

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
February 1, 2023
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the January 4, 2023, Regular Meeting

F. PUBLIC HEARINGS

1. AFD-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - February 2023

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 2/1/2023
TO: The Planning Commission
FROM: Paul D. Holt, III, Secretary
SUBJECT: Minutes of the January 4, 2023, Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes of the January 4, 2023, Regular Meeting	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/23/2023 - 1:57 PM
Planning Commission	Holt, Paul	Approved	1/23/2023 - 1:57 PM
Publication Management	Pobiak, Amanda	Approved	1/23/2023 - 2:14 PM
Planning Commission	Holt, Paul	Approved	1/23/2023 - 2:21 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
January 4, 2023
6:00 PM

A. CALL TO ORDER

Mr. O'Connor called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Rich Krapf
Jack Haldeman
Frank Polster
Rob Rose
Barbara Null
Stephen Rodgers

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Thomas Wysong, Senior Planner
Terry Costello, Senior Planner

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. O'Connor stated that the Development Review Committee did not meet and, therefore, there was no report.

Mr. Haldeman stated that Mr. Polster called the meeting to order at 4:00 p.m. on December 8, 2022.

Mr. Haldeman stated that the three Committee members in attendance voted unanimously to permit him to attend by telephone.

Mr. Haldeman stated that the Committee considered a Board of Supervisors resolution "to consider possible amendments regarding community recreation facilities in residential districts."

Mr. Haldeman stated that staff reported that community recreation facilities are a permitted use in all residential districts except R-8 and A-1, which require a Special Use Permit (SUP). Mr. Haldeman stated that some such facilities are reportedly being used by groups and teams not affiliated with the neighborhood, and as such might cause excess traffic, noise, lighting, and

other unwelcome effects not commonly found in those neighborhoods. Mr. Haldeman stated that staff recommended amending the use list for residential and mixed use districts to require an SUP when certain community recreation facilities incur recurring use by teams, organizations, or other entities who are not primarily residents of the neighborhood within which the facility is located.

Mr. Haldeman stated that after some discussion, the Committee determined that it lacked sufficient information to make a recommendation. Mr. Haldeman stated that the Committee asked staff to investigate further and to determine:

- How widespread is the problem? How many complaints have been received? Are homeowners associations handling the problem?
- How would the new Ordinance be enforced
- What specific activities would be covered or excluded: Sports? Weddings? Card games?
- What conditions would apply to the SUP?
- Are there other ways to handle this problem, if it is a problem?

Mr. Haldeman stated that further consideration will be given to this matter at the next Policy Committee meeting on January 12, 2023.

E. CONSENT AGENDA

1. Minutes of the December 7, 2022, Regular Meeting

Ms. Null made a motion to approve the Consent Agenda.

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

F. PUBLIC HEARINGS

1. SUP-22-0022. 4711 Rochambeau Drive Tourist Home

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

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

Ayes: Haldeman, Krapf, Rodgers, Rose

Nays: Null, O'Connor, Polster

Ms. Terry Costello stated that Mr. Stuart Burcham, property owner, has applied for an SUP to allow for the short-term rental of a three-bedroom single-family home located at 4711 Rochambeau Drive. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map and is located outside the Primary Service Area (PSA). Ms. Costello stated that the property is served by private well and private sewer. Ms. Costello stated that if granted, this SUP would allow for short-term rentals throughout the year. Ms. Costello stated that no changes to the footprint of the home are proposed.

Ms. Costello stated that staff finds favorable factors for this application include the presence of adequate off-street parking, the location of the property is along a major road, and that the applicant has stated that he will obtain the proper licensing and inspections for this change of use.

Ms. Costello further stated that staff finds the proposed use will not negatively impact

surrounding property or development nor is it expected to negatively impact level of service for roads (LOS) and other public services.

Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals; therefore, staff is unable to recommend approval of this application.

Ms. Costello stated that should the Planning Commission recommend approval of this application; staff has included proposed conditions for consideration.

Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Krapf stated that short-term rentals is an issue that the Commission has struggled with for a number of years. Mr. Krapf stated that even with the performance standards established with the Comprehensive Plan update, it is not enough guidance to work through the types of applications that are coming forward. Mr. Krapf further stated that the intent of the performance standards is to protect residentially zoned areas and prevent established neighborhoods from becoming transient. Mr. Krapf stated that in this instance, the property is not within a neighborhood and there would be oversight of the property by a family member working in the area. Mr. Krapf stated that this would provide the necessary safeguards.

Mr. Haldeman stated that he intends to support the application. Mr. Haldeman noted that SUPs run with the land in perpetuity and that eventually the property will continue as a short-term rental and may no longer have owner supervision. Mr. Haldeman stated that a number of short-term rentals have been approved without adhering to all of the performance standards. Mr. Haldeman stated that it might be necessary to take another look at the performance standards.

Mr. Polster stated that his greatest concern is the fact that SUPs are issued in perpetuity. Mr. Polster stated that the County Attorney is of the opinion that sunset clauses are not supported by State Code; however, many localities in the Commonwealth do put limits on SUPs. Mr. Polster stated that he is not certain the County is ready for that step; however, he is very concerned with the implications for the future use of the property. Mr. Polster stated that he would like to address these concerns with the Board of Supervisors with hopes that a dialogue would be opened with the County Attorney's Office about possible SUP conditions. Mr. Polster stated that he would like to see a condition limiting the SUP to the current owner. Mr. Polster noted that the issue of SUPs being granted in perpetuity will continue to be a concern until the question of what conditions or limitation are permissible has been resolved.

Ms. Null stated that another issue is taking a property out of the affordable housing stock.

Mr. O'Connor stated that he also has concerns about issuing an SUP in perpetuity. Mr. O'Connor stated that the issue of sunset clauses needs to be resolved by the state legislature.

Dr. Rose stated that in this instance it appears that the owner resides on the property and is only seeking to do short-term rentals when he is not in residence. Dr. Rose noted that the Commission and the Board of Supervisors have made frequent exceptions to the performance standards. Dr. Rose noted that a decision needs to be made whether to use the existing standards as general guidance or to develop an updated set of criteria that will be adhered to.

Mr. Rodgers stated that he believes the Comprehensive Plan is an aspirational document and not a regulatory set of conditions. Mr. Rodgers stated that he believes each individual case should be considered on its unique circumstances. Mr. Rodgers stated that his understanding is that the property owner intends to reside on the property and only rent the dwelling when he is not in residence. Mr. Rodgers stated that he is inclined to support the application.

Mr. O'Connor stated that his greatest concern is the permanent nature of the SUP and the implications for the future use of the property.

Mr. Polster stated that he agrees that the Comprehensive Plan is aspirational in nature which is part of the difficulty. Mr. Polster stated that he believes it is important to revisit the standards and for the Board of Supervisors to decide on whether the standards should be established in an Ordinance to ensure better regulation.

Mr. Haldeman made a motion to recommend approval with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0022. 4711 Rochambeau Drive Tourist Home with the proposed conditions. (4-3)

2. SUP-22-0023. 2878 Monticello Avenue Tourist Home

A motion to Approve w/ Conditions was made by Jack Haldeman, the motion result was Failed.

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

Ayes: Haldeman, Krapf, Rodgers

Nays: Null, O'Connor, Polster, Rose

Ms. Terry Costello stated that Mr. Jeffrey Russett has applied for an SUP to allow the short-term rental of a three-bedroom single-family home at 2878 Monticello Avenue. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map, and is located outside the PSA. Ms. Costello further stated that the property is served by private well and septic. Ms. Costello stated that if granted, this SUP would allow for short-term rentals throughout the year. No changes to the footprint of the home are proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as adequate off-street parking, the size of the lot, the existing screening and buffering to most adjacent properties, and that the applicant has stated that he will obtain the proper licensing and inspections.

Ms. Costello stated that staff also finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads and other public services.

Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals since one of the four development standards, the property owner living on the property during its use as a tourist home is not met; therefore, staff is unable to recommend approval of this application.

Ms. Costello stated that should the Planning Commission recommend approval of this application; staff has included proposed conditions for consideration.

Mr. O'Connor noted that there is an existing Master Plan for the Kennel and inquired if the Master Plan would need to be amended to account for the Tourist Home.

Mr. Holt stated that the Master Plan was specific to the Kennel use and would not need to be changed.

Mr. O'Connor opened the Public Hearing.

Mr. Jimmy Edwards, 136 Saw Mill Road, addressed the Commission in opposition to the application.

Mr. Dion Pollock, 2968 Monticello Avenue, addressed the Commission in opposition to the application.

Mr. Jeffrey Russett, 2878 Monticello Avenue, Property Owner, addressed the Commission in support of the application.

Ms. Null inquired about the private road signage.

Mr. Russett stated that he did not have such signage on the road to the property.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Polster requested clarification on where the other short-term rental was located.

Ms. Costello stated that she was not aware of any other short-term rentals in that area; however, she would follow up on the question.

Mr. Krapf stated that for this type of use, he would support the option for a requirement that if the property is sold, the new owner would have to reapply for the SUP. Mr. Krapf stated that he would; however, support this application.

Mr. Polster noted that this property has the potential to be subdivided and should that occur, the short-term rental would be interior to a subdivision. Mr. Polster stated that this is one more example of why he is concerned about issuing SUPs in perpetuity.

Mr. Rodgers inquired about whether the dwelling subject to the SUP fronts on Monticello Avenue.

Mr. Holt stated that the dwelling does not front on a public or private right-of-way.

Mr. Rodgers inquired about the location of the new wedding venue.

Mr. Holt pointed out the location and indicated that the facility would take access from John Tyler Highway.

Dr. Rose stated that this is similar to the short-term rental at the airport. Dr. Rose stated that this application would have an impact on the adjacent property owners.

Mr. O'Connor stated that he is struggling with the long-term impact of these applications and is not inclined to support the application.

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

On a roll call vote, the motion to recommend approval of SUP-22-0023. 2878 Monticello Avenue Tourist Home did not pass. (3-4)

3. SUP-22-0025. 7504 Richmond Road Starbucks

A motion to Approve w/ Conditions was made by Barbara Null, the motion result was Passed.

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

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

Mr. Thomas Wysong, Senior Planner, stated that Ms. Lauren Sweeney with Kimley-Horn and Associates, Inc. has applied for an SUP to allow the operation of a coffee shop with drive-thru that will generate more than 100 additional trips to and from the site during the peak hours of operation.

Mr. Wysong stated that the property is located at 7504 Richmond Road, is zoned B-1, General Business, with proffers, is designated Community Commercial on the 2045 Comprehensive Plan Land Use Map, and is located inside the PSA.

Mr. Wysong stated that this proposal is for an adaptive re-use of the vacant bank and drive-thru. Mr. Wysong further stated that the adaptive reuse of commercial buildings within the Primary Service Area is specifically recommended within the goals of the Land Use chapter of the 2045 Comprehensive Plan.

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

Mr. O'Connor opened the Public Hearing.

Ms. Lauren Sweeney, Kimley-Horn and Associates, Inc. addressed the Commission in support of the application.

Mr. Polster inquired why the Traffic Impact Analysis (TIA) identified only a 1% increase.

Ms. Sweeney stated that the 1% is a standard recognized by the Virginia Department of Transportation (VDOT).

Mr. Wysong noted that he had discussed the TIA in detail with VDOT and the traffic engineer; however, he would follow up for more information.

Dr. Rose inquired about access to the site.

Ms. Sweeney stated that traffic would come in from the Norge Crossing Shopping Center and there would not be direct access from Richmond Road.

Ms. Null inquired about the location of the patio.

Ms. Sweeney stated that the patio would be at the front of the building facing Tractor Supply.

Mr. O'Connor inquired if there is sufficient room on the parcel for the queue of vehicles so that it would not spill out on the entrance road.

Ms. Sweeney stated that there is room for approximately 12 to 13 cars in the stack which is

anticipated to be adequate.

As no one further wished to speak, Mr. O'Connor closed the Public Hearing.

Ms. Null made a motion to recommend approval of the application with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0025. 7504 Richmond Road Starbucks. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - January 2023

Mr. Holt stated that other than what was included in the Agenda materials, he only had one additional item of interest.

Mr. Holt noted that as of the end of 2022, the normal traffic levels for a.m. and p.m. peak levels have returned to pre-pandemic normal.

Mr. Holt stated that staff would follow up with the Commission on the projected 1% increase in the TIA.

Mr. Polster noted that the location for the proposed Starbucks is very close to the intersection with Croaker Road where there has been an increase in traffic accidents.

Mr. Holt noted that some of the data is dependent on whether it is viewed from a road segment or an intersection perspective. Mr. Holt further stated that there is an approved site plan in place for a connection from the Norge Crossing Shopping Center to Croaker Road.

Mr. O'Connor noted that he has concerns about the permissive left turn at Norge Lane.

Mr. Holt stated that it is likely that this signal will be redone in the next year with anticipated road improvements.

Mr. Haldeman inquired if the traffic counts also account for population growth.

Mr. Holt stated that it should. Mr. Holt noted that the volumes at the Port of Virginia have also impacted the traffic counts.

Mr. Haldeman inquired about traffic impacts from people moving to Hampton Roads to work from home rather than remaining in more congested areas and the impacts of truck traffic from increase activity at the ports.

Mr. Holt stated that a good reference would be the socio-economic model formally adopted for use at the Hampton Roads Transportation Planning Organization which is usually updated prior to an update of the Long-Range Transportation Plan. Mr. Holt stated that the County often relies on this data. Mr. Holt noted that it does appear that employment figures will be lower in the 2050 update and the population growth would be lower. Mr. Holt stated that perhaps the historical trend is not continuing at the same pace.

The Commission discussed the traffic volume, various components and causes of traffic, and the increase in accidents along Interstate 64.

Mr. Polster noted that he would like to see the socio-economic data for the Upper County.

Mr. Holt noted that the socio-economic data will be reflective of land use policies which will account for the lower growth figures.

Mr. Polster noted that New Kent County is now the second highest growth county in Virginia. Mr. Polster further noted that this makes sense due to its location and the ability to commute to Richmond and Northern Virginia. Mr. Polster stated that the County needs to keep an eye on this trend.

Mr. Polster commented on the fact that improvements have been made in the CSX railroad tunnels that now make using the Port of Virginia more effective in the transport of goods.

Mr. Holt noted that there is funding to deepen the channel to accommodate the larger ships and put the Hampton Roads area at a competitive advantage.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Polster stated that his upcoming comments to the Board of Supervisors regarding the Hicks Island Tourist Home include the following: "...still an issue for some Commissioners is that the approval of an SUP for short-term rentals conveys with the parcel in perpetuity and they would prefer that the SUP sunset when the parcel changes ownership."

Mr. Holt stated that there will be some Zoning Ordinance amendment check-in points with the Board of Supervisors, and this may be a potential topic for discussion for the full joint meeting with the Board in the spring.

Mr. O'Connor stated that he would take on the task of compiling the recommendations and thoughts from each Commissioner and provide an outline of the Commission's recommendation. Mr. O'Connor noted that Virginia is a Dillon Rule state, and the County Attorney is of the opinion that since the General Assembly has not granted specific authority for localities to impose sunset clauses, the Board may not do so.

Dr. Rose inquired about the unwelcome effects of non-residents using community recreation facilities.

Mr. Haldeman stated that this question is why the Policy Committee is reviewing the matter to determine what the effects are and how they might be mitigated.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 7:19 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chairman

ITEM SUMMARY

DATE: 2/1/2023

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner II

SUBJECT: AFD-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Location Map	Backup Material
☐	2. Barnes Swamp Ordinance	Ordinance
☐	3. Policy Governing AFD Withdrawal	Ordinance
☐	4. AFD Withdrawal Request	Backup Material
☐	5. Current Plat	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/24/2023 - 5:39 PM
Planning Commission	Holt, Paul	Approved	1/24/2023 - 5:39 PM
Publication Management	Pobiak, Amanda	Approved	1/25/2023 - 8:17 AM
Planning Commission	Holt, Paul	Approved	1/25/2023 - 11:38 AM

AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal Staff Report for the February 1, 2023, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Tim Mills
Landowners: Mr. Tim and Ms. Joan Mills
Proposal: Withdrawal of ± 23.84 acres of the 52.15 total acre parcel from the Barnes Swamp Agricultural and Forestal District (AFD)
Location: 1245 Stewarts Road
Tax Map/Parcel No. 0310100002
Parcel Size: ± 52.15 acres
Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Primary Service Area (PSA): Outside
Staff Contact: Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

AFD Advisory Committee: January 19, 2023, 4:00 p.m.
Planning Commission: February 1, 2023, 6:00 p.m.
Board of Supervisors: March 14, 2023, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. The request would not cause damage or disruption to the existing District.

FACTORS UNFAVORABLE

1. The request does not fully meet all four criteria set forth in the Board of Supervisors’ policy.

STAFF RECOMMENDATION

The adopted Board of Supervisors’ policy governing withdrawal of property from AFDs states that “it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts.” This withdrawal request was submitted approximately three and a half months after the most recent renewal of the Barnes Swamp AFD on September 13, 2022. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board’s policy. Therefore, staff recommends that the Planning Commission recommend denial of this request to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its January 19, 2023, meeting, the AFD Advisory Committee voted 7-0 to recommend approval of the withdrawal request to the Planning Commission and the Board of Supervisors.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling ± 1,905 acres.

AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal Staff Report for the February 1, 2023, Planning Commission Public Hearing

- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, and 2022 with various additions and withdrawals taking place during that period.
- If this withdrawal is approved, the District would consist of approximately 1,814.87 acres.

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation by the adopted 2045 Comprehensive Plan.

However, there is one exception. The Hogue parcel is located inside the PSA and designated Low Density Residential by the adopted 2045 Comprehensive Plan.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

Mr. Tim Mills has requested to withdraw 23.84 acres of their 52.15-acre parcel from the AFD. The requested withdrawal is to allow for a minor subdivision, which has an approved conceptual master plan and driveway layout from the Planning Commission.

On September 28, 2010, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels outside of renewal periods. That policy is enclosed (Attachment No. 3) and the withdrawal criteria are listed below with staff comments following in italics.

- A. The request is caused by a change in circumstances that could not have been anticipated at the time the application was made for inclusion in the District.

Historically, a change in circumstances has been interpreted to include “death of a property owner,” as stated in the State Code,

but has not included new opportunities for development of a property. The withdrawal policy, as adopted by the Board of Supervisors, states that it is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.

- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.

Staff interprets “public purpose” as using the land for a public facility such as a school or fire station. The proposed minor subdivision is not a public purpose.

- C. The request would not cause damage or disruption to the existing District.

With this withdrawal, the District will continue to meet minimum acreage requirements.

- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place, the new land use would be in conformance with the Comprehensive Plan.

The 2045 Comprehensive Plan designates this parcel as Rural Lands. Rural Lands are intended to help protect and enhance the viability of agricultural and forestal resources and compatible rural economic development uses as important components of the local economy. Residential development is not a recommended use.

SURROUNDING ZONING AND DEVELOPMENT

Adjacent properties to the north, east, west, and south are zoned A-1, General Agricultural, and designated Rural Lands on the 2045

AGRICULTURAL AND FORESTAL DISTRICT-22-0019. 1245 Stewarts Road Barnes Swamp AFD Withdrawal Staff Report for the February 1, 2023, Planning Commission Public Hearing

Comprehensive Plan Land Use Map. Development consists of farms and housing.

STAFF RECOMMENDATION

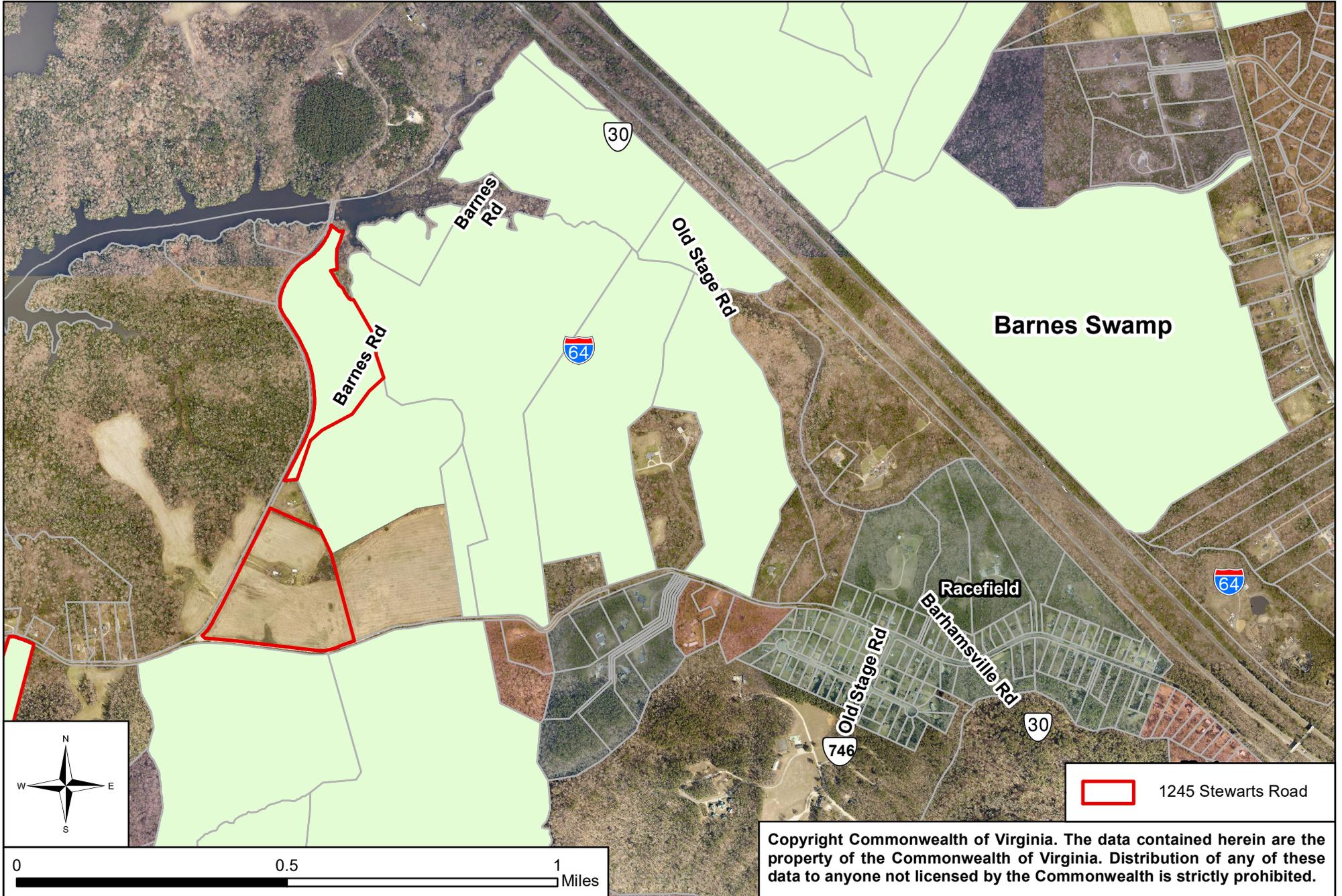
The adopted Board of Supervisors' policy governing withdrawal of property from AFDs states that "it is the policy of the Board to discourage the withdrawal of properties from AFDs during the terms of those districts." This withdrawal request was submitted approximately three and a half months after the most recent renewal of the Barnes Swamp AFD on September 13, 2022. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board's policy. Therefore, staff recommends that the Planning Commission recommend denial of this withdrawal application to the Board of Supervisors.

TW/md
AFD22-19_1245StwRdBWD

Attachments:

1. Location Map and Withdrawal Request
2. Barnes Swamp AFD 2022 Renewal Ordinance and Staff Report
3. Policy Governing the Withdrawals of Property from AFDs
4. AFD Withdrawal Request Letter
5. Unapproved Minutes of the January 19, 2023, AFD Advisory Committee Meeting
6. Unapproved Subdivision Plat of Parcel

AFD 22-0019. 1245 Stewarts Road Barnes Swamp Withdrawal



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AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal

Staff Report for the September 13, 2022, Board of Supervisors Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps and Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
<i>Timothy & Joan Mills</i>	<i>0310100002</i>	<i>23.84*</i>
<i>Katherine L. Hockaday, Ann Blair Hall Martin, and Justin Ray Martin</i>	<i>0310100003</i>	<i>39.26*</i>
<i>Elizabeth O. Harwood</i>	<i>0320100001</i>	<i>43.53*</i>
<i>Stephen E. and Rebecca Murphy, Trustee</i>	<i>0320100002</i>	<i>13.86*</i>
Frederick C. Johnson, Trustee	0320100002A	17.20
<i>Betty Johnson and Lynn Fischer</i>	<i>0320100003</i>	<i>19.08*</i>
<i>Betty Johnson and Lynn Fischer</i>	<i>0320100003A</i>	<i>93.99*</i>
<i>Robert M. Dzula</i>	<i>0320100004</i>	<i>28.08*</i>
Jane Farmer and Betty Rady	0330100003	70.00
Jane Farmer and Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Steven and Michelle Johnson	0340800003	52.63
Steven and Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trust	0410100010	196.30
<i>Niceland Farm, LLC</i>	<i>0420100008</i>	<i>188.68*</i>
Cherri U. Spellmeyer, Trustee	0420100014	134.00
<i>Donald A. Hazelwood</i>	<i>0420100018</i>	<i>4.77*</i>

Donald A. Hazelwood	0420100020	112.44
<i>Pamaka, LLC</i>	<i>0430100014A</i>	<i>1.12*</i>
<i>Pamaka, LLC</i>	<i>0430100015</i>	<i>19.99*</i>
<i>Pamaka, LLC</i>	<i>0430100016</i>	<i>36.84*</i>
<i>Donald A. Hazelwood</i>	<i>0440100001</i>	<i>6.12*</i>
David K. and Karen P. Hogue	0540100001	60.77
Charles and Dianne Hasbrouck	0920100001	97.50
<i>Shelton and Jennifer Daniels</i>	<i>1010100001</i>	<i>61.62*</i>

TOTAL ACRES 1,838.71
**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural
Open Space and Recreation

Comprehensive Plan: Rural Lands
Low Density Residential

Primary Service Area (PSA): Outside and Inside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Agricultural and Forestal District
(AFD) Advisory Committee: July 21, 2022, 4:00 p.m.
Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

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

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal

Staff Report for the September 13, 2022, Board of Supervisors Meeting

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 3, 2022, meeting, the Planning Commission voted 7-0 for the continuation of the District to the Board of Supervisors including the following recommendations:

- For staff to review the end-to-end survey process prior to the next renewal cycle;
- For staff to consider other avenues inclusive of AFD tax credits, including but not limited to carbon sequestration, to reimburse AFD landowners;
- For staff to forward the Commissioner of the Revenue’s “Tax Benefits Associated With Inclusion in an AFD for FY 2022” to the Board of Supervisors.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling ± 1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.

- On June 9, 2020, the Board of Supervisors approved the addition of approximately 44.74 acres, Parcel ID Nos. 0240100014 and 0240100013. Case number is AFD-19-0003.
- On October 13, 2020, the Board of Supervisors approved the addition of approximately 196.30 acres, Parcel ID No. 0410100010. Case number is AFD-05-85-2-2018.
- On January 11, 2022, the Board of Supervisors approved the addition of approximately 60.77 acres, Parcel ID No. 0540100001. Case number is AFD-21-0002.
- On March 8, 2022, the Board of Supervisors approved the withdrawal of approximately 26 acres, Parcel ID No. 0310100002. Case number is AFD-21-0003 and is part of a Special Use Permit (SUP) for Racefield Solar Farm (SUP-21-0022).

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation by the adopted Comprehensive Plan. There is one exception; however, the Hogue parcel is located inside the PSA and designated Low Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of rights-of-way. This area has been excluded to allow for possible road and/or drainage improvements.

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal

Staff Report for the September 13, 2022, Board of Supervisors Meeting

ADDITION/WITHDRAWAL REQUESTS

None.

CONDITIONS

If continued, the Districts are proposed to be re-established for another four-year term, with edits to Condition No. 3 that reflects updates from the Virginia State Code and clarifying language (See Attachment No. 1).

SURROUNDING ZONING AND DEVELOPMENT

The area surrounding the main body of the District is zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Some parcels at the eastern end of the District are adjacent to the Stonehouse Development, which is zoned Planned Unit Development and designated Low Density Residential and Mixed Use by the adopted Comprehensive Plan. The Diascund Reservoir borders the main body of the District to the west, and Mill Creek AFD is located directly south of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates all the parcels as Rural Lands and Open Space and Recreation except the Hogue parcel, which is designated Low Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Barnes Swamp AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that

the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to the conditions listed in the District Ordinance (See Attachment No. 1).

TC/md
AFD22-3BnsSwpRen

- Attachments:
1. Ordinance
 2. Location Map

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-22-0003

BARNES SWAMP 2022 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (the “District”); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the “Virginia Code”), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on July 21, 2022, voted 6-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission following its public hearing on August 3, 2022, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Barnes Swamp Agricultural and Forestal District (the “District”) is hereby continued to October 31, 2026, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the “Act”).
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road rights-of-way is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps & Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
Timothy & Joan Mills	0310100002	23.84
Katherine L. Hockaday, Ann Blair Hall Martin, & Justin Ray Martin	0310100003	39.26
Elizabeth O. Harwood	0320100001	43.53
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.86
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.08
Betty Johnson & Lynn Fischer	0320100003A	93.99

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Robert M. Dzula	0320100004	28.08
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer, Estate	0330100006	96.75
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trustee	0410100010	196.30
Niceland Farm, LLC	0420100008	188.68
Cherri U. Spellmeyer, Trustee	0420100014	134.00
Donald A Hazelwood	0420100018	4.77
Pamaka, LLC	0420100020	112.44
Pamaka, LLC	0430100014A	1.12
Pamaka, LLC	0430100015	19.99
Pamaka, LLC	0430100016	36.84
Donald A. Hazelwood	0440100001	6.12
David K. & Karen P. Hogue	0540100001	60.77
Charles & Dianne Hasbrouck	0920100001	97.50
Shelton & Jennifer Daniels	1010100001	<u>61.62</u>
	Total:	<u>1,838.71</u>

3. That pursuant to Sections 15.2-4309 of the Act, the Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

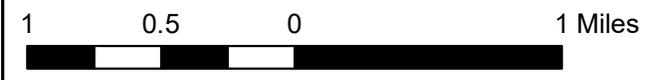
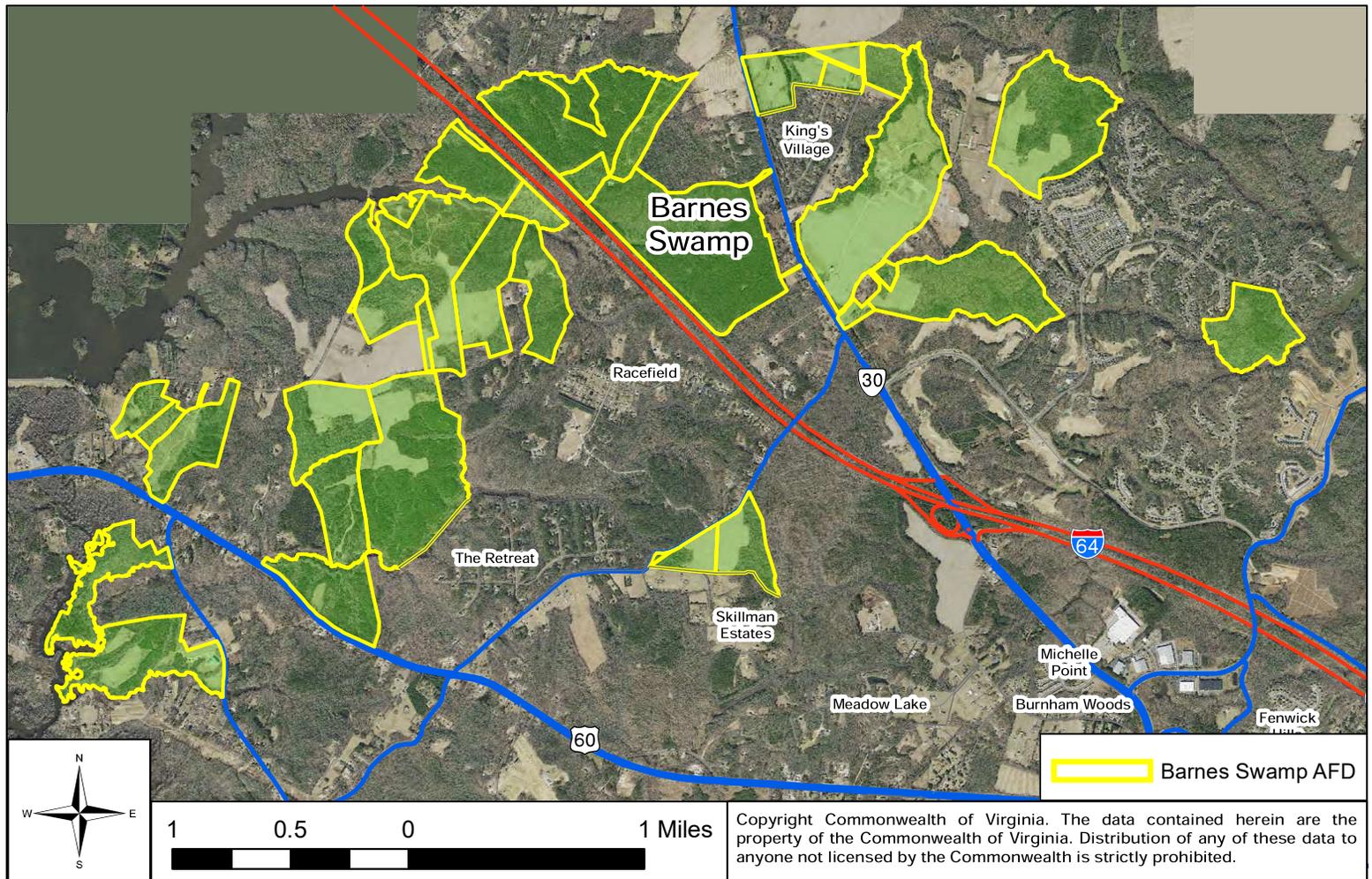
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
ICENHOUR	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
SADLER	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of September, 2022.

AFD22-3BnsSwpRen-res

JCC AFD-22-0003

Barnes Swamp Agricultural Forestal District



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RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL

AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

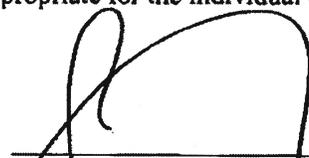
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Robert C. Mindaugh
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

November 18, 2022

Mr. Paul Holt, III, paul.holt@jamescitycountyva.gov
Director of Community Development and Planning
Members of the Board of Supervisors
Members of the AFD Advisory Committee
James City County
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
757 253 6671

**Re: 1245 Stewarts Road AFD and Planned Subdivision
Parcel 0310100002
Ref. Case No. C-20-0115; S-22-0033 and S-22-0034**

Mr. Holt and Members of the Board of Supervisors and ADF Advisory Committee:

We are relatively new property owners of the farm property at 1245 Stewarts Road, a portion of which is in the Barns Swamp AFD. Only approximately one half of the property was and apparently still is in AFD.

Prior to our purchase of the property in 2021 we worked with Planning staff for five months to obtain an approved Master Plan to subdivide the approximately 53-acre parcel into six lots including one lot for my wife and I and one lot for each of our five adult children.

As part of our plan and discussions with staff it was clear that our plan has always been to wait for the AFD to expire on October 31, 2022 to remove the AFD portion of the property from the AFD and then file two plats to complete the subdivision in accordance with the approved Master Plan. A copy of the approved Master Plan is enclosed. After the subdivision is platted one half of the land will remain in row crops and agricultural use and the timber lot (which was in the AFD) will eventually support four modest homes. We will also move forward with the restoration of the 1915 farmhouse currently on the property.

Either due to confusion on our part or a poorly worded letter on the County's part the parcel was recently put back into the renewed AFD without our knowledge. We requested it be removed from the AFD prior to the October 31, 2002 expiration date by letter on September 26, 2002 (copy attached).

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

We have not received a response regarding our letter but did recently receive a comment letter from Planning regarding our submitted subdivision plats with one of the comments indicating that the acreage within the AFD still needs to be removed.

Therefore, we are once again indicating our request to remove the noted portion of our property from the AFD so the approved Master Plan can move forward.

We are moving ahead with re-submitting the subdivision plats to address Planning's comments. Please let us know if any other action on our part is requested.

Thank you for your consideration,

Tim

A handwritten signature in black ink, appearing to read "Timothy A. Mills". The signature is written in a cursive style with a large, stylized initial "T" and "M".

Timothy A. Mills, P.E.

cc. Vernon Geddy, Esq.
encl.

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

September 26, 2022

Mr. Paul Holt, III, paul.holt@jamescitycountyva.gov
Director of Community Development and Planning
Tom Leininger, Tom.Leininger@jamescitycountyva.gov
Senior Planner
James City County
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
757 253 6671

**Re: 1245 Stewarts Road AFD and Planned Subdivision
Parcel 0310100002
Ref. Case No. C-20-0115**

Mr. Holt and Mr. Leininger:

As you may be aware we are new property owners for the property at 1245 Stewarts Road, a portion of which is in the Barns Swamp AFD. We have approval for subdividing the property in accordance with our case. We are working with LandTech Surveying at the moment as we are planning on submitting a subdivision plat shortly after the October 31, 2022 AFD expiration date.

We are also in receipt of Mr. Holts letter date August 17th regarding the AFD. We were unable to attend the public hearing noted in the letter on September 13, 2022 as we have been out of town. I spoke with Mr. Bruce Abbott this past weekend regarding the letter and AFD and he advised that I file a letter to withdraw from the AFD soon. Therefore, I visited your offices today to indicate and file our intent to not renew our property in the AFD due to the pending subdivision and ultimate transfer of five lots to each of our children.

I was stunned to be advised by staff that the Board has already approved extending the AFD with our property included. That is not and was not our intent.

Unfortunately, there is no way for us to interpret the August 17th letter in a way that suggests that we had just a few weeks or any deadline at all to act before the Board took action or that the Board would take action so soon, or that time was of the essence. We assumed that there would be Board action at the end of October. This appears to be a significant oversight in the way the letter is written and with a very short

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtamva@gmail.com

timeline to respond. This is the only correspondence along with a letter pertaining to the zoning lot size change that we have received regarding this property.

We are moving ahead with the subdivision as well as plans for house plan applications. Please let us know if any other action on our part is requested.

Thank you,

Tim

A handwritten signature in black ink, appearing to read "Timothy A. Mills". The signature is written in a cursive style with a large, stylized initial "T".

Timothy A. Mills, P.E.

cc. Vernon Geddy, Esq.



Community Development

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

community.development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety & Permits

757-253-6626

Neighborhood Development

757-253-6640

Planning

757-253-6685

Zoning

757-253-6671

0310100002

MILLS, TIMOTHY & JOAN

306 THE MAIN W

WILLIAMSBURG VA 231851448

August 17, 2022

RE: Agricultural and Forestal District (AFD) Renewals – Proposed Change to Conditions

Dear AFD Property Owner:

You currently have property in an AFD which is being reviewed by the James City County (JCC) Board of Supervisors to determine if the district should be terminated, modified, or continued for another term.

If continued, the District is proposed to be re-established for another four-year term, with the following amendment to Condition No. 3. (Deletions are shown in strikethrough. Additions are shown in italics.)

3. ~~That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply: That pursuant to Section 15.2-4309 of the Act, The Board of Supervisors requires that any parcel in the District shall not, without the prior approval of the Board of Supervisors, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production. Specifically, the following restrictions shall apply:~~
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. ~~No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.~~
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

August 17, 2022

Agricultural and Forestal District (AFD) Renewals – Proposed Change to Conditions

Page 2

The Board of Supervisors of James City County, Virginia, will hold a public hearing on this matter on Tuesday, September 13, 2022, at 5:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, Williamsburg, VA. All interested persons are invited to attend the hearing and may speak on the above matter. Land may be withdrawn from the AFD at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district.

Persons requiring an accommodation in order to participate in the hearing should call 253-6685, Planning Division, at least three days prior to the meeting. Alternatively, you can comment on this matter by mailing, faxing, or emailing comments to the address listed above any time prior to the day of the public hearing.

Should you have questions, please feel free to call the Community Development office at 757-253-6671. Information related to the AFD Renewals is on file and available for review at the JCC Government Center, 101-A Mounts Bay Road, Williamsburg, Virginia. Office hours are Monday through Friday, 8 a.m. - 5 p.m., or at any time on the James City County PermitLink Portal: https://comdev.jamestownva.gov/EnerGov_Prod/SelfService/#/home.

Sincerely,



Paul D. Holt, III, AICP, CNU-A, CFM
Director of Community Development and Planning

PDH/bk

Proposed Conditions for C-20-0115, 1245 Stewarts Road Shared Driveway Exception Request

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 19-73(b) of the Subdivision Ordinance.
3. **Future Subdivision.** Any request to subdivide the consolidated Lot 6 (shown as Lots 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 2) or if any new driveways shall be permitted.

Recommended by the DRC by a vote of 3-0 on 2/17/21 and approved by the PC on 3/3/21 by a vote of 4-3.



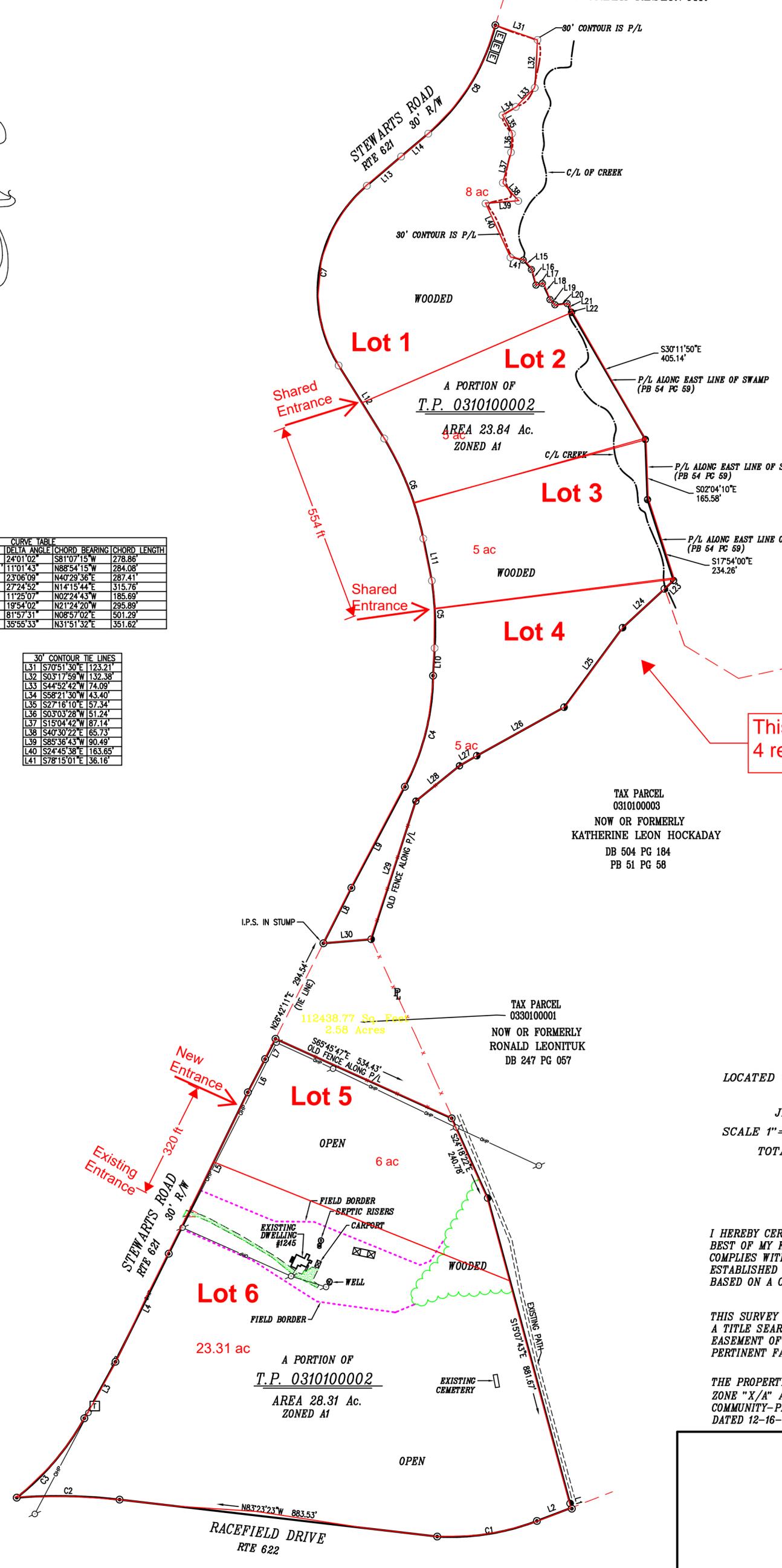
- LEGEND:**
- - DENOTES IRON PIN OR PIPE FOUND
 - ⊙ - DENOTES IRON PIN SET
 - P - DENOTES ADJOINING PROPERTY LINE
 - - DENOTES COMPUTED POINT
 - OHP- - DENOTES OVERHEAD POWER
 - ⊗ - DENOTES POINT IN BRANCH
 - ⊕ - DENOTES IRON POST FOUND
 - ⊘ - DENOTES POWER POLE
 - ⊞ - DENOTES TELEPHONE PEDASTAL
 - E - DENOTES ELECTRIC BOX

TAX PARCEL
0310100001
NOW OR FORMERLY
SD&SKI, LLC
IN#050021685
PLAT IN#050004219
PB 54 PG 59

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	280.91'	670.15'	24°01'02"	S81°07'15"W	278.86'
C2	284.51'	1478.11'	11°01'43"	N88°54'15"W	284.08'
C3	289.36'	717.64'	23°06'09"	N40°29'36"E	287.41'
C4	318.80'	666.28'	27°24'52"	N14°15'44"E	315.76'
C5	186.00'	933.30'	11°25'07"	N02°24'43"W	185.69'
C6	297.38'	856.19'	19°54'02"	N21°24'20"E	295.89'
C7	546.73'	382.21'	81°57'31"	N08°57'02"E	501.29'
C8	357.44'	570.07'	35°55'33"	N31°51'32"E	351.62'

LINE	BEARING	DISTANCE
L1	S15°07'43"E	1.95'
L2	S69°06'45"W	101.40'
L3	N28°56'31"E	177.97'
L4	N26°18'27"E	332.08'
L5	N26°11'05"E	495.25'
L6	N27°28'13"E	103.19'
L7	N27°16'43"E	62.89'
L8	N26°51'58"E	171.25'
L9	N27°58'10"E	315.11'
L10	N03°17'50"E	76.17'
L11	N11°27'19"W	118.53'
L12	N32°01'44"W	237.32'
L13	N49°42'28"E	124.12'
L14	N49°49'19"E	97.82'
L15	S41°10'27"E	34.63'
L16	S16°13'12"E	44.45'
L17	N75°43'23"E	18.40'
L18	S25°21'13"E	49.04'
L19	S43°43'07"E	19.89'
L20	N84°18'14"E	33.81'
L21	S19°02'17"E	23.07'
L22	S60°23'37"E	5.35'
L23	S47°13'10"W	34.34'
L24	S47°13'10"W	157.24'
L25	S36°24'00"W	272.20'
L26	S61°01'20"W	275.79'
L27	S60°15'10"W	55.40'
L28	S51°04'40"W	155.35'
L29	S17°54'40"W	399.81'
L30	S85°17'43"W	132.57'

LINE	BEARING	DISTANCE
L31	S70°51'30"E	123.21'
L32	S03°17'59"W	132.38'
L33	S44°52'42"W	74.09'
L34	S58°21'30"W	43.40'
L35	S27°16'10"E	57.34'
L36	S03°03'28"W	51.24'
L37	S15°04'42"W	87.14'
L38	S40°30'22"E	65.73'
L39	S85°36'43"W	90.49'
L40	S24°45'38"E	163.65'
L41	S78°15'01"E	36.16'

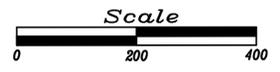


This parcel will be subdivided into 4 residential lots

TAX PARCEL
0310100003
NOW OR FORMERLY
KATHERINE LEON HOCKADAY
DB 504 PG 184
PB 51 PG 58

TAX PARCEL
0330100001
NOW OR FORMERLY
RONALD LEONITUK
DB 247 PG 057

BOUNDARY SURVEY
PROPERTY OF
JANE B. FARMER
BETTY B. RADY
LOCATED ON STEWARTS ROAD & RACEFIELD DRIVE
STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE 1" = 200' JANUARY 28, 2020
TOTAL AREA THIS SURVEY 52.15 Ac.



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA DPOR STATE BOARD, AND IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510201 0036 D & 510201 0028 D, DATED 12-16-2015.



1212 S. Church Street Smithfield, VA 23430
PHONE : 757-357-2911

DRAWN BY: ECC JOB #S20-13-JC

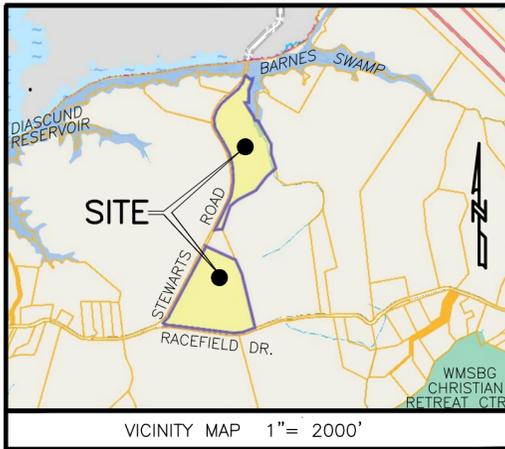
Sec. 19-73. - Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.

This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.

- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.
- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
- (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)



PROPERTY INFORMATION

PARCEL ID: 0310100002
 ADDRESS:
 1245 STEWARTS ROAD
 LANEXA, VIRGINIA 23089
 ZONING DISTRICT: A1 GENERAL AGRICULTURE

BUILDING SETBACKS FOR A-1 ZONING:
 FRONT - 75'
 SIDE - 15'
 REAR - 35'

AREA TABULATION

PARCEL	OLD AREA	NEW AREA
PARCEL ID: 0310100002	2,273,203 S.F. / 52.185± AC.	
NEW LOT 1 (AREA CALCULATED TO 30' CONTOUR)	295,045 S.F. / 6.773± AC.	
NEW LOT 2	216,295 S.F. / 4.965 AC.	
NEW LOT 3	249,427 S.F. / 5.726 AC.	
NEW LOT 4	251,024 S.F. / 5.763 AC.	
NEW LOT 5	1,203,178 S.F. / 27.621 AC.	
AREA DEDICATED FOR PUBLIC USE	58,234 S.F. / 1.337 AC.	

SUBDIVISION
 OF
PARCEL ID: 0310100002
 BEING PROPERTY LOCATED AT
STEWARTS ROAD & RACEFIELD DRIVE
 STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA
 DATE: 10/11/2022 JOB # 22-296



205 Bulifants Blvd., Suite E, Williamsburg, Virginia 23188
 Phone: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com

SHEET 1 OF 3

JCC-S-xxxx -xxxx

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL ENCUMBRANCES, EASEMENTS AND SETBACKS THAT AFFECT THE SUBJECT PROPERTY.
- WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS PLAT.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- LOTS ARE SERVED BY PRIVATE WATER AND PRIVATE SEWER SYSTEMS.
- ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.
- THE PROPERTY SHOWN ON THIS PLAT DESIGNATED AS LOTS 1-3 APPEARS TO FALL IN FIRM ZONE "A" AND ZONE "X"; WITH LOT 5 FALLING IN ENTIRELY IN ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 5102010036D & 5102010028D DATED DECEMBER 16, 2015.
- THIS PROPERTY FALL PARTIALLY WITHIN THE RPA. LIMITS OF RPA SHOWN IS BASED ON JCC GIS MAPPING AND HAS NOT BE VERIFIED.
- ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
- MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THROUGH 19-36 OF THE COUNTY CODE.
- THE VIRGINIA DEPARTMENT OF TRANSPORTATION, ITS AGENTS AND ASSIGNS ARE GRANTED THE EXCLUSIVE RIGHT TO MAINTAIN THE AREA DEDICATED FOR PUBLIC USE.
- PRIOR TO ANY FURTHER LAND DEVELOPMENT ACTIVITIES, A SITE SPECIFIC WETLAND DELINEATION AND RPA DETERMINATION SHALL BE PERFORMED IN ACCORDANCE WITH THE CHESAPEAKE BAY PRESERVATION SECTION OF THE JAMES CITY COUNTY CODE.
- WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7 OF THE JAMES CITY COUNTY CODE.
- ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.
- ON-SITE SEWAGE TREATMENT SYSTEMS SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS PER SECTION 23-9(B)(6) OF THE JAMES CITY COUNTY CODE.
- UNDERGROUND UTILITIES, IF ANY, HAVE NOT BEEN LOCATED FOR THIS PLAT. ONLY ABOVE GROUND UTILITIES ARE SHOWN

VDH SUBDIVISION APPROVAL STATEMENT

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA, AND THE SEWAGE HANDLING REGULATIONS (12 VAC 5-620-20 et seq., THE "REGULATIONS") PURSUANT TO SEC. 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: ANN L. RUFF, AOSE NO. 1940001376, PHONE NO. 757-810-5293 ADDRESS: P.O. BOX 759, LIGHTFOOT, VA 23090. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION. PURSUANT TO SEC. 360 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT APPROVED LOTS ARE SUITABLE FOR "TRADITIONAL SYSTEMS", HOWEVER ACTUAL SYSTEM DESIGN MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.

OWNERS CERTIFICATE PARCEL ID: 3030100018:

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

 TIMOTHY MILLS DATE

 JOAN MILLS DATE

CERTIFICATE OF NOTARIZATION

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____ I, _____, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2022.

 NOTARY PUBLIC

MY COMMISSION EXPIRES _____

NOTARY REGISTRATION NO. _____

CERTIFICATE OF SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION STANDS IN THE NAME OF TIMOTHY AND JOAN MILLS AND WAS ACQUIRED FROM: JANE B. FARMER AND BETTY B. RADY BY THAT CERTAIN DEED DATED APRIL 2, 2021 AND RECORDED APRIL 9, 2021 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA IN INSTRUMENT #210006992.

CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

 DATE VA DEPARTMENT OF TRANSPORTATION

 DATE VA DEPARTMENT OF HEALTH

 DATE SUBDIVISION AGENT OF JAMES CITY COUNTY

ENGINEERS OR SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

MATTHEW CONNOLLY, P.E.S. DATE 10/11/2022



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 66°29'40" E	137.77'
L2	N 11°18'30" E	136.91'
L3	N 49°34'42" E	104.25'
L4	S 25°33'02" E	63.31'
L5	N 09°36'56" E	119.28'
L6	S 25°44'53" E	44.93'
L7	N 71°58'13" E	69.53'
L8	S 27°34'29" E	168.97'
L9	S 78°15'01" E	18.08'
L10	N 49°49'19" E	97.81'
L11	N 49°42'28" E	124.11'
L12	N 32°01'44" W	237.38'
L13	S 11°26'50" E	119.12'
L14	N 03°17'50" E	75.93'
L15	N 27°58'10" E	315.02'
L16	S 26°51'58" W	165.00'
L17	S 27°16'44" W	63.46'
L18	N 27°28'18" E	102.97'
L19	S 28°56'19" W	178.36'
L20	N 69°06'45" E	102.40'
L21	N 85°17'43" E	132.57'
L22	S 51°04'40" W	155.35'
L23	N 60°15'10" E	55.40'
L24	N 47°13'10" E	34.34'
L25	S 17°54'00" E	234.26'
L26	S 60°23'37" E	5.35'
L27	S 19°02'17" E	23.07'
L28	N 84°18'14" E	33.91'
L29	S 43°43'07" E	19.89'
L30	S 25°21'13" E	49.04'
L31	S 75°43'23" W	18.40'
L32	S 16°13'12" E	44.45'
L33	S 41°10'27" E	34.63'

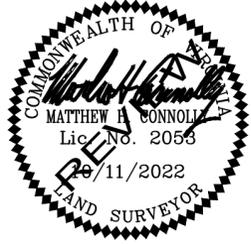
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	580.07'	362.09'	187.16'	356.24'	S 31°56'21" W	35°45'55"
C2	372.21'	532.42'	323.32'	488.18'	N 08°57'02" E	81°57'31"
C3	866.19'	300.91'	151.99'	299.40'	N 21°24'27" W	19°54'16"
C4	943.30'	187.99'	94.31'	187.68'	N 02°24'43" W	11°25'07"
C5	676.28'	323.34'	164.82'	320.27'	S 14°16'21" W	27°23'39"
C6	704.85'	261.84'	132.45'	260.34'	S 39°12'46" W	21°17'04"
C7	1488.11'	254.77'	127.70'	254.46'	S 88°17'40" E	9°48'34"
C8	660.15'	276.72'	140.42'	274.70'	N 81°07'15" E	24°01'02"

STATE OF VIRGINIA, JAMES CITY COUNTY

IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THIS _____ DAY OF _____, 2022. THIS PLAT WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS AT _____ INSTRUMENT # _____ TESTE _____

SUBDIVISION
OF
PARCEL ID: 0310100002
BEING PROPERTY LOCATED AT
STEWARTS ROAD & RACEFIELD DRIVE
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA
DATE: 10/11/2022 JOB # 22-296

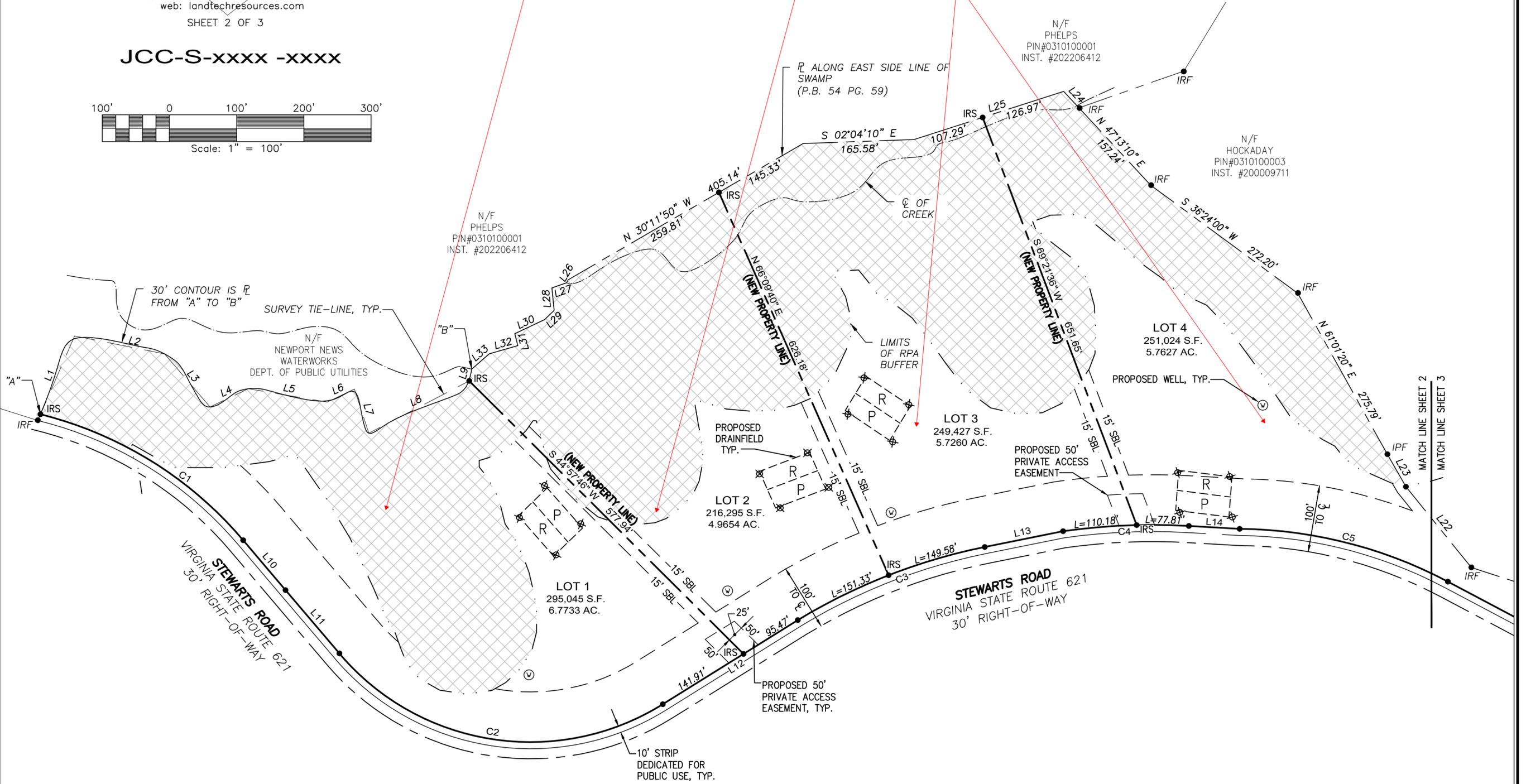
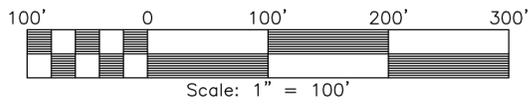


Currently Inside the AFD

LandTech
Resources, Inc.

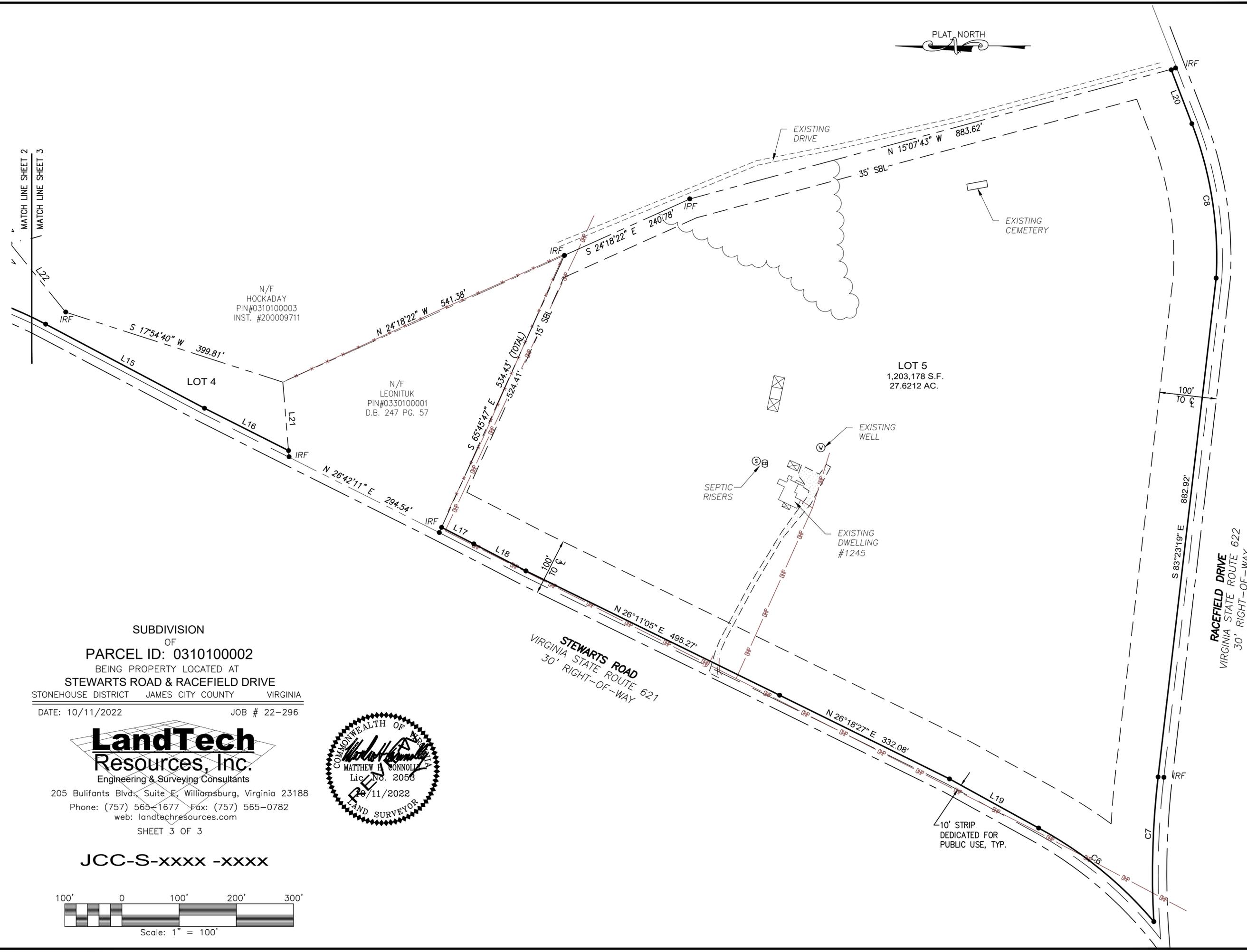
Engineering & Surveying Consultants
205 Bulfants Blvd., Suite E, Williamsburg, Virginia 23188
Phone: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com
SHEET 2 OF 3

JCC-S-xxxx -xxxx



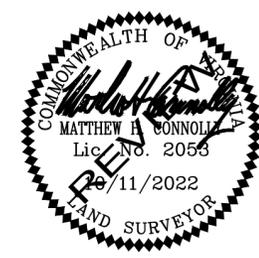


MATCH LINE SHEET 2
MATCH LINE SHEET 3

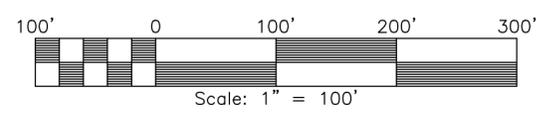


SUBDIVISION
OF
PARCEL ID: 0310100002
BEING PROPERTY LOCATED AT
STEWARTS ROAD & RACEFIELD DRIVE
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA
DATE: 10/11/2022 JOB # 22-296

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SHEET 3 OF 3



JCC-S-xxxx -xxxx



RACEFIELD DRIVE
VIRGINIA STATE ROUTE 622
30' RIGHT-OF-WAY

STEWARTS ROAD
VIRGINIA STATE ROUTE 621
30' RIGHT-OF-WAY

LOT 5
1,203,178 S.F.
27.6212 AC.

LOT 4

N/F
HOCKADAY
PIN#0310100003
INST. #200009711

N/F
LEONITUK
PIN#0330100001
D.B. 247 PG. 57

10' STRIP
DEDICATED FOR
PUBLIC USE, TYP.

EXISTING
DRIVE

EXISTING
CEMETERY

EXISTING
WELL

EXISTING
DWELLING
#1245

SEPTIC
RISERS

C7

C6

L19

N 26°18'27" E 332.08'

N 26°11'05" E 495.27'

N 26°42'11" E 294.54'

S 17°54'40" W 399.81'

N 24°18'22" W 541.38'

S 24°18'22" E 240.78'

N 15°07'43" W 883.62'

S 65°45'47" E 534.43' (TOTAL)
524.41'

N 26°11'05" E 495.27'

S 83°23'19" E 882.92'

80

100'
TO

ITEM SUMMARY

DATE: 2/1/2023

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - February 2023

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	1/23/2023 - 9:20 AM
Planning Commission	Holt, Paul	Approved	1/23/2023 - 9:21 AM
Publication Management	Pobiak, Amanda	Approved	1/23/2023 - 9:26 AM
Planning Commission	Holt, Paul	Approved	1/23/2023 - 9:31 AM

PLANNING DIRECTOR'S REPORT
February 2023

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:**
 - **January 10, 2023**
 - AFD-22-0015. 999 Jolly Pond Road Cranston's Pond AFD Addition (Approved 5-0)

 - SUP-22-0021. 8401 Hicks Island Road Tourist Home (Deferred to May 9, 2023)

 - SUP-22-0018. 5477 Mooretown Road Williamsburg Place Pavilion & Farley Center Additions (Approved 5-0)

 - Z-22-0003. 8005 and 8009 Hankins Industrial Park Road (Approved 5-0)



TRAFFIC ALERT
VirginiaDOT.org

RELEASE: IMMEDIATE

Jan. 12, 2023

CONTACT: Nina Ullrich, 757-979-0611

Nina.Ullrich@VDOT.Virginia.gov

Media Line: 757-956-3032

HamptonRoadsPublicInfo@VDOT.Virginia.gov

ROUTE 601 BRIDGE REPLACEMENT PROJECT UNDERWAY

New bridge to Hicks Island will be wider

JAMES CITY COUNTY– A Virginia Department of Transportation (VDOT) project to replace the bridge on Route 601 (Hicks Island Road) over Diascund Creek in James City County is now underway.

The existing one-lane, steel girder bridge near the intersection of Route 601 (Barnes Road) and Route 603 (Diascund Road) will be replaced with a new, wider one-lane bridge with an improved bridge approach. Construction began earlier this month.

Bryant Structures, Inc., headquartered in James City County, was awarded the \$3,397,506 construction contract.

Throughout the duration of construction, motorists can expect primarily daytime, single-lane closures on Route 601 in this area with flagging operations in place. Access will be maintained to all existing property entrances within this corridor.

Details about additional planned closures and detour information that may occur during the project can be found online at <https://www.virginiadot.org/projects/hampton-roads/route-601-over-diascund-creek.asp>. Construction is estimated to be complete in spring 2025. All construction work is dependent upon weather conditions.

Motorists are encouraged to visit www.511virginia.org, call 511, or download Virginia's free [511 mobile app](#), for current traffic and travel information. To learn about other VDOT Hampton Roads' projects, visit: <https://www.virginiadot.org/projects/hampton%20roads/default.asp>.



Photo Caption: This existing bridge on Route 601 (Hicks Island Road) over Diascund Creek is under construction.

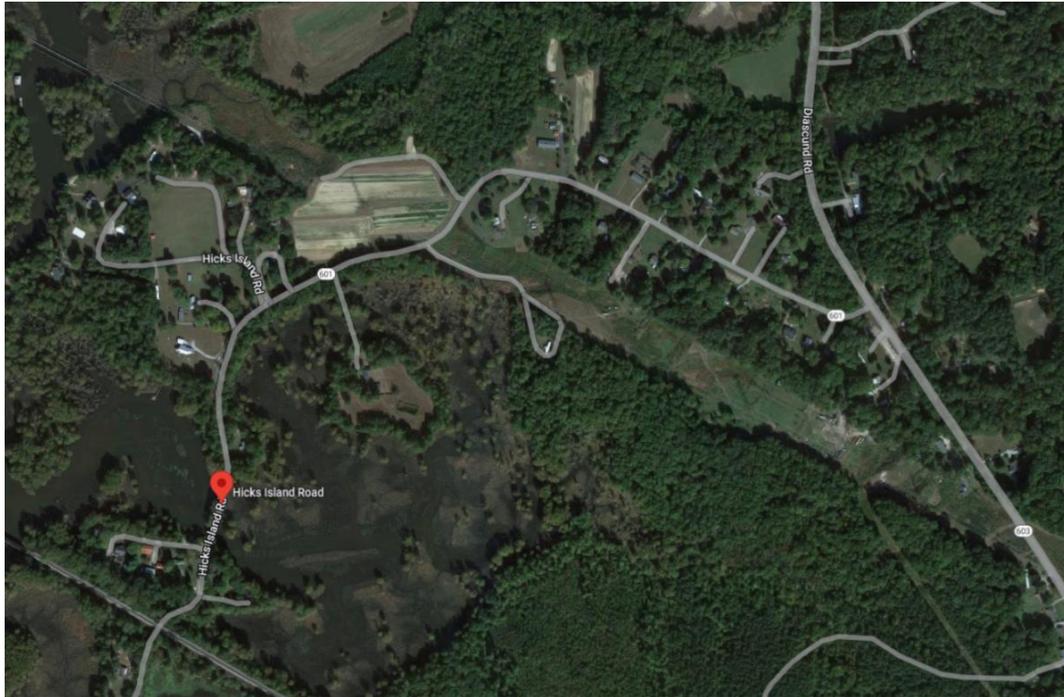


Photo Caption: The Route 601 (Hicks Island Road) bridge replacement project under construction is near the intersection of Route 601 (Barnes Road) and Route 603 (Diascund Road) in James City County.

[View as Webpage](#)

(END)



New Cases for February

Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Agricultural & Forestal District	AFD-22-0018	278 Ivy Hill Road Mill Creek AFD Addition	278 IVY HILL RD Toano, VA 23168	Powhatan	Addition of 256.85 Acres	John Risinger
Conceptual Plan	C-22-0087	800 Jolly Pond Road Tower	800 JOLLY POND RD Williamsburg, VA 23188	Powhatan	150' monopole by Milestone Towers inside a 27' x79' fenced compound with 10' driveway and 10' landscape buffer.	Terry Costello
	C-22-0088	Chickahominy Riverfront Park Boat Dry Storage	1350 JOHN TYLER HWY Williamsburg, VA 23188	Berkeley	Chickahominy Riverfront Park Boat Dry Storage.	Suzanne Yeats
	C-23-0001	Annual Borrow Pit Progress Report for SUP-18-0011 and SUP-18-0023 (2023)	700 BLOW FLATS RD 6030100003 Williamsburg, VA 23185	Roberts	Annual Borrow Pit Progress Report for SUP-18-0011 and SUP-18-0023 (2023).	Paxton Condon
Subdivision Plat	S-22-0038	4501 & 4545 The Foxes Boundary Line Adjustment	4501 THE FOXES Williamsburg, VA 23188	Jamestown	4501 & 4545 The Foxes Boundary Line Adjustment	José Ribeiro
	S-23-0001	Rochambeau Solar Easement Plat	7150 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Access, maintenance and Conservation Easement.	Josh Crump
Site Plan	SP-22-0108	5540 Olde Towne Road Olde Towne Pizza & Pasta Patio	5540 OLDE TOWNE RD Williamsburg, VA 23188	Jamestown	Proposed 12 X 18 paver patio.	Paxton Condon
	SP-22-0110	177 Industrial Boulevard. Fire Hydrant Addition	177 INDUSTRIAL BLVD Toano, VA 23168	Stonehouse	Site Plan for Fire Hydrant Addition - 177 Industrial Blvd. (Amendment to SP-0123-2001).	Taylor Orne
	SP-22-0111	4039 Ironbound Road - Cell Tower Antenna Site Plan Amendment.	4039 IRONBOUND RD Williamsburg, VA 23188	Jamestown	Remove (3) antennas and add (2) antennas, retain (6) antennas. Add (8) RRHs and remove (1). Add (4) diplexers, add (1) filter; add (1) OVP. Add (1) hybrid line and remove (6) lines of coax. The Height of the tower will not increase and no changes to leased compound area.	Ben Loppacker
	SP-22-0113	4460 Longhill Road Cell Tower Generator Addition	4460 LONGHILL RD Williamsburg, VA 23188	Powhatan	T-Mobile is proposing the installation of a backup diesel generator to support their existing equipment within the compound of the existing American Tower telecommunications facility.	Terry Costello
	SP-22-0114	5477 Mooretown Rd - Williamsburg Place Addition	5477 MOORETOWN RD Williamsburg, VA 23188	Powhatan	Site Plan for Williamsburg Place - Pavilion and Farley Center Additions.	Ben Loppacker
	SP-23-0001	9201 & 9225 Pocohontas Trail - GreaseOutlet	9201 POCAHONTAS TRL Williamsburg, VA 23185	Roberts	Site Plan for a solid waste processing and transfer station.	Suzanne Yeats
	SP-23-0002	WISC 757 Swim Pool Heater Site Plan Amendment	5720 WARHILL TRL Williamsburg, VA 23188	Powhatan	757 Swim outdoor gas fired pool heater.	Ben Loppacker
	SP-23-0115	Newport News Water Works Little Creek Reservoir Pump Station Rehabilitation Project Site Plan Amendment	7090 CHURCH LN Toano, VA 23168	Stonehouse	Pump replacement at the Little Creek Pump Station.	John Risinger

New Cases for February

Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Subdivision Construction Plan	SPLN-22-0012	Ford's Village Phases A & B	3889 NEWS RD Williamsburg, VA 23188	Jamestown	This project details Phases A & B of the subdivision to be known as Ford's Village. The project will include 117 lots for single-family housing, a pad site for a (future) continuing care retirement community building, a clubhouse, and other residential amenities. Moreover, this project includes roadway and parking space additions, stormwater management additions, and underground utility additions associated with the proposed development.	Thomas Wysong
Special Use Permit	SUP-22-0032	127 Shore Drive Short-Term Rental	127 SHORE DR Williamsburg, VA 23185	Roberts	Rental of one bedroom with attached bath.	Ben Loppacker
	SUP-22-0033	9804 Fire Tower Road Short Term Rental of Rooms	9804 FIRE TOWER RD Toano, VA 23168	Stonehouse	Short-Term rental of rooms.	Ben Loppacker
	SUP-23-0001	2886 Lake Powell Road Short Term Rental of Rooms	2886 LAKE POWELL RD Williamsburg, VA 23185	Roberts	Short-Term rental of rooms.	Terry Costello