

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
April 7, 2021
6:00 PM

A. CALL TO ORDER

1. The 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/97503778566> 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: 975 0377 8566. 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 March 3, 2021 Regular Meeting
2. March 15, 2021 Special Meeting Minutes
3. Development Review Committee Action Item: S-20-0049. Stonehouse Preserve and Riverfront Preserve Driveway Exception Request

F. PUBLIC HEARINGS

1. Z-21-0011. 115 Norge Center Proffer Amendment

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2021

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 4/7/2021
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary

SUBJECT: The 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/97503778566> 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: 975 0377 8566. 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	3/30/2021 - 7:29 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 7:29 AM
Publication Management	Daniel, Martha	Approved	3/30/2021 - 8:04 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 8:05 AM

ITEM SUMMARY

DATE: 4/7/2021
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	3/30/2021 - 9:57 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 9:57 AM
Publication Management	Daniel, Martha	Approved	3/30/2021 - 10:04 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 10:08 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: 4/7/2021
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary
SUBJECT: Virtual Meeting Resolution

ATTACHMENTS:

	Description	Type
📎	Virtual Meeting Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2021 - 7:30 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 7:31 AM
Publication Management	Daniel, Martha	Approved	3/30/2021 - 8:05 AM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 8:06 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 April 7, 2021, 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.

Jack Haldeman
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 April, 2021.

VMtg-PC-April-res

ITEM SUMMARY

DATE: 4/7/2021
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary
SUBJECT: Minutes of the March 3, 2021 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes of the March 3, 2021 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2021 - 4:27 PM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 4:27 PM
Publication Management	Daniel, Martha	Approved	3/30/2021 - 4:41 PM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 4:48 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 3, 2021
6:00 PM

A. CALL TO ORDER

Mr. 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 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/97503778566> 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: 975 0377 8566. 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
Barbara Null
Julia Leverenz
Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Adam Kinsman, County Attorney
Alex Baruch, Acting Principal Planner
Terry Costello, Deputy Zoning Administrator
Thomas Leininger, Senior Planner
Thomas Wysong, Senior Planner

Mr. Krapf recognized the passing of Ms. Nanette Burcham, Web and Publications Specialist.

Mr. Holt stated that much like the Video Production team, Ms. Burcham was an invaluable part of the team working behind the scenes. Mr. Holt stated that Ms. Burcham was integral to producing quality documents for the Commission and the citizens of James City County. Mr.

Holt offered condolences to the Burcham family.

The Commission observed a moment of silence in memory of Ms. Burcham.

1. Virtual Meeting Resolution

Mr. Krapf provided a summary of the resolution.

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

On a voice vote, the Commission voted to adopt the Virtual Meeting Resolution.

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. Haldeman stated that the Development Review Committee (DRC) met on February 17, 2021, to consider C-20-0115. 1245 Stewarts Road Minor Subdivision to determine if an exception to Section 19-73 of the Subdivision Ordinance, which requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway, is warranted.

Mr. Haldeman stated that the applicant's proposal stated the desire to subdivide 1245 Stewarts Road into eight lots, with a request for eight individual driveways instead of the required shared driveway. Mr. Haldeman stated that the DRC recommends that the Planning Commission approve the exception request to not connect the northern and southern portion of the property with a shared driveway. Mr. Haldeman stated that the DRC further recommends that the Planning Commission approve exceptions to Section 19-73 by permitting a shared driveway between Lots 1 and 2; another shared driveway between Lot Nos. 3 and 4; and an individual driveway for Lot 5. Mr. Haldeman stated that the applicant will combine Lot Nos. 6, 7, and 8 into one lot serviced by the existing driveway emptying onto Stewarts Road. Mr. Haldeman stated that these recommendations are conditioned upon the following:

1. Lot Layout. This exception to Section 19-73 of the Subdivision Ordinance shall be valid for the subdivision of property located at 1245 Stewarts Road and further identified as James City County Real Estate Tax Map No. 0310100002 (the "Property"). The layout of the property shall be substantially in accordance with the proposed lot layout titled "Boundary Survey Property of Jane B. Farmer, Betty B. Rady" prepared by Canada Land & Marine Surveying, and dated January 28, 2020 and revised December 22, 2020 (the "Master Plan"), with any deviations to be reviewed and approved by the Planning Director.
2. Driveway Requirements. Each new driveway as shown on the Master Plan shall be built to the following standards:
 - a. All driveways shall have a minimum separation of 300 feet between adjacent driveways.
 - b. All new driveways shall be built to the construction standards listed in Section 24-73(b) of the Subdivision Ordinance.

3. Any request to subdivide the consolidated Lot No. 6 (shown as Lot Nos. 6, 7, and 8) must gain approval from the DRC to determine if all new lots shall utilize the existing driveway off Stewarts Road (which would need to be brought into conformance with Condition No. 2) or if any new driveways shall be permitted.

Mr. Frank Polster stated that the Policy Committee met at 4:00 p.m. on **February 18, 2020**. Mr. Polster stated that this was the preliminary meeting for the Fiscal Year (FY) 2022-2026 Capital Improvements Program (CIP) Review. Mr. Polster stated that the purpose of this meeting was to allow members of the Policy Committee to discuss CIP applications with Planning, and Financial and Management Services (FMS) staff, and discuss specific CIP projects with representatives from Williamsburg James City County Schools (WJCC Schools) and the Williamsburg Regional Library (WRL).

Project ID: H - New James City County Library Branch

Mr. Polster stated that Ms. Betsy Fowler presented the history of the project, current conditions of the Williamsburg library with an emphasis on the library not meeting the Americans with Disability Act (ADA) standards and survey results leading to the submission of a project for a new James City County Library Branch or a New Joint Library.

Mr. Polster stated that the option for a new 40,000-square-foot James City County library branch would add a third library serving the City of Williamsburg, York County, and James City County. Mr. Polster stated that the option for a new joint library would be a 55,000-square-foot facility replacing the existing Williamsburg Library.

Mr. Polster noted that the cost for each proposed option were unclear. Mr. Polster noted that the Committee was not sure which option was recommended - a third library or a new library replacing the Williamsburg Library. Mr. Polster stated that in a question and answer session with Ms. Fowler, she indicated that there were preliminary discussions between the Williamsburg City Manager and the County Administrator on this issue but did not know the direction of the discussion. Mr. Polster stated that staff was asked to see if the County Administrator could shed some light on the possible direction of those discussions.

Project IDs: V-Y

Mr. Polster stated that Mr. Marcellus Snipes, WJCC Schools, provided a set of replies to specific questions submitted by Policy Committee members on, Project ID: V - Warhill High School Auxiliary Gym/Emergency Shelter, Project ID: W – Jamestown High School (JHS) Cafeteria School Expansion, Project ID: X – Lafayette High School (LHS) Renovation and Project ID: Y - Baseball Field Refurbishment Berkeley Middle School.

Project ID: V- Warhill High School Auxiliary Gym/Emergency Shelter

Mr. Polster stated that the project adds an auxiliary gymnasium to Warhill High School for additional instructional space and sports activities, and includes an emergency shelter for the community. Mr. Polster stated that Mr. Snipes clarified questions on the emergency shelter and the term additional instructional space which he described as other athletic programs.

Project ID: W - Jamestown High School Cafeteria School Expansion

Mr. Polster stated that in the Capitol Project Request form under Project Narrative, the current condition/situation states: “Jamestown is currently overcapacity. Enrollment is forecast to increase. The current cafeteria is not adequate.”

Mr. Polster further stated that discussions with Mr. Snipes indicated that the current cafeteria feeds about 1,300 students in three or four lunch sessions. Mr. Polster stated that without the cafeteria expansion, the schedule would go to five lunch sessions. Mr. Polster stated that, when asked why a fifth lunch session would be necessary when the future enrollment is predicted to be less than the current enrollment, Mr. Snipes stated that he had no reply at the

moment and promised to get back to the Committee with additional information.

Project ID: X - LHS School Renovation

Mr. Polster stated that under Project Narrative, the current condition/situation section states: "Current space is not viable for the current educational setting. The space is being renovated to accommodate educational programs. Annexed facility will also be connected to main building to increase safety."

Mr. Polster stated that when Mr. Snipes was asked to describe what educational programs will be accommodated, the discussion indicated that it adds eight classrooms; however, what subjects and grades those classrooms would be used for had not been determined.

When asked about the rationale for adding eight classrooms when future enrollment projections showed only small increases of 10 to 23 students each year over the current enrollment of 1,112, Mr. Snipes had no reply at the moment and promised to get back to the Committee with additional information.

Project ID: Y - Baseball Field Refurbishment Berkeley Middle School

Mr. Polster stated that under Project Narrative, the current condition/situation states: "The backstop is also in poor condition." Mr. Polster stated that the project replaces the backstop, regrade and reseed the field, and correct safety hazards. Mr. Polster stated that Mr. Snipes responded to the Committee's questions on the ballfield refurbishment, and specifically his responsibility for the maintenance of the ballfield. Mr. Polster stated that Mr. Snipes indicated that the maintenance for the ballfield was not his but the responsibility of the County's General Services department.

Mr. Polster stated that the Policy Committee met at 4:00 p.m. on **February 23, 2021** to continue review of the FY2022-2026 CIP. Mr. Polster stated that the purpose of this meeting was to allow members of the Policy Committee to discuss CIP applications with Planning, and FMS staff, and discuss specific CIP projects with representatives from the Police Department, General Services, and Community Development.

Project ID: F - Firing Range Expansion

Project ID: G - Covered Parking for Specialty Vehicles and Trailers Police

Chief Steve Rubino made a presentation to the Committee for each project, and replied to questions on both the Firing Range Expansion and Covered Parking for Specialty Vehicles and Trailers.

Mr. Polster stated that one of the questions on the Covered Parking for Specialty Vehicles and Trailers was why the requested budget amount did not include the addition of solar panels to the roof of the structure. Mr. Polster stated that there was some discussion that the County Administrator and General Services Director wanted the solar panel included in the project submission. Mr. Polster stated that the analysis for solar panels was very complete and indicated a substantial reduction in the annual electric bill for the Law Enforcement Center. Mr. Polster stated that Ms. Grace Boone, Director of General Services, indicated that the County is investigating solar panels for future County facilities but is still at the early stage of their due diligence. Mr. Polster stated that there is a pending Request for Information to further explore solar panel applications for the County, and that given the design phase for the project is in FY2023, adjustments to add solar panels could be made.

Project ID: E - General Services Administration Building

Mr. Polster stated that Mr. Shawn Gordon, Chief Civil Engineer with General Services, and Ms. Boone responded to Committee questions about the recently completed facility plan to consolidate County facilities and office space into one location/facility, and whether the proposed General Services Administration Building was included in that plan. Mr. Polster

stated that in addition to the administration building, there was the co-location operational pieces of General Services including laydown and storage yards, maintenance facilities, and vehicle parking. Mr. Polster stated that Ms. Boone indicated that the design phase for the project was in FY2023, and that by then there would likely be a decision on the consolidation of County facilities, and if the General Services project would be part of it.

Mr. Polster stated that the question for the reason that a solar application was not proposed for the project was addressed and similar to the discussion for the solar panels for the Covered Parking for Specialty Vehicles and Trailers, the design phase for this project is in FY2023, and adjustments to add solar panels could be made.

**Project ID: A - Transportation Match Project ID:
B - Open Space Match**

Mr. Polster stated that Mr. Paul Holt, Director of Community Development and Planning, addressed a question on the Transportation Match project about how the program accommodated pedestrian and bicycle paths. Mr. Polster stated that Mr. Holt described how the Smart Scale program worked with funding from the County and the Virginia Department of Transportation (VDOT). Mr. Polster stated that Mr. Holt described how the pedestrian and bicycle paths, were part of the VDOT design process and cited several ongoing and planned projects and their accommodation of pedestrian and bicycle paths.

Mr. Polster stated that Ms. Tammy Rosario, Assistant Director of Community Development, provided some background and context for the Open Space Match program. Mr. Polster stated that the program would provide the resources for Open Space project applications with matching funds, provide outreach capability for the Open Space program, and take advantage of short-term Open Space opportunities. Mr. Polster stated that the program would function similarly to the Transportation Match, in that it would annually "bank" the \$1.5M until the account could "pay as you go" with matching funds for a project.

Mr. Polster stated that the Policy Committee met at 4:00 p.m. on **March 2, 2021**. Mr. Polster stated that this was the third meeting for the FY2022-2026 CIP Review. Mr. Polster stated that the purpose of this meeting was to allow members of the Policy Committee to discuss CIP applications and provide feedback regarding CIP projects and arrive at a finalized priority ranking of the 2022-2026 CIP projects for submission to the Planning Commission. Mr.

Polster stated that the Committee agreed to discuss the top ten scores, followed by the next five, and then the remaining projects. Mr. Polster stated that after all of the discussions, the original composite scoring remained unchanged in its priority rankings and it was agreed upon by the Committee to forward that list to the Planning Commission for consideration.

E. CONSENT AGENDA

Mr. Tim O'Connor requested to pull the Development Review Committee Action Item: C-20-0115. 1245 Stewarts Road Minor Subdivision for discussion.

1. Minutes of the February 3, 2021 Regular Meeting

Mr. Jack Haldeman made a motion to approve the Minutes of the February 3, 2021, Regular Meeting.

On a voice vote, the Planning Commission voted unanimously to approve the Minutes of the February 3, 2021, Regular Meeting.

2. Development Review Committee Action Item: C-20-0115. 1245 Stewarts Road Minor Subdivision

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

AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Krapf, Null, Polster, Rose

Nays: Haldeman, Leverenz, O'Connor

Mr. O'Connor stated that he had a few questions for staff regarding the application.

Mr. O'Connor inquired if Lot Nos. 1-4 and Lots 5-8 were connected.

Mr. Tom Leininger stated that the two sets of lots are separated by an intervening parcel.

Mr. O'Connor stated that in essence the request is for two exceptions. Mr. O'Connor further inquired if the Commission was required to evaluate the issue of hardship in the narrow confines of the definition, or does the Commission have some discretion.

Mr. Holt stated that the intent of the Code language is to give the DRC some flexibility which is why this is an appeal process. Mr. Holt noted that the vote the Commission makes must be generally consistent with the Code language.

Mr. O'Connor noted that he was surprised to see that the item was approved by the DRC, when much of the feedback from the Comprehensive Plan public engagement expresses a desire for less development, especially outside the Primary Service Area (PSA). Mr. O'Connor stated that he believes that without the shared driveway exception, these parcels would be developed to a lesser density. Mr. O'Connor stated that he is not supportive of the application.

Mr. Krapf noted that one of the concessions made was to reduce the lower lots from four to two.

Mr. Haldeman stated that he believes that Mr. O'Connor made some good points. Mr. Haldeman stated that the DRC has reviewed and approved three previous subdivision exception requests over the last three years, which may have affected his decision on this one. Mr. Haldeman stated that requiring the shared driveway for the four northern lots would create a hardship due to the narrowness of the available area, and substantial Resource Protection Area (RPA) issues. Mr. Haldeman stated that he was not certain he would support the application.

Mr. Polster stated that something he pointed out in each of the three previous cases, is that if look to the Comprehensive Plan for guidance, under the Rural Lands development standards, there are eight items for compatibility. Mr. Polster stated that of those he considered, Number 7, minimizing the number of street intersection driveways along the main route by providing common driveway access. Mr. Polster emphasized that the operative word is minimizing. Mr. Polster stated that further, it is necessary to consider Number 2, maintaining existing topography, vegetation, trees and tree lines to the maximum extent possible along the existing roads and between uses. Mr. Polster stated that Number 3 recommends discouraging development of farmland, open fields, and scenic roadsides. Mr. Polster stated that the Committee spoke with the land owner, and learned that the area that comprises Lot Nos. 5-8 has been farmland since 1850. Mr. Polster stated that based on community feedback that they should continue to farm the land, the owner withdrew the largest parcel which would have been Lot Nos. 6 - 8, and agreed not to have any driveways there. Mr. Polster stated that the connective driveway would have bisected the property for Lot no. 5 and disrupted the intended use as a mini-farm. Mr. Polster stated that for Lot Nos. 1-4, the shared driveway would not enhance the use of the property and would add more impervious cover. Mr. Polster

stated that there were competing Comprehensive Plan priorities in this matter. Mr. Polster stated that it is not only preserving the rural character, but also preserving the farm use and the care of the land. Mr. Polster stated that without better directive language in the Land Use section of the Comprehensive Plan, the Commission has the right to look at common sense approaches to minimizing driveways to meet the topography and the farming interest.

Mr. Krapf stated that a shared driveway for the northern lots would have to be constructed parallel to Stewarts Road. Mr. Krapf further stated that he also had concerns about the amount of additional impervious cover and the impact on stormwater. Mr. Krapf stated that the proposal to put a shared drive between Lot Nos. 1 and 2 and a shared driveway between Lot Nos. 3 and 4 was an appropriate compromise .

Mr. Krapf inquired about the parcel that lies between the two sets of lots and whether the proposal could be considered as two separate subdivisions.

Mr. Holt stated that this is the subdivision of one parcel, so it could not be considered as two separate subdivisions.

Mr. Leininger stated that even though the applicant is submitting two separate subdivision applications so that the can remain as minor subdivisions, the parcels are still considered to be contiguous.

Mr. Krapf stated that he is still supportive of approving the waiver.

Ms. Null inquired about the necessity of moving the request forward since there is a moratorium on residential subdivisions.

Mr. Adam Kinsman, County Attorney, clarified that the moratorium is only on residential rezonings.

Mr. Holt stated that to further clarify, this is a request for a waiver from a Subdivision Ordinance requirement that goes to the DRC and is decided by the Planning Commission.

Ms. Julia Leverenz inquired if these lots are all developable by-right.

Mr. Leininger confirmed that this is a by-right subdivision.

Ms. Leverenz inquired if the issues is minimizing the number of curb cuts and waiving the requirement for a driveway that connects the two parcels.

Mr. Leininger confirmed that the issue is minimizing curb cuts along the main road.

Mr. O'Connor expressed appreciation for the discussion. Mr. O'Connor further stated that he believes approval of the waiver goes against all of the Comprehensive Plan discussion over the last year. Mr. O'Connor stated that it should not fall to the Planning Commission to create a solution for a property owner to best take advantage of a property.

Mr. Krapf noted that while the Engage 2045 Comprehensive Plan is more aggressive about keeping growth inside the PSA, he does not feel that current applications should be held against a standard that is not yet fully developed and adopted. Mr. Krapf stated that he is supportive of the recommendation of the DRC.

Mr. O'Connor noted that he is not suggesting to hold the application to a new standard but to consider it against the strict standards of the Zoning Ordinance.

Mr. Polster made a motion to approve the two waivers with the three recommended conditions.

On a roll call vote, the Commission voted to approve Development Review Committee Action Item: C-20-0115. 1245 Stewarts Road Minor Subdivision. (4-3)

F. PUBLIC HEARINGS

1. Z-20-0006. 8189 and 8193 Richmond Road Rezoning

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. Terry Costello, Deputy Zoning Administrator, stated that Mr. Rob Lang has applied for a rezoning for a properties located at 8189 and 8193 Richmond Road. Ms. Costello stated that the properties total approximately 2.44 acres, and are located just north of the Toano Business Center and across the road from Hankins Industrial Park.

Ms. Costello stated that this property was rezoned from B-1, General Business to B-1, General Business with proffers in 1997. Ms. Costello further stated that the current development known as Toano Business Center was also a part of this rezoning.

Ms. Costello stated that this proposal is to rezone both B-1 properties to M-1, Limited Business/Industrial with Proffers and to replace the existing B-1 proffers. Ms. Costello stated that both properties are designated General Industry on the 2035 Comprehensive Plan and Land Use Map and are located within the PSA.

Ms. Costello stated that the use proposed with this rezoning is for the construction of a two-story, approximately 10,000 square-foot building for a company that assembles metal parts to fabricate fuel injectors for high performance engines, such as those found on race cars.

Ms. Costello further stated that the use is classified in the Zoning Ordinance as the manufacturing, compounding, assembly, or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone. Ms. Costello stated that the use is not permitted within the B-1 Zoning District, but is a permitted use within the M-1 Zoning District.

Ms. Costello stated that according to the applicant, the company currently has four full-time employees including the owners, and one part-time employee.

Ms. Costello stated that with the proposed proffers, staff finds the proposed use should not any impacts on adjoining property or the surrounding area with regards to outdoor dust, odor, or noise. Ms. Costello further stated the entire operation will be conducted entirely indoors. Ms. Costello stated that during a site visit to their existing operation, staff did not notice any evidence of outdoor dust, odors, or noise while the business was in operation.

Ms. Costello stated that as part of the rezoning to the M-1 Zoning District, the applicant proposes to limit the other by-right uses that could be on-site in the future.

Ms. Costello stated that public hearing notification letters were sent to adjacent property owners, including all of the condo units in the Toano Business Center. Ms. Costello stated that staff received one inquiry as to the type of business proposed.

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

Mr. Haldeman inquired which road the building would front on.

Ms. Costello stated that it faces Richmond Road.

Mr. Haldeman inquired if there would be parking would be in front of the Building.

Ms. Costello stated that the parking is on the front.

Mr. Haldeman inquired where the entrance would be.

Ms. Costello stated that the property would take access from Industrial Boulevard.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Rob Lang, applicant, stated that the front of the building would face Richmond Road. Mr. Lang further stated that the entrance to the property would be off Industrial Boulevard. Mr. Lang further stated that there would be some parking in front of the building, along with the ADA accessible parking. Mr. Lang stated that there would also be several parking spaces on the right side of the structure. Mr. Lang stated that the front of the building would have a brick veneer that is compatible with the surrounding buildings.

Mr. Haldeman inquired why the parking was sited at the front of the building and not at the rear.

Mr. Lang stated that the parking spaces at the front are intended for visitor parking.

Mr. Holt noted that the back half of the building is comprised of the warehouse area and the workshop. Mr. Holt further noted that the business counter portion of the building is at the front, closest to Richmond Road. Mr. Holt stated that for ADA purposes, you want to have those spaces and customer parking closest to the business end of the building.

Mr. Tim O'Connor noted that some of the newer businesses in the area have adjusted the placement of the store entrance and the angle of the building so that parking could be placed on the sides. Mr. O'Connor stated that he felt this was a good treatment for a Community Character Corridor (CCC).

Mr. Krapf stated that because Richmond Road is a CCC, there will be requirements for enhanced buffering.

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

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

Mr. Haldeman made a motion to recommend approval of the application and acceptance of the voluntary Proffers.

On a roll call vote, the Commission voted to recommend approval of Z-20-0006. 8189 and 8193 Richmond Road Rezoning and acceptance of the voluntary proffers. (7-0)

2. Z-21-0001. 3737 and 3741 Strawberry Plains Road Proffer Amendment

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

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. Thomas Wysong, Senior Planner, stated that Mr. Vernon Geddy has applied on behalf of the John Grier Construction Company Inc. to amend the existing proffers for the two parcels to permit the following uses: accessory uses, antique shops, barber and beauty shops, dry cleaners and laundries, gift and souvenir stores, janitorial service establishments, pet stores and pet supply sales, photography, artist and sculptor stores and studios, printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments, and security service offices.

Mr. Wysong stated that the intended use of the property is a dry cleaner and laundry facility.

Mr. Wysong stated that this property is zoned Limited Business with Proffers is located within the PSA and is designated Moderate Density Residential within the adopted Comprehensive Plan. Mr. Wysong further stated that the recommended uses for Moderate Density Residential include multifamily units, apartments, recreation areas, manufactured home parks and subdivisions in accordance with location standards, very limited commercial and community-oriented facilities, timeshares, retirement and care facilities, and communities. Mr. Wysong stated that staff finds the proposed proffer amendment would allow for the use of this property to have more options to fulfill the "limited commercial" use recommended within the Comprehensive Plan and still ensure that no intense business or commercial development be allowed. Mr. Wysong stated that the immediate proposed use of the property is anticipated to be a dry cleaner and laundry facility, which will offer in-store pick-up and drop-off services. Mr. Wysong stated that this use would provide an additional service option for the adjacent neighborhoods in the area, which would be in keeping with the recommendation of the Comprehensive Plan.

Mr. Wysong stated that staff also considered the impacts resulting from this development. Mr. Wysong stated that this proposal is not projected to generate significant traffic impacts on Strawberry Plains Road, nor is lighting or noise a concern. Mr. Wysong further stated that the applicant has provided two additional proffers as part of this proposal: one limiting the ingress and egress of the property to the one existing location on site and the other proffer prohibited outdoor storage throughout the property.

Mr. Wysong noted that staff received one email in support of the application, which was shared with the Commission.

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

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he spoke with Mr. Geddy.

Mr. Polster stated that he also spoke with Mr. Geddy.

There were no other disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, made a presentation to the Commission in support of the application.

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

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

Mr. Polster made a motion to recommend approval of the application and acceptance of the voluntary proffers.

Mr. O'Connor stated that this was an excellent example of adaptive re-use of a property and that he would support the application.

On a roll call vote, the Commission voted to recommend approval of Z-21-0001. 3737 and 3741 Strawberry Plains Road Proffer Amendment and acceptance of the voluntary Proffers. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

1. Planning Commission and Board of Zoning Appeals 2020 Annual Report

Mr. Holt stated that he appreciates the work of the Planning Commission during unprecedented times which also included a Comprehensive Plan Review added to the mix. Mr. Holt stated he was impressed with the efforts of the Commission to keep the development processes moving forward.

Mr. Krapf expressed appreciation for the efforts of staff in providing the final products that are reviewed by the Commission. Mr. Polster also commended staff for their efforts.

Mr. Polster stated that the Annual Report shows that James City County has been open for business at full tilt in spite of the pandemic.

Ms. Leverenz made a motion to accept the Planning Commission and Board of Zoning Appeals 2020 Annual Report.

On a voice vote the Commission voted unanimously to accept the Planning Commission and Board of Zoning Appeals 2020 Annual Report.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2021

Mr. Holt stated that a draft of the meeting calendar for the remainder of 2021 and the first three months of 2022 has been provided for review. Mr. Holt noted that this calendar would be considered for adoption at the Organizational Meeting on March 15, 2021. Mr. Holt further stated that anticipated meeting dated through March of 2023 have also been provided as a general look-ahead. Mr. Holt requested that the Commission make him aware of any potential changes prior to the Organizational Meeting

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that Dr. Rose has Board of Supervisors coverage for March.

J. ADJOURNMENT

Ms. Leverenz made a motion to adjourn to the Joint Planning Commission Working Group/Community Participation Team meeting on March 8, 2021 at 4:00 p.m.

The meeting was adjourned at approximately 7:22 p.m.

Paul D. Holt, III, Secretary

Rich Krapf, Chair

ITEM SUMMARY

DATE: 4/7/2021
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary
SUBJECT: March 15, 2021 Special Meeting Minutes

ATTACHMENTS:

	Description	Type
☐	Minutes of the March 15, 2021, Special Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/26/2021 - 8:12 AM
Planning Commission	Holt, Paul	Approved	3/26/2021 - 8:13 AM
Publication Management	Daniel, Martha	Approved	3/26/2021 - 8:48 AM
Planning Commission	Holt, Paul	Approved	3/26/2021 - 8:59 AM

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
SPECIAL MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 15, 2021
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Frank Polster
Rob Rose

Planning Commissioners Participating Remotely:

Tim O'Connor

- Mr. Holt noted that, in accordance with the Planning Commission's adopted Policy, Mr. O'Connor is participating remotely from his home due to a medical condition that prevents physical attendance.

Julia Leverenz

- Mr. Holt noted that, in accordance with the Planning Commission's adopted Policy, Ms. Leverenz is participating remotely from her home due to a medical condition that prevents physical attendance.

Staff Present:

Paul Holt, Director of Community Development and Planning
Terry Costello, Deputy Zoning Administrator

Staff Participating Remotely:

Max Hlavin, Deputy County Attorney

C. ANNUAL ORGANIZATION MEETING

1. Election of Officers

Mr. Krapf called for nominations for Chair.

Ms. Julia Leverenz and Ms. Barbara Null simultaneously nominated Mr. Jack Haldeman for Chair.

On a voice vote, the Commission unanimously elected Mr. Haldeman as Chair.

Mr. Krapf called for nominations for Vice Chair.

Mr. Haldeman nominated Mr. Tim O'Connor for Vice Chair.

On a voice vote, the Commission unanimously elected Mr. O'Connor as Vice Chair.

2. Proposed Calendar for 2021-2022

Mr. Holt stated that he had not received any suggestions or requests for changes to the calendar that the Commission reviewed at its March 3, 2021, Regular Meeting.

Mr. Holt stated that staff recommends that the Commission adopt the Calendar.

Ms. Null made a motion to approve the Calendar.

On a voice vote, the Commission voted to adopt the 2021-2022 Calendar.

D. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

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

E. PUBLIC HEARING

1. FY2022-FY2026 Capital Improvements Program Review

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

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Ms. Terry Costello, Deputy Zoning Administrator, 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 FY2022 thru 25 CIP to the Planning Commission for consideration. Ms. Costello stated that a total of 25 projects were submitted: 19 from County departments, two from Williamsburg Regional Library (WRL), and four from Williamsburg James City County Schools (WJCC Schools). Ms. Costello stated that Of the 25 projects submitted, 16 County projects and three schools projects were included in the previous 5 year CIP budget.

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

Ms. Costello stated that at its March 5, 2021 meeting, the Committee voted unanimously to forward the following priorities to serve as a recommendation to the Planning Commission and Board of Supervisors:

1. Stormwater neighborhood drainage improvements *
2. Transportation match *
3. Lower County Park *
4. Grove Convenience Center *
5. Open Space Match
6. Firing Range Expansion *
7. Chickahominy Riverfront Park Phase III Improvements *
8. James City County Marina Phase II
9. Covered Parking for Specialty Vehicles and Trailers
10. Chickahominy Riverfront Park new restrooms and concession building *
11. Warhill High School Auxiliary Gym/Emergency Shelter *
12. Jamestown Beach Event Park Improvements
13. General Services Administration Building

14. Baseball Field Refurbishment *
15. New James City County Library Branch
16. Upper County Park Paving and Multi-use Trail
17. Lafayette High School Renovation *
18. Upper County Park Splash Pad
19. Baseball Field Expansion
20. Freedom Park Phase IV - Active Recreation Facilities
21. Veterans Park Phase II Improvements
22. Greensprings Interpretative Trail Restrooms
23. New Playground at James City County Branch
24. Chickahominy Riverfront Park Phase IV Improvements
25. Jamestown High School Cafeteria/School Expansion

* *These projects are requesting funding in FY 2022.*

Ms. Costello 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. Haldeman noted that he concurs with the project rankings; however, he is concerned that it is not clear with the WRL project which option is preferred.

Mr. Haldeman inquired about how the costs would be shared between the City of Williamsburg and the County and whether that would depend on the location of the facility.

Ms. Costello stated that there did not seem to be a concrete answer based on the various discussions.

Mr. Krapf opened the Public Hearing.

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

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

Mr. Polster stated that the Policy Committee wanted to recommend to the Planning Commission that the clarifications in the staff report be forwarded to the Board of Supervisors to assist in understanding the implications of the various scenarios. Mr. Polster noted that it would be helpful if WRL polled its patrons on the options with no weight assigned to costs. Mr. Polster further stated that another option that should be considered are branch libraries in conjunction with the WJCC Schools.

Mr. Polster made a motion to recommend approval of the projects as ranked by the Policy Committee with the stipulation that the descriptive language in the cover memorandum be included with the WRL application.

On a roll call vote, the Commission voted to recommend approval of the list of CIP projects as ranked by the Policy Committee with the language in the staff memorandum to be included with the WRL application. (7-0)

F. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that he appreciated the support from his colleagues over the past year. Mr. Krapf further stated that he appreciated the efforts of Mr. Holt, Planning staff, and IT staff to ensure that the Commission was able to conduct business as usual in unprecedented times.

G. ADJOURNMENT

Ms. Leverenz made a motion to adjourn to the Planning Commission Working Group meeting on March 22, 2021.

The meeting was adjourned at approximately 6:17 p.m.

Paul D. Holt, III, Secretary

Rich Krapf, Chair

ITEM SUMMARY

DATE: 4/7/2021

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: Development Review Committee Action Item: S-20-0049. Stonehouse Preserve and Riverfront Preserve Driveway Exception Request

The applicant has submitted a subdivision application for a proposed four-lot subdivision of the 3,031- acre parcel located at 9800 Six Mount Zion Road within the Stonehouse development. The majority of this parcel is designated as the Stonehouse Preserve and Riverfront Preserve on the adopted Stonehouse Master Plan.

As a part of this subdivision application, the applicant has requested a subdivision exception for the requirement of a shared driveway for three or more undeveloped parcels (required per Section 19-18 of the subdivision ordinance).

Link to Staff Report and Agenda Materials:
<https://jamescity.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=6348&MeetingID=1208>

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/26/2021 - 10:53 AM
Planning Commission	Holt, Paul	Approved	3/26/2021 - 10:53 AM
Publication Management	Daniel, Martha	Approved	3/26/2021 - 10:59 AM
Planning Commission	Holt, Paul	Approved	3/26/2021 - 11:05 AM

ITEM SUMMARY

DATE: 4/7/2021

TO: The Planning Commission

FROM: Brett Meadows, Planner

SUBJECT: Z-21-0011. 115 Norge Center Proffer Amendment

ATTACHMENTS:

	Description	Type
☐	Staff Report_Z-21-0011	Staff Report
☐	01_Location Map_Z-21-0011	Backup Material
☐	02_Proposed Proffer Agreement_Z-21-0011	Backup Material
☐	03_Proffers_Z-20-0001_Mar 20 2020	Backup Material
☐	04_Proffers_Z-11-88_June 12 1988	Backup Material
☐	05_Proffers_Z-32-86_Dec 23 1986	Backup Material
☐	06_Resolution_SUP-36-04	Backup Material
☐	07_Resolution_SUP-18-93	Backup Material
☐	08_Resolution_SUP-15-92	Backup Material
☐	09_Applicant Narrative_Z-21-0011	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2021 - 4:48 PM
Planning Commission	Holt, Paul	Approved	3/30/2021 - 4:48 PM
Publication Management	Daniel, Martha	Approved	3/30/2021 - 4:55 PM
Planning Commission	Holt, Paul	Approved	3/31/2021 - 9:54 AM

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP

Land Owner: Chesapeake Bank

Proposal: A request to amend the adopted proffers for a parcel of land zoned B-1, General Business to include additional commercial uses allowed within the district.

Location: 115 Norge Lane

Tax Map/Parcel No.: 2320100071F

Project Acreage: 5.86 +/- acres

Zoning: B-1, General Business with Proffers

Comprehensive Plan: Community Commercial

Primary Service Area: Inside

Staff Contact: Brett A. Meadows, Planner

PUBLIC HEARING DATES

Planning Commission: April 7, 2021, 6:00 p.m.

Board of Supervisors: May 11, 2021, 5:00 p.m., (tentative)

FACTORS FAVORABLE

1. The proposed uses are consistent with the recommendation of the 2035 Comprehensive Plan for community-scale commercial, professional, and office uses.
2. There are no proposed changes to the existing scale of development on the property.
3. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of this application to the Planning Commission.

PROJECT DESCRIPTION

Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP has submitted a request on behalf of Chesapeake Bank to amend Condition No. 1 of the adopted proffers, dated June 2, 1988 (Attachment No. 4) which limits the use of the property to a shopping center. The request further amends the proffers, dated March 20, 2020 (Attachment No. 3), which allows office uses in addition to the shopping center use.

Per the applicant, Chesapeake Bank has contracted to rent existing space in its building to a child daycare center. This use is not currently allowed under the existing adopted proffers; however, a child daycare is one of many uses permitted on property zoned B-1, General Business.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, Planning Commission Public Hearing

The proposal also requests expanding the list of commercial uses permitted on the property in hopes to gain flexibility in renting additional vacant space within the existing building. The full list of proposed commercial uses is listed in Exhibit B of the proposed proffers (Attachment No. 2). This list of uses includes many by-right commercial uses of the B-1 District. Special Use Permit (SUP) uses in the B-1 District would still require an SUP and all permitted uses allowed by this proffer amendment would still be subject to the commercial SUP regulations stated in 24-11, if applicable.

According to information provided by the applicant, the proposal also has the following characteristics:

1. No new development or construction is proposed other than the renovation of the interior of the existing building. The existing building contains approximately 52,915 square feet of floor area.
2. Chesapeake Bank is in the process of renovating the building for office space and will be occupying approximately 15,000 square feet in its initial phase.
3. The landowner is in negotiation with a daycare center to occupy approximately 15,000 square feet of the building leaving approximately 22,915 square feet of floor area without a perspective user.

PLANNING AND ZONING HISTORY

1. In 1986, the Board of Supervisors approved the rezoning of approximately 37.13 acres of land bounded by Norge Lane, Richmond Road, and Croaker Road from A-1, General Agricultural to B-1, General Business with proffers (Case No. Z-0032-1986).

- a. The decision to not completely allow all B-1 uses: the Proffer Amendment states that the B-1 zoning regulations were deemed inadequate for the orderly development of the property due to the possibility of competing and incompatible uses.
 - b. Proffer Community Character: a 50-foot buffer strip along the entire Richmond Road frontage and a 30-foot buffer zone along Norge Lane, the C&O Railroad, and also that portion of the property fronting on Croaker Road.
 - c. Proffered Traffic Improvements: Site development to be in substantial accordance as determined by the County with the conceptual plan; a limit to the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane, and one on Croaker Road (Route 607); and the owner required to purchase the equipment for a traffic signal at Richmond Road and Croaker Road (Route 607).
2. In 1988, the Board of Supervisors approved amendments to the existing proffers (Case No. Z-0011-1988). These amendments limited site development, excluding outparcels, for a shopping center not to exceed 362,000 square feet of gross floor area. The square footage was greater than what was allowed in the 1986 Proffers to meet the needs of a regional shopping center rather than a local shopping center. The amendments also provided for a 30-foot buffer and dedication of a 10-foot right-of-way along Norge Road.
 - a. Proffered Traffic Improvements: traffic signal at Norge Lane and Richmond Road and turn lanes associated with the approved traffic study.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, Planning Commission Public Hearing

- b. Staff recommended approval of the rezoning because the traffic improvements required to handle the additional traffic generated by the proposal were addressed in the proffers.
3. In 1992, the Board of Supervisors approved an SUP, Case No. SUP-0015-1992 to allow a 43,710-square-foot shopping center on the parcel. Overall square footage for the entire 37.13-acre site remains at 362,000 square feet.
 - a. Traffic Improvements: The staff report noted that Croaker Road/Route 60 intersection was analyzed and projected to function at a Level of Service of “C” without improvements.
4. In 1992, the Board of Supervisors approved an SUP, Case No. SUP-0018-1993 to amend Case No. SUP-0015-1992 to allow the 43,710-square-foot building on the parcel to increase to 62,000 square feet to allow for the building of a grocery store. Overall square footage for the entire 37.13-acre site remains at 362,000 square feet.
 - a. Traffic Improvements: Staff and the Virginia Department of Transportation (VDOT) felt the traffic impact analysis completed for Case No. SUP-0015-1992 was adequate for Case No. SUP-0018-1993 even with the increase in square footage of the building.
 - b. Community Character Considerations: A 30-foot buffer would be provided along Norge Lane, the CSX railroad, and Croaker Road (from 1988 Proffers - Case No. Z-0011-1988).
5. In 2004, the Board of Supervisors approved an SUP, Case No. SUP-0036-2004, to allow the construction and use of gas pumps

on the parcel. The SUP conditions included lighting, stormwater, and landscaping conditions specific to a master plan for the pump area.

- a. Traffic Improvements: The arrangement of the pumps was tied to an accompanying conceptual plan. The applicant’s consultant analysis found the pumps would add 111 PM peak hour trips. VDOT concluded that existing roadway improvements were sufficient with no significant adverse effects on the signalized intersection or right turns in/out of the Richmond Road entrance. Staff agreed with the consultants and VDOT.
6. In 2020, the Board of Supervisors approved a Proffer Amendment, Case No. Z-20-0001, to allow office use in the former shopping center.
 - a. Proffered Traffic Improvements: None.

SURROUNDING ZONING AND DEVELOPMENT

The area surrounding the parcel contains a mix of zoning designations.

1. Parcels to the immediate southwest, northwest, and northeast are zoned B-1, General Business and currently include retail shops, retail banking, and undeveloped land. The immediate area is approximately defined by Croaker Road, Richmond Road, Norge Lane, and the CSX Railroad. This area is designated as Community Commercial in the 2035 Comprehensive Plan.
2. The parcels directly across Norge Lane are zoned R-8, Rural Residential (St. Olaf Catholic Church) and A-1, General Agricultural (a mix of single-family and multifamily uses). These parcels are designated as Low Density Residential in the 2035 Comprehensive Plan.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, 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>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The project receives public water and sewer. - No new exterior construction is planned at this time. - Staff finds this project does not generate impacts that require mitigation.
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	<ul style="list-style-type: none"> - The project is located predominantly within the Skimino Creek watershed and partially within the Yarmouth Creek watershed. - The property currently has an existing stormwater management facility, YR011. - No new parking is proposed. Existing parking meets the ordinance requirements.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The parcel is surrounded by commercial and undeveloped parcels. Across Norge Lane, the project is adjacent to residential and religious uses. - The applicant has stated that no new development or construction is proposed beyond interior renovations.
<u>Community Character</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - The parcel is not located directly on a Community Character Corridor. - The parcel is located within the Norge Community Character Area (CCA) .The CCA encourages “mixed-use development which provides residential, commercial, and office uses in close proximity”. - Previously adopted proffers require a 30-foot buffer along Norge Lane.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - No new land disturbance has been proposed.
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - No changes to the right-of-way are proposed. - Previously adopted proffers provided a 10-foot right-of-way for Norge Lane, installation of a traffic signal, and various turn lanes.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - No impacts anticipated
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> - Staff finds this project does not generate impacts that require mitigation to the County’s Fire Department facilities or services.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, 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>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>	- Staff finds this project does not generate impacts that require mitigation.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that they are not aware of any covenants or restrictions on the property that prohibit the proposed use.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment
Staff Report for the April 7, 2021, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The property is designated Community Commercial as are surrounding parcels between Norge Lane, Richmond Road, and Croaker Road. The property is also located within the Norge CCA.

Community Commercial uses include the types of uses that are proposed to be added to the proffers within this application such as daycare centers, offices, and retail. Community Commercial has development standards for use and character compatibility. Each Community Commercial area should be clearly separated from other Community Commercial areas to retain the small town and rural character of the County, provide a sense of place, and promote transportation mobility. Furthermore, potentially objectionable aspects of commercial uses should be mitigated through an approach including performance standards, buffering, and special setback regulations.

Community Commercial developments should protect environmentally sensitive resources such as watersheds with watershed management plans and designated CCAs and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers, and screening to adequately protect the resource.

Staff has determined that the proposed additional uses are consistent with the recommendations of the adopted Comprehensive Plan.

PUBLIC IMPACTS

The Comprehensive Plan encourages proposed developments to mitigate their impacts, including impacts on traffic and community character. As mentioned above, Case Nos. Z-0032-1986 and Z-0011-1988 required various traffic improvements to mitigate the impacts of the shopping center. Initially, the 1986 Proffers imposed limits to the number of access points and funding for traffic signal equipment. The

traffic impact analysis for Case Nos. Z-0011-1988 stated that 737 exiting and 693 entering peak hour PM trips were anticipated based on the shopping center use for a larger (391,000 square feet) shopping center. The traffic study included the proposed 362,000-square-foot shopping center for the parcel in the Proffer Amendment plus outparcels totaling 29,000 square feet. The 1988 Proffer Amendment required the installation of a traffic signal at Norge Lane and Richmond Road along with other turn lane improvements. To date, under 100,000 square feet of commercial uses exist on the site overall. Out of the total permitted square feet, 52,915 square feet were constructed for the grocery store on 115 Norge Lane (the subject parcel).

Under the prior use as a grocery store, there was an estimated average of 402 weekday vehicle trips during PM peak hours, as estimated by the Institute of Transportation Engineers (ITE) handbook (this estimate was used for Case No. Z-20-0001). Additionally, analysis for the addition of gas pumps in Case No. SUP-0036-2004 estimated 111 PM peak hour trips for a total of 513 weekday trips during PM peak hours when combined with grocery store estimates on the property.

When compared with the approved Chesapeake Bank office and the proposed child daycare (table below), the total trip generation is significantly less than the supermarket and gas pumps trip generation with additional traffic capacity for the remaining 22,915 square feet.

Use	ITE Trip Generation	Square feet	PM Peak
Proposed Child Daycare	11.7 trip/1,000 square feet	15,000	175.5
Approved Office	1.4 trips/1,000 square feet	15,000	21
<i>Total</i>		<i>30,000</i>	<i>196.5</i>
Former Supermarket	7.6 trips/1,000 square feet	52,915	402.2

*would require a commercial SUP if PM peak hour trip generation is over 100 trips per 24-11.

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

REZONING Z-21-011. 115 Norge Center Proffer Amendment

Staff Report for the April 7, 2021, Planning Commission Public Hearing

PROPOSED PROFFER AMENDMENT

The full text of the proposed Proffer Amendment is provided in Attachment No. 2.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan.

Staff does not anticipate additional impacts to be generated by this Proffer Amendment. The proposed uses are mitigated by several factors: the project does not propose to change the scale of the existing building and development; the project is located on a secondary arterial road, and estimated vehicle traffic is lower than the previously estimated vehicle traffic for a grocery store; the site of the proposed use is already developed with buffering and setbacks to fit with the rest of the existing commercial use as well as to provide separation from adjacent residential areas.

Staff, therefore, recommends the Planning Commission recommend approval to the Board of Supervisors subject to the attached Proffer Amendment.

BAM/md
RZ21-11_115NorgeCtr

Attachments:

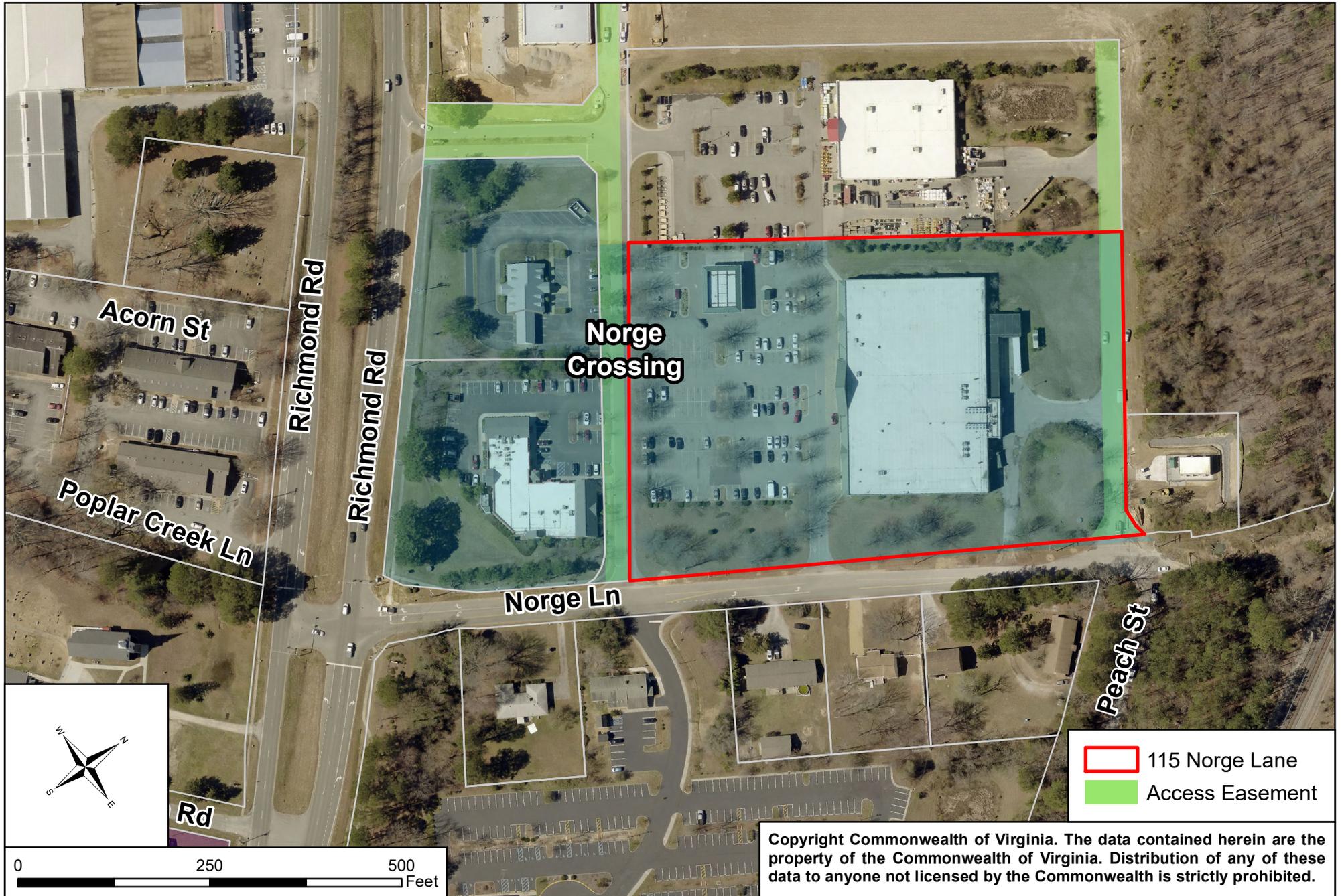
1. Location Map
2. Proposed Proffer Amendment
3. Proffers, Z-20-0001, dated March 20, 2020
4. Proffers, Z-11-88, dated June 12, 1988

5. Proffers, Z-32-86, dated December 23, 1986
6. Resolution for SUP-0036-2004
7. Resolution for SUP-0018-1993
8. Resolution for SUP-0015-1992
9. Applicant Narrative Statement

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

JCC Z-21-0011

115 Norge Center Proffer Amendment



Tax Parcel: 2320100071F

Prepared by:
Vernon M. Geddy, III, Esquire (VSB#21902)
Geddy, Harris, Franck & Hickman, LLP
1177 Jamestown Road
Williamsburg, VA 23185

Return to:
County Attorney
101-D Mounts Bay Road
Williamsburg, Virginia 23185

SECOND AMENDMENT TO PROFFER AGREEMENT

This SECOND AMENDMENT TO PROFFER AGREEMENT is made this _____ day of _____, 2021 by **CHESAPEAKE BANK**, a Virginia banking corporation (the "Owner"), to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, to be indexed as Grantee.

RECITALS

A. Owner is the owner of James City Tax Parcel # 2320100071F located at 115 Norge Lane, James City County, Virginia, being more particularly described on Exhibit A attached hereto (the "Property").

B. The Property is now subject to proffered zoning conditions set forth in an Agreement dated June 2, 1988 made by Norge Center, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book 393 at page 826, as amended by First Amendment to Proffer Agreement dated March 20, 2020 and recorded in the aforesaid Clerk's Office as Instrument No. 200017242 (the "Existing Proffers"). The Existing Proffers limit the use of the property subject thereto, including the Property, to a "shopping center not to exceed 362,000 square feet of gross floor area." The First Amendment to Proffer Agreement added a sentence reading as follows: "The foregoing limitation notwithstanding, the Property may be used for office uses. Any such office use shall be included within the 362,000 square feet of gross floor area limitation set forth in the preceding sentence."

D. The parties desire to amend the Existing Proffers to permit other uses permitted by right in the B-1 zoning district on the Property.

NOW, THEREFORE, the Existing Proffers are hereby amended as follows:

1. Condition 1 of the Existing Proffers is amended by amending the second and third sentences thereof (language added by the First Amendment to Proffer Agreement) to read as follows:

"The foregoing limitation notwithstanding, the Property may be used for office uses and any of the uses listed on Exhibit B attached hereto. Any such office or other uses listed on Exhibit B shall be included within the 362,000 square feet of gross floor area limitation set forth in the preceding sentence."

2. Except as specifically modified by this Second Amendment, the Existing Proffers remain in full force and effect.

WITNESS the following signature:

CHESAPEAKE BANK

By: _____

Title:

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this _____ day of _____, 2021, by _____, as _____ of Chesapeake Bank, on behalf of the corporation.

NOTARY PUBLIC (SEAL)

My Commission expires: _____
Notary ID # _____

EXHIBIT A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON, LYING AND BEING IN THE COUNTY OF JAMES CITY, VIRGINIA, AND BEING DESIGNATED AS "PARCEL 7, 05.7978 AC.," ON THAT CERTAIN PLAT DATED OCTOBER 6, 1994, MADE BY AES CONSULTING ENGINEERS, ENTITLED "ALTA/ACSM LAND TITLE SURVEY, PARCEL 7, NORGE PLAZA, INC.", A COPY OF WHICH PLAT IS RECORDED IN PLAT BOOK 60, PAGE 38.

BEING THE SAME REAL ESTATE CONVEYED TO NORGE PLAZA, INC., A SOUTH CAROLINA CORPORATION BY DEED FROM NORGE CENTER, INC., A VIRGINIA CORPORATION, DATED AUGUST 10, 1993 AND RECORDED AUGUST 10, 1993 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA IN DEED BOOK 634, PAGE 480.

EXHIBIT B

Additional Permitted Uses

Adult day care centers;
Antique shops;
Arts and crafts, hobby and handicraft shops;
Bakeries or fish markets;
Banks and other financial institutions;
Barber and beauty salons;
Business and professional offices;
Catering and meal preparation;
Child day care centers;
Drug stores;
Dry cleaners and laundries;
Farmer's market;
Feed, seed and farm supply stores;
Gift and souvenir stores;
Grocery stores;
Health and exercise clubs, fitness centers;
Indoor sport facilities (excluding firing and shooting ranges);
Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet);
Medical clinics or offices;
New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building);
Office supply stores;
Pet stores and pet supply sales;
Photography, artist and sculptor stores and studios;
Plumbing and electrical supply and sales (with storage limited to a fully enclosed building);
Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments;
Research, development and design facilities or laboratories;
Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns;
Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods;
Retail food stores;
Security service offices;
Small scale alcohol production;

Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash);
Governmental offices;
Libraries;
Places of public assembly.

Tax Parcel: 2320100071F

Prepared by:

Vernon M. Geddy, III, Esquire (VSB#21902)

Geddy, Harris, Franck & Hickman, LLP

1177 Jamestown Road

Williamsburg, VA 23185

Return to:

County Attorney

101-D Mounts Bay Road

Williamsburg, Virginia 23185

FIRST AMENDMENT TO PROFFER AGREEMENT

This FIRST AMENDMENT TO PROFFER AGREEMENT is made this 20th day of March, 2020 by **NORGE PLAZA, INC.**, a South Carolina corporation (the "Owner"), and **CHESAPEAKE BANK**, a Virginia banking corporation (the "Bank"), each to be indexed as Grantor, and **JAMES CITY COUNTY, VIRGINIA**, to be indexed as Grantee .

RECITALS

A. Owner is the owner of James City Tax Parcel # 2320100071F located at 115 Norge Lane, James City County, Virginia, being more particularly described on Schedule A attached hereto (the "Property").

B. The Bank is the contract purchaser of the Property and proposes to put the Property to an office use.

C. The Property is now subject to proffered zoning conditions set forth in an Agreement dated June 2, 1988 made by Norge Center, Inc. and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book 393 at page 826 (the "Existing Proffers"). The Existing Proffers limit the use of the property subject thereto, including the Property, to a "shopping center not to exceed 362,000 square feet of gross floor area."

D. The parties desire to amend the Existing Proffers to permit office uses on the Property.

NOW, THEREFORE, the Existing Proffers are hereby amended as follows:

1. Condition 1 of the Existing Proffers is amended by the addition of the following sentence:

"The foregoing limitation notwithstanding, the Property may be used for office uses. Any such office use shall be included within the 362,000 square feet of gross floor area limitation set forth in the preceding sentence."

2. Except as specifically modified by this Amendment, the Existing Proffers remain in full force and effect.

[signatures appear on following pages]

WITNESS the following signatures:

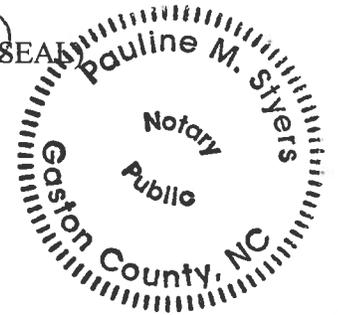
NORGE PLAZA, INC.

By: Joseph Pearson
Title: President

STATE OF North Carolina
COUNTY/CITY OF Gaston, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this 23rd day of March, 2020, by Joseph Pearson, as President of Norge Plaza, Inc. on behalf of the corporation.

Pauline M. Styers (SEAL)
NOTARY PUBLIC



My Commission expires: 5-30-23
Notary ID # 1425

CHESAPEAKE BANK

By: _____
Title: _____

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this _____ day of _____, 2020, by _____, as _____ of Chesapeake Bank, on behalf of the corporation.

NOTARY PUBLIC (SEAL)

My Commission expires: _____
Notary ID # _____

WITNESS the following signatures:

NORGE PLAZA, INC.

By: _____
Title: _____

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this _____ day of _____, 2020, by _____, as _____ of Norge Plaza, Inc. on behalf of the corporation.

NOTARY PUBLIC (SEAL)

My Commission expires: _____
Notary ID # _____

CHESAPEAKE BANK

By: Leigh H.
Title: Leigh H. Houghland
Senior V.P.

STATE OF Virginia
COUNTY/CITY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction this 20th day of March, 2020, by Leigh H. Houghland, as Senior Vice President of Chesapeake Bank, on behalf of the corporation.

Donna Volkman-Mitchell
NOTARY PUBLIC (SEAL)

My Commission expires: April 30, 2021
Notary ID # 303390



SCHEDULE A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, TOGETHER WITH ALL IMPROVEMENTS THEREON, LYING AND BEING IN THE COUNTY OF JAMES CITY, VIRGINIA, AND BEING DESIGNATED AS "PARCEL 7, 05.7978 AC.," ON THAT CERTAIN PLAT DATED OCTOBER 6, 1994, MADE BY AES CONSULTING ENGINEERS, ENTITLED "ALTA/ACSM LAND TITLE SURVEY, PARCEL 7, NORGE PLAZA, INC.", A COPY OF WHICH PLAT IS RECORDED IN PLAT BOOK 60, PAGE 38.

BEING THE SAME REAL ESTATE CONVEYED TO NORGE PLAZA, INC., A SOUTH CAROLINA CORPORATION BY DEED FROM NORGE CENTER, INC., A VIRGINIA CORPORATION, DATED AUGUST 10, 1993 AND RECORDED AUGUST 10, 1993 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA IN DEED BOOK 634, PAGE 480.

INSTRUMENT 200017242
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
OCTOBER 9, 2020 AT 11:43 AM
MONA A. FOLEY, CLERK
RECORDED BY: EEO



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 10/09/2020 TIME : 11:44:08 CASE # : 830CLR200017242
RECEIPT # : 20000032175 TRANSACTION # : 20100900052
CASHIER : EEO REGISTER # : D593 FILING TYPE : AMEND PAYMENT : FULL PAYMENT
INSTRUMENT : 200017242 BOOK : RECORDED : 10/09/2020 AT : 11:43
GRANTOR : NORGE PLAZA INC EX : N LOC : CO
GRANTEE : CHESAPEAKE BANK EX : N PCT : 100%

RECEIVED OF : JAMES CITY COUNTY
ADDRESS :

CASH : \$0.00
DESCRIPTION 1 : FIRST AMEND DB 393 PG 826

PAGES : 004 OP : 0

NAMES : 0
CONSIDERATION : \$0.00 AVAL : \$0.00 PIN OR MAP : 2320100071F

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$0.00
106	TECHNOLOGY TRST FND	\$0.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$0.00
301	CLERK RECORDING/INDEXING FEE	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00

Z-20-0001 PR-02
Norge Center Proffer Amendment Page 5 of 5

Z-11-88. Norge Shopping Center

**These proffers are provided for reference purposes only and are not official documents. Please refer to the Proffer Books in the Planning Division or Zoning Division for copies of officially recorded proffers.*

AGREEMENT

WHEREAS, Norge Center, Inc., a Virginia corporation, (hereinafter called “the Owner”), owns certain real property in James City County, Virginia (hereinafter called “the property”), and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in Stonehouse District, James City County, Virginia, fronting on U. S. #60, and shown on that certain plat of survey under the legend of “Section No. 4 37.13 acres, Mrs. Ellen Taylor Howard,” which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk’s Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37 degrees and 39 minutes East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89 degrees and 12 minutes East 159.0 feet, North 71 degrees and 33 minutes East 500.0 feet, North 65 degrees and 35 minutes East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81 degrees and 22 minutes East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37 degrees and 39 minutes West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way or a 3 degree and 20 minute curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more ore less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner acquired the said real estate from Ellen Taylor Howard after the property was rezoned from General Agricultural District, A-1, to the General Business District, B-1; and

WHEREAS, the property was subjected to certain conditions for its development as set forth in an agreement with Ellen Taylor Howard and James City County executed December 23, 1986; and

WHEREAS, the Owner desires to alter the development plans and, therefore has requested of James City County that condition number 1. of the aforesaid agreement be amended.

NOW, THEREFORE, in consideration of the County of James City amending condition number 1, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, they will meet and comply with all of the following conditions for he development of the property:

1. Site development, excluding outparcels, will be for a shopping center not to exceed 362,000 square feet of gross floor area.

2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along the entire Richmond road frontage and a 30 foot buffer zone along Norge Lane, the C&O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

This agreement specifically excludes the adjoining parcels which are rezoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business , B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries

5. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the property, excluding outparcels as depicted on the preliminary site plan as submitted.

6. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

7. The Owner will subdivide the property into no more than fourteen (14) parcels.

8. The Owner will dedicate a ten (10) foot right-of-way strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition, the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDOT requirements for the level of traffic envisioned by the preliminary site plan, said improvements to be approved by VDOT, and the appropriate planning commission review committee.

Z-32-86. Norge Shopping Center

**These proffers are provided for reference purposes only and are not official documents. Please refer to the Proffer Books in the Planning Division or Zoning Division for copies of officially recorded proffers.*

AGREEMENT

WHEREAS, Ellen Taylor Howard, (hereinafter called "the Owner"), owns certain real property in James City County, Virginia, (hereinafter called "the property"), and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in Stonehouse District, James City County, Virginia, fronting on U.S. #60, and shown on that certain plat of survey under the legend of "Section No. 4. 37.13 acres, Mrs. Ellen Taylor Howard," which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37° and 39" East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89° and 12" East 159.0 feet, North 71° and 33" East 500.0 feet, North 65° and 35" East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81° and 22" East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37° and 39" West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way on a 3° and 20" curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more or less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio Railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner has entered into a contract for the sale of said real property and the purchasers thereof have applied for rezoning of the Property from the General Agricultural District A-1, to the General Business District, B-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the General Agricultural District, A-1, to the General Business District, B-1, because the General Business District, B-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner, at purchasers' request, is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the General Business District, B-1.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That for and in consideration of the County of James City rezoning the Property from the General Agricultural District, A-1, to the General Business District, B-1, and pursuant to Section 15.1-491.1, et seq of the Code of Virginia, 1950, as amended, and Section 20-14.2, et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, she will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. Site development will be in substantial accordance with the conceptual plan, together with a traffic study prepared by Wilbur Smith and Associates of Richmond, Virginia, as submitted. The Owner agrees that "Substantial Accordance" will be as determined by the James City County Staff and the Site Plan Review Committee.

2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along her entire Richmond Road frontage and a 30 foot buffer zone along Norge Lane, the C & O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

This agreement specifically excludes Parcels 6 and 7 as shown on the submitted plans which are already zoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business, B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries.

5. The Owner agrees to purchase the equipment for a traffic signal at Richmond Road and Croaker Road (Route 607).

6. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the largest parcel as depicted on the preliminary plan as submitted.

7. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

8. The Owner will subdivide the property into no more than fourteen (14) parcels, with twelve (12) being depicted on the submitted plans.

9. The Owner will dedicate a ten (10) foot right-of-way, strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition; the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDH&T requirements for the level of traffic envisioned by the preliminary plan,

said improvements to be approved by VDH&T, the County Staff, and the appropriate planning commission review committee.

RESOLUTION

CASE NO. SUP-36-04. FARM FRESH GAS PUMPS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow four gasoline pumps and a canopy in a B-1, General Business District, with proffers, located at 115 Norge Lane, further identified as a Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 36-04 as described herein with the following conditions:

1. The architecture of the canopy shall be generally compatible with that of the Farm Fresh Store and contain architectural features, colors, and materials that reflect the surrounding character of the Norge community as determined by the Planning Director. The architectural design, color, and materials for the canopy shall be approved by the Planning Director prior to final site plan approval.
2. There shall be no more than four gas pumps (a total of eight vehicle fueling stations) permitted on the property. The pumps shall be arranged in a configuration generally consistent with the attached conceptual site layout titled "Exhibit for Special Use Permit", prepared by MSA, P.C. and dated 03/24/2005, herein after referred to as the "master plan".
3. A minimum horizontal separation of 100 feet shall be maintained between all water and sewer piping, the underground storage tanks, and all associated petroleum piping. Water lines and fire hydrants shall be relocated by the applicant at no cost to the James City Service Authority or the County as shown on the attached master plan prior to the issuance of a Certificate of Occupancy. The applicant shall dedicate new utility easements for the relocated lines to the James City Service Authority prior to the issuance of a Certificate of Occupancy. A Certificate to Construct Water and Sewer Facilities shall be obtained prior to construction of the relocated utilities once final site plan approval has been granted.
4. No more than two signs shall be allowed on the canopy unless otherwise mentioned herein. Gas pricing signs may be allowed on a monument type sign in the parking area or the columns of the canopy. Signage shall be consistent with current zoning and sign regulations.
5. An enhanced landscaping plan shall be provided for the landscaped area along Norge Lane. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include a quantity of planting materials that is a minimum of 133 percent of the minimum ordinance requirements. A minimum of 50 percent of all trees and 50 percent of all shrubs shall be evergreen.

6. The lighting for the site, to include canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. There shall be no glare outside the boundaries of the additional parking area and fueling facility. All lights, including any canopy lighting, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or canopy ceiling.
7. No outside display, sale, or storage of merchandise shall be permitted at the fueling facility. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines.
8. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
9. The area beneath the fuel area canopy shall not drain directly into the existing infiltration BMPs for the shopping center. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
10. If construction has not begun on the project within thirty-six months of the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
11. The applicant shall design access ways, drive aisles, curbing, pavement markings and landscape islands in such a way as to provide for the safe flow of traffic in and around the fueling facility as determined by the Planning Director.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Michael C. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	ABSENT
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

SUP-36-04.res

R E S O L U T I O N

CASE NO. SUP-18-93. NORGE CENTER, INC.

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 11, 1993, unanimously recommended approval of Case No. SUP-18-93 to allow shopping center in excess of 10,000 square feet in the B-1, General Business, district on property identified as Parcel (1-71) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-93 as described herein with the following conditions:

1. No more than 60,000 square feet of structures (not including loading areas and canopies) shall be constructed on the site.
2. A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60 at the proposed Richmond Road entrance prior to the issuance of any Certificate of Occupancy.
3. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 60/Norge Lane intersection prior to issuance of any Certificate of Occupancy:

A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60.

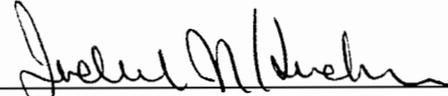
A full 200-foot left-turn lane with a 200-foot taper shall be provided on eastbound Route 60.

Full right- and left-turn lanes shall be provided on southbound Norge Lane.

Improvements shall be built to dimensions and specifications as determined by VDOT at development plan submittal.

4. Prior to the issuance of any Certificate of Occupancy, Norge Lane shall be widened to 3 lanes as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., and dated April 8, 1993.

5. No more than 3 entrances shall be provided on Norge Lane. One entrance shall be located adjacent to Peach Street as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., dated April 8, 1993, and shall be used for truck deliveries. A sign shall be posted at this entrance identifying it as a truck entrance.
6. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.
7. The proffered buffers shall at a minimum be landscaped in accordance with the planting standards set forth in Section 20-14 of the James City County Zoning Ordinance.



Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 17th day of May, 1993.

sup01893.res

Attachment C

RESOLUTION

CASE NO. SUP-15-92. NORGE CENTER, INC.

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 1992, unanimously recommended approval of Case No. SUP-15-92 to permit a shopping center in the B-1, General Business District, on property identified as Parcel (1-71) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-92 as described herein with the following conditions:

1. No more than 45,000 square feet of structures (not including loading areas and canopies) shall be constructed on the site.
2. A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60 at the proposed Richmond Road entrance prior to the issuance of any Certificate of Occupancy.
3. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 60/Norge Lane intersection prior to issuance of any Certificate of Occupancy:

A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60.

A full 200-foot left-turn lane with a 200-foot taper shall be provided on eastbound Route 60.

Full right- and left-turn lanes shall be provided on southbound Norge Lane.

Improvements shall be built to dimensions and specifications as determined by VDOT at development plan submittal.
4. Prior to the issuance of any Certificate of Occupancy, Norge Lane shall be widened to 3 lanes as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., and dated April 3, 1992.
5. No more than 3 entrances shall be provided on Norge Lane. One of these entrances shall be located adjacent to Peach Street as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., dated April 3, 1992, and shall be used for truck deliveries. A sign shall be posted at this entrance identifying it as a truck entrance.

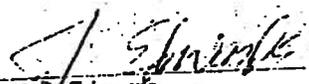
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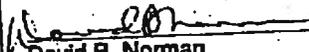
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- 6. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.
- 7. The proffered buffers shall at a minimum be landscaped in accordance with the planting standards set forth in Section 20-14 of the James City County Zoning Ordinance.


 Jack D. Edwards
 Chairman, Board of Supervisors

SUPERVISOR	VOTE
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNEDSON	AYE
EDWARDS	AYE

ATTEST:


 David B. Norman
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 15th day of June, 1992.

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MEMORANDUM

DATE: June 15, 1992
TO: The Board of Supervisors
FROM: R. Patrick Friel, Senior Planner
SUBJECT: Case No. SUP-15-92. Norge Center, Inc.

Mr. Willard Smith, of Michael Baker Jr., Inc., has applied on behalf of Norge Center, Inc., for a special use permit to allow the development of a shopping center in excess of 10,000 square feet of floor area. The property contains 5.86 acres and is currently zoned B-1, General Business. The property is located on the west side of Norge Lane north of its intersection with Richmond Road, and is further identified as part of Parcel (1-71) on James City County Tax Map No. (23-2).

Zoning History

The 5.86-acre parcel is part of a 37.13-acre parcel that was rezoned in 1988 with proffers. These proffers address a square footage limit, buffers and setbacks, access points, prohibited uses, traffic improvements, limit on the subdivision of parcels and the dedication of right-of-way for road improvements. If this project were approved, the proffers would remain in full force and effect.

Description of the Project

The applicant is proposing a 43,710-square foot shopping center to be constructed on the eastern portion of the site. The project is to include a supermarket and several other shops. A condition has been added which would limit the size of the project. The previously approved proffers limit the 37.13-acre site to 362,000 square feet.

Topography and Physical Features

The site is currently clear and fairly level.

Access

The site is to be accessed by a proposed entrance on Richmond Road and 3 proposed entrances on Norge Lane, one of which would primarily serve deliveries. As the remainder of the 37.13-acre parcel is developed, all of the Norge Lane entrances may serve the general public. The proposed number of entrances is consistent with the approved proffers.

The applicant has submitted a traffic impact analysis which has been reviewed by staff and the Virginia Department of Transportation (VDOT). The traffic study projects the traffic to be generated from the 5.86-acre site and examines the impacts of that traffic on the surrounding road network. The study also projects the level of service (LOS) of the intersections in the vicinity of the project and identifies road improvements necessary to achieve an acceptable LOS.

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The proposed Richmond Road entrance would be a right-in and right-out facility. A full 200-foot right-turn lane with a 200-foot taper is proposed. The projected LOS of this entrance is "B."

The applicant is proposing to improve Norge Lane to accommodate 3 lanes. One lane would accommodate turning movements into the shopping center. Northbound and southbound through lanes would also be provided. The northern most entrance to the site, which would primarily serve deliveries, would not have a turn lane. The approved proffers generally address improvements to Norge Lane.

Improvements are also proposed for the Norge Lane/Route 60 intersection. Full right- and left-turn lanes are to be provided at this intersection. The applicant's traffic study also projects that, in order to achieve an adequate LOS, signalization of this intersection would be required. With signalization the intersection would perform at a LOS of "B." Without signalization the intersection would perform at a LOS of "E." The approved proffers require a signal at this location.

The Croaker Road/Route 60 intersection was also analyzed and projected to function at a LOS of "C" without improvements.

Staff and VDOT have reviewed the traffic impact analysis and concur with its recommendations. Conditions have been added which would require these improvements prior to the issuance of a Certificate of Occupancy.

Section 20-104 of the Zoning Ordinance requires that the traffic impact analysis include an examination of any entrance plan which proposes more than 1 entrance on a public street. This project proposes 3 entrances on Norge Lane. The study states that the entrance furthest from Route 60 is a truck entrance and would provide access to the rear of the buildings for deliveries. It may also serve customer traffic in the future. The middle driveway would provide access to the front of the shopping center. The entrance closest to Route 60 would provide access to the parking area and would be used in the future to provide access to the out parcels. As proposed, all the entrances would provide access to the remainder of the B-1 parcel. The applicant has determined that each of these entrances would function at a LOS of "A." Norge Lane is a 2-lane dead end roadway that currently serves the subject parcel and 6 lots across Norge Lane from the site. The current average daily trips (ADT) on Norge Lane are approximately 90 trips per day.

It is a goal of the Comprehensive Plan to limit access points where possible to improve the overall LOS of the main line. Staff does not object to 3 entrances on this roadway segment because the overall carrying capacity of Norge Lane would not be impacted. This is due to the fact that the road primarily serves this site and the residences. Since Norge Lane is a dead end road it has almost no impact on the County's transportation network. There is no future capacity concern on the road. Staff supports the separation of delivery traffic and shopping traffic and concurs with the recommendation of the traffic impact study with regard to the truck entrance.

Public Utilities

Public water and sewer are available to the site and connection is required.

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Comprehensive Plan

The site is designated Community Commercial by the Comprehensive Plan. Suggested types of uses include community scale commercial, professional and office uses such as branch banks, churches, convenience stores; day care centers, general retail stores, grocery stores, indoor recreation facilities, medical offices, office parks, indoor recreation facilities, medical offices, office parks, public facilities, service establishments, shopping centers, restaurants and theaters. The Comprehensive Plan states that development in these areas should not exceed 200,000 square feet of floor area. However, when existing zoning allows development of a parcel that would exceed the collective square footage limit for a particular area, measures should be taken to ensure the proposal is otherwise in conformance with the Comprehensive Plan.

The proposal, with proffers and special use permit conditions, is consistent with the Comprehensive Plan and all applicable General and Commercial Land Use Standards.

Surrounding Development and Zoning

Property to the south of the site is zoned B-1, General Business, and contains several vacant out parcels and an occupied out parcel which contains a bank. These out parcels front on Route 60. Property to the south of Route 60 is zoned M-1, and contains the Williamsburg Soap and Candle Factory. Property to the east is currently zoned A-1, General Agricultural, and contains several single and two-family residences. The CSX railroad borders the northern edge of the site and property north of the railroad is also zoned A-1 and is in residential use. Property to the west of the project is zoned A-1 and is vacant. This special use permit would only be applicable to the 5.86 acre portion of the site shown on the attached map.

The approved proffers require that a 100-foot structural setback be provided along the Route 60 right-of-way and a 50-foot buffer be provided along this frontage as well. A 30-foot buffer would be provided along Norge Lane, the CSX railroad and Croaker Road. The landscaping of these areas would at a minimum meet the requirements of the landscaping section of the Zoning Ordinance and is to be approved by the Development Review Committee.

RECOMMENDATION:

This project is consistent with the Comprehensive Plan and surrounding development and zoning. The traffic impacts have been adequately addressed by road improvements. For these reasons, the Planning Commission unanimously concurred with staff and recommended approval of Case No. SUP-15-92 with the conditions listed below:

1. No more than 45,000 square feet of structures (not including loading areas and canopies) shall be constructed on the site.
2. A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60 at the proposed Richmond Road entrance prior to the issuance of any Certificate of Occupancy.
3. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 60/Norge Lane intersection prior to issuance of any Certificate of Occupancy:
A full 200-foot right-turn lane with a 200-foot taper shall be provided on westbound Route 60.

A full 200-foot left-turn lane with a 200-foot taper shall be provided on eastbound Route 60.

Full right- and left-turn lanes shall be provided on southbound Norge Lane.

Improvements shall be built to dimensions and specifications as determined by VDOT at development plan submittal.

4. Prior to the issuance of any Certificate of Occupancy, Norge Lane shall be widened to 3 lanes as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., and dated April 3, 1992.
5. No more than 3 entrances shall be provided on Norge Lane. One of these entrances shall be located adjacent to Peach Street as shown on the conceptual plan labeled "Norge Shopping Center Preliminary Site Plan" prepared by Michael Baker, Jr., Inc., dated April 3, 1992, and shall be used for truck deliveries. A sign shall be posted at this entrance identifying it as a truck entrance.
6. If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit, it shall become void.
7. The proffered buffers shall at a minimum be landscaped in accordance with the planting standards set forth in Section 20-14 of the James City County Zoning Ordinance.

R. Patrick Friel
R. Patrick Friel

CONCUR:

O. Marvin Sowers, Jr.
O. Marvin Sowers, Jr.

RPF/lwo
7211a

Attachments

1. Planning Commission Minutes
2. Map
3. Approved Proffers
4. Conceptual Plan (delivered separately)
5. Resolution



Applicant's Narrative

The Applicant, Chesapeake Bank, purchased the Property in June 2020. Prior to the purchase, upon the application of the Bank, the County approved an amendment of the Proffers then applicable to the Property to permit office uses on the Property. The Proffers had previously limited uses on the Property to a "shopping center".

The Applicant is in the process of renovating the building and will shortly be occupying approximately 15,000 square feet in its initial phase. The Applicant is in negotiation with a day care center to occupy approximately 15,000 square feet of the building. The Applicant proposes to further amend the Proffers applicable to the Property to add as permitted uses the additional uses listed on Exhibit A, including day care centers. These uses are generally permitted by right in the B-1 zoning district and are similar in size, scale and impact as those permitted under the current proffers and are compatible with the size of the parcel and surrounding B1 development. While most of the additional uses are found in typical shopping centers, they may or may not fall within the definition of "shopping center" as used in the Proffers.

The Zoning Ordinance does not define a "shopping center." The proposed amendment is intended to remove the inherent uncertainty regarding which uses would be permitted in a "shopping center" by providing a definitive list. The certainty will be helpful to both the Applicant and County Staff as future potential users of space in the building come forward.

EXHIBIT A

Additional Permitted Uses

Adult day care centers, Antique shops, Arts and crafts, hobby and handicraft shops, Bakeries or fish markets, Banks and other financial institutions, Barber and beauty salons, Business and professional offices, Catering and meal preparation, Child day care centers, Drug stores, Dry cleaners and laundries, Farmer's market, Feed, seed and farm supply stores, Gift and souvenir stores, Grocery stores, Health and exercise clubs, fitness centers, Indoor sport facilities (excluding firing and shooting ranges), Lumber and building supply (with storage limited to a fully enclosed building or screened from view with landscaping and fencing with a maximum height of 12 feet), Medical clinics or offices, New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building), Office supply stores, Pet stores and pet supply sales, Photography, artist and sculptor stores and studios, Plumbing and electrical supply and sales (with storage limited to a fully enclosed building), Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments, Research, development and design facilities or laboratories, Restaurants, including fast food restaurants, tea rooms, coffee shops, and taverns, Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods, Retail food stores, Security service offices, Veterinary hospitals (with all activities limited to a fully enclosed building with the exception of supervised animal exercise while on a leash), Governmental offices, Libraries, Places of public assembly, and small scale alcohol production.

ITEM SUMMARY

DATE: 4/7/2021

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - April 2021

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/31/2021 - 11:09 AM
Planning Commission	Holt, Paul	Approved	3/31/2021 - 11:10 AM
Publication Management	Colonna, Tina	Approved	3/31/2021 - 12:44 PM
Planning Commission	Holt, Paul	Approved	3/31/2021 - 12:44 PM

PLANNING DIRECTOR'S REPORT

April 2021

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

- **Planning**

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

- **Board Action Results:**

- **March 9, 2021**

- **ORD-20-0017.** Consideration of Amendments to the Zoning Ordinance to Consider Contractors' Offices and Storage in Planned Unit Development District – Commercial (Approved 5-0)

- **Comprehensive Plan Update**

On March 8, 2021 the Planning Team presented a draft summary of responses from Public Engagement Round 3 - Deciding and Affirming to the Community Participation Team (CPT) and Planning Commission Working Group (PCWG) during a joint meeting. Additionally, the PCWG discussed Strategies and Actions from the Land Use chapter, and staff presented their recommendations for the land use applications.

During their March 22, 2021 and March 24, 2021 work sessions, the PCWG continued review of the land use applications for revisions to the County's Future Land Use Map.

Staff also provided comments received through the Round 3 Future Land Use Map questionnaire and other means. Property owners were notified in January and twice in March, and staff will continue to collect and provide public comments.

The CPT met again on March 29, 2021 to review the Round 3 - Deciding and Affirming draft Public Engagement Summary Report. They also provided feedback on the draft introductory elements of the plan and discussed public engagement for the remainder of the process.

New Cases for April						
Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Variance	BZA-21-0001	Variance request to Section 24-39	171-A THE MAINE	Variance request to Section 24-39, Special provision for lots for public utilities. from the required 15 feet from any property line to five feet to permit the construction of a waste water pumping station.	Parrish, Christy	Berkeley
Conceptual Plan	C-21-0018	158 Saddletown Rd. Family Subdivision	158 SADDLETOWN RD	Family Subdivision	Meadows, Brett	Stonehouse
	C-21-0019	360 Racefield Dr. Racefield Solar Farm	360 RACEFIELD DR	Proposed 3MWac Solar Farm.	Leininger, Thomas	Stonehouse
	C-21-0020	100 Perdido 2 lot subdivision	100 PERDIDO	Proposal to divide the lot into two parcels.	Costello, Terry	Powhatan
	C-21-0024	4363 Rochambeau Dr. Golf Center and Restaurant	4363 ROCHAMBEAU DR	Proposal for a Restaurant and Outdoor Center of Amusement.	Leininger, Thomas	Stonehouse
	C-21-0025	5100 John Tyler Highway Crosswalk Church Expansion	5100 JOHN TYLER HWY	Proposal for Expansion of Facility.	Wysong, Thomas	Jamestown
	C-21-0026	7800 Croaker Road Williamsburg Mennonite Church Parking Addition	7800 CROAKER RD	Proposal to add approximately 8 gravel parking spots in addition to the current parking lot.	Risinger, John	Stonehouse
	C-21-0027	Chickahominy Riverfront Park (CRP)	1350 JOHN TYLER HWY	Traffic Impact Study.	Leininger, Thomas	Powhatan
	C-21-0028	Jamestown Beach Event Park	2205 JAMESTOWN RD	Traffic Impact Study.	Leininger, Thomas	Berkeley
	C-21-0030	Grande Oak - Phase I (York County Courtesy Review)	6300 OLD MOORETOWN ROAD	Proposed 3 phase senior independent living facility. This portion of the project will be Phase I and contains 49 units.	Meadows, Brett	Roberts
Subdivision Plat	S-21-0008	104 & 102 Lincolnshire BLE	104 LINCOLNSHIRE	Proposal to combine the two lots into one.	Meadows, Brett	Jamestown
	S-21-0013	126 Lake Drive 2 lot Subdivision	126 LAKE DR	Proposal to subdivide the property into two lots	Wysong, Thomas	Berkeley
	S-21-0014	The Promenade at John Tyler Phase 36	5304 JOHN TYLER HWY	Courthouse Plat	Baruch, Alex	Berkeley
	S-21-0015	The Promenade at John Tyler Phase 35	5304 JOHN TYLER HWY	Courthouse Plat	Baruch, Alex	Berkeley
Site Plan	SP-20-0083	Forest Heights Phase III	6015 RICHMOND RD	Single-Family Attached Townhome and Senior Living Facility (Apartments)	Wysong, Thomas	Powhatan
	SP-21-0015	1850 Treasure Island Road Tower Generator and Pad Site Plan Amend.	1850 TREASURE ISLAND RD	Adding a standby generator with a 4'x10' generator pad to the site of an existing cell tower.	Risinger, John	Roberts
	SP-21-0016	4059 Ironbound Rd Oil Storage Shed	4059 IRONBOUND RD	Adding a 25'x25 foot shed on an existing asphalt lot	Risinger, John	Jamestown
	SP-21-0018	1700 Endeavor Dr. Commercial Entrance & Site Improvements	1700 ENDEAVOR DR	The purpose of this project is to expand the existing gravel area, install a new commercial entrance, and install various site improvements. The various site improvements include, but are not limited to, the installation of new perimeter fencing, a new fuel tank and concrete pad, 40'x20' wash bay, and corresponding utility pipes.	Wysong, Thomas	Roberts
	SP-21-0019	Busch Gardens - Festa Italia Expansion SP Amend.	7851 POCAHONTAS TRL	This amendment revises the originally approved concrete sidewalks, landscape plantings, and includes the addition of a shed.	Risinger, John	Roberts
	SP-21-0020	Chickahominy Haven Community Pier SP Amend.	3026 N RIVERSIDE DR	Remove and replace an existing 160 foot community pier.	Costello, Terry	Powhatan
	SP-21-0021	Kingsmill Townhomes SP Amend Monument Sign	100 MOUNTS BAY RD	Site Plan Amendment for Kingsmill Townhomes Parcel R-2B	Condon, Paxton	Roberts
	SP-21-0022	Carters Grove SP Amend Pump Removal	8797 POCAHONTAS TRL	This amendment shows the removal of a previously approved pump that is required for surety release.	Risinger, John	Roberts
	SP-21-0023	409 Littletown Quarter Townhouse Addition SP Amend.	409 LITTLETOWN QUARTER	Convert existing patio to sunroom.	Risinger, John	Roberts
Special Use Permit	SUP-21-0001	Norge Elementary School Learning Cottage	7311 RICHMOND RD	Temporary Learning Cottage	Wysong, Thomas	Stonehouse
	SUP-21-0002	James River Elementary School Learning Cottage	8901 POCAHONTAS TRL	Temporary Learning Cottage	Wysong, Thomas	Roberts
	SUP-21-0003	3239 Chickahominy Rd Manufactured Home Replacement	3239 CHICKAHOMINY RD	Replacement of manufactured home.	Meadows, Brett	Stonehouse
Zoning Verification Letter	ZVL-21-0008	Zoning Verification Letter	9297 POCAHONTAS TRL	Verification of use and zoning of the property, and the property's compliance with applicable codes, regulations, and ordinances,	Orne, Taylor	Roberts
	ZVL-21-0009	Zoning Verification Letter	4509 NOLAND BLVD	Verification of Zoning and Use Compliance	Rogerson, John	Stonehouse
	ZVL-21-0010	Zoning Verification Letter	5425 DISCOVERY PARK BLVD	Verification of Zoning and Use Compliance	Orne, Taylor	Jamestown