

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
October 7, 2020
6:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance re-adopted by the Board of Supervisors on April 14, 2020 and September 8, 2020, and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. 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. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/93617811717> 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: 936 1781 1717. 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 September 2, 2020, Regular Meeting
2. Development Review Committee Action Item: SP-20-0060. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal SP Amendment
3. Proposed calendar update for 2020-2021

F. PUBLIC HEARINGS

1. SUP-20-0016. Norge Solar Farm SUP Amendment

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2020

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: This meeting will be held electronically pursuant to the Continuity of Government Ordinance re-adopted by the Board of Supervisors on April 14, 2020 and September 8, 2020, and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. 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. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/93617811717> 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: 936 1781 1717. 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	9/24/2020 - 8:19 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:19 AM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 8:45 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:45 AM

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning 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	9/24/2020 - 8:22 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:22 AM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 8:40 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:42 AM

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.

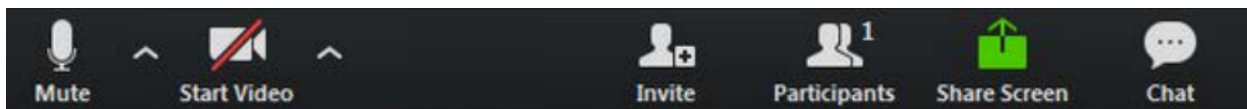
Join Audio via Phone (Recommended for best connection)

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).

ITEM SUMMARY

DATE: 10/7/2020

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	9/24/2020 - 8:38 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:38 AM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 8:41 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 8:42 AM

RESOLUTION

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, and September 8, 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 October 7, 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		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
NULL	_____	_____	_____
ROSE	_____	_____	_____
POLSTER	_____	_____	_____
HALDEMAN	_____	_____	_____
O'CONNOR	_____	_____	_____
LEVERENZ	_____	_____	_____
KRAPF	_____	_____	_____

Adopted by the Planning Commission of James City County, Virginia, this 7th day of
October, 2020.

VMtg-PC-Oct-res

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the September 2, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the September 2, 2020, Regular Meeting	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/29/2020 - 3:05 PM
Planning Commission	Holt, Paul	Approved	9/29/2020 - 3:07 PM
Publication Management	Colonna, Tina	Approved	9/29/2020 - 5:03 PM
Planning Commission	Holt, Paul	Approved	9/30/2020 - 7:40 AM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 2, 2020
6:00 PM

A. CALL TO ORDER

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

1. The meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. 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. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/92933748911> 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: 929 3374 8911. 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

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Rob Rose
Barbara Null

Staff Present:

Paul Holt, Director of Community Development and Planning
Adam Kinsman, County Attorney
Liz Parman, Assistant County Attorney
Tori Haynes, Senior Planner
Thomas Wysong, Senior Planner

1. Virtual Meeting Resolution

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

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Ms. Barbara Null made a motion to approve the resolution.

On a roll call vote the Commission voted to approve the resolution. (7-0)

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. Jack Haldeman stated that the Development Review Committee did not meet in August.

Mr. Frank Polster stated that the Policy Committee did not meet in August.

E. CONSENT AGENDA

1. Minutes of the August 5, 2020, Regular Meeting

Ms. Julia Leverenz 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. AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

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, Senior Planner, stated that Mr. Jonathan Kinney has applied to enroll 196 acres located at 10039 Old Stage Road into the Barnes Swamp AFD. Ms. Haynes stated that the parcel is currently undeveloped and forested, with the exception of a telecom tower located at the northwestern end of the property.

Ms. Haynes stated that a forest management plan has been prepared for the owner, and the Virginia Department of Forestry has noted that the soils are well-suited for the cultivation of trees.

Ms. Haynes further stated that at its July 23, 2020 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the application.

Ms. Haynes stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of the application to the

Board of Supervisors.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf invited the applicant, to speak; however, Mr. Kinney did not have anything additional to provide.

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

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

Mr. Polster noted that he was pleased to see the forest management plan provided with the application, showing how this property is a valuable addition to the AFD. Mr. Polster further stated that he is happy to see that this parcel will be protected from development for the term of the AFD.

Mr. Holt requested confirmation that Mr. Haldeman's motion was to recommend approval of the application with the conditions in the Staff Report.

Mr. Haldeman confirmed.

On a roll call vote the Commission voted to recommend approval of AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road. (7-0)

2. SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

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

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

Ayes: Krapf, Leverenz, Null, O'Connor, Polster, Rose

Abstain: Haldeman

Mr. Haldeman stated that he would recuse himself from considering this application as he has a personal interest in the matter.

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt of Kaufman & Canoles, PC has applied on behalf of Williamsburg Landing Inc. to amend the existing proffers and Special Use Permit (SUP) conditions for a parcel in Williamsburg Landing to allow four additional independent living units within two new structures on Boatwright Circle. Mr. Wysong stated that the property is zoned R-5 AA, Multifamily Residential and Airport Approach Overlay District, is located within the Primary Service Area and is designated Low-Density Residential on the Comprehensive Plan Land Use Map.

Mr. Wysong stated that the Low Density Residential land use designation recommends retirement and care facilities/communities as a use, provided the development complements the residential character of the surrounding area, has traffic, noise, and lighting impacts similar to surrounding uses, is generally located on collector or arterial roads at intersections; and provides adequate screening and buffering to protect the character of nearby residential areas.

Mr. Wysong stated that staff finds this portion of Williamsburg Landing meets all of these criteria and will continue to do so should this application be approved.

Mr. Wysong stated that additionally, the Comprehensive Plan recommends a gross density range of 1 to 4 units per acre, provided certain benefits are provided, such as a commitment to open space design and environmental protection. Mr. Wysong further stated that the subject parcel currently has 28 independent living units, with a gross density of 1.77 units per acre. Mr. Wysong stated that if this proposal were to be approved, the subject parcel would have 32 units and a gross density of 2.03 units per acre and the gross density for the entire Williamsburg Landing development would marginally increase from 3.80 to 3.83 units per acre. Mr. Wysong stated that given the enhanced environmental protections conditioned with this SUP amendment and Williamsburg Landing's commitment to open space design, staff finds this proposal to be with consistent with the Comprehensive Plan's recommended density.

Mr. Wysong stated that staff also considered the impacts resulting from this development. Mr. Wysong noted that this proposal is not projected to generate traffic beyond a typical residential use, nor is lighting or noise a concern. Mr. Wysong further stated that since Williamsburg Landing is an age-restricted community, no schoolchildren are anticipated to be generated as a result of this proposal. Mr. Wysong stated that in order to locate the two new structures within their proposed location on this parcel, a portion of the existing conservation acreage will have to be relocated. Mr. Wysong further stated that staff has included a condition requiring approval of the deed of exchange, and easement plat prior to site plan approval, with the relocated conservation easement acreage being of equal or greater amount than that which is displaced. Mr. Wysong stated that the relocated acreage will be required to be located on one of the Williamsburg Landing parcels. Mr. Wysong stated that in order to mitigate some of the impacts that may result from conservation easement relocation, the applicant has recommended including condition requiring for enhanced landscaping planting along Marclay Road. Mr. Wysong stated that overall, staff finds the impacts resulting from this proposal to be mitigated by the proposed conditions.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of the proposed SUP and proffer amendment to the Board of Supervisors, subject to the draft conditions and proffers.

Mr. Polster inquired if any of the existing open space remain open space.

Mr. Wysong stated that the open space requirement in the R-5 Zoning District is that 10% of developable land has to be conserved. Mr. Wysong further stated that, according to the information the applicant submitted, the open space remaining would exceed that requirement.

Mr. Polster inquired about the area that the applicant intends to supplement.

Mr. Wysong stated that the intent of that condition is for the applicant to provide additional plantings within the perimeter buffer. Mr. Wysong stated that he would defer to the applicant regarding the effect of the platted easement.

Mr. Rob Rose inquired about the acreage of the existing conservation easement and the acreage of the portion being relocated.

Mr. Wysong stated that the amount of open space currently on the Boatwright parcel is approximately 4.58 acres. Mr. Wysong further stated that after the proposed units are installed there will be 3.93 acres.

Mr. Rose inquired if the term open space referred to the conservation easement.

Mr. Wysong stated that he would defer to the applicant; however, it was his understanding that open space does refer to the conservation area.

Mr. Krapf inquired if there was any special consideration of this application because of the Airport Approach Overlay District.

Mr. Wysong stated that no concerns were raised over the height of the structures; however, one of the SUP conditions requires all prospective owners of the new units to be formally notified that these units are in close proximity to the Airport Approach Overlay District.

Mr. Krapf inquired if the Federal Aviation Administration had raised any concerns about the project.

Mr. Wysong stated that no concerns had been noted. Mr. Wysong further stated that there would be further review at the Site Plan stage.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he had a discussion with the applicant regarding the landscape buffer. There were no disclosures from the other Commissioners.

Mr. Krapf opened the Public Hearing.

Mr. Paul Gerhardt, Kaufman & Canoles, PC, 4801 Courthouse Street, stated that he represents Williamsburg Landing. Mr. Gerhardt stated that also present were Mr. Greg Storer, CEO of Williamsburg Landing, Mr. Ryan Stephenson, AES Consulting Engineers, and Brad Sipes with GuernseyTingle.

Mr. Gerhardt stated that the applicant has reviewed the SUP conditions and concurs with them. Mr. Gerhardt further stated that the applicant has also provided a Proffer Amendment to mitigate impacts.

Mr. Gerhardt stated that as a 501 (c) (3) Not for Profit, under the category of providing housing for older persons, Williamsburg Landing has the responsibility to effectively manage its funds, yet responsive to the market and successive generations of new residents. Mr. Gerhardt stated that the Marclay Road expansion of the facilities is still several years out due to the need for extensive infrastructure and substantial financing. Mr. Gerhardt noted that the Board looked at this as an opportunity to provide more units in an area where infrastructure is already in place and where there would be little disruption to the residents. Mr. Gerhardt further noted that a meeting was held with Boatwright Circle residents and the main concerns were disruptions to the buffer and walking trails, as well as the presence of the Yardworks facility in close proximity to the affected buffer.

Mr. Gerhardt stated that in response to resident concerns, the applicant has revised its plans for buffering and determined that an enhanced landscape with additional trees and shrubs would shield the neighborhood from activities along Marclay Road. Mr. Gerhardt noted that Williamsburg Landing intends to work closely with the County to meet conservation area requirements. Mr. Gerhardt stated that the walking trail would be moved slightly and some improvements would be made. Mr. Gerhardt stated that the end result would be that the trail would continue to serve residents as it does now.

Mr. Gerhardt stated that this project has been thoughtfully designed and requested that the Commission support the application.

Mr. Polster inquired if the current conservation easement along Marclay Road will remain a

conservation easement under the proposed SUP condition.

Mr. Ryan Stephenson, AES Consulting Engineers, 5248 Olde Towne Road, stated that the 40-foot buffer would remain a conservation easement, and would be supplemented with additional plantings.

Mr. Stephenson stated that the 6.5 acres of conservation easement where the building will be constructed, will be re-designated elsewhere on the property.

Mr. Polster inquired about the plan to restore the two temporary construction entrances.

Mr. Stephenson stated that the area would be revegetated in compliance with County requirements.

Mr. Polster stated that his concern is the impact on the Virginia Department of Transportation easement.

Mr. Gerhardt stated that the intention is to ensure that the entire area is restored to existing conditions.

Mr. Polster noted that the area of the walking trail along Marclay Road would be ideal for a conservation easement which would be a great benefit to Williamsburg Landing as well as the adjacent community.

Mr. Polster inquired about the language providing for future utility crossings through the buffer.

Mr. Gerhardt stated that staff would oversee and advise any use of the conservation easement.

Mr. Rose inquired if the relocated conservation easement would be added to an existing conservation easement to create a larger area or if it would be located separately.

Mr. Stephenson stated that the acreage would be located adjacent to other existing conservation easements.

Mr. Krapf inquired if the area designated as the conservation easement would be planted.

Mr. Stephenson stated that it would be wooded as it currently exists.

Mr. Krapf asked Mr. Gerhardt to confirm that the plan is to landscape the area around the new buildings and add plantings to the 40-foot buffer.

Mr. Gerhardt confirmed.

Mr. Holt stated that staff received three call in comments which would be played for the Commission.

Ms. Martha Copenhaver, 5630 Boatwright Circle, addressed the Commission in opposition to the proposal.

Ms. Christine Zuckerberg, 5632 Boatwright Circle, addressed the Commission in opposition to the proposal.

Mr. John Nicholson, 5628 Boatwright Circle, addressed the Commission in support of the proposal.

Mr. Alex Baruch, Acting Principal Planner, stated that he would now coordinate the live public comment.

Mr. Tim Wright, 5610 Boatwright Circle, addressed the Commission in support of the application.

Ms. Judy Knudson, 5638 Boatwright Circle, addressed the Commission in support of the application.

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

Mr. Polster stated that he understands the desire to expand the facility which is vital to the Community. Mr. Polster stated that he has been concerned about the preservation of open space and buffering; however, he is satisfied with the proposal to improve the buffer area, protect the area, and mitigate impacts. Mr. Polster noted that he would like to see the portion of the walking trail along Marclay Road be enhanced with plantings and included as a conservation area. Mr. Polster stated that he would support the application.

Mr. Krapf stated that he finds that the applicant has made efforts to mitigate impacts to the Conservation Easement and the buffer. Mr. Krapf noted that the application does address in small part the need for additional housing for older citizens. Mr. Krapf stated that he would support the application.

Ms. Leverenz stated that she appreciates all of the residents who took time to provide thoughts and opinions on the application. Ms. Leverenz stated that the disruptions would be temporary and within a year or so, the area would be improved. Ms. Leverenz stated that she would support the application.

Mr. Polster made a motion to recommend approval of the application with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant.

On a roll call vote, the Commission voted to recommend approval of SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant. (6-0-1)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2020

Mr. Holt stated that he would like to provide an update on the Comprehensive Plan by giving the Commission a snapshot in time on where the process stands and then the next steps. Mr. Holt stated that from a timeline perspective, the process is just past the halfway point. Mr. Holt stated that looking at the Project Phase of the timeline, which corresponds most closely to the work of the Planning Commission Working Group (PCWG), we are working through Phase 3, Alternative Futures, which involves the scenario modeling results for two possible futures and arriving at a preferred future scenario. Mr. Holt stated that looking at the Community Engagement component, which corresponds to the work of the Community Participation Team (CPT), staff is wrapping up the Exploring Our Future assembly questionnaire. Mr. Holt stated that both the PCWG and CPT will receive a preliminary report on the questionnaire at the joint meeting on September 14, 2020. Mr. Holt stated that after the joint meeting, the PCWG

and the CPT will progress to the next round of community engagement which will run from mid-September through the end of 2020. Mr. Holt further stated that the work for the PCWG will ramp up quickly with review of the Comprehensive Plan chapters, with all of the technical reports. Mr. Holt stated that there would also be a series of briefing papers on topics that the Commission wanted to address. Mr. Holt noted that potential new policy directions and actions will be shared with the public and tested in round three of public engagement. Mr. Holt stated that early in 2021, the CPT will analyze the public engagement results and the PCWG will be finalizing the chapter text and the Goals, Strategies, and Actions (GSAs), and the Land Use recommendations. Mr. Holt stated that the process is on track for Planning Commission and Board of Supervisors adoption in summer of 2021. Mr. Holt noted that he anticipates a joint work session with the Board of Supervisors on October 27, 2020, to discuss public input, preferred scenarios, policies, and land use.

Mr. Krapf requested that the timeline be shared with the Commission.

Mr. Holt stated that all of this information will be in the next PCWG/CPT packet.

Mr. Polster inquired if the Planning Commission and the Board of Supervisors were still scheduled to meet to discuss short-term rentals.

Mr. Holt stated that the Board of Supervisors has adopted a resolution to defer those applications, pending further review. Mr. Holt further stated that this will be built in to the Comprehensive Plan review process.

Mr. Haldeman inquired if more details were available about the potential joint work session with the Board of Supervisors.

Mr. Holt stated that the information was still being developed and more details would follow shortly.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf noted that Mr. Polster would represent the Commission at the September Board of Supervisors meeting.

Mr. Polster stated that he felt it would be difficult to accomplish all of the work ahead of the Commission for the Comprehensive Plan Update using the virtual meeting format. Mr. Polster stated that it is hard to discuss these items and come to an understanding without being able to see facial expression and read body language. Mr. Polster noted that he was hoping for additional discussion outside the formal meetings that are scheduled.

Mr. Krapf stated that he and Mr. Holt have had preliminary discussions on the possibility of returning to in person meetings. Mr. Krapf noted that any additional meetings would need to be appropriately advertised and open to the public.

Mr. O'Connor stated that he concurs with Mr. Polster's comments. Mr. O'Connor further stated that he has concerns that lengthy email exchanges could be perceived as a meeting, particularly where land use and policy are being discussed. Mr. O'Connor noted that he would be comfortable meeting in person and recommended considering either a hybrid process or using the Zoom video function.

Mr. Holt stated that staff can adapt to the format that works most successfully for the Commission, the PCWG, and the CPT. Mr. Holt stated that as staff and the consultant begin sending out draft materials for review and comment, it is important to arrive at a format to

arrive at a format where staff and the consultant can get a consensus on the materials.

Mr. Krapf inquired if Commissioners could use Zoom in place of calling in when not able to attend an in-person meeting. Mr. Holt stated that staff would follow up on that option.

Mr. Holt noted that it would be necessary to have a physical quorum.

Mr. Haldeman stated that there seems to be consensus on the five broad themes of Nature, Community Character, Affordable Housing, Quality of Life, and Economic Development. Mr. Haldeman stated that he would like to reaffirm agreement on those themes at the upcoming meeting.

Mr. Polster stated that he is less concerned about the specific chapters and developing the GSAs, than the consensus on the important issues. Mr. Polster noted that the future vision will be a hybrid of the two scenarios. Mr. Polster further stated that it is discussing the hybrid vision in relation to the metrics of what is important and further, does the hybrid scenario address what is needed. Mr. Polster stated that to accomplish this, it requires discussion among the Commissioners, rather than presentations on the results of the analysis of the scenarios. Mr. Polster stated that the focus needs to be on the next steps and discussion about those steps that will dictate the GSAs and the shape of the Land Use Map.

Mr. Haldeman inquired if it would be possible to use the Zoom video function. Mr. Krapf confirmed. Mr. Krapf stated that staff would follow up.

Mr. O'Connor noted that with some of the more intricate cases, it would be a better presentation to the community to have more of the Zoom functions available.

Ms. Leverenz stated that she concurs with the benefits of meeting in person and using the Zoom video function; however, she has concerns about having a quorum.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn to September 14, 2020 at 4:00 p.m.

The meeting was adjourned at approximately 7:32 p.m.

Paul D. Holt, III, Secretary

Rich Krapf, Chair

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

FROM: Alex Baruch, Acting Principal Planner

SUBJECT: Development Review Committee Action Item: SP-20-0060. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal SP Amendment

The applicant has submitted a site plan to stabilize portions of the Chickahominy Riverfront Park shoreline that are experiencing excessive erosion.

Reason for DRC Review: Adopted Special Use Permit (SUP) Conditions require Planning Director and DRC approval for tree clearing on the Chickahominy Riverfront Park property.

Link to Agenda and Staff

Report: <https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=5867&MeetingID=1125>

On September 23, 2020, the DRC voted 5-0 to recommend approval of the request.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/24/2020 - 10:16 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 10:16 AM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 10:17 AM
Planning Commission	Holt, Paul	Approved	9/24/2020 - 10:19 AM

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Proposed calendar update for 2020-2021

Proposed calendar updates include:

- 1.) Adding a date for a joint work session with the Board of Supervisors on October 27.
- 2.) Adding the meeting location. When not meeting virtually, this helps add clarity to the schedule, especially with different subcommittees included on the schedule.

ATTACHMENTS:

	Description	Type
	Amended 2020 2021 Planning Commission Calendar	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/30/2020 - 1:45 PM
Planning Commission	Holt, Paul	Approved	9/30/2020 - 1:46 PM
Publication Management	Daniel, Martha	Approved	9/30/2020 - 2:55 PM
Planning Commission	Holt, Paul	Approved	9/30/2020 - 3:00 PM

Meeting Locations: When not meeting virtually, meetings are held as follows:

**Planning Commission (PC) and Planning Commission Working Group (PCWG) - Government Center Board Room, 101 F Mounts Bay Road, James City County, VA.
Policy Committee and Development Review Committee (DRC) - Government Center Building A Conference Room, 101 A Mounts Bay Road, James City County, VA.**

Planning Commission 2020/21 (6PM)

- April 1
- May 6
- May 26 Joint Work Session w/BOS (4pm)
- June 3
- July 1
- August 5
- September 2
- October 7
- Oct. 27 Joint Work Session w/BOS (4 pm)
- November 4
- December 2
- January 6 (2021)
- February 3 (2021)
- March 3 (2021)
- March 15 (2021)*

*Special Meeting (Organizational and CIP)

Policy Committee 2020/21 (4PM)

- April 16
- May 14
- June 11
- July 9
- August 13
- September 10
- October 15
- November 12
- December 10
- January 14 (2021)
- February 11 (2021)**
- February 18 (2021)**
- February 25 (2021)**
- March 4 (2021)**
- March 11 (2021)

**CIP Meetings

DRC 2020/21 (4PM)

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

***Meeting would begin at 3PM

PCWG 2020/21 (4PM)

- April 6
- April 13
- September 14
- September 28
- October 5
- October 19
- November 9
- November 23
- December 7
- December 21

Planning Commission 2021/22 (6PM)

- April 7
- May 5
- April 27 Joint Work Session w/ BOS (4pm)
- June 2
- July 7
- August 4
- September 1
- October 6
- November 3
- December 1
- January 5 (2022)
- February 2 (2022)
- March 2 (2022)
- March 14 (2022)*

*Special Meeting (Organizational and CIP)

Policy Committee 2021/22 (4PM)

- April 15
- May 13
- June 10
- July 15
- August 12
- September 9
- October 14
- November 10
- December 9
- January 13 (2022)
- February 10 (2022)**
- February 17 (2022)**
- February 24 (2022)**
- March 3 (2022)**
- March 10 (2022)

**CIP Meetings

DRC 2021/22 (4PM)

- March 31
- April 21
- May 19
- June 23
- July 21
- August 18
- September 22
- October 20
- November 17
- December 15
- January 19 (2022)
- February 16 (2022)

PCWG 2021/22 (4PM)

- January 5
- January 20
- February 8
- February 22
- March 8
- March 22
- April 5
- April 19

2020/21 Calendar Year: March 17, 2020 – March 15, 2021

2021/22 Calendar Year: March 16, 2021 – March 14, 2022 (2021/22 Calendar provided for reference only)

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

FROM: Tom Leininger, Senior Planner

SUBJECT: SUP-20-0016. Norge Solar Farm SUP Amendment

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Proposed Special Use Permit Conditions	Backup Material
☐	Location Map	Backup Material
☐	SUP-0028-2016 Approved Resolution	Backup Material
☐	SUP-0028-2016 Approved Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/28/2020 - 12:15 PM
Planning Commission	Holt, Paul	Approved	9/28/2020 - 12:15 PM
Publication Management	Daniel, Martha	Approved	9/28/2020 - 12:19 PM
Planning Commission	Holt, Paul	Approved	9/28/2020 - 12:21 PM

SPECIAL USE PERMIT-20-0016. Norge Solar Farm SUP Amendment

Staff Report for the October 7, 2020, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Robin Lucey, Virginia Electric and Power Company (Dominion Energy Virginia)
Land Owner:	Whisper Ridge, LLC
Proposal:	To amend SUP-0028-2016 to extend the commencement of construction expiration date by 12 months. No further changes to the approved Special Use Permit (SUP) are proposed.
Locations:	320, 339, 341, and 345 Farmville Lane and a parcel of land of \pm 0.21 acres situated between 140 and 142 Oslo Court
Tax Map/Parcel Nos.:	2320100052A, 2320100052G, 2320100052, and 2320100055
Project Acreage:	The five parcels total \pm 224 acres
Zoning:	A-1, General Agricultural (\pm 215.68 acres) and R-2, General Residential (\pm 8.34 acres)
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Tom Leininger, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	October 7, 2020, 6:00 p.m.
Board of Supervisors:	November 17, 2020, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts - Please see Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts - Please see Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the Board of Supervisors subject to the proposed conditions.

PLANNING AND ZONING HISTORY

- The Board of Supervisors denied Case No. Z-0009-1985 on June 10, 1995. The proposal was to rezone property located at 341 Farmville Lane from A-1, General Agricultural, to A-2, Limited Agricultural.
- On January 9, 2018, the Board of Supervisors approved Case No. SUP-0028-2016 for an electric generation facility.

PROJECT DESCRIPTION

Robin Lucey of Dominion Energy has applied for an SUP amendment to extend the previously approved SUP-0028-2016 condition for commencement of construction by 12 months. There are no further changes to the Master Plan or remaining conditions. SUP-0028-2016 was set to expire on January 9, 2022. Should this SUP amendment receive approval, the new expiration date is January 9, 2023.

SPECIAL USE PERMIT-20-0016. Norge Solar Farm SUP Amendment

Staff Report for the October 7, 2020, Planning Commission Public Hearing

According to the applicant, in September 2020, Dominion Energy entered into a contract for the construction of the Norge Solar project. Engineering and permitting activities will start with applications for various permits required for the construction of the project expected to be submitted in Quarters 3-4 (Q3-Q4) of 2021. Permits are expected in early 2022, with construction commencing thereafter beginning with site preparation. The project will begin accepting delivery of materials and construction of the solar arrays throughout the spring/summer of 2022, with the project expected to be substantially complete and operational in Q3 of 2022.

COMPREHENSIVE PLAN

The 2035 Comprehensive Plan Land Use Map designates the properties subject to this SUP as Low Density Residential (LDR). Recommended uses in LDR areas include single-family residences, schools, places of public assembly, and very limited commercial uses. The Comprehensive Plan does not specifically identify solar power, or utilities in general, in LDR, or the other land use designation areas; therefore, staff has reviewed this application under the “very limited commercial uses” development standards listed in LDR.

SPECIAL USE PERMIT-20-0016. Norge Solar SUP Amendment**Staff Report for the October 7, 2020, Planning Commission Public Hearing****IMPACT ANALYSIS**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	-The new solar farm would not exceed 100 peak hour trips and SUP-0028-22016 Condition No. 5 states that the project shall take access from Old Church Road. -SUP-0028-2016 Condition No. 4 states that the applicant shall submit a Construction Traffic Mitigation Plan to be approved by the Planning Director prior to the issuance of a land disturbance permit.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>Mitigated</u>	-Subject property is located within a six-minute radius of Fire Station 1. -SUP-0028-2016 Condition No. 12 states that an Emergency Action Plan shall be submitted and approved prior to site plan approval.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	-This project will need to demonstrate full compliance with environmental regulations at the development plan stage, but no other specific environmental impacts have been identified for mitigation. -SUP-0028-2016 Condition Nos. 3 and 14 address a nutrient management plan and spill prevention control and countermeasures plan, respectively.

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

SPECIAL USE PERMIT-20-0016. Norge Solar SUP Amendment**Staff Report for the October 7, 2020, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Cultural/Historic</u>	<u>Mitigated</u>	-Per Section 24-145 of the Zoning Ordinance, an archaeological study and natural resource inventory will be required at the development plan stage.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-A vegetated buffer to screen the project from nearby properties is specified in SUP-0028-2016 Condition No. 8. -The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage. -Staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. -SUP-0028-2016 Condition Nos. 18 and 20 also limit the height of the panels and address use of materials to prevent glare. -SUP-0028-2016 Condition No. 13 requires a construction management and mitigation plan which is intended in part to address impacts to nearby properties during the construction stage. -SUP-0028-2016 Condition No. 11 limits the height and the color of the perimeter fence.
<u>Community Character</u>	<u>Mitigated</u>	-Farmville Lane and Old Church Road are not designated in a Community Character Corridor, but are within a Community Character Area.

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

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding zoning and development and that is consistent with the Comprehensive Plan adopted in 2015, *“Toward 2035: Leading the Way.”* Staff recommends the Planning Commission recommend approval of this application subject to the attached proposed conditions.

TL/md

SUP20-16Norge SolarAmd

Attachments:

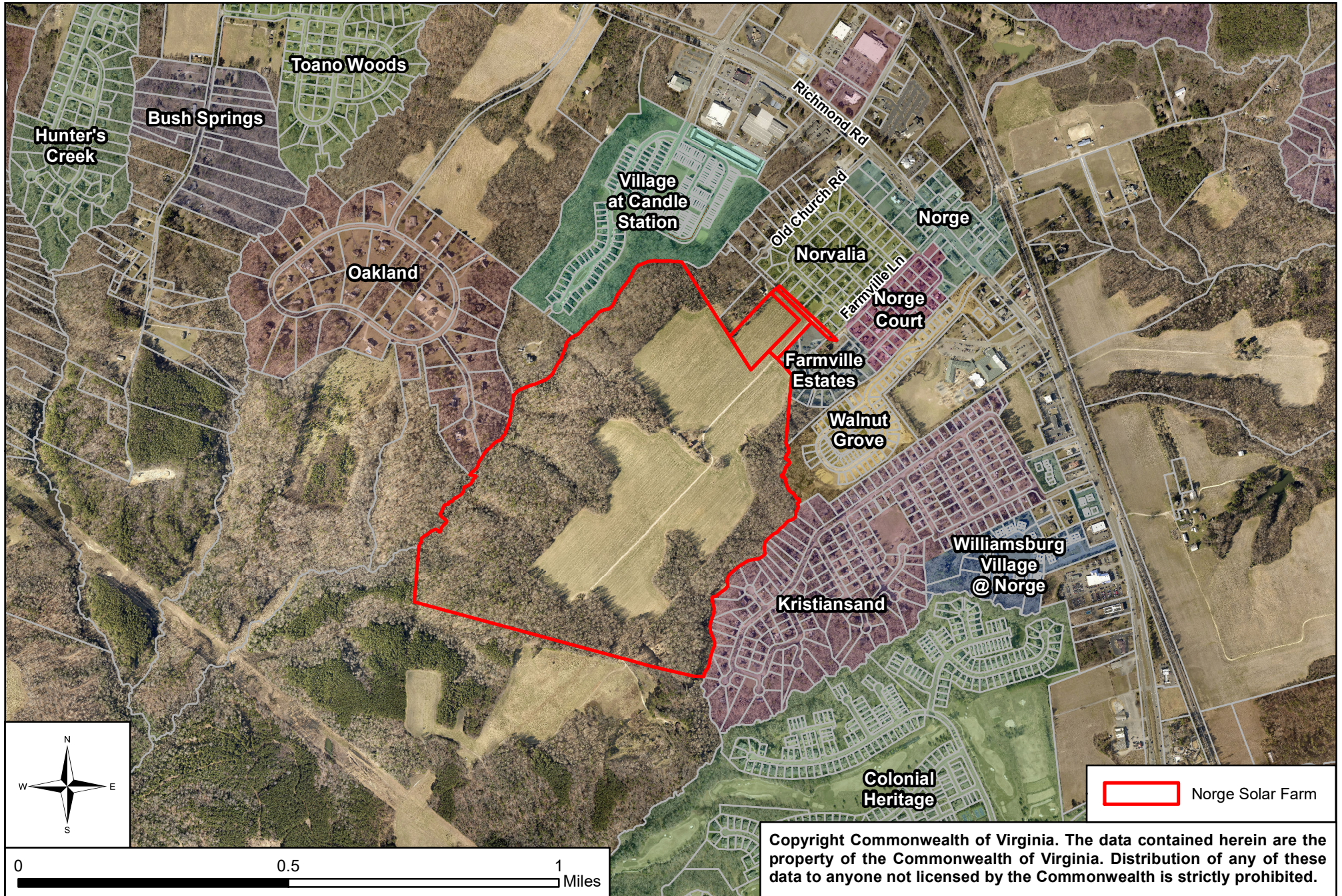
1. Proposed Conditions
2. Location Map
3. Approved SUP-0028-2016 Resolution
4. Approved SUP-0028-2016 Master Plan

Proposed SUP conditions for SUP-20-0016, Norge Solar Farm SUP Amendment

1. **Commencement.** The Facility shall be operational within 60 months from the issuance of SUP-0028-2016, or the SUP shall become void. The Facility operator shall submit a certified letter to the County Director of Planning prior to 60 months from the issuance of the SUP to confirm the operational status of the Facility.

JCC SUP-20-0016

Norge Solar Farm SUP Amendment



RESOLUTION

CASE NO. SUP-0028-2016. SOLAR ELECTRICAL GENERATION FACILITY AT NORGE

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Whisper Ridge, LLC (the "Owner") owns properties located at 320, 339, 341 and 345 Farmville Lane, further identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055 respectively, and other areas legally described and identified as: All those pieces or parcels of property situate, lying and being in James City County, Virginia, consisting of Parcels 1, 2, C, D and I, comprising of 0.35 acre, 0.08 acre, 0.08 acre, 0.03 acre and 0.09 acre, respectively, all set as forth and shown on a certain plat of survey made by E. E. Paine, Inc., entitled "Plat of the Property of J. Guy and Christina M. Hughes" dated June 17, 1974, revised September 3, 1975, and recorded in the Office of the Clerk of the Circuit Court for the County of James City, Virginia, on November 24, 1975, in Plat Book 33 at Pages 23 and 24" (collectively, the "Properties"). The Properties are zoned A-1, General Agricultural and R-2, General Residential; and

WHEREAS, Mr. Drew Gibbons of SunPower Devco, LLC, on behalf of the Owner, has applied for an SUP to allow for the construction of a solar electrical generation facility on the Properties as shown on a plan titled "Norge Solar Master Plan" dated October 4, 2017; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0028-2016; and

WHEREAS, following a public hearing on December 6, 2017, the Planning Commission recommended approval of this application by a vote of 5-1 and found the proposal consistent with the Comprehensive Plan by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0028-2016, as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for the construction and operation of a photovoltaic solar electrical generation facility with a capacity of up to 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more (the "Facility"). The Facility shall be located at 320, 339, 341 and 345 Farmville Lane, which are identified as James City County Real Estate Tax Map Parcel Nos. 2320100052A, 2320100052G, 2320100052 and 2320100055, respectively, and parcels described as "All those pieces or parcel of property situate, lying and being in James City County, Virginia, consisting of Parcels 1, 2, C, D and I, comprising of 0.35 acre, 0.08 acre, 0.08 acre, 0.03 acre and 0.09 acre, respectively, all set as forth and shown on a certain plat of survey made by E. E. Paine, Inc., entitled "Plat of the Property of J. Guy and Christina M. Hughes" dated June 17, 1974, revised September 3, 1975, and recorded in the Office of the Clerk of the Circuit Court for the County of

James City, Virginia, on November 24, 1975, in Plat Book 33 at Pages 23 and 24" (together, the "Properties"). The Facility shall be in accordance with the "Norge Solar Master Plan" prepared by Kimley-Horn and dated October 4, 2017, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. Boundary Line Extinguishment. Prior to final approval of any site plan, a subdivision plat that extinguishes the lot lines separating properties located at 339, 341 and 345 Farmville Lane shall be recorded.
3. Nutrient Management Plan. A Nutrient Management Plan (NMP) shall be prepared by a certified nutrient management planner for all of the area within the defined limits of disturbance for the Properties. The purpose of the NMP is to provide for long-term establishment and maintenance of turf grass, pasture, rangeland or other similar type vegetative cover which preserve the long-term soil health for potential future farming purposes. The NMP shall include measures necessary to manage and limit yearly nutrient application rates in order to best protect the surrounding Resource Protection Areas (RPA) and ravines. The NMP shall have a component which specifically identifies, maintains and protects designated Prime Farmland soil mapping units consistent with the Soil Survey of James City County and the City of Williamsburg, Virginia, (April 1985) and the County's Comprehensive Plan. The NMP shall be approved by the County's Director of Stormwater and Resource Protection prior to issuance of any Certificate of Completion or Certificate of Occupancy for the Facility. Upon approval of the NMP, the Facility operator shall be responsible for ensuring that any nutrient applied in the area within the defined limits of work is in strict accordance with the NMP.
4. Construction Traffic Mitigation Plan. A Construction Traffic Mitigation Plan (CTMP), shall be approved by the Virginia Department of Transportation (VDOT) and the County Director of Planning, or his designee prior to the issuance of a land disturbing permit for the Facility. The CTMP shall identify all existing conditions and provide a plan to address all necessary repairs to public roads internal to the Norvalia subdivision required as a result of damage from construction traffic and provide a timeline for completion of repairs. All road repairs as identified by the approved CTMP as determined by VDOT shall be completed within six (6) months of the Facility commencing operations.
5. Vehicular Access. Vehicular access to and from the Facility and the Properties, which includes traffic associated with the construction, operation, maintenance and decommissioning period of the Facility shall only be through Old Church Road which connects with Norge Farm Lane through properties currently owned by the Owner and designated as "Parcel 1" and "Parcel 2" on the above-referenced plat of survey and a parcel identified as James City County Real Estate Tax Map Parcel No. 2320100052A.
6. Archaeology. A Phase I Archaeological Study for the Properties shall be approved by the Director of Planning prior to issuance of a land disturbing permit for the Facility. A treatment plan shall be submitted to and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning

and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the Properties and the clearing, grading or construction activities thereon. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

7. Natural Heritage Resource. A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2 or G3 resources in the project areas shall be approved by the Director of Planning prior to issuance of a land disturbing permit. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the Properties where the Facility is located, a Conservation Management Plan (CMP) shall be approved by the Director of Planning for the affected area prior to issuance of a land disturbing permit. All inventories and CMPs shall meet the standards of the Virginia Department of Conservation and Recreation's Division of Natural Heritage ("DCR/DNH") for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH or the United States Fish and Wildlife Service. All approved CMPs shall be incorporated into the plan of development for the Properties, and the clearing, grading, or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may be submitted for the incorporation of the CMP into the plan of development for the Properties.
8. Vegetated Buffer. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a landscape plan for the Facility. The landscape plan shall provide a 50-foot-vegetated buffer along the perimeter of the Properties. The perimeter buffer shall be provided by one of the three treatment options listed below:
 - In areas of the 50-foot perimeter buffer that are currently comprised of mature forest, as determined by the Director of Planning or his designee, the buffer shall be left undisturbed in its natural state.
 - In areas of the 50-foot-perimeter buffer that are not completely comprised of mature forest, as determined by the Director of Planning or his designee, supplementation with evergreen shrubs and trees shall be required.
 - In areas of the 50-foot-perimeter buffer where little or no vegetation exists, as determined by the Director of Planning or his designee, the buffer shall be landscaped to the provisions of Section 24-96 of the Zoning Ordinance for

General Landscape Areas except that the required evergreen tree and shrub mixture shall be increased from 35% to at least 50%.

9. Lighting. Prior to final approval of any site plan, the Director of Planning, or his designee, shall review and approve a lighting plan for the Facility. Any exterior site or building lighting shall be shielded and directed downward. No glare, defined as 0.1 foot-candle or higher, shall extend outside the boundaries of the Properties. Lights shall be operated by a motion detector or be able to be turned on as needed by the Facility operator and shall not be routinely illuminated at night. All light poles shall not exceed 16 feet in height from finished grade unless otherwise approved by the Director of Planning prior to final site plan approval.
10. Signage. Unless otherwise exempt by Section 24-74 of the Zoning Ordinance, no outdoor signage related to the Facility shall be permitted on the Properties.
11. Fencing. Prior to final approval of any site plan, the Director of Planning or his designee shall review and approve a detail of any proposed fencing for the Facility. The fence shall be black, or other neutral color, and shall not exceed a height of eight feet above finished grade. The fence shall not contain barbed wire unless it is required by federal or state regulations.
12. Emergency Management Plan. The Facility operator shall prepare and maintain an Emergency Management Plan (EMP) to address situations that may require response from James City County public safety personnel, including, without limitation, fire safety and emergency response personnel. The EMP shall:
 - Be developed in conjunction with and approved by the County Fire Chief and County Police Chief or their designees prior to final approval of any site plan.
 - Provide a mutually agreed upon schedule for the Facility operator to provide information sessions and training for James City County public safety personnel relative to possible emergency response situations at the Facility.
 - Provide pertinent contact numbers for the Facility operator emergency personnel.
 - Provide that all emergency contact information will be posted on access gates.
13. Construction Management and Mitigation Plan. Prior to final approval of any site plan, the Director of Planning or his designee shall approve a Construction Management and Mitigation Plan (CMMP). The CMMP shall include those items listed below:
 - a. Construction Management:
 - Designated parking areas.
 - All piling driving activity on the Properties be limited to the hours of 8 a.m. to 6 p.m., Monday through Friday.

- Other construction activities, including clearing and grading of the Properties shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday.
- Construction delivery traffic to the Properties shall not be allowed during pick-up/drop-off times for surrounding schools.
- Storage, transportation and disposal of any waste and/or hazardous materials.

b. Construction Mitigation:

- Dust mitigation, such as water trucks, mulch or similar methods.
- Smoke and burn mitigation, such as containments or similar methods.
- Visual and noise mitigation, such as fences, landscaping or similar methods.

14. Spill Prevention Control and Countermeasure Plan. Prior to issuance of a land disturbing permit, the Director of Stormwater and Resource Protection, or his designee, shall approve a Spill Prevention Control and Countermeasure (SPCC) Plan for the Facility. The SPCC shall outline measures and procedures necessary for the operation of the Facility until decommission.

15. Decommissioning and Restoration Plan. Prior to final approval of any site plan, the Director of Planning, or his designee, shall approve a Decommissioning and Restoration Plan (DRP). The DRP shall outline the required steps for removal of above- and below-ground Facility components, disposal of and/or recycling of wastes and materials and the restoration of the Properties to pre-construction conditions. The DRP shall address abandonment of operations and the possible failure of the Facility operator to comply with the decommissioning process and provide an estimated cost associated with the decommissioning and restoration activities. To ensure sufficient funds are available to the County to conduct the DRP should the owner fail to perform its obligation under this condition, a surety shall be posted with James City County in a form acceptable to the County Attorney, in an amount sufficient for the removal and disposal of all the power generating equipment, inverters, fencing, wiring and any other ancillary materials and equipment associated with the Facility.

16. Off-Site Parking. Prior to final approval of a site plan, the Director of Planning, or his designee, shall approve an Off-Site Parking Plan (OPP). The off-site parking area shall be used by construction workers who shall be transported to the Properties via a shuttle van and/or bus. The OPP shall conform to all Zoning Ordinance requirements and shall identify elements such as, but not limited to, the number of off-site parking spaces provided and the location of the off-site parking area. In order to reduce the amount of construction related traffic during the construction period at Norvalia neighborhood and to ensure that construction workers are parking their vehicles at the off-site parking area, no more than 20 vehicles may be parked on the Properties at any time, except for trucks, as defined by the Zoning Ordinance and delivery vehicles. No on-street parking shall be allowed.

17. Commencement. The Facility shall be operational within 48 months from the issuance of this SUP or this SUP shall become void. The Facility operator shall submit a certified letter to the Director of Planning to confirm the operational status of the Facility.
18. Height Limitation. With the exception of distribution poles and overhead wiring, as permitted by the Zoning Ordinance, the maximum height of all structures in the Facility, including the photovoltaic solar panel mounts shall not exceed 16 feet above finished grade.
19. Underground Wires. All electrical wiring used in the Facility shall be located underground, except where wiring is necessary to connect the Facility to the exiting overhead utility line.
20. Glare. All photovoltaic solar panels shall be made of or coated with anti-reflective materials to prevent glare.
21. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of January, 2018.

SUP28-16SGenNorge-res

ITEM SUMMARY

DATE: 10/7/2020

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - October 2020

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	9/29/2020 - 12:06 PM
Planning Commission	Holt, Paul	Approved	9/29/2020 - 12:06 PM
Publication Management	Burcham, Nan	Approved	9/29/2020 - 12:12 PM
Planning Commission	Holt, Paul	Approved	9/29/2020 - 12:18 PM

PLANNING DIRECTOR'S REPORT

October 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:**

- **September 8, 2020**

- ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts (Approved 5-0)
 - ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles (Approved 5-0)
 - SUP-20-0008. 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath (Approved 5-0)
 - SUP-20-0009. 3303 Rochambeau Drive Tourist Home (Approved 5-0)

- **Comprehensive Plan Update**

On September 14, the Planning Commission Working Group (PCWG) met jointly with the Community Participation Team (CPT) to focus on the preliminary public input results of the Exploring Our Future Alternatives Assembly and online questionnaires. The Planning Team discussed next steps for upcoming meetings and provided initial information about the approaches and materials to begin connecting the public input received to date, including the input from the Exploring our Future Alternatives process, to a preferred scenario concept and a preliminary policy and land use framework. The PCWG also discussed the Population Needs technical report and associated materials.

At its September 17 and September 22 meetings, the CPT and its subcommittees sorted and themed the open-ended responses to the Exploring Our Future Alternatives goals questionnaire. Following the subcommittee report-out of the final themes, consultants received the themes for inclusion into the larger summary of the engagement efforts to be shared with the PCWG and the ultimately the Board of Supervisors.

At its September 28 meeting, the PCWG began the process of reviewing the Preliminary Preferred Scenario Concept information. The Planning Team presented a Preferred Scenario Framework memo and an accompanying presentation. The PCWG also discussed preparations for the next phases of the Comprehensive Plan update process.

During the September 30 CPT meeting, the consultants shared a presentation report documenting Round 2 public engagement efforts and themes from the open-ended responses to the Exploring Our Future Alternatives MetroQuest questionnaire. They also discussed additional content needed before finalizing the report for the PCWG, Board of Supervisors and the public.

New Cases for October

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-20-0097	8682 Pocahontas Trail Dwellings	8682 POCAHONTAS TRL	Potential two-family dwelling	Leininger, Thomas	Roberts
	C-20-0098	Peninsula Pentecostals, Place of Public Assembly	9230 POCAHONTAS TRL	Plan for phase 1 of a multi- phase project. Phase 1 proposes to install a House of Worship and associated site improvements on a currently undeveloped site	Leininger, Thomas	Roberts
	C-20-0099	5025 Settlers Market Blvd. NEPA Review	5025 SETTLERS MARKET BLVD	National Environmental Policy Act (NEPA) review prior to installing a non-utility communications pole	Haynes, Tori	Jamestown
	C-20-0100	5300 Discovery Park Blvd. NEPA Review	5300 DISCOVERY PARK BLVD	National Environmental Policy Act (NEPA) review prior to installing a non-utility communications pole	Leininger, Thomas	Jamestown
	C-20-0101	Grove Drainage & Roadway Improvements	128 JACKSON ST	James City County Grove Area Stormwater Drainage & Related Roadway Improvements	Leininger, Thomas	Roberts
	C-20-0103	Ford's Colony Fitness Center	100 MANCHESTER	Proposed conversion of bay of warehouse into fitness center	Wysong, Thomas	Powhatan
	C-20-0104	3408 & 3412 William Hodgson BLA	3408 WILLIAM HODGSON	Proposed BLA between 3408 and 3412 William Hodgson.	Haynes, Tori	Berkeley
Site Plan	SP-20-0022	The Eye Center of Virginia Expansion	101 TEWNING RD	Building and Parking Lot Expansion	Risinger, John	Jamestown
	SP-20-0056	5300 Palmer Lane Lighting Plan Amendment	5300 PALMER LN	Add two new lights to the outside of the building	Baruch, Alex	Jamestown
	SP-20-0057	1826 Jamestown Rd. Lighting SP Amendment	1826 JAMESTOWN RD	Lighting plan for new lighting	Costello, Terry	Berkeley
	SP-20-0058	New Town Maintenance Building SP Amendment	5585 DISCOVERY PARK BLVD	Amendment to remove a large portion of the gravel yard shown on SP-20-0004	Risinger, John	Jamestown
	SP-20-0059	Williamsburg Landing Boatwright Cir. Duplexes	5550 WILLIAMSBURG LANDING DR	Development Plan for Boatwright Circle Addition at Williamsburg Landing	Wysong, Thomas	Roberts
	SP-20-0060	Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal SP Amendment	1350 JOHN TYLER HWY 3430100002	Removal of six additional trees	Baruch, Alex	Powhatan
Special Use Permit	SUP-20-0015	3179 Chickahominy Rd. Family Subdivision	3179 CHICKAHOMINY RD	Family Subdivision creatng a one acre lot within an AFD.	Leininger, Thomas	Stonehouse
Subdivision	S-20-0032	Stonehouse Tract 3, Parcel B, Section 3	9820 CORAL BELLS CT	Stonehouse Tract 3, Parcel "B", Section 3, Lots 83 - 152	Wysong, Thomas	Stonehouse
	S-20-0037	8647 & 8637 Merry Oaks Ln. BLE	8647 MERRY OAKS LN	Extinguishment of boundary line between 8647 and 8637 Merry Oaks Lane	Leininger, Thomas	Powhatan
	S-20-0040	2861 Chickahominy Road Family Subdivision	2861 CHICKAHOMINY RD	2861 Chickahominy Road Family Subdivision	Leininger, Thomas	Stonehouse
	S-20-0041	Stonehouse Tract 3, Parcel C, Section 2	9820 CORAL BELLS CT	Stonehouse Tract 3, Parcel C Section 2, Lots 30 - 53	Wysong, Thomas	Stonehouse
	S-20-0043	3485 News Rd. Survey	3485 NEWS RD	Courthouse Plat	Baruch, Alex	Berkeley
	S-20-0044	7082 Menzels Rd. Little Creek Minor Subdivision, Lots 1-5	7082 MENZELS RD	Phase 1 of 2-phase minor subdivision totaling 9 lots	Haynes, Tori	Powhatan
	S-20-0045	7083 Menzels Rd. Little Creek Minor Subdivision, Lots 5-9	7082 MENZELS RD	Phase 2 of 2-phase minor subdivision totaling 9 lots	Haynes, Tori	Powhatan