8°45'09"E	45.15'

LINE TABLE		
LINE	BEARING	LENGTH
L37	N45°29'53"W	64.20'
L38	N31°36'34"W	21.49'
L39	N12°12'48"W	31.63'
L40	N22°54'05"W	25.66'
L41	N24°13'42"E	16.61'
L42	S86°42'38"E	66.15'
L43	N64°19'03"E	48.74'
L44	N55°27'37"E	40.94'
L45	N35°18'21"E	47.76'
L46	N13°53'17"W	28.76'
L47	N70°48'42"W	25.46'
L48	N53°46'05"W	67.80'
L49	N41°38'23"W	26.15'
L50	N35°33'44"E	39.07'
L51	N72°14'59"E	44.12'
L52	S89°15'29"E	86.85'
L53	N60°30'34"E	64.76'
L54	N43°38'28"E	41.29'
L55	N13°25'09"E	78.10'
L56	N0°22'22"E	40.98'
L57	N32°41'46"E	24.65'
L58	N72°53'16"E	43.82'
L59	N13°15'15"E	30.58'
L60	N2°07'22"W	20.49'
L61	N65°47'28"W	17.39'
L62	N20°02'58"E	35.93'
L63	N36°53'25"E	42.90'
L64	N32°41'22"E	128.92'
L65	N46°22'49"E	44.38'
L66	N62°31'27"E	53.08'
L67	N48°01'23"E	25.48'
L68	N63°46'10"E	37.23'
L69	N59°05'28"E	16.80'
L70	N82°11'55"E	28.75'
L71	N78°08'10"E	54.95'
L72	N70°04'51"E	53.68'

LINE TABLE		
LINE	BEARING	LENGTH
L73	N38°43'26"E	32.68'
L74	N28°22'24"W	34.64'
L75	N60°05'32"W	76.78'
L76	N82°52'11"W	33.44'
L77	S86°03'30"W	80.82'
L78	S66°52'25"W	14.82'
L79	N88°43'18"W	24.92'
L80	S85°39'32"W	43.75'
L81	S71°26'01"W	49.01'
L82	S89°04'41"W	22.52'
L83	S23°16'25"W	19.84'
L84	S37°13'40"W	58.14'
L85	S12°38'24"W	14.13'
L86	S43°47'00"W	98.12'
L87	S71°40'10"W	18.91'
L88	S3°31'25"W	16.28'
L89	S47°18'57"W	79.32'
L90	N76°06'50"W	24.24'
L91	N36°44'08"W	78.46'
L92	N24°52'12"W	57.27'
L93	N10°07'30"W	40.51'
L94	N31°40'58"W	59.35'
L95	S66°28'03"W	20.90'
L96	N43°08'56"W	73.04'
L97	N13°17'57"W	72.67'
L98	N13°38'50"E	221.03'
L99	N26°05'05"E	65.78'
L100	N66°26'37"E	133.84'
L101	N39°53'57"E	253.17'
L102	N35°28'13"E	351.97'
L103	N9°34'17"E	181.04'
L104	N48°12'05"E	391.81'
L105	N3°57'27"E	321.52'
L106	N61°21'48"E	524.73'

LAND USE SUMMARY TABLE FOR DEER LAKE			
	S.F.	AC.	%
AREA OF RESIDENTIAL LOTS	2,312,325	53.084	39%
AREA OF RIGHT-OF-WAY	259,541	5.958	4%
AREA OF COMMON OPEN SPACE #1	3,333,330	76.523	56%
DEER LAKE PROJECT AREA	5,905,196	135.565	100%
EXISTING NATURAL OPEN SPACE EASEMENT REMOVED		12,145	0.279
NATURAL OPEN SPACE EASEMENT DEDICATED AS MITIGATION		24,041	0.552
UNDISTURBED NATURAL OPEN SPACE EASEMENT #1		61,705	1.417
UNDISTURBED NATURAL OPEN SPACE EASEMENT #2		799,797	18.361
UNDISTURBED NATURAL OPEN SPACE EASEMENT #3		20,829	0.478
UNDISTURBED NATURAL OPEN SPACE EASEMENT #4		18,543	0.425
UNDISTURBED NATURAL OPEN SPACE EASEMENT #5		20,851	0.479
UNDISTURBED NATURAL OPEN SPACE EASEMENT #6		10,097	0.232
UNDISTURBED NATURAL OPEN SPACE EASEMENT #7		23,462	0.538
UNDISTURBED NATURAL OPEN SPACE EASEMENT #8		2,003,744	46.000
TOTAL		2,959,028	67.930
NUMBER OF LOTS (SFD)	50		
SMALLEST LOT (LOTS 31 AND 32)	43,575 S.F.	1.000 AC.	
LARGEST LOT (LOT 23)	55,574 S.F.	1.276 AC.	
AVERAGE LOT SIZE	45,034 S.F.	1.034 AC.	
GROSS DENSITY	0.12 LOTS/ACRE		
IMPERVIOUS AREA	9.328 AC./406,317 S.F.		

LEGEND

- EXISTING NATURAL OPEN SPACE EASEMENT TO BE REMOVED
- NATURAL OPEN SPACE EASEMENT TO BE DEDICATED AS MITIGATION
- UNDISTURBED NATURAL OPEN SPACE EASEMENT AND CONSERVATION AREA TO BE DEDICATED

INSET #1 SCALE: 1"=30'

INSET #2 SCALE: 1"=20'

Rev.	Date	Description	Revised By
3	11/16/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS
2	08/09/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS
1	03/15/19	REVISED PER JAMES CITY COUNTY COMMENTS	TRS

COMMONWEALTH OF VIRGINIA
TRAVIS R. SHEPPARD
Lic. No. 044405
11/15/2019
PROFESSIONAL ENGINEER

AES CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 220-0450
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

SUBDIVISION PLAN
FOR
DEER LAKE ESTATES
OWNER/DEVELOPER: COLONIAL HERITAGE L.L.C.
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	HWP/TRS
Project Number:	9625-03
Scale: 1"=200'	Date: 11/16/15

Sheet Title:
OVERALL PLAN OF DEVELOPMENT

Sheet Number
3

Summary of History of the Project

2001 Case Nos. Z-0004-2000 and MP-0001-2001 (approved 11/27/01)
The Board of Supervisors approved rezoning and master plan applications for a 2,000-unit gated and age-restricted community known as Colonial Heritage at Williamsburg. The applications rezoned ± 777 acres from A-1, General Agricultural, and M-1, Limited Business/Industrial, to MU, Mixed Use with Proffers. The master plan included 425,000 square feet of commercial development fronting on Richmond Road.

2004 Case Nos. Z-0003-2002, Z-0004-2002, MP-0001-2002, and SUP-0021-2004 (approved 12/14/04)
The applicant filed rezoning and master plan amendment applications to incorporate the neighboring ± 731-acre Boy Scouts of America (BSA) property into the Colonial Heritage development. At that time, the western 2/3 of the BSA property (± 503 acres) was located outside the Primary Service Area (PSA), zoned A-1, and designated Rural Lands. The eastern 1/3 (± 229 acres) was located inside the PSA, zoned A-1, and designated Low Density Residential.

The applicant received approval to rezone the eastern 229-acre portion from A-1, General Agricultural, to MU, Mixed Use, with Proffers, with no increase to the existing 2,000-unit cap. The applicant also applied to rezone the 503-acre portion from A-1, General Agricultural, to A-1, General Agricultural, with Proffers. The 503-acre portion would be subject to the amended Proffers but would not be subject to the amended master plan.

An SUP was approved concurrently to develop the 503-acre portion as a rural cluster not to exceed 50 lots, known as Deer Lake Estates. Deer Lake Estates was to have separate access from Jolly Pond Road and would not be age-restricted. Of the 503 acres, the SUP required that 282 acres be placed under conservation easement. The rural cluster was to be developed on the remaining 221 acres surrounding Deer Lake. Because the rural cluster was located outside of the PSA, the SUP also required a central well system. Again, there were no changes to the existing 2,000-unit cap.

2009 Case No. LU-0015-2008 (denied 11/24/09)
As part of the Comprehensive Plan update process, and in conjunction with a new rezoning/master plan amendment application, the applicant requested that the 221-acre Deer Lake Estates property be redesignated from Rural Lands to Low Density Residential (LDR). They also requested a PSA extension to allow Deer Lakes Estates to connect to public water/sewer.

Staff recommended denial, citing concerns that the LDR designation inside the PSA could allow for upzoning the property to permit more intensive development. Extension of the PSA could set a precedent for similarly situated properties, weakening the effectiveness of the PSA as a growth management tool. The Comprehensive Plan Steering Committee echoed these concerns. The Board of Supervisors denied the requests, and the property remained outside the PSA and designated Rural Lands.

2010 Case Nos. Z-0001-2009, MP-0001-2009, and SUP-0007-2010 (deferred indefinitely 8/2/10)
In conjunction with the land use application, the applicant applied to rezone ± 130 acres of the 221-acre Deer Lake Estates property from A-1, General Agricultural, with Proffers and Rural Cluster SUP, to MU, Mixed Use, with amended Proffers and SUP for the extension of public utilities outside the PSA. The remaining ± 90 acres would be placed under conservation easement.

Of the 130 acres proposed to be MU, ± 66 acres would be rolled into Colonial Heritage land bays 7 and 8 with a proposed density of 4.6 units per acre (versus the recommended 0.33 units per acre for the existing designation of Rural Lands outside the PSA, and the approved rural cluster development potential of 0.226 units per acre). The remaining ± 64 acres would be developed as a

newly designed 50-lot non-rural cluster-like development, which would have been achievable in MU without the need for a cluster overlay SUP.

Staff recommended denial, citing that the Board of Supervisors had already denied the requested land use changes, thus the proposal to rezone to MU and extend public utilities for residential growth outside the PSA was in conflict with the adopted policies of the Comprehensive Plan and with the PSA as a growth management tool. While the proposal added 90 acres of contiguous conservation land, staff did not find a distinct environmental benefit compared to the approved rural cluster.

The Board of Supervisors cited similar concerns, prompting the applicant to defer the case indefinitely. The case was formally withdrawn in 2014.

2015 Case No. LU-0003-2014 (approved 6/23/15)

As part of the Comprehensive Plan update process, the applicant again filed a request to change the land use designation of the Deer Lake Estates rural cluster from Rural Lands to Low Density Residential, and to extend the PSA so that it could be served by public water/sewer rather than a central well system. Unlike the previous land use application, this request was not associated with a proposal to rezone or amend the master plan to increase units or density.

Staff recommended denial, citing the same concerns with potential upzoning and weakening of the PSA as a growth management tool. The Board of Supervisors also expressed specific concern that a designation of Low Density Residential inside the PSA could open the door for a future application to rezone and increase the number of units or density, and asked that the applicant confirm that they would not bring forth additional requests to rezone or otherwise increase the number of units beyond 50. The applicant confirmed that Lennar was pursuing the PSA change for the sole purpose of serving the approved rural cluster, thus eliminating the need for a central well and septic systems.

With the understanding that the applicant did not intend to propose additional units in the future, the requested land use designation and PSA boundary changes were adopted by the Board of Supervisors as part of the 2035 Comprehensive Plan Land Use Map.

Case No. SUP-0003-2015 (approved 11/10/15)

The applicant then applied for an amendment to the rural cluster SUP to formally eliminate the central well requirement and allow for public water/sewer connections. The other SUP conditions generally remained the same with minor updates, and a new condition was added to install pedestrian/bicycle accommodations. The Board of Supervisors approved this application in November 2015.

JAMES CITY SERVICE AUTHORITY

MEMORANDUM

Date: Jan. 8, 2020

To: Jose Ribeiro, Planner

From: Dion Walsh, JCSA Engineering

Subject: S-0046-2015 Colonial Heritage Deer Lake Estates

James City Service Authority has reviewed these plans for general compliance with the JCSA Standards and Specifications, Water Distribution and Sanitary Sewer Systems and has no additional comments for the above project.

Please provide two (**2**) copies of the approved plans for our files when you have completed your review.

Note: Provide a completed Certificate to Construct (CTC) form prior to installation of sewer and water infrastructure. The Developer's representative shall submit shop drawings for all materials and receive JCSA approval prior to commencement of construction of the sewer and water connections. All materials ordered and installed prior to JCSA's review and acceptance will be at the Contractor's/Developer's risk. The JCSA inspector shall be notified 72 hours prior to the installation of sewer and water connections.

Please call me at 757-259-5457 if you have any questions or require any additional information.

Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F. 757-253-6822
Community.Development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety and Permits 757-253-6620
Stormwater and Resource Protection 757-253-6670
Planning 757-253-6685
Zoning Enforcement 757-253-6671

January 8, 2020

Ryan Stephenson
AES Consulting Engineers
5428 Olde Towne Road, Suite 1
Williamsburg, VA 23185

RE: S-0046-2015, Colonial Heritage Deer Lake Estates

Dear Mr. Stephenson,

Thank you for the opportunity to review the above referenced subdivision construction plan. Staff has completed its review and offers the following comments:

PLANNING

General

1. Please note that the James City County Board of Supervisors has instituted a fee of $262.50 for every review of a project after the second resubmission and review. Please note that this fee shall be accessed at the next submittal of this plan.
2. Subdivision surety is required for this subdivision plan, please provide a construction estimate for the street trees and sidewalks to be included in the surety for this subdivision. Please refer to comments from the landscape planner regarding street trees. Planning staff is confirming sidewalk requirements.
3. HOA documents must be approved by the County Attorney before approval of first plat. See Sec. 19-70 for specifications. If amending other HOA documents to fold this section into the greater HOA please submit those documents for County Attorney approval. GIS data and a subdivision agreement with surety will also be required to be submitted for review prior to final approval. **This comment has been acknowledged by the applicant.**

Open Space

4. Please submit a deed of natural open space easement for review, approval and recordation per Sec. 24-520 of the Zoning Ordinance. **This comment has been acknowledged by the applicant.**

When the above and any outstanding comments have been incorporated into the plat, please submit 8 paper copies of your revised plat, along with a letter outlining how the applicant has addressed each of the comments. If you have any further questions, please feel free to contact me by email at Jose.Ribeiro@jamescitycountyva.gov, or by telephone at 253-6890.

Sincerely,

Jose Ribeiro
Senior Planner

Application for Certificate to Construct Water and Sanitary Sewer Facilities

Date of Application: _____ James City County Case No.: **S-0046-2015**

Developer: **Colonial Heritage LLC, Contact: Tim Bates** **(703) 449-6538**
Full Name *Business Phone*

Developer Address: **14280 Park Meadow Drive, Chantilly, VA 20151**

Contractor: _____ _____
Full Name *Business Phone*

Contractor Address: _____

Plan Prepared by: **Ryan Stephenson PE w/AES**

Project: **Colonial Heritage Deer Lake Estates**
Name and Description

Location: **499 Jolly Pond Rd**

_____

Description of Water and/or Sanitary Sewer Facilities:

Length of Water Main: **6495 LF** Length of Sanitary Sewer Main: **7343 LF**

Fees: **$18,640.65** ($2.87 per foot for every foot of water main)

+ **$21,074.41** ($2.87 per foot for every foot of main sanitary sewer line)

Total Inspection Fee: **$39,715.06**

_____ _____
Signature of Developer – Owner *Date*

Inspection Fee of: $ _____ Paid On: _____(Date)

Received by: _____

Plan Approved:

_____ _____
Plan Approving Authority - JCSA *Date*

Certificate Issued: _____

Note: A set of approved plans must be submitted with the application. The application will not be accepted without approved plans.

James City Service Authority
119 Tewning Road
Williamsburg, VA 23188-2639

P: 757-253-6800
F: 757-259-4115
jcsa@jamescitycountyva.gov
jamescitycountyva.gov/jcsa

INTEROFFICE MEMORANDUM

TO: JOSE RIBEIRO, SENIOR PLANNER II

FROM: SCOTT WHYTE, SENIOR LANDSCAPE PLANNER II

SUBJECT: S-0046-2015, COLONIAL HERITAGE DEER LAKES ESTATES CONSTRUCTION DRAWINGS.

DATE: 1/15/2020

I have reviewed the construction plan for S-0046-2015, Colonial Heritage Deer Lakes Construction Drawings and have found that the plan complies with all James City County landscape Ordinance requirements and is approved as submitted.

ENGINEERING AND RESOURCE PROTECTION REVIEW COMMENTS
Colonial Heritage – Deer Lake Estates
COUNTY PLAN NO. S-046-2015
December 20, 2019

The SRP Division has no further comments. As other agencies have required a resubmittal, the Division will await a revised set of plans for final approval.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4451 Ironbound Road
Williamsburg, Virginia 23188-2621

26 Nov., 2019

James City County Planning
101-A Mounts Bay Road
Post Office Box 8784
Williamsburg, Virginia 23187

RE: Deer Lake Estates, construction plans
Jolly Pond Rd.
James City County plan S-0046-2015

VDOT has completed its review of the revised plans received by the VDOT Land Development Office on 20 Nov., 2019. Comments have been addressed. Approval is recommended.

A Land Use Permit will be required prior to construction within right of way limits or easements (including for temporary or permanent driveways and entrances). The current fee is $450, and the surety is expected to be $275,000. Additional information about Land Use Permitting as well as the required forms can be found on the VDOT website at http://www.virginiadot.org/business/bu-landUsePermits.asp. If you have any questions, please contact me.

Sincerely,

Glenn Brooks, P.E.
Area Land Use Engineer
VDOT, Williamsburg Residency
Glenn.Brooks@vdot.virginia.gov
Office: 757-253-4015
Mobile: 757-327-9263

MEMORANDUM

TO: Jose Ribeiro

From: Terry Costello

Date: 12/13/2019

Re: S-0046-2015, Colonial Heritage Deer Lake Estate Construction Drawings

---

I have reviewed S-0046-2015 and offer the following comments:

- As a reminder, a Master Stormwater Plan shall be review and approved by the Director of Engineering and Resource Protection.

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0005. 230 Peach St. Tourist Home

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Proposed Special Use Permit Conditions	Backup Material
	Location Map	Backup Material
	Master Plan	Backup Material
	Applicant Narrative	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:06 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:06 PM
Publication Management	Daniel, Martha	Approved	4/23/2020 - 2:20 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:25 PM

SUMMARY FACTS

Applicant:	Mr. Gary Campbell
Land Owner:	Mr. Armond Campbell
Proposal:	To allow for the short-term rental of an entire four-bedroom residential home as a tourist home. The owner will live off-site during the time of the rentals.
Location:	230 Peach Street
Tax Map/Parcel No.:	2320100024A
Project Acreage:	± 2.76
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Economic Opportunity
Primary Service Area:	Outside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: May 6, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

3. The site provides adequate parking, exceeding the required minimum of three parking spaces.

4. Lot sizes in the A-1, General Agricultural District are larger than in other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.

5. The applicant has acknowledged that, should this application be granted, he will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.

6. The applicant has stated that it is his intent to provide caretaking and management services for rentals when he cannot remain on-site or nearby.

7. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

PROJECT DESCRIPTION

- The proposal would allow for the short-term rental of an existing four-bedroom house as a tourist home. The house is, and will remain, the applicant's primary residence. The applicant has stated that he may not be present during the time of rentals; however, the applicant has also stated that it is his intent to provide guests with contact information for caretakers in their absence (please see Attachment No. 4 for applicant narrative). The proposal includes no changes to the size or footprint of the house.

- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rental to three of the four bedrooms. After a review by the Virginia Department of Health (VDH), the current sewage system is approved for no more than three bedrooms. VDH recommends having an on-site soil evaluator or professional engineer evaluate the current site conditions. An SUP condition states that once the VDH has approved the sewage system for the fourth bedroom, the home may then be rented out for all four rooms. Any future expansion to include a fifth bedroom would require a Special Use Permit (SUP) amendment.

- The property has an existing driveway and an existing parking area sufficient to accommodate guests.

SURROUNDING ZONING AND DEVELOPMENT

The property is not located within any major or minor subdivision. The properties surrounding this parcel to the north, south and east are all zoned A-1, General Agriculture. Properties to the west are all zoned B-1, General Business.
Development located on Peach Street includes a horse farm, Tidewater Equine Clinic, and a contractor's office. The latter two uses were also permitted through the SUP process.

COMPREHENSIVE PLAN

The site is designated Economic Opportunity (EO) on the adopted Comprehensive Plan Land Use Map. Principal uses for new development recommended by the Comprehensive Plan are ones that "… maximize the economic development potential of the area and encourage development types that have certain attributes that have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support location economic stability."

In 2013, the Board approved an SUP for the Tidewater Equine Clinic, which is also located on Peach Street and located in an area designated EO. In the consideration of that case, the Board found that permitting the re-use of an existing structure did not prohibit the parcel from being incorporated into any future EO planning process. Likewise, given the size of the proposed operation, the applicant's desire to reuse an existing structure, and the fact that the home will remain the applicant's primary residence, staff does not find that this application would hinder the development of the EO vision in the future. Staff finds the proposal would not have a negative impact on adjacent residential properties.

In 2018, The Board approved an SUP for a tourist home at 234 Peach Street, which is an adjacent parcel. The application was approved to allow for a four-bedroom tourist home. The previous application and this application use the same shared gravel driveway. The proposed SUP conditions match the neighboring property.

IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	No Mitigation Required	-The proposal is not anticipated to generate traffic exceeding a typical residential use. -The subject property is located on a local road. No changes anticipated to Level of Service on Peach Street.
Public Transportation: Pedestrian/Bicycle	No Mitigation Required	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
Public Safety	No Mitigation Required	-Subject property is located within a six-minute radius of Fire Station 1. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
Public Schools	No Mitigation Required	-The proposal will not generate school children.
Public Parks and Recreation	No Mitigation Required	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
Public Libraries and Cultural Centers	No Mitigation Required	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
Groundwater and Drinking Water Resources	No Mitigation Required	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
Watersheds, Streams, and Reservoirs	No Mitigation Required	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Cultural/Historic	No Mitigation Required	-The subject property has been previously disturbed and has no known cultural resources on-site.
Nearby and Surrounding Properties	Mitigated	-Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
Community Character	No Mitigation Required	-This segment of Peach Street is not designated in a Community Character Corridor and is within the Norge Community Character Area. -Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the road.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

TL/nb
SUP20-05-230PeachSt

Attachments:
1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Applicant Narrative

SUP-20-0005, 230 Peach Street Tourist Home

1. ***Master Plan*** – This SUP shall permit a tourist home on property located at 230 Peach Street and further identified as James City County Real Estate Tax Map Parcel No. 2320100024A (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-20-0005: 230 Peach Street Tourist Home" and date stamped March 20, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.

2. ***Commencement*** – Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.

3. ***Number of rental room occupants*** – There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time. The owner may provide documentation from the Virginia Department of Health (VDH) demonstrating that the Property's septic system is approved for the existing fourth bedroom of the tourist home to be rented out. Once VDH approval for the fourth bedroom is submitted to the Zoning Administrator, there shall be no more than four (4) bedrooms available for rent to visitors and no more than eight (8) rental occupants total at any one time.

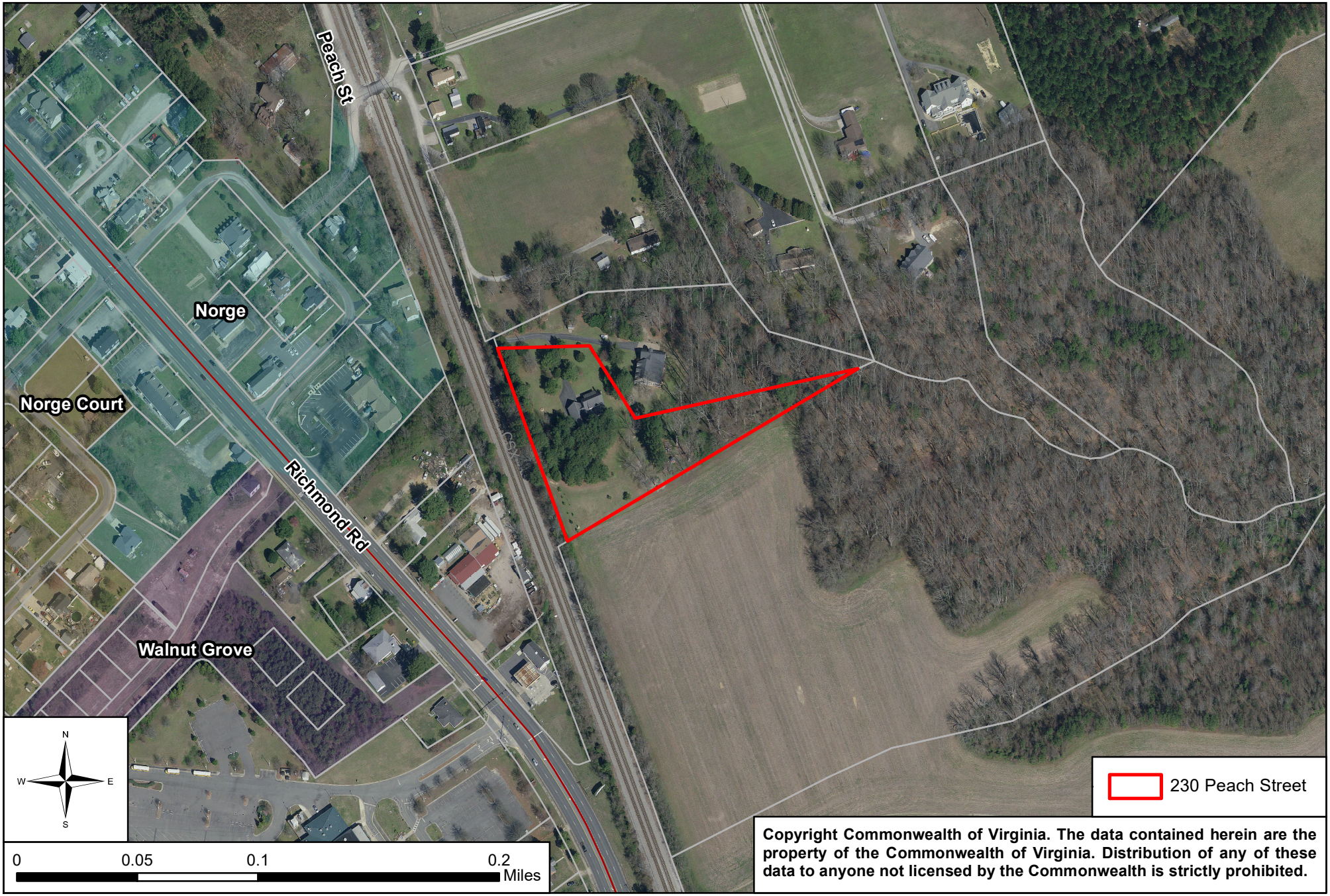
4. ***Contracts per Rental Period*** – There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.

5. ***Signage*** – No signage related to the use of the tourist home shall be permitted on the Property.

6. ***Parking*** – Off-site parking for this use shall be prohibited. No oversized commercial vehicles, such as but not limited to buses, commercial trucks and trailers, associated with rental occupants of the tourist home shall be allowed to park on the Property.

7. ***Severance Clause*** – This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-20-0005
230 Peach St. Tourist Home



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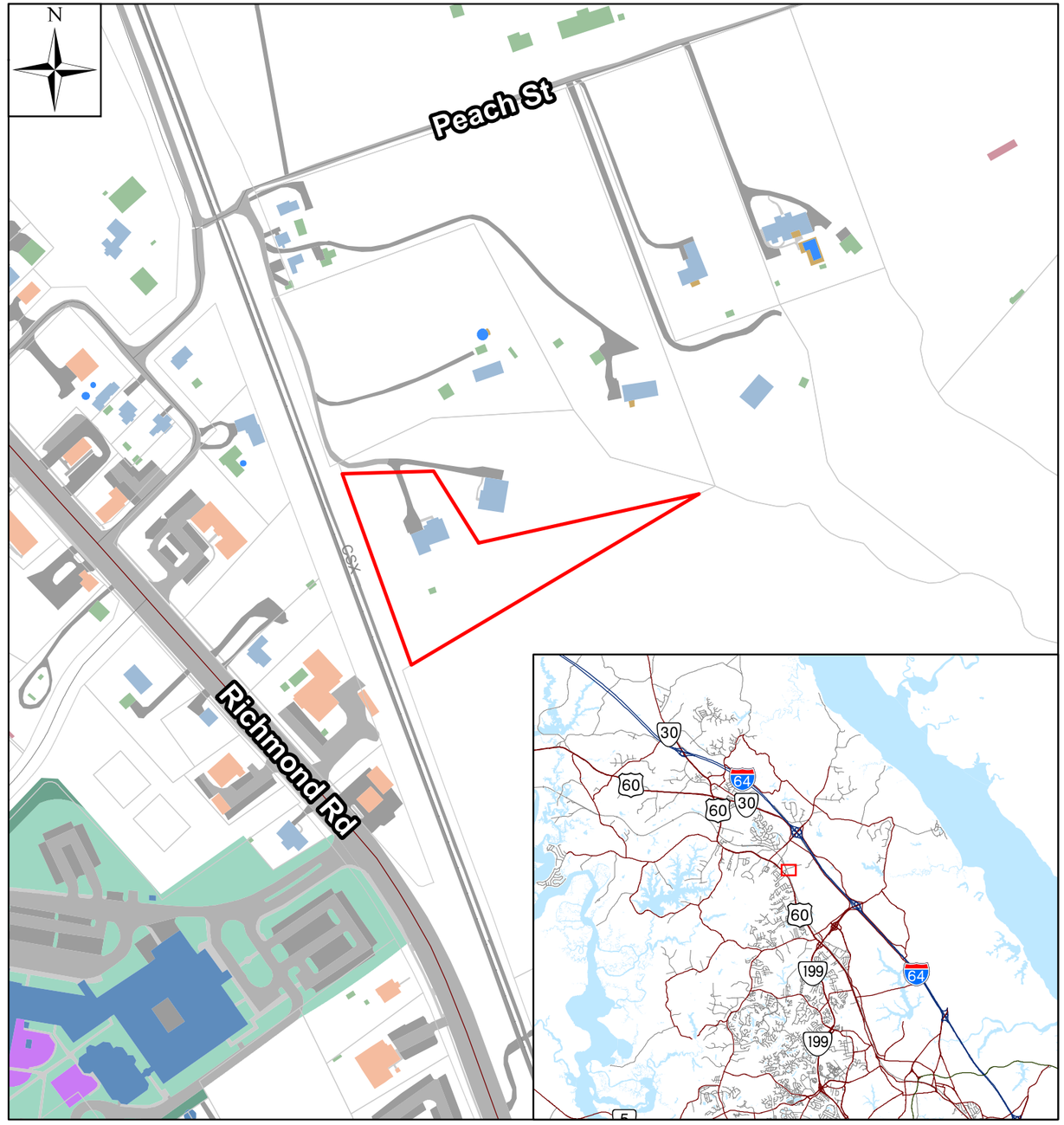
SUP-20-0005, 230 Peach Street Tourist Home

Property Information

2320100024A
Armond and Linda Campbell
230 Peach Street
Williamsburg, VA 23188
A1 General Agriculture
Comp Plan: Economic Opportunity
Acres: 2.76

General Notes

1. Site is served by private well and septic.
2. Property is not located in a FEMA Floodplain zone.
3. Property does contain Resource Protection Area.
4. Property has an existing paved driveway accessed from a shared gravel driveway.
5. A minimum of three parking spots shall be provided (one parking spot per bedroom).



Maps Not To Scale

Adjacent Properties

2320100029
Six Forks Investment
7358 Richmond Road
Williamsburg, VA 23188
B1 General Business

2320100028
John Stanco
7354 Richmond Road
Williamsburg, VA 23188
B1 General Business

2320100025
Dae Chong
7296 Richmond Road
Williamsburg, VA 23188
A1 General Agriculture

2320100024B
Gary Campbell
234 Peach Street
Williamsburg, VA 23188
A1 General Agriculture

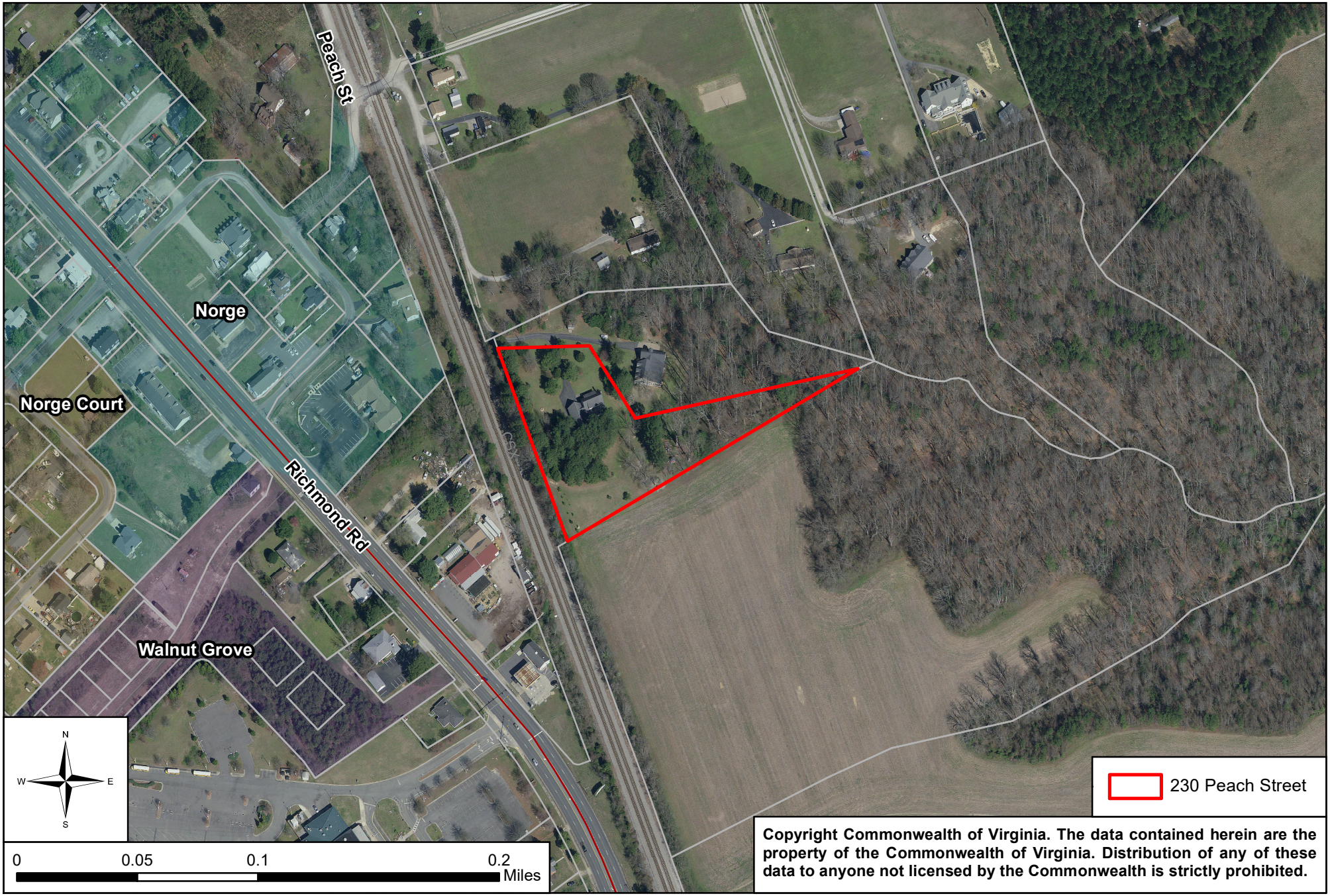
2320100027
Palmetto Group LLC
7348 Richmond Road
Williamsburg, VA 23188
B1 General Business

Sheet Index

1. Cover Page
2. Location Map
3. Site Details

Created 3/19/2018

JCC SUP-20-0005
230 Peach St. Tourist Home



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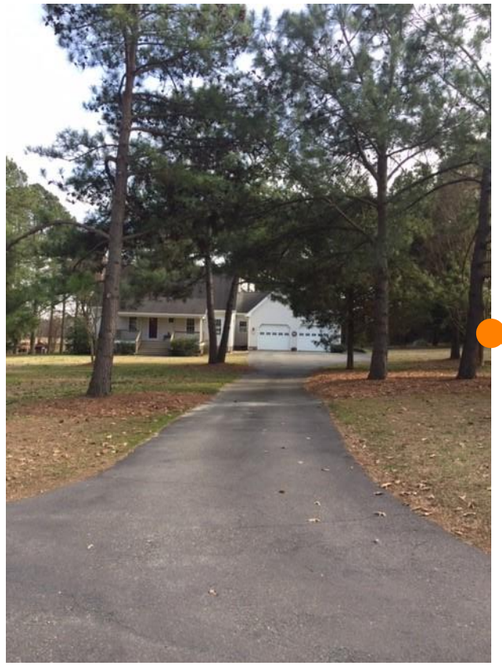

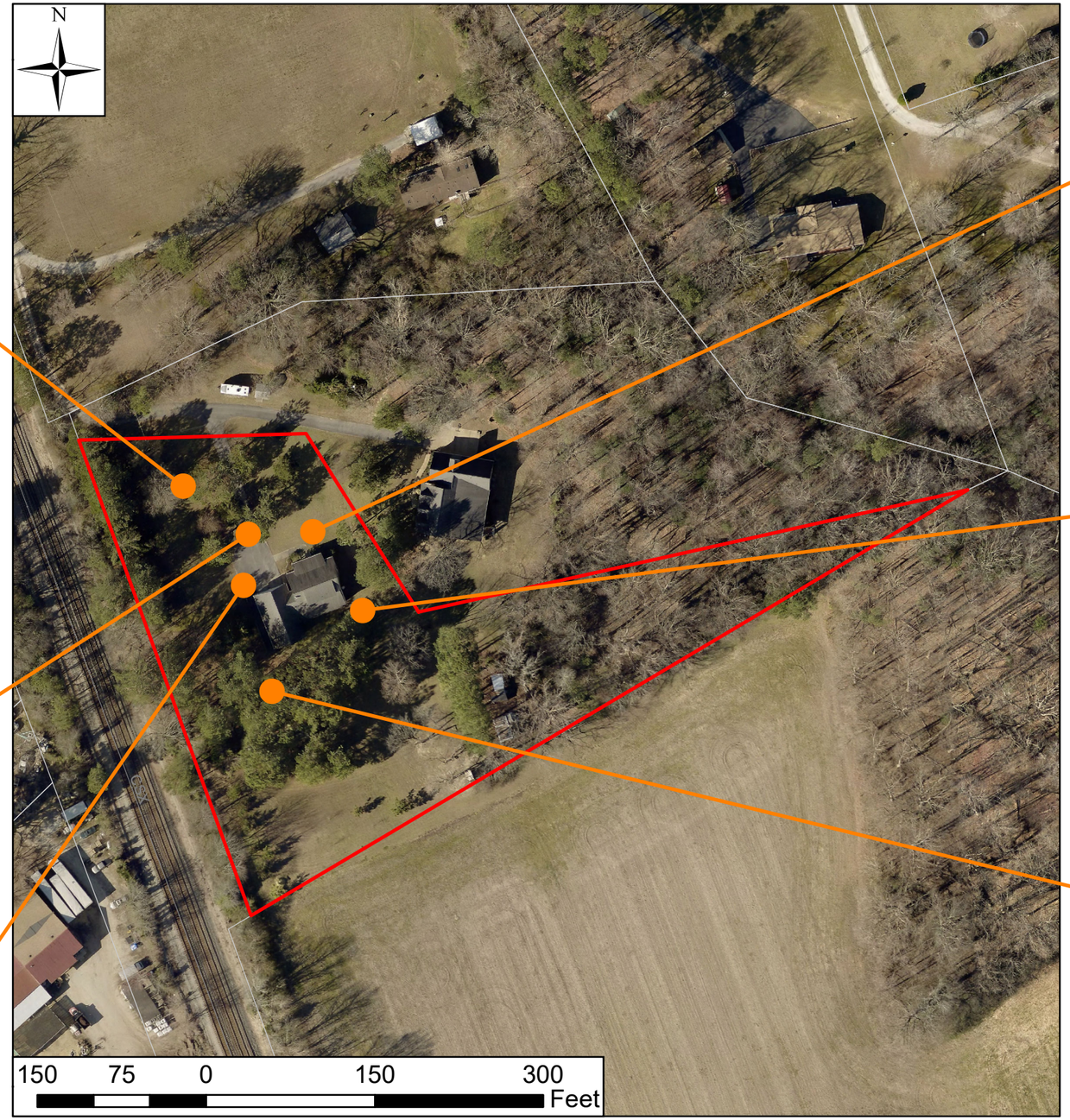
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February 28, 2020

To Whom It May Concern:

We are requesting the county grant a special use permit so that we may be able to utilize our existing three bedroom /three bathroom home located in an A-1 General Agricultural district as a short term Tourist Home intermittently throughout the year. We have additional real estate located in the Outer Banks of North Carolina that we frequent often allowing us to alternately provide our primary home for short-term rental. The house is, and will remain, our primary residence. We may not be present during each and every time we host guests; however, our intent is to provide guests with contact information for caretakers of our home in our absence. We do not plan to alter the size or footprint of our home.

We are able to provide adequate parking to exceed the required minimum of four parking spaces. Our home is also serviced by private water and septic.

Our 2.76-Acre Parcel is larger than other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.

Properties surrounding us are all Zoned A-1, General Agricultural.
Our neighbors on Peach Street include a horse farm, an equine veterinary clinic and a contractor's office. The latter two uses were also permitted through the SUP process. In addition, our immediate neighbors also use their home intermittently as a "tourist home" after obtaining a SUP.

Much like the previously approved SUP operations along Peach Street, our property does not have any direct frontage along a public right-of-way. An unpaved road within a shared ingress/egress easement, which serves three other parcels, accesses the site. Adjacent property owners are in favor of the recommended proposed use. County staff previously found that the proposed use would not create additional impacts beyond those typically associated with residential development.

Thank you for your consideration in this matter,
The Campbell's

Armond Campbell
Linda C. Campbell

AGENDA ITEM NO. F.2.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0007. 805 Arlington Island Road Tourist Home

ATTACHMENTS:

	Description	Type
	Staff Report	Staff Report
	Proposed Special Use Permit Conditions	Exhibit
	Location Map	Backup Material
	Additional Location Map	Backup Material
	Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:16 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:16 PM
Publication Management	Daniel, Martha	Approved	4/23/2020 - 2:32 PM
Planning Commission	Holt, Paul	Approved	4/23/2020 - 2:32 PM

SUMMARY FACTS

Applicant:	Mr. Michael Hipple
Land Owner:	Mr. Michael Hipple
Proposal:	To allow for the short-term rental of a two-bedroom residential home as a tourist home. The owner will live off-site during the time of the rentals.
Location:	805 Arlington Island Road
Tax Map/Parcel No.:	0940100001
Project Acreage:	± 2.7
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: May 6, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*."

3. The site provides adequate parking, exceeding the required minimum of two parking spaces.

4. Lot sizes in the A-1, General Agricultural District are larger than in other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.

5. The applicant has acknowledged that, should this application be granted, he will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.

6. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

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.

PROJECT DESCRIPTION

- The proposed Special Use Permit (SUP) would allow for the short-term rental of an existing two-bedroom house as a tourist home. The house is located on a neighboring property to the applicant's primary residence. The original application was for a three-bedroom tourist home. After a review by the Virginia Department of Health (VDH), the current sewage system is approved for no more than two bedrooms. VDH recommends having an on-site soil evaluator or professional engineer evaluate the current site conditions. An SUP condition states that once the VDH has approved the sewage system for the third bedroom, the home may then be rented out for all three rooms. The proposal includes no changes to the size or footprint of the house.

- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rental to three since there are three bedrooms in the existing home. Any future expansion to include a fourth bedroom would require an SUP amendment.

- The property has an existing driveway and an existing parking area sufficient to accommodate guests.

SURROUNDING ZONING AND DEVELOPMENT

The property is not located within any major or minor subdivision. The properties surrounding this parcel are all zoned A-1, General Agriculture and designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

COMPREHENSIVE PLAN

- The site is designated Rural Lands on the adopted Comprehensive Plan Land Use Map. Appropriate primary uses include traditional agricultural and forestal activities, but also uses such as agri-tourism, rural support business, and rural-based public or commercial recreation. Staff finds this use to generally fit within these categories as nearby lodging options could support agri-tourism or eco-tourism uses in the Rural Lands.

- The development standards state that non-agricultural/non-forestal uses should be sited to minimize impacts or disturbance to agricultural and forestal uses, open fields, and important agricultural/forestal soils and resources. Staff finds the use to be consistent given that the proposal will take place within existing structures and there are no forested and/or agricultural resources on the property or which would be otherwise impacted.

IMPACT ANALYSIS

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Public Transportation: Vehicular	No Mitigation Required	-The proposal is not anticipated to generate traffic exceeding a typical residential use. -The subject property is located on a local road. No changes anticipated to Level of Service on Arlington Island Road.
Public Transportation: Pedestrian/Bicycle	No Mitigation Required	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
Public Safety	No Mitigation Required	-Subject property is located within a six-minute radius of Fire Station 1. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
Public Schools	No Mitigation Required	-The proposal will not generate school children.
Public Parks and Recreation	No Mitigation Required	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
Public Libraries and Cultural Centers	No Mitigation Required	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
Groundwater and Drinking Water Resources	No Mitigation Required	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
Watersheds, Streams, and Reservoirs	No Mitigation Required	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.

Impacts/Potentially Unfavorable Conditions	Status *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
Cultural/Historic	No Mitigation Required	-The subject property has been previously disturbed and has no known cultural resources on site.
Nearby and Surrounding Properties	Mitigated	-Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
Community Character	No Mitigation Required	-This segment of Arlington Island Road is not designated in a Community Character Corridor nor within a Community Character Area. -Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the road.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

TL/md
SUP20-7ArlgtonIsld

Attachments:
1. Proposed SUP Conditions
2. Location Map
3. Additional Location Map
4. Master Plan

Draft Conditions – SUP-20-0007, 805 Arlington Island Road Tourist Home

1. ***Master Plan.*** This SUP shall permit a tourist home on property located at 805 Arlington Island Road and further identified as James City County Real Estate Tax Map Parcel No. 0940100001 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-20-0007, 805 Arlington Island Road Tourist Home" and date stamped March 4, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.

2. ***Commencement.*** An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP or this SUP shall automatically be void.

3. ***Number of rental rooms and occupants.*** There shall be no more than two (2) bedrooms available for rent to visitors and no more than four (4) rental occupants total at any one time. The owner may provide documentation from the Virginia Department of Health (VDH) demonstrating that the Property's septic system is approved for the existing third bedroom of the tourist home to be rented out. Once VDH approval for the third bedroom is submitted to the Zoning Administrator, there shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.

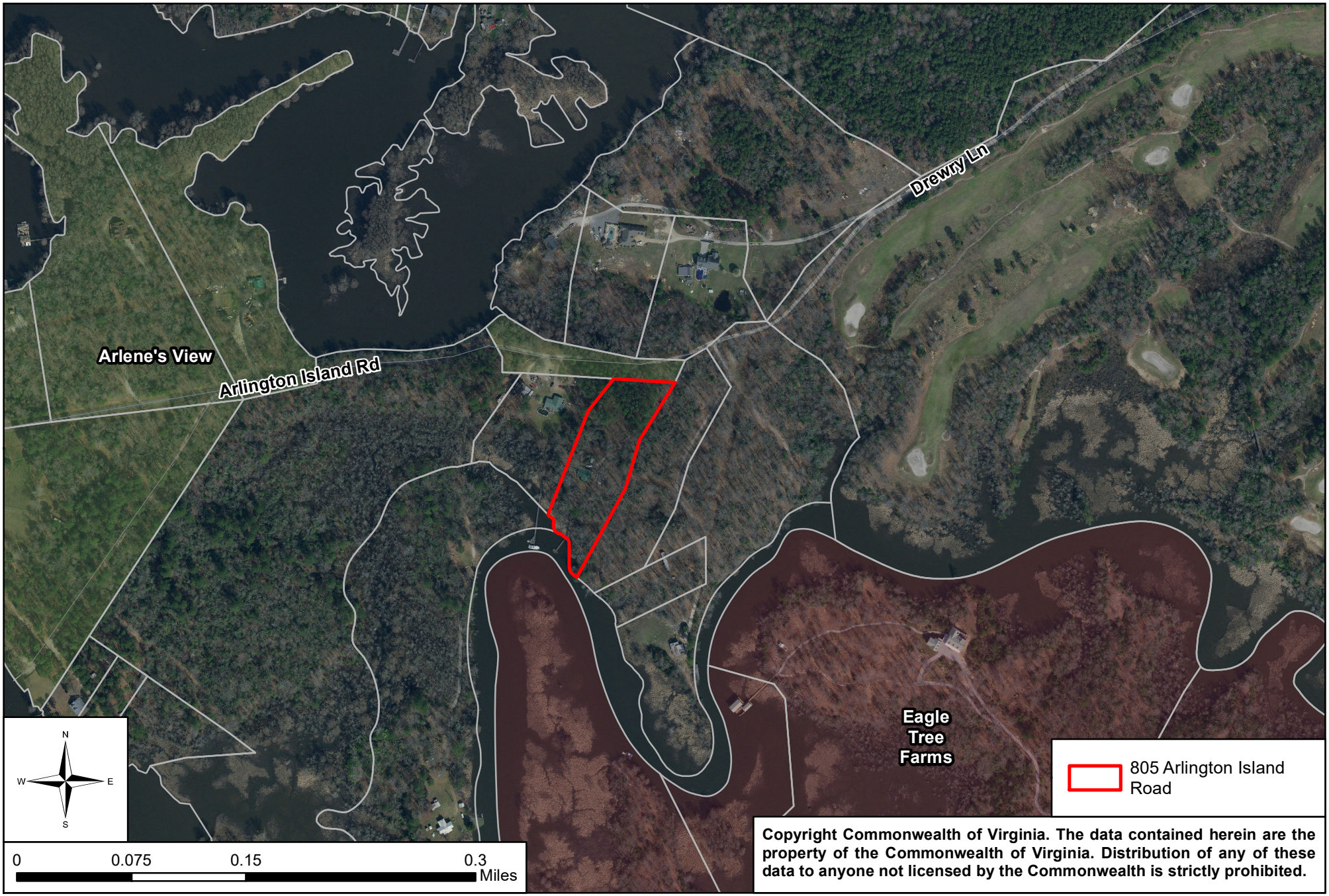
4. ***Contracts per rental period.*** There shall not be simultaneous rentals of the Property under separate contracts.

5. ***Signage.*** No signage related to the tourist home shall be permitted on the Property.

6. ***Parking.*** Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles such as, but not limited to, buses and commercial trucks and trailers, associated with rental occupants of the tourist home, shall be allowed to park on the Property.

7. ***Severance Clause.*** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-20-0007
805 Arlington Island Road Tourist Home



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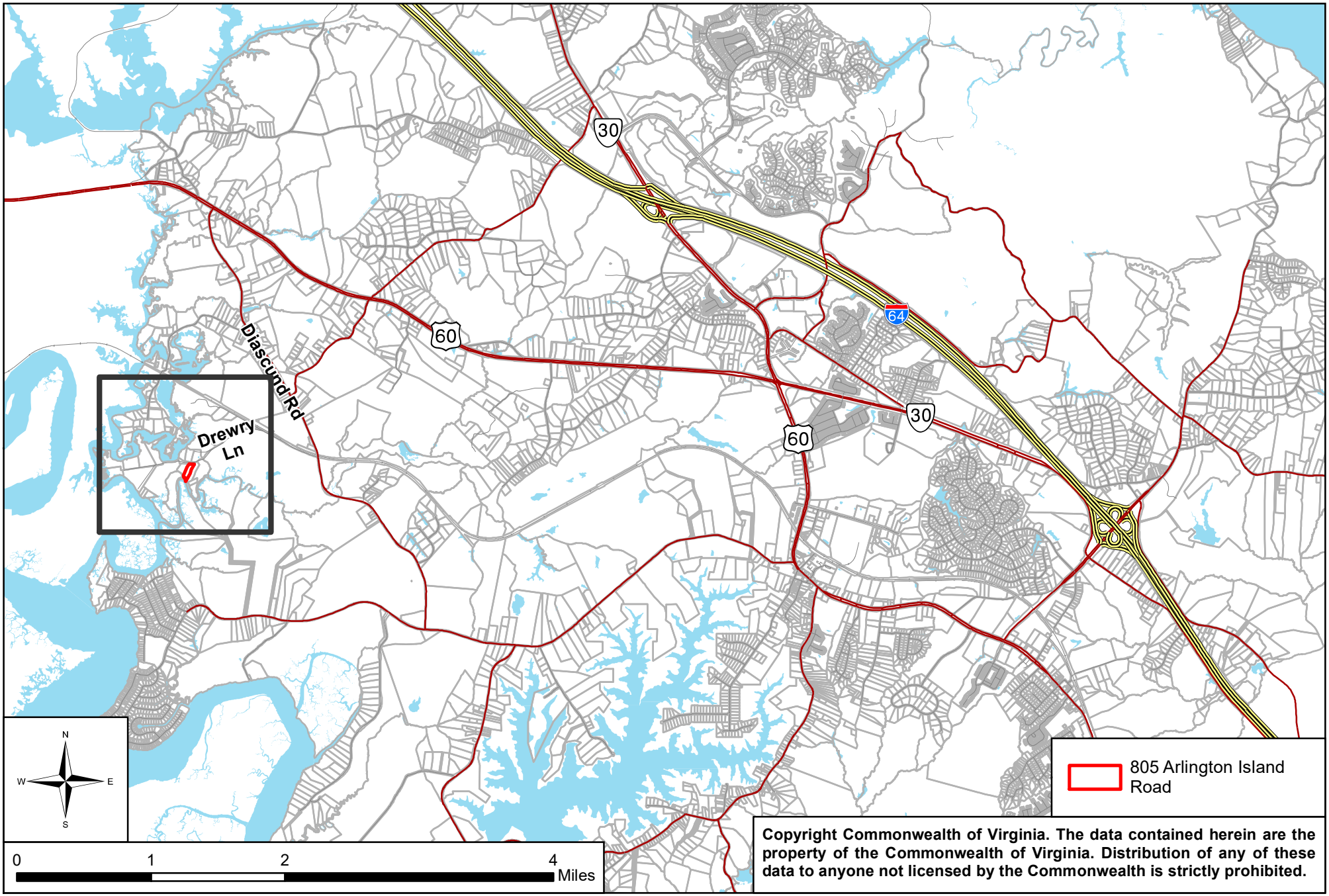
JCC SUP-20-0007
805 Arlington Island Road Tourist Home



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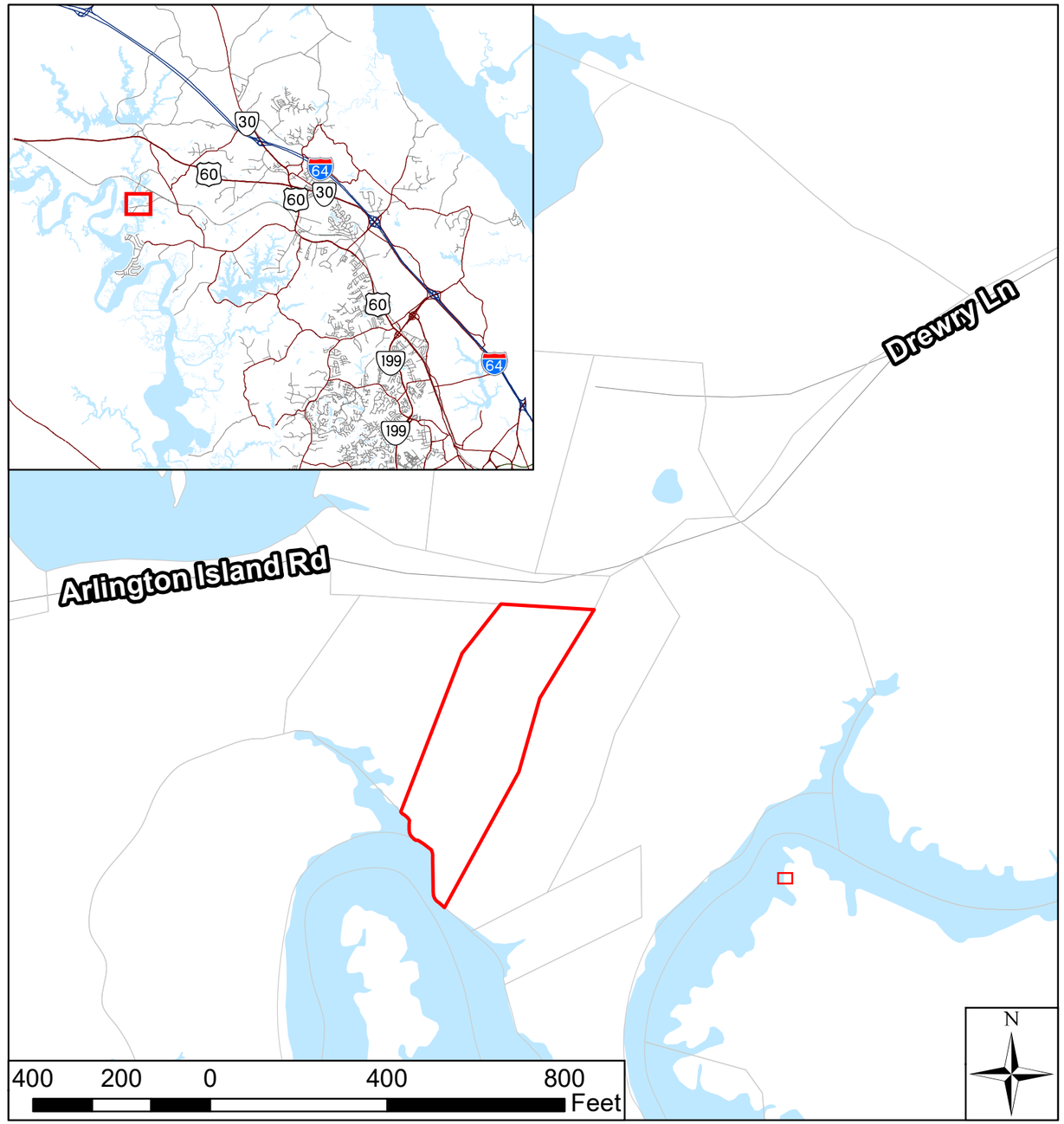
SUP-20-0007, 805 Arlington Island Road Tourist Home

Property Information

0940100001
Michael Hipple
805 Arlington Island Road
Lanexa, VA 23089
A1 General Agriculture
Comp Plan: Rural Lands
Acres: 2.7

General Notes

1. Site is served by private well and septic.
2. This site is located in the special flood hazard area zone AE based on Flood Insurance Rate Map 51095C0019D, effective 12/16/15.
3. Property does contain Resource Protection Area.
4. Property has an existing gravel driveway accessed from a shared gravel driveway.
5. A minimum of two parking spots shall be provided (one parking spot per bedroom).



Maps Not To Scale

Adjacent Properties

0940100002A
Michael Hipple
807 Arlington Island Rd
Lanexa, VA 23089
A1 General Agriculture

0930100003
Tina Hicks
723 Arlington Island Rd
Lanexa, VA 23089
A1 General Agriculture

0931100007
James Bozzell
750 Arlington Island Rd
Lanexa, VA 23089
A1 General Agriculture

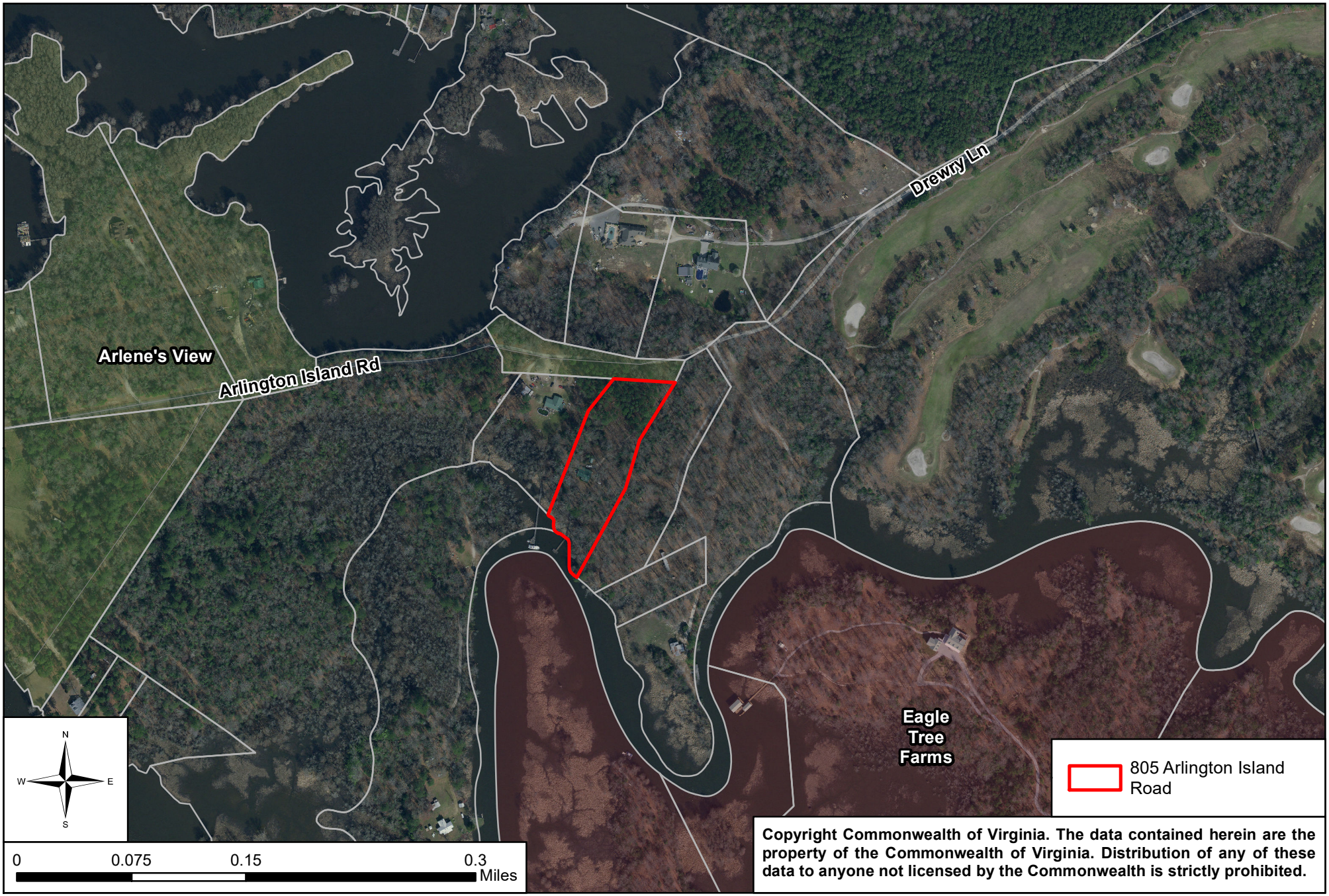
0930100004
Robert Hughes
723 Arlington Island Rd
Lanexa, VA 23089
A1 General Agriculture

0940100008C
John McLaughlin
3336 N. Riverside Dr.
Lanexa, VA 23089
A1 General Agriculture

Sheet Index

1. Cover Page
2. Location Map
3. Site Details

JCC SUP-20-0007
805 Arlington Island Road Tourist Home



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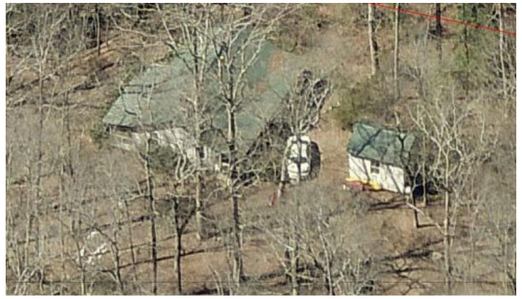

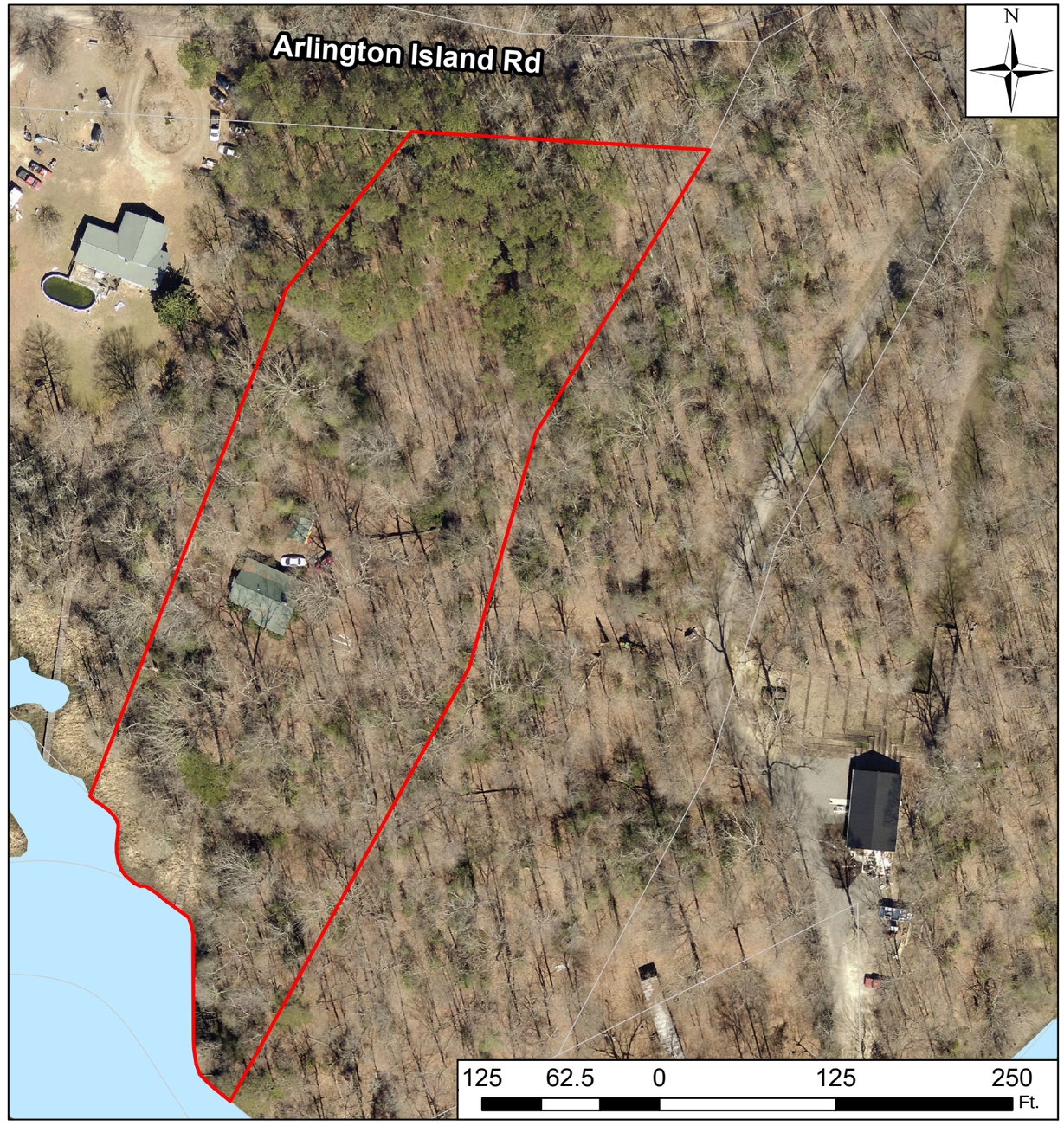
Arlington Island Rd
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AGENDA ITEM NO. F.3.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

---

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Ordinance	Ordinance
	Attachment No. 2 clean version	Exhibit
	Attachment No. 3. Initiating Resolution	Exhibit
	Attachment No 4. Adopted Minutes from the November 14, 2019 Policy Committee Meeting	Minutes
	Attachment No. 5. Adopted Minutes from the December 12, 2019, Policy Committee Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/28/2020 - 8:09 AM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 8:10 AM
Publication Management	Daniel, Martha	Approved	4/28/2020 - 8:54 AM
Planning Commission	Holt, Paul	Approved	4/28/2020 - 1:52 PM

M E M O R A N D U M

DATE: May 6, 2020

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

---

Introduction

At its July 9, 2019 meeting, the Board of Supervisors requested the County Attorney prepare an Initiating Resolution for exploring the amendment of the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) district or allow this use as a specially permitted use. On August 13, the Board of Supervisors adopted the Initiating Resolution. Accordingly, Planning staff analyzed the impact of removing warehouses, storage, and distribution centers from the permitted use list within the Mixed Use Zoning District and compared it to the impact of reclassifying this use as a specially permitted use within this District. This analysis was presented for review and discussion by the Policy Committee at its November 14, 2019 (Stage I/II) and December 12, 2019 (Stage III) meetings. The Policy Committee concurred with staff's recommendation that this use be reclassified as a specially permitted use and unanimously voted for the Ordinance amendment to proceed as drafted to the Planning Commission.

Overview

The Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Since its addition to the Zoning Ordinance, the intent of the Mixed Use Zoning District has been to promote multiuse, master planned communities that are characterized by the convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. The Statement of Intent for the District indicates that districts may include residential, commercial, industrial (with a focus on light industrial), office, and other non-residential uses.

The adopted Mixed Use District language includes "warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property" as a permitted use. Although the Mixed Use District has been revised and reformatted over the years, this use has been consistently listed as a permitted use. Consequently, there are Mixed Use developments in the County that include this use as a main component of the Mixed Use development.

Staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use District. However, it is possible that the County could receive a proposal in which this use could be appropriately scaled and designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use District, such as light industrial or research and development uses. Reclassification of this use as being specially permitted would allow such a proposal to be pursued.

If the County were to reclassify "warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property" from a permitted use to a specially permitted use, existing facilities that fall under this category would become lawfully non-conforming. Future expansion of existing facilities could be approved, but only through a Special Use Permit (SUP). New facilities on existing Mixed Use zoned land could also be pursued but only through the SUP process. For those existing

Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Draft Ordinance Language

The draft Ordinance language included as Attachment No. 1 would reclassify "warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property" from a permitted use to a specially permitted use within the Mixed Use (MU) Zoning District.

Recommendation

Staff recommends the Planning Commission recommend approval of the attached amendment of the Zoning Ordinance to the Board of Supervisors.

Attachments:
1. Proposed Amended Section 24-518 strikethrough version
2. Proposed Amended Section 24-518 clean version
3. Initiating Resolution Adopted August 13, 2019
4. Adopted Minutes from the November 14, 2019 Policy Committee Meeting
5. Adopted Minutes from the December 12, 2019, Policy Committee Meeting

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST;

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 V, Districts, Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24

Article V. Districts

Division 15. Mixed Use, MU

Sec. 24-518. Use List.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property	~~P~~	*SUP*

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST.

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 V, Districts, Division 15, Mixed Use, MU, Section 24-518, Use list.

Chapter 24. Zoning

Article V. Districts

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Industrial Uses	Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property		SUP

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO CHAPTER 24, ZONING, TO EVALUATE WAREHOUSES, STORAGE, AND DISTRIBUTION CENTERS AS A PERMITTED USE IN THE MIXED USE DISTRICT

WHEREAS, Virginia Code § 15.2-2286(A)(7) and County Code § 24-13 permit the Board of Supervisors of James City County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of James City County Code, Chapter 24, Zoning, Article V, Districts, Division 15, Mixed Use, MU, in order to consider removing warehouses, storage, and distribution centers from the Mixed Use District, or permitting warehouses, storage, and distribution centers in the Mixed Use District as a specially permitted use. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

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

ATTEST:

Teresa Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
HIPPLE	✓		
LARSON	Absent		
SADLER	✓		
MCGLENNON	✓		
ICENHOUR	✓		

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2019.

ZO-Storage-MUDist-res

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 14, 2019
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:
Jack Haldeman
Rich Krapf

Absent:
Julia Leverenz, Chair
Tim O'Connor

Staff:
Christy Parrish, Zoning Administrator
Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
Thomas Leininger, Planner
John Risinger, Community Development Assistant
Max Hlavin, Deputy County Attorney

C. MINUTES

There were no minutes.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Commercial Vehicles (Stage II)

Ms. Christy Parrish stated that that the County was granted a charter amendment to allow the County to better regulate inoperable vehicles in residential and agricultural areas. She stated that the proposed Ordinance amendment would separate the inoperable vehicle definition into two sections. She stated that the definition for inoperable vehicles would include any vehicle that is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential or commercial purposes. She asked if the Policy Committee had any comments regarding the proposed changes.

Mr. Jack Haldeman stated that he had considered if automobile graveyards should be addressed during the Ordinance amendment.

Ms. Parrish stated that automobile graveyards are a specially permitted use in the A-1 Zoning District. She stated that any property that has more than five inoperable vehicles would be considered an automobile graveyard. She stated that she is currently aware of only one automobile graveyard. She stated that the review of automobile graveyards was not included in the scope of the initiating resolution. She stated that it could be brought up during the

Comprehensive Plan update. She asked if there were any other comments regarding inoperable vehicles.

Mr. Krapf stated that he had no additional comments.

Mr. Haldeman agreed.

Ms. Parrish stated that she would draft the Ordinance amendment for review at a future meeting.

Ms. Parrish stated that the second part of the discussion is about oversized commercial vehicles. She stated that staff has previously received complaints about dump trucks and semi-trucks parked in neighborhoods. She stated that the Zoning Ordinance does not pertain to parking on rights-of-way. She stated that a discussion could be held with the Police Department to see if any changes needed to be made to Chapter 13 of the County Code in order to regulate parking in rights-of-way. She stated that the main point of discussion was to determine how oversized commercial vehicles should be defined. She stated that additional examples from other localities, the Code of Virginia and the Federal Highway Administration (FHA) were included with the meeting materials. She stated that it would be beneficial to keep the definition simple so that enforcement of the Ordinance would be practical. She asked if the Committee had any additional comments.

Mr. Haldeman stated that it may make sense to define oversized commercial vehicles as any vehicle that is Class 3 or higher in the FHA classification. He asked if it would be too difficult for the Zoning Division to enforce.

Ms. Parrish stated that there would not be an easy way for the Zoning Officers to determine the weight of the vehicle in the field. She stated that some of the vehicles defined as Class 3 may be used as work vehicles by residents. She stated it may be simpler to define oversized commercial vehicles as specific vehicle types like dump trucks or semi-trucks.

Mr. Krapf stated that food trucks should not be strictly regulated.

Ms. Parrish stated that intent of the Ordinance amendment was to regulate large vehicles like dump trucks.

Mr. Haldeman stated that the Ordinance should also address trailers with construction equipment.

Ms. Parrish stated that an issue for enforcing restrictions on oversized commercial vehicles is that the Zoning Ordinance does not apply to rights-of-way. She stated that Chapter 13 allows the County Administrator to designate certain neighborhoods to not allow parking of commercial vehicles in rights-of-way.

Mr. Haldeman stated that oversized commercial vehicles could be defined as vehicles with three or more axles.

Ms. Parrish stated that it might be helpful to remove the commercial aspect of the definition so that it refers to all oversized vehicles.

Mr. Haldeman agreed.

Mr. Krapf agreed.

Mr. Haldeman stated that it could be defined as certain vehicle types and not reference a

commercial aspect.

Ms. Parrish asked if the Committee would like Chapter 13 to mirror the changes to the Zoning Ordinance or to wait until after the Zoning Ordinance is amended to better understand the effects.

Mr. Haldeman stated that Chapter 13 should be amended at the same time.

Mr. Krapf agreed.

Ms. Parrish stated that the example from Prince William County might be simple to adapt.

Mr. Haldeman asked if the poundage listed in Prince William County's example should be removed.

Ms. Parrish stated that she would ask the Police Department if it would be able to enforce the Ordinance based on weight.

Mr. Krapf stated that listing weight as a criteria might result in enforcement issues and that it would be simpler to define it as vehicle types or number of axles.

Ms. Parrish stated that she would draft the Ordinance with Prince William County as an example and schedule a meeting with County Administration and the Police Department to see if any other changes need to be made. She stated that the Ordinance would be targeted towards properties zoned for residential uses and not properties zoned for agricultural uses. She asked if there were any other comments.

There were none.

2. Proposed Ordinance Amendments to Address Code of Virginia Changes Regarding Wireless Communication Facilities, Stage II

Mr. Thomas Leininger stated that staff is proposing amendments to Article II, Division 6 of the Zoning Ordinance to be compliant with the Code of Virginia. He stated that in 2017 and 2018, the General Assembly passed legislation requiring changes to how local Zoning Ordinances may treat applications for wireless communication facilities. He stated that draft language for the proposed Ordinance amendment has been included in the meeting materials. He stated that the "Performance Standards for Communication Facilities, Antennas, Towers and Support Structures (CATS) That Require a Special Use Permit," policy would also need to be amended. He stated that staff is proposing to add a definition section to Article II, Division 6 of the Zoning Ordinance. He stated that the title of Section 24-122, "Antenna Mounting," will be edited to reference application types. He stated that "Standard Process Projects" will be the first application type and will not require many changes to the Ordinance. He stated that the new application types are "Small Cell Facilities" and "Administrative Review-Eligible Projects (AREPs)." He asked if the Committee had any comments regarding the proposed amendments.

Mr. Krapf asked if the amendment would need to be presented at another Policy Committee meeting in the future or if the next step was to present at a Planning Commission meeting.

Ms. Ellen Cook stated that the Policy Committee typically votes on amendments before they are presented to the Planning Commission.

Mr. Haldeman asked why the proposed amendments to Section 24-123 remove the requirements for setbacks.

Mr. Leininger stated that the Code of Virginia states that in order for setbacks additional to the Zoning District setbacks to be applied, they must also have been applied for similar structures. He stated that the Zoning Ordinance does not require additional setbacks for what would be considered similar structures so the setbacks had to be removed.

Mr. Haldeman asked why the proposed amendments to Section 24-126(b) removed the requirement for applicants to negotiate in good faith with public safety agencies regarding vacant antenna locations.

Mr. Max Hlavin stated that the Code of Virginia prohibits Ordinances from requiring cell providers to provide space to localities or other companies.

Mr. Haldeman asked if the existing language would be compliant because it is only requiring negotiations to take place and not requiring space to be provided.

Mr. Hlavin stated that the existing language requires the applicant to submit evidence that good faith negotiations took place. He stated that it would not be useful to have evidence of good faith negotiations as the County cannot require space on the tower be provided.

Mr. Haldeman asked what "tolling" meant.

Mr. Hlavin stated that "tolling" meant putting a pause on the review timeline.

Mr. Krapf stated that the proposed Ordinance was well drafted.

Mr. Krapf asked if there were any further questions.

There were none.

E. NEW BUSINESS

1. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage I/II

Mr. Thomas Wysong stated that on August 13, 2019, the Board of Supervisors (BOS) adopted an initiating resolution directing staff to analyze the impacts of either removing "Warehouses, Storage, and Distribution Centers" from the Mixed Use Zoning District use list or allowing it as a specially permitted use. He stated that the Mixed Use Zoning District was created in 1992 and has the intent of promoting multiuse, master planned communities that are characterized by the convenient and harmonious grouping of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. He stated that "Warehouses, Storage, and Distribution Centers" has been a permitted use in the Mixed Use district since its creation. He stated that there are existing Mixed Use developments that have warehousing as part of their commercial components. He stated that Liberty Crossing has a self-storage facility as the principal commercial use. He stated that a proposal for the Forest Heights neighborhood including self-storage was heard by the Planning Commission and BOS which resulted in the initiating resolution. He stated that staff found that the self-storage facility use does not typically fulfill the intent of the Mixed Use district. However, it would be possible for "Warehouses, Storage, and Distribution Centers" to be appropriately scaled, designed, and located within a larger Mixed Use development and serve as a support use for other permitted uses in the district. He stated that staff recommended that option. He stated that this option would result in existing facilities that fall into the use becoming lawfully non-conforming. He asked if the Committee had any comments regarding the amendment.

Mr. Haldeman stated that he agreed with staff's recommendation.

Mr. Krapf agreed. He stated that making it a specially permitted use provides an extra layer of review to ensure that the proposal is harmonious with the Mixed Use development. He asked if the next step would be to draft the Ordinance and return it to the Committee at a future meeting.

Mr. Wysong stated that the draft Ordinance included with the meeting materials would be brought to a future Policy Committee meeting for a formal vote.

Mr. Krapf asked if there were any further questions.

There were none.

F. ADJOURNMENT

Mr. Haldeman made a motion to Adjourn. The motion passed 2-0.

Mr. Krapf adjourned the meeting at approximately 4:40 p.m.

Ms. Julia Leverenz, Chair	Mr. Paul Holt, Secretary

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 12, 2019
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:15 p.m.

B. ROLL CALL

Present:
Julia Leverenz, Chair
Rich Krapf
Tim O'Connor

Absent:
Jack Haldeman

Staff:
Christy Parrish, Zoning Administrator
Tammy Rosario, Principal Planner
Thomas Wysong, Senior Planner
John Risinger, Community Development Assistant

C. MINUTES

1. August 8, 2019 Meeting Minutes

   Mr. Rich Krapf made a motion to Approve the August 8, 2019, meeting minutes.

   The motion passed 3-0.

2. November 14, 2019 Meeting Minutes

   Mr. Krapf made a motion to Approve the November 14, 2019, meeting minutes.

   The motion passed 1-0-2, with Ms. Leverenz and Mr. Tim O'Connor abstaining as they were not present at the November 14, 2019 meeting.

D. OLD BUSINESS

1. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Certain Oversized Vehicles (Phase III)

   Ms. Christy Parrish presented draft Ordinances for amendments to the Zoning Ordinance and Chapter 13 of the County Code for inoperative vehicles and oversized vehicles. She stated that the definition for inoperative vehicles would be separated into two subsections in the Zoning Ordinance. She stated that the first subsection would be consistent with the current Ordinance. She stated that the second subsection defines inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display an inspection decal that is valid for more than 60 days. She stated that this definition applies to properties that are less than two acres in size and are zoned for

agricultural, residential, and commercial purposes. She stated that the County could issue civil fines of $100 for vehicles found to be inoperative in the first subsection. She stated that vehicles found to be inoperative in the second subsection can be towed by the County or be ordered to be removed by a Court.

Ms. Leverenz asked if the first subsection would be the default.

Ms. Parrish stated that the first subsection would not apply to properties that are zoned for agricultural uses. She stated that an agricultural property with more than five inoperative vehicles would be considered an automobile graveyard. She stated that automobile graveyards need to have an approved Special Use Permit or remove inoperative vehicles from the property so that there are five or less.

Mr. Tim O'Connor asked if the definition for inoperative vehicles would be used to determine if a property is an automobile graveyard.

Ms. Parrish confirmed. She stated that any vehicle that has farm tags or antique tags issued by the Department of Motor Vehicles would be considered operable by the County. She stated that the County cannot issue citations for inoperative vehicles that are screened from view or are otherwise not visible from the right-of-way.

Ms. Leverenz asked if inoperative vehicles could be cited if they were visible areas that have higher elevations than the property in question.

Ms. Parrish stated that the Zoning Division would work with the County Attorney's Office on special situations to determine if a citation can be issued. She stated that properties can have one inoperative vehicle that is screened by a car cover. She stated that the second subsection of the proposed Ordinance would create flexibility for citing inoperative vehicles on properties that are less than two acres in size.

Ms. Parrish stated that the second part of the Ordinance amendment was regarding oversized vehicles. She stated that discussions at prior Policy Committee meetings focused on how to define commercial vehicles. She stated that as a result of the discussion, staff was directed to draft the proposed Ordinance to define oversized vehicles instead of commercial vehicles. She stated that staff used Ordinances from Prince William County as a base to draft the proposed language. She stated that the proposed Ordinance amendment for Chapter 13 of the County Code included recreation vehicles (RVs) in the definition at the request of the Police Department. She stated that the regulations for oversized vehicles in Chapter 13 only applies to vehicles parked in rights-of-way. She stated that the scope of the initiating resolution did not include adding RVs in the definition for oversized vehicles in the Zoning Ordinance. She stated that the proposed amendment to the Zoning Ordinance noted that the regulation would not supersede any other Ordinance in the County Code.

Ms. Leverenz stated that the second line of the proposed Ordinance should be punctuated with commas.

Ms. Parrish stated that edits would be made to the second line to use commas. She stated that she would confirm the proposed language with the County Attorney's Office.

Ms. Leverenz asked why the proposed definition for inoperative vehicles states "The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor."

Ms. Parrish stated that the language was part of the Code of Virginia.

Ms. Leverenz asked if it would make sense to state that the first subsection applies to properties that are two acres or larger.

Ms. Parrish stated that adding a size limitation to the first subsection would remove the flexibility for how inoperative vehicles are enforced. She stated that the first subsection could apply to lots that are less than two acres and zoned for residential or commercial purposes.

Mr. O'Connor stated that he had concerns about RVs parked in front yards.

Ms. Parrish stated that regulating RVs on private property would be outside of the scope of the Initiating Resolution. She stated that RVs could be discussed with the Board of Supervisors (BOS) to get further direction.

Mr. Krapf stated that he was concerned that regulating RVs could have unintended results.

Ms. Parrish stated that RVs could not be occupied when parked on residential properties.

Ms. Leverenz stated that homeowners associations often have covenants that prohibit parking RVs within their neighborhood.

Mr. O'Connor asked how trailers would be regulated under the proposed Ordinance.

Ms. Parrish stated that the proposed Ordinance in Chapter 13 would not allow trailers to be parked in the rights-of-way unless they were temporarily parked for work or service taking place on a property.

Mr. O'Connor stated that many citizens have concerns about trailers parked on neighborhood streets. He stated that trailers parked on streets can impact public safety.

Ms. Leverenz asked if a homeowner who is in the process of loading a moving truck would be affected by the proposed Ordinance.

Ms. Parrish stated that the proposed amendments allow temporary parking for work or services actively taking place on a property.

Mr. O'Connor stated that the proposed Ordinance for Chapter 13 had an exemption for "utility generators located on trailers and being used to power network facilities during a loss of commercial power." He asked how power network facilities are defined.

Ms. Parrish stated that the intent of the language is to allow generators to be operated when there are power outages. She stated that the language is intended to avoid unintentional consequences in emergency events where there is a power outage.

Mr. Krapf made a motion to recommend approval of the draft Ordinances.

The motion passed 3-0.

2. ORD-2019-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District, Stage III

Mr. Thomas Wysong stated that at its August 13, 2019 meeting, the BOS adopted an initiating resolution directing staff to explore the impacts of amending the Zoning Ordinance to remove storage and warehousing as a permitted use or make it a specially permitted use in the Mixed Use (MU) Zoning District. He stated that the intent of the MU District is to promote multi-use master planned communities. He stated that there are existing MU developments that include

storage and warehousing as part of their commercial components. He stated that the Liberty Ridge community includes self-storage as the principal commercial use. He stated that the BOS and Planning Commission had concerns about self-storage that was part of a proposal for the Forest Heights neighborhood. He stated that a few of these concerns were that self-storage facilities may have a negative visual impact and do not fulfill the intent of the MU District. He stated that staff finds that the warehouse, storage, and distribution centers use does not fully fulfill the intent of the MU District. He stated that staff found that it could be possible for a well-designed warehouse or storage facility to serve as a component of an MU development's commercial uses or as a support use for other commercial uses in a development. He stated that staff recommends amending the Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District. He stated that if the Policy Committee approves of the proposed changes, the Ordinance would be heard at the January 8, 2020, Planning Commission meeting.

Ms. Leverenz asked if an RV storage facility would fall under the warehouse, storage, and distribution center use.

Mr. Wysong stated that an RV storage facility could be considered a storage use. He stated that he could discuss that with the Zoning Administrator to confirm how RV storage facilities would be classified.

Ms. Leverenz stated that RV storage facilities could be an appropriate use within the MU District.

Mr. Krapf stated that making warehouse, storage, and distribution centers a specially permitted use in the MU District would avoid potential impacts on existing storage facilities in MU developments.

Mr. O'Connor asked if self-storage facilities fall under the warehouse, storage, and distribution use.

Mr. Wysong confirmed.

Mr. Krapf made a motion to recommend approval of the proposed Ordinance to make warehouse, storage, and distribution centers a specially permitted use in the MU District.

The motion passed 3-0.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:50 p.m.

Ms. Julia Leverenz, Chair

Mr. Paul Holt, Secretary

AGENDA ITEM NO. F.4.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

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ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	2019 General Assembly Session - Chapter 508	Exhibit
	Section 15.2-905 of the Code of Virginia	Exhibit
	Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)	Ordinance
	Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)	Ordinance
	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)	Ordinance
	Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/27/2020 - 10:14 AM
Planning Commission	Holt, Paul	Approved	4/27/2020 - 10:14 AM
Publication Management	Daniel, Martha	Approved	4/27/2020 - 10:21 AM
Planning Commission	Holt, Paul	Approved	4/27/2020 - 10:25 AM

M E M O R A N D U M

DATE: May 6, 2020

TO: The Planning Commission

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: Case No. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

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INTRODUCTION

During the 2019 session of the General Assembly, James City County requested and the General Assembly granted, amendments to Chapters 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County of James City County (Attachment No. 1). 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 inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller (Attachment No. 2).

Section 15.2-905 of the Code of Virginia allows certain localities to restrict the keeping of inoperative 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 newly granted by the recent actions of the General Assembly, amendments to Section 24-37 of the James City County Zoning Ordinance are necessary.

In addition, staff has received complaints regarding the parking and/or keeping of oversized type vehicles in residentially zoned areas. This situation is not adequately addressed in the Zoning Ordinance. At the July 23, 2019 Joint Work Session, the Board of Supervisors and the Planning Commission expressed interest in examining the regulations to address this issue.

Since the adoption of the Initiating Resolution on June 5, 2019 by the Planning Commission, the Policy Committee reviewed and discussed these issues at its August 8, October 10, November 14, and December 12, 2019 meetings.

The following is a summary and recommended changes:

INOPERATIVE VEHICLES

Currently, the James City County Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Areas zoned A-1, General Agricultural, may have up to five inoperable vehicles. Properties with more than five inoperable vehicles would constitute a vehicle graveyard.

An inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed **neither** valid license plates **nor** a valid inspection decal.

The recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. This change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

The following are the substantive changes proposed to incorporate the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection.

Summary of Changes:

- Separated the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres.

- Redefined language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates **or** does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes.

- Added definition of "shielded or screened from view" to mirror State Code.

- Clarified that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes.

It is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issues by the Department of Motor Vehicles.

PARKING OF OVERSIZED VEHICLES IN AREAS ZONED FOR RESIDENTIAL

Over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes. Complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. At this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property.

During the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Staff discussed concerns with parking oversized vehicles along the right-of-ways in residential areas with County Administration, County Attorney's Office, and the Police Department and it was determined that Chapter 13, Motor Vehicles and Traffic was also necessary to review.

Currently, Chapter 13, Motor Vehicles and Traffic of the County Code permits the County Administrator to classify vehicles and restrict parking upon County-owned property, County-maintained roads and streets, and roads that are part of the state secondary system. Signs or markers must be erected when any regulations are made for a particular area.

The following is a summary and recommended changes to both the Zoning Ordinance and Chapter 13, Motor Vehicles and Traffic to address the parking of oversized vehicles in residential areas on private property and along public rights-of-ways:

Summary of Changes:

Chapter 24, Zoning Ordinance - Proposed regulations for the parking of certain oversized vehicles on private property zoned for residential purposes.

- Rename and incorporate regulations into Section 24-37.
- Identifies certain oversized vehicle types that are being regulated.
- List exceptions to common and expected parking of oversized vehicles in residential areas.

It is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

Chapter 13, Motor Vehicles and Traffic - Proposed regulations for the parking of certain oversized vehicles on public right-of-ways.

- Create Section 13-36.1 Restricted parking in certain areas.
- Defines oversized vehicle.
- List exceptions to common and expected parking of oversized vehicles along public right-of-ways in residence districts.

It is important to note that the proposed amendment will prohibit the parking of certain types of vehicles along residential streets County-wide.

RECOMMENDATION

At its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

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

CHP/nb
ZO20-03InopVeh-mem

Attachments:
1. 2019 General Assembly Session - Chapter 508
2. Section 15.2-905 of the Code of Virginia
3. Chapter 24, Section 24-37 Draft Ordinance Amendment (strikethrough)
4. Chapter 24, Section 24-37 Draft Ordinance Amendment (clean copy)
5. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (strikethrough)
6. Chapter 13, Section 13-36.1 Draft Ordinance Amendment (clean copy)

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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles ~~in residential or commercial districts~~ *and certain oversized vehicles in agricultural, residential, or commercial districts.*

~~(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~

~~(b) The owners of property zoned for residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.~~

~~(c) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.~~

(a) Keeping of inoperative vehicles in certain zoning areas

i. On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in section 24-22 of this chapter.

ii. On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

iii. 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.

iv. The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall

constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

ZO20-03InopVeh-Ch24Zon-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles and certain oversized vehicles in agricultural, residential, or commercial districts.

(a) Keeping of inoperative vehicles in certain zoning areas

i. On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in section 24-22 of this chapter.

ii. On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle

may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

iii. 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.

iv. The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article III, Stopping, Standing and Parking, Section 13-36.1 Restricted Parking in Certain Areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

(a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.

(b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:

(1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.
(2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.
(3) Any vehicle with three or more axles.
(4) Any recreational vehicle.
(5) Any vehicle designed to transport 16 or more passengers including the driver.

(c) Exceptions. The provisions of this section shall not apply to (i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING WITH ADDING SECTION 13-36.1 RESTRICTED PARKING IN CERTAIN AREAS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article III, Stopping, Standing and Parking, Section 13-36.1 Restricted Parking in Certain Areas.

Chapter 13. Motor Vehicles and Traffic

Article III. Stopping, Standing and Parking

Section 13-36.1. Restricted parking in certain areas.

(a) Restricted parking. No person shall park or leave unattended any oversized vehicle on any public highway in any residence district as defined in Code of Virginia, § 46.2-100.

(b) Oversized vehicles defined. For the purposes of this section, an oversized vehicle is defined as any of the following:

(1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.
(2) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.
(3) Any vehicle with three or more axles.
(4) Any recreational vehicle.
(5) Any vehicle designed to transport 16 or more passengers including the driver.

(c) Exceptions. The provisions of this section shall not apply to (i) any oversized vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 5/6/2020

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - May 2020

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo
	Spreadsheet Listing New Cases Received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	4/29/2020 - 10:43 AM
Planning Commission	Holt, Paul	Approved	4/29/2020 - 10:44 AM
Publication Management	Burcham, Nan	Approved	4/29/2020 - 10:49 AM
Planning Commission	Holt, Paul	Approved	4/29/2020 - 10:49 AM

PLANNING DIRECTOR'S REPORT
May 2020

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

- **Planning**

  - **Monthly Case Reports:** For a list of all cases received in the last month, please see the attached document.

  - **Board Action Results:**
    April 14, 2020
    - No development cases.

  - **Comprehensive Plan Update**

    On April 14, the Board of Supervisors approved a resolution appropriating $42,900 of Virginia Housing and Development Authority grant funds to the Engage 2045 effort. These funds will be used to extend virtual engagement efforts through MetroQuest in the remaining phases of community engagement.

    During an electronic meeting held on April 20, the Community Participation Team (CPT) received updates on County operations during the Covid-19 pandemic. The Planning Team presented format details for the May 4 electronic CPT Listening Forum with local organizations, and the CPT selected a preferred option for an internal WATA bus advertisement. Members of the Planning Team and Planning Commission Working Group (PCWG) shared highlights from the recent PCWG meeting to prepare the CPT for the next round of messaging and public engagement efforts, which will focus on the scenario planning.

    Staff continued to work with consultants on scenario planning and modeling efforts by gathering existing condition information, verifying analyses, and reviewing potential scenarios and indicators. The team continued to develop and coordinate efforts for establishing a summer "Exploring Future Alternatives Assembly" for public input and release of an online questionnaire related to Phase 2, Scenario Building and Modeling.

  - **Staff Updates**

    Congratulations to Tori Haynes on her advancement to Senior Planner and John Risinger on beginning his new role as a Planner.

- **Special Events**

  Due to social distancing requirements and the restrictions on large events, 18 Special Events were canceled or reinvented as virtual events. Virtual Events include Hike for Hospice House and the Flippin 5K. Pending final approval, several events postponed until later in the summer including the Cap to Cap Relay on August 22, the Colonial Relay on September 19, and the James River Fest on September 26. The Burg Duck Derby is scheduled for October 24. Several events hope to go forward but have not yet identified a date, including the Sweethaven Lavender Festival and the Rotary BBQ Pro-Am. The Patriot's Triathlon is on track for September 13, and we are excited to welcome back the REV3 Triathlon on August 15 & 16.

- **Building Safety & Permits**

  Building Safety & Permits staff continue to provide permit, plan review, and inspections services with no interruptions to our customers. The PermitLink system enables electronic customer registration, submittal of building and trade permits, electronic plan review, payment of permit fee invoices, and inspection scheduling and results verification. Some inspections are even arranged via Facetime or other virtual means to ensure social distancing protocols are followed. Plans for a phased re-opening of the lobby in Building E are under review by County Administration.

New Cases for May 2020

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-20-0037	Kingswood Recreation Center Pool Dome	111-A SPRING RD	Conceptual plan for an inflatable pool dome to be located at the Kingswood Recreation Center pool.	Thomas Wysong	Berkeley
	C-20-0038	3091 Ironbound Rd. Farmers Market	3091 IRONBOUND RD	Conceptual plan for a farmers market at 3091 Ironbound Road.	Terry Costello	Berkeley
	C-20-0041	1576 Manufacture Dr. Storage Yard Expansion	1576 MANUFACTURE DR	Conceptual plan for expanding an existing storage yard at 1576 Manufacture Drive.	Jose Ribeiro	Roberts
	C-20-0042	Sycamore Senior Living	7141 MERRIMAC TRL	Conceptual plan for a senior living community at 7137 & 7141 Merrimac Trail.	Thomas Leininger	Roberts
	C-20-0043	7185 Merrimac Trl. Seasonal Market	7185 MERRIMAC TRL	Conceptual plan for a seasonal produce market at 7185 Merrimac Trail.	Thomas Leininger	Roberts
Subdivision	S-20-0013	6572 Westbrook Dr Building Setback Adjustment	6572 WESTBROOK DR	Courthouse plat for setback line adjustments at 6572 Westbrook Drive.	Alex Baruch	Stonehouse
	S-20-0014	6580 Westbrook Dr. Building Setback Adjustment	6580 WESTBROOK DR	Courthouse plat for setback line adjustments at 6580 Westbrook Drive.	Alex Baruch	Stonehouse
	S-20-0015	182 & 186 Clark Ln. BLA	182 CLARK LN	Boundary line adjustment between 182 & 186 Clark Lane.	Thomas Leininger	Powhatan
	S-20-0016	2425 & 2485 Manion Drive BLE	2425 MANION DR	Boundary line extinguishment between 2425 & 2485 Manion Drive.	John Risinger	Berkeley
	S-20-0017	Skiffes Creek Industrial Park Lots 1 & 4 BLE	1568 MANUFACTURE DR	Boundary line extinguishment between 1568 & 1576 Manufacture Drive.	Jose Ribeiro	Roberts
	S-20-0018	The Promenade at John Tyler Phase 42 - Courthouse Plat	5304 JOHN TYLER HWY	Courthouse plat for The Promenade at John Tyler Phase 42.	Ellen Cook	Berkeley
	S-20-0019	Williamsburg Landing Bluffs JCSA Easement Plat	5700 WILLIAMSBURG LANDING DR	Courthouse plat for a JCSA easement at The Bluffs at Williamsburg Landing.	Ellen Cook	Roberts
	S-20-0020	1716 & 1720 Endeavor Drive BLA	1720 ENDEAVOR DR	Boundary line adjustment between 1716 & 1720 Endeavor Drive.	Thomas Wysong	Roberts
Site Plan	SP-19-0113	Brookside Haven Site Lighting SP Amend.	8979 POCAHONTAS TRL	Site plan amendment for exterior lighting at Brookside Haven.	Thomas Leininger	Roberts
	SP-20-0024	5485 Mooretown Rd. Office Building SP Amend.	5485 MOORETOWN RD	Site plan amendment for drainage and grading at 5485 Mooretown Road.	John Risinger	Powhatan
	SP-20-0027	Colonial Towne Plaza Outdoor Seating & Outdoor Display	6925 RICHMOND RD	Site plan for an outdoor seating area and an outdoor display area at Colonial Towne Plaza.	John Risinger	Stonehouse
	SP-20-0028	Chick-Fil-A Monticello Marketplace Expansion	4610 MONTICELLO AVE	Site plan amendment for building additions and drive-thru and parking layout changes at the Chick-Fil-a restaurant located in Monticello Marketplace.	Tori Haynes	Jamestown
Subdivision Construction Plan	SPLN-20-0001	Forest Glen Section 5 Subdivision Construction Plan Amend.	310 WALKER DR	Subdivision construction plan amendment for Forest Glen Section 5.	Thomas Leininger	Powhatan