

AGENDA
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 2, 2024
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 September, 4, 2024, Regular Meeting

F. PUBLIC HEARING(S)

1. SUP-24-0022. 4871 Longhill Road Williamsburg Montessori School
2. AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal
3. SUP-24-0021. Niceland Farm Event Venue and Tourist Home

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2024

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 4, 2024
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Christy Parrish, Zoning Administrator
Josh Crump, Principal Planner
Morgan Risinger, Senior Planner
Will Albiston, Community Development Assistant

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. Rodgers noted the Development Review Committee (DRC) met on August 21. He stated the DRC discussed two New Business items. Mr. Rodgers noted C-24-0023. 6945 was a conceptual plan review for a proposal to rezone properties located at 6945 and 6951 Pocahontas Trail. He stated the rezoning would change the properties from B-1, General Business, to MU, Mixed Use. Mr. Rodgers noted the location was the site of the current Fort Magruder Hotel and Conference Center. He stated the properties were designated MU on the Comprehensive Plan Land Use Map and located in the Routes 60/143/199 Interchanges MU designated area. Mr. Rodgers noted details included conversion of the hotel property into 135 apartments with a breakdown of 47 one-bedroom units, 46 two-bedroom units, and 42 three-bedroom units which equated to a density of 14.75 units per acre. He stated the applicant also proposed 80,000 square feet of commercial space. Mr. Rodgers referenced the Comprehensive Plan in relation to the proposal, adding the properties were located inside the Primary Service Area (PSA) with an approximate size of 9.15 acres. He noted the DRC heard comments from both the applicant and

the project's architects. Mr. Rodgers stated various proposal aspects were discussed including workforce housing, school impacts, and other factors. He noted the DRC favored the project as an adaptive reuse project, adding there were also substantial obstacles for consideration. Mr. Rodgers stated no motion was made as the project was currently not ready and no public hearings were scheduled.

Mr. Rodgers noted the second New Business item was C-24-0040. 3026 Forge Road Subdivision/R-6 Rezoning Conceptual Plan. He stated this case also involved a conceptual plan review for proposed rezoning at 3026 Forge Road. Mr. Rodgers noted the property was currently zoned A-1, General Agricultural, designated Low Density Residential (LDR) on the Comprehensive Plan Land Use Map, within the PSA, and approximately 50.83 acres. He stated Forge Road was a Community Character Corridor (CCC) with a small portion of this property within the Toano Community Character Area. Mr. Rodgers noted the applicant's proposal for rezoning the property to R-6, LDR, was with the intent of creating a five-lot agricultural subdivision for preservation of existing farmland on the property. He provided additional details from staff regarding lot size and allowances with A-1, General Agricultural and R-6, LDR. Mr. Rodgers noted the DRC discussed the mandatory minimum lot differences between the two zoning districts, if this rezoning could set a precedent elsewhere in the County, and ownership and maintenance responsibilities for any shared driveway which could be a subdivision requirement. He noted a potential petition regarding rezoning to subdivide the property into 50 lots which was also consistent with the Comprehensive Plan's density recommendations regarding one unit per acre in LDR areas. Mr. Rodgers cited the DRC's concern regarding this scenario versus a denser proposal with the R-6 rezoning. He noted staff's response was the submittal of a master plan was required for approval along with the rezoning. Mr. Rodgers provided details on the applicant's agreement to the five-lot layout and other details of the master plan. He noted the DRC questioned staff if neighboring properties were similar in size and designation for consideration of a similar project and if staff's assessment would be the same as the current application being considered. Mr. Rodgers stated staff was unaware of other such properties within the PSA and designated LDR on the Comprehensive Plan Land Use Map. He noted the DRC's general support, but no motion was made as the proposal was still in discussion stage and no public hearings were scheduled.

Mr. O'Connor thanked Mr. Rodgers for the DRC report. He noted that he had asked Mr. Haldeman to recap the Policy Committee report as the Planning Commission considered the Ordinance rewrite.

Mr. Haldeman noted the Policy Committee met on July 11, 2024, and had no August meeting. He stated the Policy Committee had been directed by the Board of Supervisors to implement Comprehensive Plan Land Use Goals, Strategies, and Actions (GSA) 6.3 by amending the Zoning Ordinance with the creation of an Overlay District to protect and preserve scenic roadways. Mr. Haldeman noted parcels included in the Overlay District would be over 40 acres and outside the PSA with frontage on Forge Road, Diascund Road, and North Riverside Drive. He stated staff had prepared maps of the affected areas and created a draft Ordinance addressing tiered setbacks. Mr. Haldeman noted the tiered setbacks of up to 400 feet applied to unimproved parcels that would be rezoned to the Overlay District. He stated the lots with a depth greater than 300 feet and up to and including 500 feet would be required to have a 200-foot setback while lots with depths greater than 500 feet would have a 400-foot setback with the tiered approach. Mr. Haldeman stated that lots with a 300-foot depth or less as well as flag lots would continue to have setbacks determined by the underlying zoning district. He noted after discussion regarding the draft Ordinance and a study of the maps, the Committee deemed there was limited benefit of the Ordinance was not worth the significant negative impact to the selected property holders. Mr. Haldeman stated the entire Committee voted unanimously for recommendation to the entire Planning Commission to recommend denial to the Board of Supervisors. He noted the enhanced buffering for four Wooded CCCs which had been unanimously recommended to the Policy Committee at its November 10, 2022, meeting, would advance to the Planning Commission for consideration.

Mr. O'Connor inquired if any Commission members had questions. As there were none, Mr. O'Connor moved to the next item, the Consent Agenda.

E. CONSENT AGENDA

1. Minutes of the August 7, 2024, Regular Meeting

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

On a voice vote, the Commission approved the Consent Agenda with Dr. Allman voting absent as she was not at the August meeting. (6-0-1)

F. PUBLIC HEARING(S)

1. ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

Mr. O'Connor asked the Commission prior to the presentation if one vote or two votes was preferred for this case.

Mr. Polster responded two votes with one for the Wooded CCCs and one for Forge Road.

The Commission concurred with Mr. Polster's suggestion of two votes.

Ms. Morgan Risinger, Senior Planner, addressed the Commission referencing the October 2021 adoption of the 2045 James City County Comprehensive Plan and details pertaining to the Plan's Land Use (LU) Chapter. Ms. Risinger noted LU 6.3 addressed preservation of scenic roadways such as Forge Road and other factors as well as consideration of 400-foot setbacks along CCCs outside the PSA. Ms. Risinger provided additional history on the Initiating Resolution and the Board of Supervisors' consideration of the creation of an Overlay District. She noted the Overlay District creation would apply setback regulations to parcels of at least 40 acres in size and located outside the PSA along Forge Road, North Riverside Drive, and Diascund Road from Forge Road to the CSX railroad. Ms. Risinger stated the Board directed staff to prepare amendments to the Zoning Ordinance in relation to the Overlay District creation in May 2024. She provided details on the tiered setback approach which specified unimproved parcels with depths greater than 500 feet would have a setback requirement of 400 feet, unimproved parcels with a depth greater than 300 feet and up to 500 feet would have a setback requirement of 200 feet, and unimproved parcels with a depth less than 300 feet or approval as a flag lot would continue to have a 75-foot setback per the A-1 Zoning District criteria. Ms. Risinger noted the Policy Committee at its July 11, 2024, meeting recommended the full Planning Commission recommend denial of the Ordinance to the Board with a 4-0 vote. Ms. Risinger referenced flag lots as consideration regarding suggested changes to the proposed Section 24-567(b) of the County Code as it pertained to Section 19-41 of the Subdivision Ordinance. She provided additional details to this point. Ms. Risinger noted staff had prepared a draft Rezoning Ordinance which specified the 22 parcels identified by the Board and as shown on the accompanying map in the Agenda Packet. She stated the parcels were zoned A-1, General Agricultural, designated Rural Lands, and outside the PSA. Ms. Risinger noted if approved, these parcels would still retain the A-1 zoning, but be governed by the Overlay District in terms of setback requirements.

Ms. Risinger noted staff had prepared draft Ordinance language regarding additional landscape buffering and timber setback requirements along Wooded CCCs outside the PSA. She noted a 100-foot average buffer width for commercial development, a 200-foot width for major

subdivisions, and a timbering setback of 50 feet was included in the language. Ms. Risinger noted staff found the proposed Ordinances (proposed Overlay District with language to Section 24-567(b), rezoning of the 22 identified parcels, and approval of the timber setback and buffering along Wooded CCCs) fulfilled the intent of the Board's Initiating Resolution and recommended the Planning Commission's approval recommendation to the Board of Supervisors.

Mr. Haldeman noted the Wooded CCCs had newly proposed 100-200-foot buffering requirements outside the PSA. He questioned if 200 feet was acceptable along John Tyler Highway, why was 400 feet required for Forge Road.

Ms. Risinger noted the difference was based on a structural setback where a building could be constructed versus landscape buffer requirements. She stated the landscape buffer addressed preservation of existing vegetation and if necessary, the location of additional landscape buffering. Ms. Risinger referenced additional points to Mr. Haldeman's question.

Mr. Polster noted the scenic road discussion had been ongoing for the past three years. He stated the discussions between the Policy Committee, the Planning Commission, and the Board of Supervisors had only focused on Forge Road and the Overlay District. Mr. Polster noted this latest draft language included 10 lots on Diascund Road and North Riverside Drive. He questioned the rationale for the 10-lot inclusion in this Ordinance.

Ms. Risinger noted the previous application focused on the established category of Open Agricultural CCC outside the PSA which only included Forge Road for that particular section. She stated the overlay approach allowed for expansion of the area with those 10 parcels included. Ms. Risinger replied that based on discussion some of those particular characteristics were noted in the areas of Diascund Road and North Riverside Drive. She noted inclusion also allowed greater protection for that part of the County.

Mr. Polster expressed his surprise, adding neither of those roads had been mentioned as scenic or rural during Comprehensive Plan discussions. He added that no mention of agricultural or wooded had been noted either. Mr. Polster questioned the rationale regarding the 10 parcels which had never been considered previously.

Mr. O'Connor opened the Public Hearing.

Mr. Michael Sim, 8000 Diascund Road, addressed the Commission noting he was a successor property owner under the Purchase of Development Rights program. He noted his contract stipulated he could not build any closer than 630 feet from the center line of Diascund Road. Mr. Sim noted his contract contained a buyout provision and he questioned the effect of the proposed Ordinance on his property value. He stated he had a contract with the County and would like answers on the value impact.

Ms. Patricia Hunter, 5801 Maple Green Circle, Richmond, VA, addressed the Commission noting she was a descendant of the Cowles family. She stated her family had three parcels which would be impacted by this action. Ms. Hunter noted specifics to her family's stewardship of the land. She questioned potential compensation for the 400 feet of land, and what, if any, advantages were obtained with the setbacks. Ms. Hunter noted excessive fencing, equipment and housing along the road, and no scenic view along Diascund Road. She stated negative points included no gathering place, no ecosystem, and no increased fiscal or human value. Ms. Hunter questioned if a traffic survey had been completed and if the number warranted the forfeiture of the landowners' property.

Ms. Harriet Meader, P.O. Box 138, Goochland, VA, addressed the Commission noting she was also a member of the Cowles family. She noted the Cowles family had owned the land for over 400 years and the scenic overlay would adversely affect the family as landowners. Ms. Meader

stressed the importance of equity highlighting two-acre parcels could be cluttered while the setback would adhere to the 40 acres. She noted the family had no development plans, adding these restrictions seemed very unfair. Ms. Meader echoed Ms. Hunter's comments regarding the lack of scenic views along Diascund Road and even parts of Forge Road. She addressed the family's consideration of placing some property into an easement conservation, but added the value of the land was a factor in that consideration with the proposed setback and land reduction. Ms. Meader stated additional points in more detail.

Mr. Greg Findlay, 3408 North Riverside Drive, addressed the Commission identifying himself as the property owner of one of the 20 properties listed on the proposed amendment. He noted only 10 properties should be highlighted as the remaining 10 properties either already had structures built on them or they had narrow stems that reached to the road. Mr. Findlay expressed his opposition to the amendment. He noted he traveled the three roads and used a range finder to count the number of properties within the 400 feet. Mr. Findlay stated Forge Road had approximately 50% of the properties less than 400 feet from the road in addition to four lots for potential building. He noted 58 of 60 homes or 96% on Diascund Road were in very close proximity to the road. Mr. Findlay commented the appearance of the road already seemed established with that percentage of homes on the road's edge. He noted on North Riverside Drive, from Diascund Drive to Otey Drive, 20 of 26 homes were less than 400 feet from the road. Mr. Findlay stated that number represented over 75% of the properties. He addressed the vacant lots across from his property which would be developed in the future, adding those homes could be built on the road while his property required a 400-foot setback. Mr. Findlay noted the majority of the homes on the discussed roads were less than 400 feet and he felt his property was unfairly restricted with the 400-foot setback requirement from the current 75-foot setback. He addressed additional points in more detail including compensation for the impact to affected property owners. Mr. Findlay reiterated his opposition to the amendment.

Mr. Steve Massie, 2406 Forge Road, addressed the Commission noting he owned one of the flag properties. He stated the amendment addressed issues with his property regarding the setback, but added that overall, he was against the concept. Mr. Massie noted the uniqueness of Forge Road and stipulations to roadside vegetable stands if the amendment was implemented. He expressed his appreciation to the Commissioners for their responsiveness to his calls, but added he was not in favor of the amendment.

Mr. Henry Branscome, 3298 North Riverside Drive, addressed the Commission noting he concurred with his neighbors' stance against the amendment. He stated that he felt the amendment affected property values. Mr. Branscome addressed several other points.

Mr. O'Connor closed the Public Hearing as there were no additional speakers. He looked to the Commissioners for discussion.

Mr. Maye disclosed he had spoken with Mr. Massie via telephone the previous week.

Mr. Everson disclosed he had also spoken with Mr. Massie previously.

Mr. Polster disclosed he had also spoken with Mr. Massie previously.

Mr. O'Connor noted while Mr. Massie was not the applicant, he was appreciative of the disclosure notifications.

Mr. Maye thanked staff for all its work. He noted the Agenda Packet was informative and very easy to navigate.

Mr. Haldeman echoed Mr. Maye's comments on the Agenda Packet material on this amendment for various committee and commission meetings.

Mr. Maye commented on the value of the scenic view and preservation of the rural nature. He stated he felt landowners had already experienced negative impact with the 20-lot subdivision criteria. Mr. Maye noted this amendment would create additional burden on the landowners without compensation. He added compensation could potentially be diminished regarding land value and the land use. Mr. Maye expressed concern about taking land from the owners.

Mr. Polster noted a three-year struggle had ensued over this proposed amendment. He addressed the unintended consequences of the various scenarios on the different Ordinances. Mr. Polster noted the large- and small-scale impacts. He acknowledged the good stewards of the land and spoke to that point in detail regarding the Cowles' property. Mr. Polster stated this proposed amendment really had no impact to Forge Road itself in terms of the properties which would be affected with this change. He noted he was not in support citing that point as well as the addition of the other two roads.

Mr. Haldeman noted he voted against this proposed amendment at the Policy Committee's July 11, 2024, Regular Meeting. He stated his vote was based primarily on the 400-foot setback. Mr. Haldeman cited the County's Comprehensive Plan and its designation regarding the A-1, General Agricultural District, adding residential development was specifically discouraged in that district. He stated 400 feet was unnecessary in addition to the use of 40-acre parcel versus the 20-acre parcel for consistency. Mr. Haldeman noted he could support a setback less than 400 feet that was also applicable to smaller parcels. He stated, however, as the proposed amendment currently stood, he would again vote against it.

Mr. Rodgers echoed similar comments regarding the 400-foot setback and the view. He noted he could not support the proposed amendment in its current version.

Mr. Everson noted he was not in support. He stated he visited the area and questioned how much more property would owners have to give up in reference to land changes.

Dr. Allman noted she was part of the Policy Committee's review of this proposal, adding she was not in favor then and still was not in support. She commented that the objectives were not aligned with the solution as presented. Dr. Allman stated an Overlay District presented many exclusions. She noted she did not envision a dramatic impact to the scenic quality of the road with the proposal. Dr. Allman stated the negative impact to the affected properties was also a consideration.

Mr. Polster asked how the voting would be divided.

Mr. O'Connor noted he was unsure. He expressed his appreciation for the Commissioners' input, adding this subject was an important community discussion. Mr. O'Connor addressed the importance of rural lands and understanding what comprises rural lands within the community. He cited Anderson's Corner as being viewed as rural land, but development was inevitable. Mr. O'Connor noted the struggle to find the right balance with rural land preservation and development. He noted he had not approved the 2045 Comprehensive Plan because he felt there was insufficient preservation evident for the larger stakeholders along Forge Road. Mr. O'Connor stated the importance of the preservation issue, adding he would not support the proposed amendment. He noted inequity and a number of competing pieces impacted his decision.

Ms. Istenes noted four Ordinances were attachments to the proposed amendment. She welcomed the Planning Commission's input as well as Ms. Risinger's on the voting piece. Ms. Istenes noted the four Ordinances were combined and included one for the Overlay District which determined the setbacks, and a Rezoning Ordinance which identified the properties affected by the Overlay District application. She stated the second set addressed the Timber Setback and Landscape Ordinance, and the Subdivision Buffering Ordinance. Ms. Istenes asked

if two votes would be taken which included two Ordinances each.

Ms. Risinger noted two motions could be done with one addressing the Overlay District and a second one for the other items related to buffering and timber setbacks.

Mr. Polster made a motion that the Planning Commission not recommend approval to the Board of Supervisors on the approval of ORD-22-0001/Z-24-0008 as it applied to the Forge Road Scenic Roadway Protection.

Mr. O'Connor asked if there would be a motion to deny.

Mr. Polster confirmed yes.

Mr. O'Connor stated there was a motion to deny on the overlay and rezoning. He noted a yes vote was affirmation of the denial.

On a roll call vote, the Commission voted to recommend denial. (7-0)

Mr. Polster made a motion that the Planning Commission recommend approval to the Board of Supervisors on the approval of ORD-22-0001 as it applied to the timber setback.

Mr. O'Connor asked if that motion included the subdivision setback.

Mr. Polster confirmed yes.

Mr. O'Connor stated there was a motion to approve ORD-22-0001 for the timber setback and the subdivision buffering.

On a roll call vote, the Commission voted to recommend approval. (6-1)

Mr. Polster thanked the meeting attendees for their feedback. He stated this case would go before the Board of Supervisors to be discussed again.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2024

Ms. Istenes stated that she did not have any additional information.

Mr. Everson asked if there was an upcoming Policy Committee meeting.

Ms. Istenes confirmed no.

Mr. Rodgers asked if a DRC meeting was upcoming.

Mr. Crump responded no.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor noted Mr. Everson had duty for the September Board of Supervisors meeting. He noted Mr. Maye had duty for the October Board of Supervisors meeting. He asked the Planning Commission if there was additional discussion or any questions.

J. ADJOURNMENT

Mr. Rodgers made a motion to adjourn.

The meeting was adjourned at approximately 6:58 p.m.

Susan Istenes, Secretary

Tim O'Connor, Chair

SPECIAL USE PERMIT-24-0022. 4871 Longhill Road, Williamsburg Montessori School
Staff Report for the October 2, 2024, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Ms. Sandy Andrews of Williamsburg Montessori School

Landowner: Wellspring United Methodist Church

Proposal: To allow for a school within an existing place of public assembly (house of worship) for a maximum of 25 children.

Location: 4871 Longhill Road

Tax Map/Parcel No.: 3240100031

Property Acreage: ± 5.94 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: October 2, 2024, 6:00 p.m.

Board of Supervisors: November 13, 2024, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. There is adequate off-street parking provided.
2. Staff finds the proposal to be compatible with the surrounding zoning and development.
3. Impacts: See Impact Analysis on Pages 4-5.
4. See Comprehensive Plan Analysis on Page 6.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.
2. See Comprehensive Plan Analysis on Page 6.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

Ms. Sandy Andrews of Williamsburg Montessori School has applied for a Special Use Permit (SUP) to allow for a school within an existing place of public assembly (house of worship). An SUP is required for schools in the R-2 Zoning District.

The school will have a maximum of 25 children, grades 7 and 8. The current middle school population at the school's current address is 10 students. However, the request is to allow up to 25 students. Along with the students, there will be two full-time teachers and two part-time teachers. One part-time teacher will work mornings, four days

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per week, and the second will work one day per week. There will also be occasional visits by a school administrator.

The school year begins the last week of August and ends mid-June. The school instructional hours are from 8:15 a.m.-3:30 p.m., with drop-off times from 7:45-8:15 a.m., and pick-up times from 3:30-3:45 p.m. There will be no extracurricular activities or after school care at the site. All physical education activities will take place off site. There may be the occasional classroom or lunchtime activity outside. These areas are noted on the Master Plan. During the summer months, it is anticipated that the facility will be vacant except for the occasional staff member in preparation for the new school year.

During the summer months, the school may operate a summer program for elementary school-aged children. These programs are typically recreational/education themed programs, occur for 6-8 weeks, with the hours of 8 a.m.-5 p.m. Last year this program was held June 17 through August 2. There will be a 20-student maximum capacity.

The current size of the church is approximately 7,647 square feet. The site currently has a mixture of paved and gravel parking spaces for a total of 105 parking spaces. The entrance to the site is paved and leads to the side driveway towards the back of the building that will be utilized as a drop-off and pick-up point. Most parents will utilize this feature. Some of the students (approximately three to five students) will be bussed from the school's main campus on Longhill Road. (The bus is a 20-passenger vehicle.)

There are church staff and small groups that meet during the day when the school is in session. The numbers are less than 10 individuals at any one time. Meetings with a higher number of attendees (larger than 10) occur either in the evening after 6 p.m. or on the weekends.

Due to the nature of the activities on-site and the time they occur, staff believes there is adequate parking for the staff and parents.

PLANNING AND ZONING HISTORY

- The original site plan for the Wellspring United Methodist Church of approximately 3,969 square feet was approved by the Planning Division in May 1981 before an SUP was required. The James City County Zoning Ordinance was amended in May 1999 to require an SUP for houses of worship (places of public assembly) on R-2 zoned property.
- An SUP (SUP-0019-2000) was approved in October 2000 for a kitchen and classroom expansion of approximately 3,745 square feet.
- An SUP (SUP-0018-2002) was approved in October 2002 for an adult daycare. The daycare is currently not operating.

SURROUNDING ZONING AND DEVELOPMENT

- The following table lists the information on the adjacent parcels:

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	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	LB, Limited Business and R-2, General Residential	Olde Towne Shopping Center and Windsor Forest Subdivision	Neighborhood Commercial and Low Density Residential
SOUTH	R-2, General Residential	Place of Public Assembly - King of Glory Church	Low Density Residential
EAST	R-2, General Residential	Williamsburg Plantation	Low Density Residential
WEST	R-2, General Residential and R-4, Residential Planned Community	Windsor Forest Subdivision and Ford's Colony Subdivision	Low Density Residential

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- The proposed use is not anticipated to exceed 100 peak hour trips. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, approximately 19 morning peak hour trips will be generated and approximately nine afternoon peak hour trips will be generated. These numbers do not reflect any bussing of the students. The majority of the morning traffic from the school use will not coincide with most users currently on the property. The afternoon traffic generated will be minimal. - The subject property is located on a minor arterial road. Staff believes that the road is adequate for this use. - No changes are anticipated to the Level of Service (LOS) on Longhill Road. According to the Comprehensive Plan, the LOS is at Level A-C, and projects it to remain the same in 2045.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 4 on Olde Towne Road serves this area of the County and is less than one mile from the property. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<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.

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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>	- The property is served by public water and private sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Powhatan Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements will be subject to site plan approval and additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- The subject property is located near residential and other uses. - The proposal includes no new associated development. Future expansions of the use will require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Longhill Road is designated as a Community Character Corridor and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- There are no covenants associated with the property.

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Staff Report for the October 2, 2024, Planning Commission Public Hearing

COMPREHENSIVE PLAN

The site is designated Low Density Residential on the Comprehensive Plan Land Use Map. Properties to the north, south, east, and west are designated Low Density Residential. Neighborhood Commercial is located north of the site on the corner of Longhill Road and Olde Towne Road. For Low Density Residential, appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Other uses including schools, places of public assembly, very limited commercial, and community-oriented facilities may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area.

Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the building or property are proposed.

- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses.

Traffic is anticipated to be typical of a community facility, and the traffic generated in the morning for the school should not coincide with most users that are currently on the property. The traffic in the afternoon would be minimal. Approximately 19 morning peak hour trips are anticipated, with approximately nine afternoon peak hour trips (ITE Trip Generation Manual). Outdoor activities will be minimal because physical education will occur off-site. The subject property must adhere to the County's Noise Ordinance, and there is no new lighting proposed. Signage will be used for directional purposes only.

- Generally, be located on collector or arterial roads at intersections.

This property is located on, and is accessed from, Longhill Road. The Virginia Department of Transportation classifies Longhill Road as a minor arterial road.

- Provide adequate screening and buffering to protect the character of nearby residential areas.

Staff finds that existing vegetation provides adequate screening of the property from adjacent properties. There are 50-foot vegetated buffers on both sides of the property and a large buffer at the rear. The building is approximately 300 feet from the right-of-way.

STAFF RECOMMENDATION

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. Staff finds the proposal consistent with the Zoning Ordinance and Comprehensive Plan. Staff recommends approval of this application, subject to the attached proposed conditions.

TC/ap
SUP24-22_4871Lnghll

Attachments:

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

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

PROPOSED CONDITIONS FOR CASE NO. SUP-24-0022. 4871 LONGHILL ROAD,

WILLIAMSBURG MONTESSORI SCHOOL

1. Master Plan. This Special Use Permit (“SUP”) shall permit a school on property located at 4871 Longhill Road and further identified as James City County Real Estate Tax Map Parcel No. 3240100031 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “SUP-24-0022, 4871 Longhill Road, Williamsburg Montessori School” and date stamped September 4, 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Location. The school shall be operated within the existing place of public assembly on the Property. Outdoor activities shall be limited to the areas shown on the Master Plan.
3. Hours of Operation. The school (including the summer programs) shall be limited to hours of operation, which include drop-off and pick-up times from 7:30 a.m.-5:30 p.m., Monday through Friday.
4. Enrollments. Enrollment of the school shall be limited to 25 children. On or before July 1 of each year, school enrollment data for the previous calendar year and projected enrollment for the upcoming calendar year shall be provided to the Zoning Administrator, or designee. The enrollment numbers shall include the total number of children enrolled and the number of staff employed.
5. Commencement of Use. The school shall be in operation within 18 months from the date of approval of this SUP, or this SUP shall automatically be void.
6. Discontinuance of Use. Should the use permitted by this SUP be discontinued for a period of one year, the SUP shall become void.
7. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

SUP-24-0022 4871 Longhill Road Williamsburg Montessori School SUP



SUP-24-0022, 4871 Longhill Road, Williamsburg Montessori School



Property Information

Tax Map ID: 3240100031
Wellspring United Methodist Church
4871 Longhill Road
Williamsburg, VA 23188
Zoning: R-2, General Residential
2045 Comp Plan: Low Density Residential
Legal Acreage: 5.94 acres

General Notes

- 1. Site is served by public water and private sewer.
- 2. Property is not located in a FEMA Flood Zone.
- 3. A portion of the property appears to be located in the Resource Protection Area.
- 4. Property has an existing entrance.
- 5. There are 105 parking spaces available on the property.

Sheet Index

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



Adjacent Properties

3241200001A Windsor Forest Assn P O Box 5602 Williamsburg, VA 23187-5602 R-2, General Residential	3232100004 R. Michael & Patrice A. Faubion PO Box 3583 Williamsburg, VA 23187-3583 R-2, General Residential
3241200009 Michael F. & Angela Leruth 112 Prentis Place Williamsburg, VA 23188-1583 R-2, General Residential	3232100005 Robert P. Jr. & Wanda L. Daniels 109 Windsor Way Williamsburg, VA 23188-1578 R-2 General Residential
3241200008 Alvene P. Conyers 108 Prentis Place Williamsburg, VA 23188-1583 R-2, General Residential	3240100033 King of Glory Lutheran 4897 Longhill Road Williamsburg, VA 23188-1572 R-2, General Residential
3841200007 Janis C. MacQuestion 104 Prentis Place Williamsburg, VA 23188-1583 R-2, General Residential	3240100026C Vacation Village at Williamsburg 4870 Longhill Road Williamsburg, VA 23188-1571 R-2, General Residential
3841200005 Stephen A. & Betsy P. McCormick 113 Wetherburn Lane Williamsburg, VA 23188-1582 R-2, General Residential	3232600004 Jesse D. Ranney & Elaine L. Horn-Ranney 112 Wetherburn Lane Williamsburg, VA 23188-1582 R-2, General Residential

September 5, 2024

SUP-24-0022 4871 Longhill Road Williamsburg Montessori School SUP



SUP-24-0022, 4871 Longhill Road, Williamsburg Montessori School SUP



Williamsburg Montessori School SUP Request
Wellspring United Methodist Church 4871 Longhill Road
Williamsburg, VA

Overview:

The Williamsburg Montessori School (WMS) is proposing to lease classroom space at Wellspring United Methodist Church located at 4871 Longhill Road for our middle school classes beginning January 1, 2025, for an initial two-year lease.

WMS currently holds classes for middle school (grades 7 and 8) at a leased property in the City of Williamsburg at 800 Richmond Road. We have been at this location for almost 10 years but have decided that as part of a wider classroom rearrangement we want to move the middle school to a less expensive location. Our current middle school student population at the Richmond Rd campus is 10, with our projected headcount over the next three school years being 10, 12, and 12. (Please note that private school headcount is a rather difficult thing to predict with accuracy.) To provide for growth we are asking for permission to house up to 25 students between the ages of 9 and 14 years old.

Along with our students there would be two full-time teachers, one part-time teacher in the mornings four days per week, and another part-time teacher for a couple hours one day per week. There would also be occasional visits from one of our administrators for an hour or two several days per week. Each of these adults would drive to the location. Monday through Friday, staff would utilize 2 or 3 parking spaces, with occasional visits bringing the total to 4 or 5 parking spaces for an hour or two. The remaining parking spaces would be available for visitors and business of the church.

Our school is in session from the last week of August through (roughly) June 10th, with the hours of operation being 7:55am – 3:45pm Monday through Friday. There would be no extracurricular programs or after care offered at this location outside of normal operating hours. During the summer months we will not hold normal classes but may run a daytime summer program for school-aged children. There will also be occasional staff visits to prepare for the next school year.

We anticipate no interior renovations will be necessary to prepare for the middle school. We do not expect to make any exterior alterations to the building other than installing signage with the church's Board of Trustees permission. Several picnic tables will be set up behind the building in the backyard for lunch and outdoor work areas.

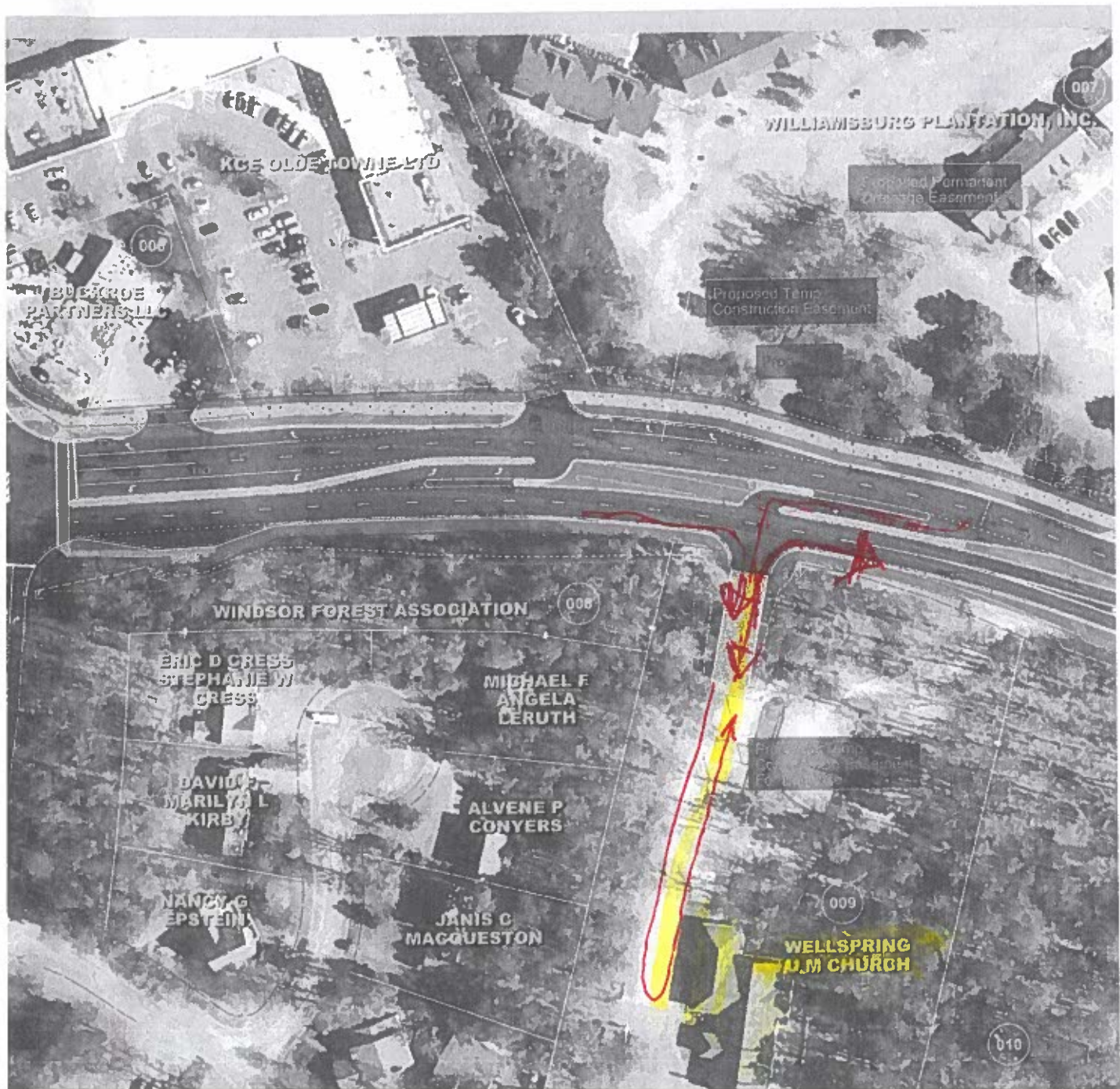
Middle school students are dropped off between 7:50am and 8:00am. Pickup in the afternoon is between 3:30pm and 3:45pm. We expect traffic count to be roughly 6-8 cars at both these times. The activity bus will help reduce the number of vehicles during drop off and pick by transporting several students from our Longhill Rd campus. The morning drop-off time and afternoon pickup time is during non-business hours for the church. Cars and the bus would utilize the side driveway towards the back of the building to drop off and pick up. Cars would

enter and exit using the designated lanes on Longhill Road. (See attached) We expect little or no impact on parking or traffic flow. Our bus would occasionally pick up and drop off the students when they attend an off-campus activity. We anticipate this will occur two or three times per week.

Conclusion:

Williamsburg Montessori School has been nourishing young minds for 42 years. We are making several classroom changes to improve our presentation to our students, and this move is one part of the improvement. We are excited about the potential opportunities this change will bring to our school, our students, and the community around us. Thank you for your consideration of our plan.

The Williamsburg Montessori School serves children from toddlers to middle school. It is dedicated to partnering with parents to foster each child's academic, physical, social, and emotional growth by embracing the educational and developmental philosophy of Dr. Maria Montessori. WMS provides a warm and welcoming environment and is dedicated to supporting children as they grow to actualize their full potential by becoming competent, self-motivated, ethically aware citizens who are prepared for life-long learning and meaningful participation in a rapidly changing society.



**AGRICULTURAL AND FORESTAL DISTRICT-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. David Nice

Landowner: Niceland Farm, LLC

Proposal: Withdrawal of ± 14.81 acres from the Barnes Swamp Agricultural and Forestal District (AFD).

Location: 9812 Old Stage Road

Tax Map/Parcel No.: 0420100008

Project Acreage: ± 14.81 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

AFD Advisory Committee: July 18, 2024, 4:00 p.m.

Planning Commission: October 2, 2024, 6:00 p.m.

Board of Supervisors: November 13, 2024, 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.

SUMMARY 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 outside of the renewal period for the Barnes Swamp AFD. 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 the Planning Commission recommend denial of this request to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 18, 2024, meeting, the AFD Advisory Committee voted 8-1 to recommend approval of the withdrawal request to the Planning Commission and the Board of Supervisors.

CHANGES SINCE THE AFD ADVISORY COMMITTEE MEETING

Following the July 18, 2024, AFD Advisory Committee meeting, a minor adjustment was made to the boundaries of the AFD withdrawal area to be fully consistent with the area of the proposed event venue as depicted in the proposed Master Plan (Attachment No. 6). As a result, the total land area to be withdrawn is approximately 14.81 acres

**AGRICULTURAL AND FORESTAL DISTRICT-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

in size which is a reduction from the initial request to withdraw approximately 15 acres.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling $\pm$ 1,905 acres.
- 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 1,958.77 acres.

WITHDRAWAL REQUESTS/WITHDRAWAL ANALYSIS

Mr. David Nice submitted a request to withdraw approximately 15 acres of the 188.68-acre parcel from the AFD. The requested withdrawal is to allow for the issuance of a Special Use Permit (SUP) for the operation of an event venue as detailed in Case No. SUP-24-0021. Pursuant to the review of the SUP materials, the total area of the withdrawal request has been adjusted to 14.81 acres as depicted on the Master Plan (Attachment No. 6).

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. Therefore, staff finds that the proposed use of the property does not meet this criteria. 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 use does not meet this criteria.

- 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. This proposal also leaves the remaining $\pm$ 173.87 acres within the Barnes Swamp AFD. Additionally, the portion of the property requesting to be removed includes existing buildings which would be used as part of the proposed event venue.

- 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 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. Staff finds that the proposed use could be compatible provided that appropriate conditions are in place.

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-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

SURROUNDING ZONING AND DEVELOPMENT

Most surrounding properties are zoned A-1, General Agricultural, and designated Rural Lands on the Comprehensive Plan Land Use Map. The property is bordered to the north by New Kent County. Existing land uses on adjacent properties include single-family residences and undeveloped forested land.

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the United States Department of Agriculture's Natural Resources Conservation Service Web Soil Survey) as follows:

ASSET	PRESENCE	IMPACT
Habitat Core	None present on site	Not Applicable
Corridors	None present on site	Not Applicable
Agricultural Assets	Present on site	± 13.55 acres or 91.5% of the site is designated prime farmland. The remaining 173.87 acres of the property, including ± 137.55 acres designated as prime farmland, will remain in the Barnes Swamp AFD.

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 outside of

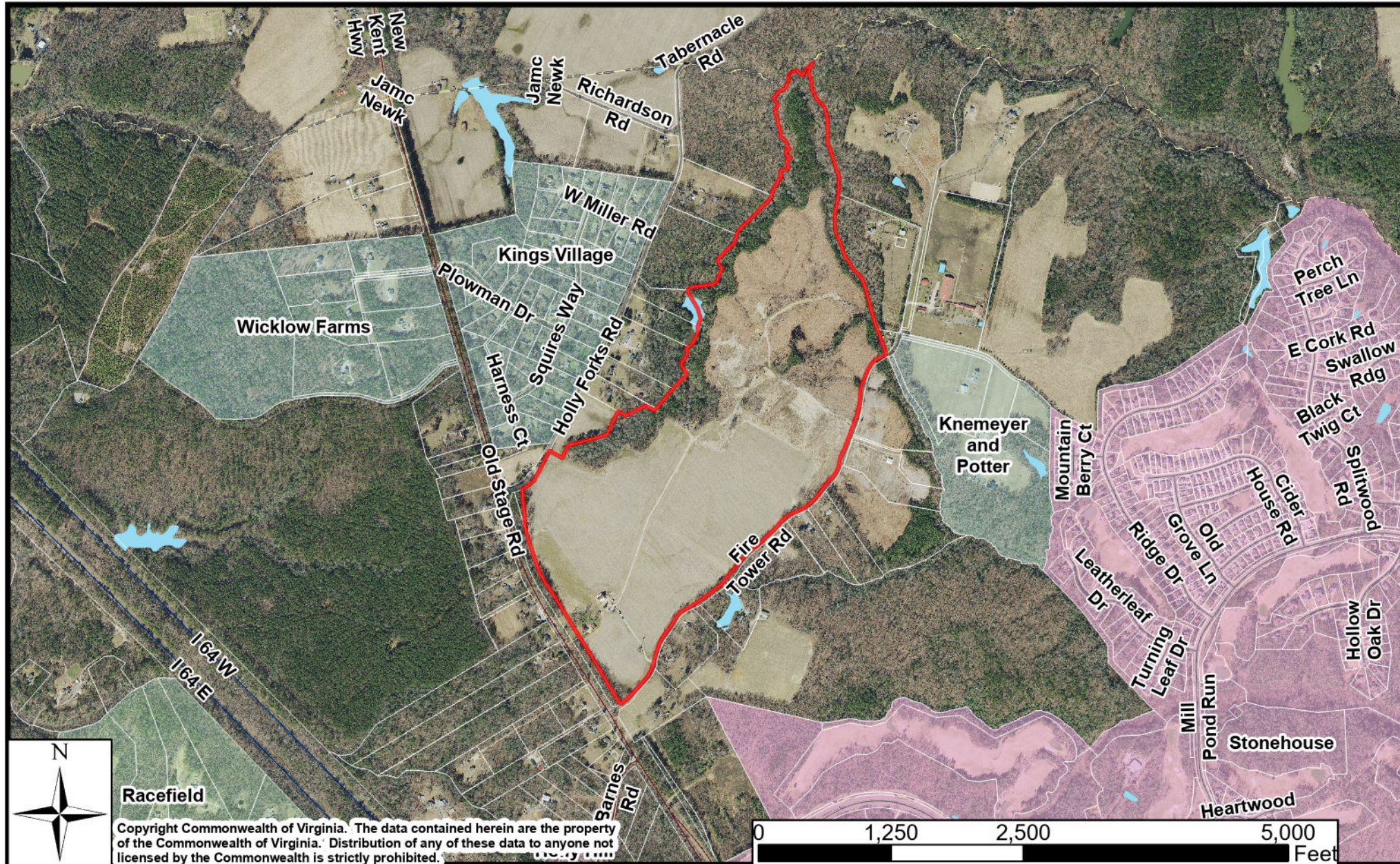
the renewal period for the Barnes Swamp AFD. Staff cannot support this request for withdrawal due to it not fully meeting all four of the criteria set forth in the Board's policy. Therefore, staff recommends the Planning Commission recommend denial of this request to the Board of Supervisors.

MR/md
AFD24-3_9812BSwpWD

Attachments:

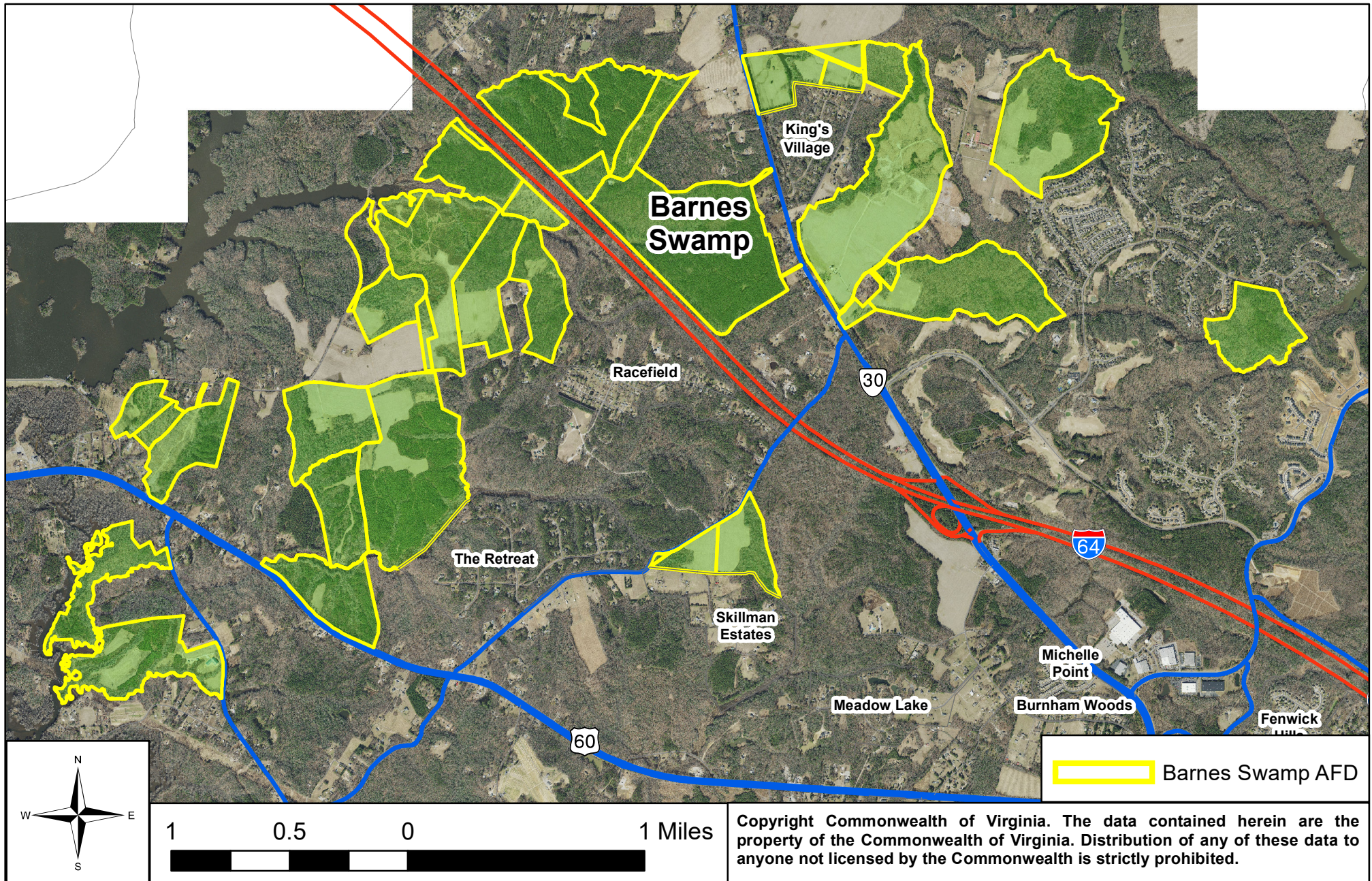
1. Location Map
2. Barnes Swamp AFD Map
3. Barnes Swamp AFD 2022 Renewal Ordinance
4. Policy Governing the Withdrawals of Property from AFDs
5. AFD Withdrawal Request Letter
6. Master Plan Depicting AFD Withdrawal Area
7. Draft Minutes of the July 18, 2024, AFD Advisory Committee Meeting

AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal



JCC AFD-24-0002

Barnes Swamp Agricultural Forestal District



ADOPTED

SEP 13 2022

ORDINANCE NO. 167A-18

Board of Supervisors
James City County, VA

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	61.62
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

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:

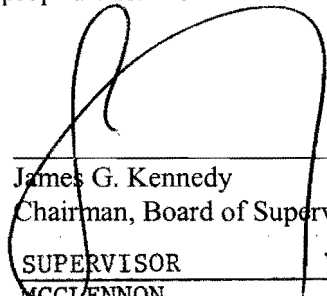
In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- 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.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCCLENNON	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.



May 15, 2024

Attn: Mr. Paul Holt
101-A Mounts Bay Road
PO Box 8784
Williamsburg, VA 23187

Dear Mr. Holt,

I am writing to request a certain portion of the farm located at 9812 Old Stage Rd, Toano, VA 23168, be removed from the AFD program, parcel #042010008, 188.68 acres.

We are requesting that approximately 15 (+/-) acres be removed for the purposes of creating an event center for music, weddings, etc.

I have attached the master plan prepared by VHB engineers and the plat of survey from AES.

We will be submitting this project through the S.V.P. process soon which will require the removal of this acreage.

I can be reached at 757-592-1470 with any questions.

Thank you,

A handwritten signature in dark ink, appearing to read 'D. Nice', is positioned above the printed name.

David A. Nice





LEGEND

A

Existing Buffer

B

Farm Pond w/ Bridge

C

Orchard Gathering Space

D

Orchard

E

Pedestrian Walkways

F

Flexible Event Space

G

Buffer Planting & Berm

H

Tourist Home

I

Service Area

J

Existing Barn

K

Grain Silo Bar

L

Temporary Food Truck

M

Drop Off

N

Gravel Road

O

Support Parking

P

Ceremonial Lawn

Q

Accessible Parking Spaces

R

Farm Road

S

Reinforced Turf Event Parking

T

Existing Farm Maintenance Building

U

Horse Pasture

V

Existing Fire Tower

W

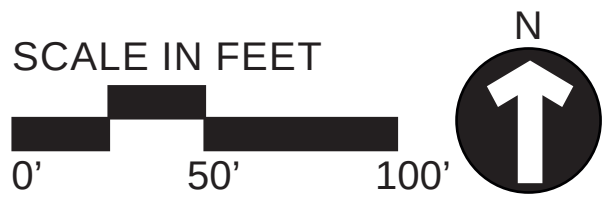
Main Entrance Gate

X

Farm Fencing

MASTER PLAN

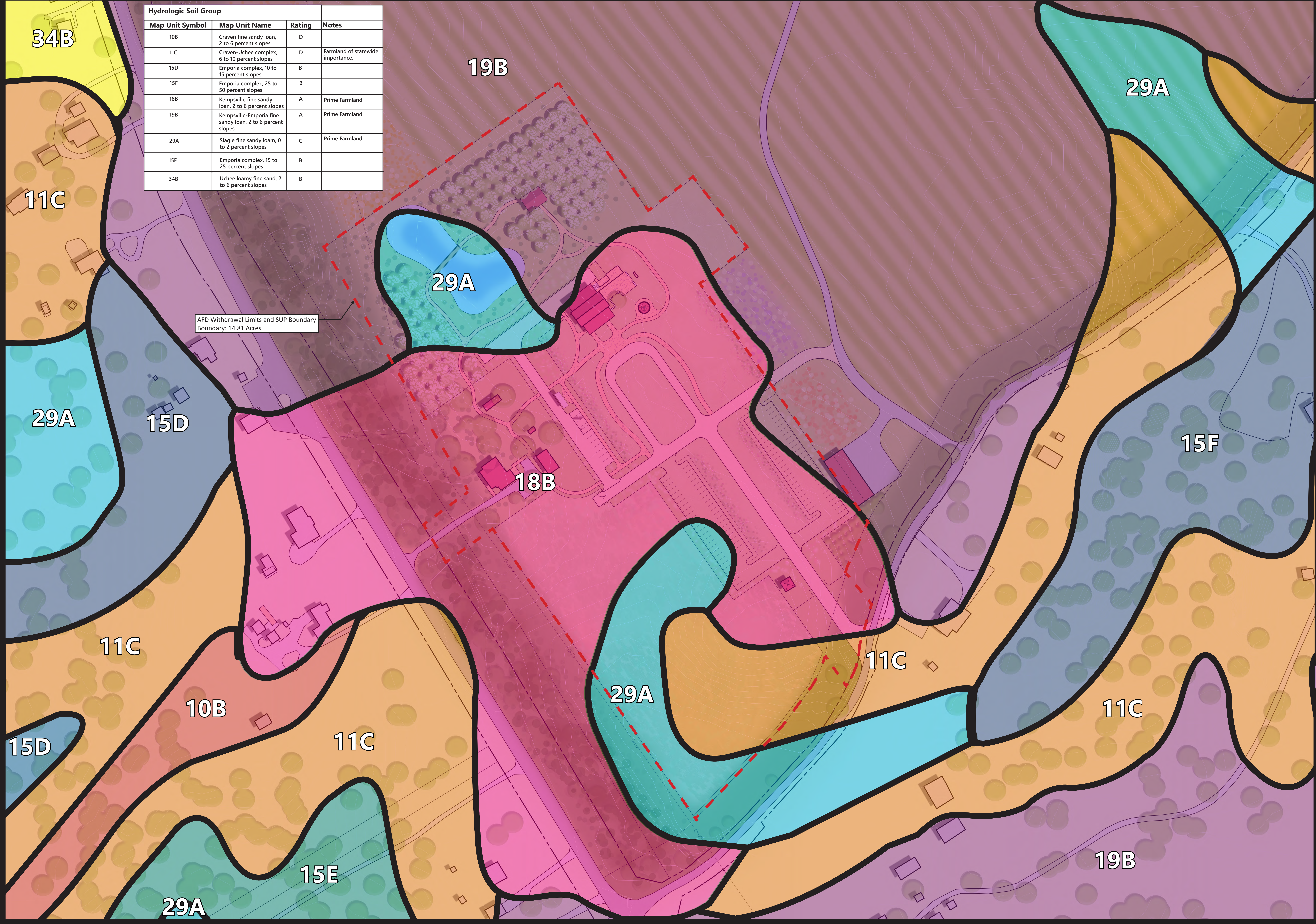
NICELAND FARM EVENT VENUE & TOURIST HOME • WILLIAMSBURG, VA



DATE: September 13th, 2024
PROJECT NUMBER: 34857.00

351 McLaws Circle Suite 3 | Williamsburg, Virginia 23185
Tel: 757.220.0500 | www.VHB.com





MASTER PLAN SOILS MAP OVERLAY

NICELAND FARM EVENT VENUE & TOURIST HOME ▪ WILLIAMSBURG, VA

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
July 18, 2024
4:00 PM

A. CALL TO ORDER

Mr. Bruce Abbott called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m.

B. ROLL CALL

Present:

Bruce Abbott, Vice Chair
Richard Bradshaw
Loretta Garrett
David Hogue
Sandy Wanner
Barbara Null
Payton Harcum
William Harcum
Will McElfresh

Absent:

Chris Taylor

Staff:

Josh Crump, Principal Planner
Paxton Condon, Deputy Zoning Administrator/Senior Planner

C. MINUTES

1. Minutes of the April 18, 2024, Regular Meeting

Ms. Garrett made a motion to approve the Minutes.

On a voice vote, the Committee approved the Minutes of the April 18, 2024, Regular Meeting.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal

Ms. Paxton Condon, Deputy Zoning Administrator/Senior Planner made a presentation to the Committee on the proposed withdrawal. Ms. Condon stated that Mr. David Nice has requested to withdraw approximately 15 acres of an approximately 188.68-acre parcel from the Barnes Swamp AFD. The requested withdrawal is to allow for the operation of an event venue, which will also require a Special Use Permit (SUP) which the applicant intends to submit in the near future. Ms. Condon stated that 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. Ms. Condon stated that staff recommends that the AFD Advisory Committee recommend denial of this request.

Mr. Nice addressed the Committee in support of the request.

Ms. Garrett inquired about the location of the portion to be withdrawn.

Discussion ensued to clarify the meets and bounds of the area to be withdrawn and what existing structures would be incorporated.

Mr. Abbott inquired about staff's recommendation to recommend denial based on the Board of Supervisors' withdrawal policy.

Ms. Condon stated that the withdrawal met only two of the requirements which were that the request would not cause damage or disruption to the existing District and 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. Ms. Condon noted that the District would still meet minimum acreage requirements. Ms. Condon noted that the proposed use could be compatible provided that appropriate conditions are in place.

Mr. McElfresh inquired how long the parcel had been enrolled in the AFD.

Mr. Nice stated that he had enrolled the parcel in the AFD when he acquired it.

Mr. Abbott inquired how many years were left before the AFD renewal.

Mr. Crump stated that 2026 is the renewal year.

Ms. Garrett inquired about rollback taxes.

Mr. Bradshaw stated that he was not certain what the tax implications would be. Mr. Bradshaw noted that part of the parcel was changing from one agricultural use to another, and part of the parcel was already not receiving land use valuation.

Mr. Abbott noted that the event facility would bring more revenue.

Mr. Nice noted that his proposed project is in line with the goal of allowing property owners to make good economic use of their property while also preserving rural lands.

Mr. Nice further noted that the ground cover would not be changing drastically.

Mr. Bradshaw stated that cultivated agricultural land still qualifies for land use valuation even if it is not in an AFD.

Mr. Peyton Harcum made a motion to recommend approval of the withdrawal.

Ms. Garrett seconded the motion.

On a voice vote, the AFD Committee voted to recommend approval of the withdrawal. (8-1)

Mr. Bradshaw noted that his vote against the withdrawal was because he believes that properties enrolled in an AFD should not be removed prior to the term expiration.

Mr. Crump noted that this parcel was part of the original AFD when it was part of the Hazelwood Farm.

F. DISCUSSION ITEMS

Mr. Crump inquired about the Committee's interest in having signs similar to the ones in Louisa County to draw attention to the AFD program. Mr. Crump noted that he had not yet looked into cost or potential implantation.

The Committee was generally supportive of the idea; however, it was also noted that signs might have to be moved frequently to account for withdrawals. The Committee further discussed how the signs could be implemented on individual parcels.

Mr. Crump stated that he would reach out to Louisa County and find out more about its sign program.

Mr. Abbott shared information with the Committee on the potential for parcels in an AFD to be enrolled in Purchase of Development Rights programs or other conservation programs.

Mr. Bradshaw cautioned that AFDs are voluntary participation which can be terminated where conservation easements are permanent.

The Committee discussed pros and cons related to conservation easements.

Mr. Abbott noted that because the conservation easements were permanent protections it was recommended not to enroll until the AFD term was about to expire.

Mr. McElfresh inquired if there was a minimum size for the conservation easement.

Mr. Abbott stated that there was no minimum acreage requirement.

Ms. Null noted that the parcels could also have different ownership.

G. ADJOURNMENT

Mr. Hogue made a motion to adjourn.

Ms. Garrett seconded the motion.

On a voice vote, the meeting was adjourned at approximately 4:24 p.m.

Susan Istenes, Secretary

Bruce Abbott, Vice Chair

**SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Stephen Romeo, Vanasse Hangen Brustlin (VHB) Inc., on behalf of Mr. David Nice
Landowner:	Niceland Farm, LLC
Proposal:	A Special Use Permit (SUP) to operate an event venue and tourist home.
Locations:	9812 Old Stage Road 9908 Old Stage Road
Tax Map/Parcel Nos.:	0420100008 0410100019
Project Acreage:	± 14.81 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area (PSA):	Outside
Staff Contact:	Morgan Risinger, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	October 2, 2024, 6:00 p.m.
Board of Supervisors:	November 13, 2024, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal generally consistent with the Comprehensive Plan.
2. Subject to the proposed conditions, staff finds the proposal will not negatively impact surrounding development.
3. Impacts: See Impact Analysis on Pages 5-6.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 5-6.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed conditions.

PROJECT DESCRIPTION

Mr. Stephen Romeo, VHB Inc., has applied for an SUP on behalf of Mr. David Nice to operate an event venue and tourist home. The applicant's Community Impact Statement (Attachment No. 3) states that the proposed event venue would include hosting weddings and corporate functions with an anticipated frequency of one event per day and no more than three events per week. The venue would utilize an existing renovated barn as well as outdoor areas which are planned to include a performance stage, flexible open space, an orchard, a farm pond with a pedestrian bridge, a repurposed grain silo, a dedicated location for food trucks, and attendee parking. The venue would have

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**SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

a maximum capacity of 360 attendees including event staff, caterers, photographers, and vendors. An existing single-family residence is located adjacent to the proposed event venue and is intended to be used as a tourist home. The tourist home could be used in conjunction with or independently from the event venue as well as for by-right agritourism activities.

Section 24-48 of the Zoning Ordinance defines event venues as “places of public assembly used primarily as event facilities” and provides performance standards. In the A-1 Zoning District, places of public assembly used primarily as event facilities are permitted by-right if they are in accordance with all the performance standards or require SUPs if not all of the performance standards are met. The proposal meets several of the performance standards, including the minimum parcel size of 10 acres, a 150-foot-wide setback from the Old Stage Road Community Character Corridor (CCC), a 75-foot-wide setback from adjacent properties, maintain existing vegetation in these setback areas, and locating any areas for outdoor amplified sound or music at least 100 feet from adjacent properties. However, the proposal does not meet three of the performance standards. The first is that event facilities shall have a maximum of 300 attendees. The proposal specifies that the expected maximum occupancy would be 360 attendees, which does not meet the standard. The second is that access shall be taken from roads classified by the Virginia Department of Transportation (VDOT) as arterial roads. The proposed access will be from Fire Tower Road, which is a local road and does not meet this standard. The third is that the placement of the permanent components of a proposed event facility should avoid areas designated by the United States Department of Agriculture (USDA) as prime farmland or farmland of statewide importance. The applicant has provided an exhibit depicting prime farmland and farmland of statewide importance (Attachment No. 5) showing the placement of the structures and parking areas being located in an area where the soil type is considered to be farmland of statewide importance. As these

performance standards are not met, an SUP is required for the proposed facility.

In accordance with the performance standards, the areas where amplified sound and music may be played outdoors are over 100 feet from the nearest property line. The flexible event space and outdoor areas around the existing barn are approximately 550 feet from the Fire Tower Road right-of-way and 500 feet from the Old Stage Road right-of-way. Other open areas around the farm pond and food truck location are approximately 250 feet from the Old Stage Road right-of-way at their nearest points.

The 9812 Old Stage Road property is actively farmed and includes soil types which are well suited for agricultural production. Of the 14.81 acres delineated on the proposed Master Plan, approximately 13.55 acres are designated as “prime farmlands” and approximately 1.26 acres are designated as “farmlands of statewide importance” by the USDA. While the performance standards call for these soils to be protected, it is important to consider that locating the event venue in this area and utilizing existing structures and driveway entrances will allow for the remaining 173.87 acres to remain in agricultural use.

The 9908 Old Stage Road property provides an existing vegetative buffer along Old Stage Road consisting of primarily mature trees ranging from approximately 75 to 80 feet in width. Condition No. 5 is proposed to ensure this vegetation is preserved for the area that is along the limits of the SUP. In addition to this existing vegetation, the Zoning Ordinance requires a vegetative buffer with an average width of 30 feet along Fire Tower Road and landscaping to be provided along parking lots. These requirements will be reviewed during the site plan stage.

Individual well and on-site sewage systems will be constructed specifically for the event venue. The Virginia Department of Health

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**SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
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(VDH) will review the site plan materials to ensure that the systems meet design requirements.

The proposed stormwater management approach includes the use of pervious grass pavers in the parking areas, vegetated filter strips along parking areas and driveways, and grading to direct runoff to the farm pond and natural drainage channels. The Stormwater and Resource Protection Division has proposed Condition Nos. 8-10 to mitigate potential impacts of stormwater on the property including requiring that the necessary water quality treatment be provided on-site. A detailed stormwater management plan will be reviewed during the site plan stage.

The application indicates that the existing barn with renovations would have a maximum occupancy of 360 people and proposes a maximum of 360 attendees for events. Staff generally finds that the proposed site area of 14.81 acres and the layout of activity areas and improvements proposed on the Master Plan would reasonably accommodate 360 attendees on-site. Staff has proposed a condition to limit the maximum number of attendees, including vendors and event staff, to 360 to ensure that events held at the venue are consistent with the details of the application.

The proposed event venue layout includes 110 on-site parking spaces for event attendees. The Zoning Ordinance requires a minimum of 72 spaces and a maximum of 86 spaces for an event venue with a capacity of 360 attendees. A waiver to exceed the maximum number of parking spaces will be considered during the site plan stage. Based on a preliminary review, staff generally finds that this amount of parking is reasonable for the proposed use.

The event venue takes access from Fire Tower Road utilizing an existing driveway entrance. The application indicates that 90 peak hour vehicle trips to the site and 94 peak hour vehicle trips from the

site will be generated based on the Institute of Transportation Engineers Tip Generation Manual rate for a church with 360 seats during the peak hour of operation on a Sunday. As the arrival and departure times for events are anticipated to be separated by more than an hour, the use does not require a Traffic Impact Analysis to be completed. In addition, the application indicates that Old Stage Road will continue to operate at a Level of Service A. In addition, the applicant intends to widen the pavement of Fire Tower Road, from Old Stage Road to the proposed entrance to the event venue, to 24 feet in width to accommodate two-way traffic. Staff has included Condition No. 4 to ensure that the road widening is a component of the site plan submittal and constructed prior to the event venue becoming operational.

The existing single-family residence to be used as a tourist home includes three bedrooms. No changes to the size or footprint of the home are proposed. An existing driveway is provided from Old Stage Road which includes sufficient area to park four vehicles, which is adequate for the tourist home use. There will be no vehicular connections from the tourist home driveway to the event venue driveway. The residence is served by existing individual well and on-site sewage systems. In previous tourist home applications, staff has calculated the number of occupants to be two people per bedroom. Accordingly, staff has included Condition No. 11 which states that there shall be a maximum of six occupants. Staff notes that the use of the residence for agritourism activities would not be subject to these limitations.

PLANNING AND ZONING HISTORY

- The properties have historically been used for agricultural production.

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Staff Report for the October 2, 2024, Planning Commission Public Hearing**

- In 2018, a minor subdivision of the 9812 Old Stage Road property was approved and recorded which created four new parcels which are located on the east side of Fire Tower Road. As part of this subdivision process, the Development Review Committee and Planning Commission reviewed and approved a waiver from the Subdivision Ordinance requirement to provide a shared driveway for the parcels.

SURROUNDING ZONING AND DEVELOPMENT

- Properties along the adjacent portions of Old Stage Road and Fire Tower Road are zoned A-1, General Agricultural, designated Rural Lands on the Comprehensive Plan Land Use Map, and located outside the PSA. Development in this area is primarily comprised of single-family residential development outside of subdivisions.
- Properties further to the south are zoned MU, Mixed Use, PUD-R, Planned Unit Development - Residential, and B-1, General Business, designated Mixed Use and Low Density Residential, on the Comprehensive Plan Land Use Map, and located inside the PSA. Development on these properties is comprised of existing residential subdivision development and vacant lands which are intended for commercial development.

	ZONING DESIGNATION	EXISTING LAND USE	FUTURE LAND USE DESIGNATION
NORTH	A-1, General Agricultural	Single- family residential	Rural Lands
SOUTH	MU, Mixed Use; PUD-R, Planned Unit Development - Residential; and B-1, General Business	Single- family residential; and vacant commercial land	Rural Lands
EAST	A-1, General Agricultural	Single- family residential	Rural Lands
WEST	A-1, General Agricultural	Single- family residential	Rural Lands

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SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, 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 Transportation: Vehicular</u>	<u>Mitigated</u>	- The proposed event venue will utilize an existing driveway entrance from Fire Tower Road. Fire Tower Road is designated as a local road. - The application indicates that a maximum of 90 peak hour trips will be generated entering the site and a maximum of 94 peak hour trips will be generated exiting the site which will be separated by the duration of the event. - The applicant has proposed widening Fire Tower Road, from Old Stage Road to the proposed entrance to the event venue, to 24 feet in width to accommodate two-way traffic to and from the event venue. Condition No. 4 requires the details of the road widening to be included in the site plan for the event venue and installed before a Certificate of Occupancy is issued. - The proposed tourist home takes access from Old Stage Road which is designated as a minor arterial road.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- No pedestrian or bicycle improvements are shown along this side of Old Stage Road on the Pedestrian Accommodations Master Plan or Regional Bikeways Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 1 on Forge Road serves this area of the County and is located approximately 4.3 miles from the property. - The Fire Department reviewed the proposal and recommended approval of the application. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public parks and recreation.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate impacts to public libraries and cultural centers.

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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>Mitigated</u>	- The property does not receive public water and sewer. - VDH will review the proposed individual well and on-site sewage systems for the event venue during the site plan stage.
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Ware Creek Watershed.	<u>Mitigated</u>	- The Stormwater and Resource Protection Division reviewed the proposal and provided Condition Nos. 8-10 to ensure that the design of stormwater management facilities adequately addresses stormwater impacts of the event venue.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The properties are not designated as a high-sensitivity or ultra-sensitivity area by the James City County Archaeological Assessment. - The proposed event venue is located on land which has been previously disturbed by agricultural operations and structures.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Condition No. 5 requires existing vegetation to be preserved along Old Stage Road. - Condition No. 6 prohibits lighting from the event facility from crossing property lines and limits the height of light poles. - Condition No. 7 limits the proposed event venue to one freestanding sign with design similar to the architecture of the buildings.
<u>Community Character</u>	<u>Mitigated</u>	- Condition No. 5 requires existing vegetation to be preserved along Old Stage Road. - The properties are located along Old Stage Road which is a Wooded CCC. Existing vegetation along Old Stage Road provides adequate buffering of the proposed uses.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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**SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

NATURAL AND CULTURAL ASSETS

The site is identified as having natural and cultural assets on the Natural & Cultural Assets Plan maps (and/or other supplemental resources such as the USDA's Natural Resources Conservation Service Web Soil Survey) as follows:

ASSET	PRESENCE	IMPACT
Habitat Core	None present on site	Not Applicable
Corridors	None present on site	Not Applicable
Agricultural Assets	Present on site	± 13.55 acres or 91.5% of the site is designated prime farmland. As the proposed site will utilize the existing structures and areas immediately adjacent to the existing structures, the remaining 173.87 acres of the property, including ± 137.55 acres designated as prime farmland, can remain in agricultural use.

COMPREHENSIVE PLAN

The site is designated Rural Lands on the Comprehensive Plan Land Use Map. Recommended uses include agricultural and forestal activities, agritourism, rural-support businesses, and certain commercial uses which require very low intensity settings. The Rural Lands Development Standards have the following guidance which are applicable to the proposed event venue.

Uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to the following:

- Locating structures and uses outside of sensitive areas.

The proposed improvements do not impact the Resource Protection Area or areas of steep slopes.

- Maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses.

Existing vegetation along Old Stage Road will be retained and the proposals use of existing structures and driveways will help to maintain existing topography.

- Discouraging development on farmland, open fields, scenic roadside vistas, and other important agricultural/forestal soils and resources.

The proposed improvements are located on an area of the property which contains soils designated as "prime farmlands" and "farmlands of statewide importance" by the USDA as shown on Attachment No. 5. Staff notes that the proposed limits of the SUP area are generally located around the existing structures and disturbance of the soils which reduces the overall proposed amount of new disturbance. The remainder of the property will remain in the Barnes Swamp Agricultural and Forestal District for agricultural use.

- Encouraging enhanced landscaping to screen structures located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks.

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SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, Planning Commission Public Hearing

Existing vegetation along Old Stage Road will be retained which resembles the appearance of traditional windbreaks and provides adequate buffering along the CCC.

- Locating new driveways or service roads so that they follow existing contours and old roadway corridors whenever feasible.

No new driveways or service roads are proposed. The proposed site access for the event venue will follow an existing driveway.

- Generally limiting the height of structures to an elevation below the height of surrounding mature trees and scaling buildings to be compatible with the character of the existing community.

The event venue is proposed to primarily utilize existing structures which are at elevations below the height of surrounding trees.

- Minimizing the number of street and driveway intersections along the main road by providing common driveways.

The site will utilize an existing entrance off of Fire Tower Road which connects with Barnes Road.

- Utilizing lighting only where necessary and in a manner that eliminates glare and brightness.

Should site lighting be proposed during the site plan stage, the proposed conditions restrict the permitted height of light poles and prohibit light trespass across property lines.

Staff finds the proposed event venue to be generally consistent with the Rural Lands Development Standards.

The Comprehensive Plan provides the following recommendations regarding locations for short-term rentals.

Per the Comprehensive Plan, due to the unique impacts that can arise from transient residents in short-term rentals, the County should continue to carefully consider the impacts these uses can have on a community's quality of life. The thriving rural character of James City County continues to offer a variety of agritourism opportunities, for which short-term rentals may provide a truly unique opportunity and experience; one that provides economic benefits to rural property owners but does not directly compete with more conventional tourism-based opportunities inside the PSA. If located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

This property is designated Rural Lands on the Comprehensive Plan Land Use Map. Therefore, the application meets this recommendation set forth in the Comprehensive Plan.

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

This property is not located internal to an existing platted subdivision. Therefore, the application meets this recommendation set forth in the Comprehensive Plan.

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**SPECIAL USE PERMIT-24-0021. Niceland Farm Event Venue and Tourist Home
Staff Report for the October 2, 2024, Planning Commission Public Hearing**

- Be located on a major road.

The proposed tourist home takes access from Old Stage Road, which is classified by VDOT as a minor arterial road. Therefore, the application meets this recommendation set forth in the Comprehensive Plan.

- Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

While the owner will not live and reside on the property and this recommendation is not fully met, the proposed tourist home is directly adjacent to the proposed event venue and its use in coordination with the event venue will provide an increased level of management of the home.

While the proposed tourist home does not fully meet the short-term rental recommendations, staff finds that the location would be appropriate for a tourist home and its unique situation of being included within the master planning of the event venue serves to mitigate potential impacts.

Overall, staff finds that this application is generally consistent with the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds that the proposal is compatible with surrounding zoning and development and is generally consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed conditions.

MR/ap
SUP24-21NcelndFrm

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Community Impact Statement
4. Master Plan
5. Soils Map Exhibit

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Proposed SUP Conditions for SUP-24-0021
Niceland Farm Event Venue & Tourist Home

1. **Master Plan.** This Special Use Permit (“SUP”) shall be valid for the operation of a place of public assembly used primarily as an event facility (the “Event Facility”) and a tourist home (the “Tourist Home”), on property located at 9812 and 9908 Old Stage Road and further identified as JCC Real Estate Tax Map Nos. 0420100008 and 0410100019, respectively (collectively, the “Properties”). The Properties shall be developed substantially in accordance with the master plan titled “Master Plan Niceland Farm Event Venue & Tourist Home” prepared by VHB, Inc., and dated September 13, 2024 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the James City County Code, as amended (“County Code”).
2. **Maximum Number of Event Facility Attendees.** A maximum number of 360 attendees may be at the Event Venue at any given time, including but not limited to any event staff, caterers, photographers, and vendors.
3. **Event Facility Site Access.** Attendees shall access the Event Facility using the entrance from Fire Tower Road as depicted on the Master Plan.
4. **Road Improvements.** Subject to the review and approval of the Virginia Department of Transportation, the pavement width of Fire Tower Road shall be widened to 24 feet in width from its intersection with Old Stage Road to the Event Facility entrance as depicted on the Master Plan. Such improvements shall be included in the site plan for the Event Facility and installed prior to the issuance of a Certificate of Occupancy for the Event Facility.
5. **Landscape Buffer.** A vegetative buffer of existing vegetation within the 9908 Old Stage Road Property shall be preserved along approximately 1,300 feet of the Properties frontage along Old Stage Road from its intersection with Fire Tower Road to the northwest. A

landscape plan for the Event Facility showing such buffer shall be reviewed and approved by the Director of Planning or designee prior to final site plan approval.

6. **Event Facility Lighting.** All new exterior light fixtures for the Event Facility, including new building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. All new light poles shall not exceed 20 feet in height from finished grade. No light trespass, defined as 0.1 foot-candle or higher, shall extend across any property line. A lighting plan for the Event Facility shall be reviewed and approved by the Director of Planning or designee prior to final site plan approval.
7. **Event Facility Signage.** The Event Facility shall be allowed one exterior freestanding sign. The freestanding sign shall be externally illuminated, monument style, not to exceed eight feet in height and have a base of masonry or other materials similar in type and color with structures of the Event Facility. The Director of Planning or designee shall review and approve the design of the sign prior to final site plan approval and prior to any subsequent sign modifications.
8. **Offsite Nutrient Credit Purchase Prohibited.** The purchase of offsite nutrient credits for the treatment of water quality for the Event Facility shall be prohibited.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (“SSC”) measures shall be required for the Event Facility. The Director of Stormwater and Resource Protection or designee shall approve the SSC measures prior to final site plan approval.
10. **Farm Pond.** The farm pond depicted on the Master Plan shall not include internal slopes equal to or steeper than 3H:1V for public safety.
11. **Maximum Number of Tourist Home Occupants.** There shall be no more than three bedrooms available for rent to visitors and no more than six rental occupants total in the Tourist Home at any one time.

12. Tourist Home Contracts. There shall not be simultaneous rentals of the Tourist Home under separate contracts.

13. Tourist Home Access and Parking. The existing driveway from Old Stage Road as depicted on the Master Plan shall be limited to access for the Tourist Home. Off-site parking for the Tourist Home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the Tourist Home, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the driveway.

14. Tourist Home Signage. No signage related to the Tourist Home shall be permitted.

15. Tourist Home Licensing. Evidence of a business license and updated Certificate of Occupancy for the Tourist Home shall be provided to the Director of Planning or designee within 12 months from the issuance of this SUP.

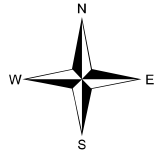
16. Commencement. If construction of the Event Facility has not commenced within thirty-six (36) months from the date of adoption of this SUP, the SUP shall become void. Construction shall be defined as obtaining final site plan approval for the Event Facility.

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

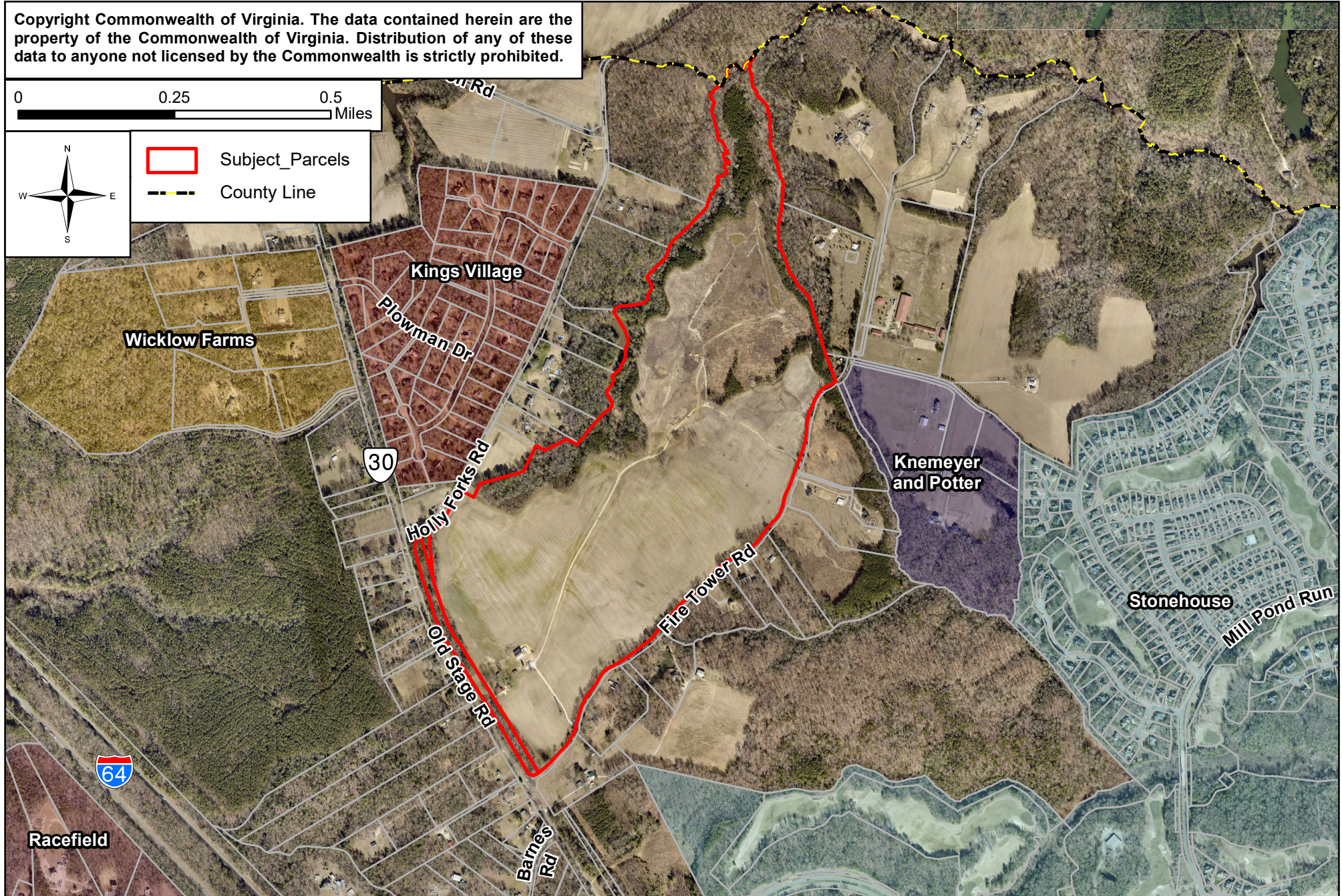
JCC SUP-24-0021, Niceland Farm Event Venue & Tourist Home

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Niceland Farm Event Venue and Tourist Home

Project Description

The Niceland Farm Event Venue and Tourist Home provides a unique opportunity in James City County to hold events such as weddings and corporate functions in a beautiful rural farm setting. The 14.81 acres dedicated to the Event Venue and Tourist Home includes a new farm pond, an orchard, adequate parking, flexible open space, a formal drop off, and a series of walkways connecting spaces throughout the site. The current barn structure will be repurposed to accommodate hosting events and includes a small stage for musicians to perform outdoors. The existing farmhouse will function as the Tourist Home. The nearest fire station is approximately 4.3 miles/ 5-7 minutes away.

Project Information:

Event Venue:

- Maximum of 1 event per day and no more than 3 in one week. This is not a daily venue.
- Private well and septic system adequately sized to support the venue
- All event venue guests and staff will be required to use the entrance from Fire Tower Road

Tourist Home

- Includes 3 bedrooms
- Not a permanent residence
- Available for occasional group rental at discretion of owner
- Old Stage Road driveway for tourist home use only

Proposed Site Improvements

The proposed site improvements as depicted on the "Master Plan" to support the function of the event venue include the following:

- Renovated existing barn including outdoor stage
- Existing farmhouse converted to Tourist Home
- Farm Pond with pedestrian bridge
- Orchard
- Covered pavilion within the orchard to host ceremonies or small events
- Accessible pedestrian walkways
- Flexible open green space to be utilized for events
- Grain silo repurposed for outdoor guest services such as bar or food service
- Dedicated location for a temporary food truck
- Formal drop off area in front of the barn
- Gravel roads interior to the site
- Parking
 - Reinforced turf event parking
 - Gravel support parking
 - Paved ADA accessible parking
- Dedicated service and utilitarian area for loading/ unloading and trash

Site Development and Stormwater

The proposed development will comply with the stormwater standards specified in the Virginia Stormwater Management Handbook, Version 1.0.

No development will result in the clearing of any woods along the Old Stage Road right-of-way. The required setbacks in accordance with the James City County Zoning Ordinance will be adhered to.

The site sits at the highest elevation in James City County. The site is located in the Ware Creek Watershed. Due to the upland nature of the site, no wetlands are located within 700 feet of the proposed land disturbance. The eastern upstream

branch of Bird Swamp lies east of the site, across Fire Tower Road. Portions of the gravel road and parking areas will drain to this natural channel. The western upstream branch of Bird Swamp lies north of the site on the same parcel. Several buildings and the manmade pond will drain to this natural channel. The proposed development will limit the amount of runoff towards Fire Tower Road through regrading and the use of permeable parking surfaces.

The unimproved northern portion of the SUP area will drain to a natural low area where a decorative farm pond will be constructed. The pond will have an overflow weir that sends overflow stormwater across the farm to the western tributary of Bird Swamp. Due to the decorative nature and location of this pond, it is not desirable to utilize it as a BMP because side slope, aquatic bench, and flow path criteria may not be feasible to meet regulatory requirements. The side slopes of the pond will be flatter than 3H:1V.

Only the development within the SUP limits will adhere to DEQ and JCC stormwater management requirements. The remainder of the site qualifies for the agricultural exemption.

Stormwater quality compliance can be achieved for the development through a combination of sheet flow to a vegetated filter strips (P-FIL-07) and tree planting (P-FIL-09). The proposed orchard around the pond could provide up to 0.1 lbs/yr of phosphorus removal. The vegetative filter strips could provide the remaining 2.2 lbs/yr of phosphorus removal required. The filter strips could be installed along the sides of the new parking lots and main entry driveway as these areas will not be piped to the farm pond. Refer to the Master Plan for additional information and locations of all proposed improvements.

A permeable reinforced turf is proposed for the parking lots but will not be designed to adhere to the permeable pavement BMP specifications. Much of the site consists of 'A' soils and most of the runoff from the permeable parking surface will infiltrate before overflowing to the filter strips.

Approximately 10 acres of the site will be disturbed as part of this development. All disturbances will occur on the upland part of the property. No RPA buffer or steep slope disturbance is proposed as part of this project.

The existing structures and driveways amount to approximately 0.6 acres of impervious cover. The proposed development will increase the impervious cover by 1.5 to 2 acres, depending on the permeability of the parking lot surface.

Transportation

The existing renovated barn, the main feature of proposed Event Venue, is a 2-story structure of 1,900± sf per floor, for a total of 3,800± sf. The expected maximum occupancy is 360 people (180 per floor).

County Code requires access to be located on an arterial roadway. The Niceland Farm development is located east of Old Stage Road and north of Fire Tower Road. A waiver for this site access requirement is requested such that the site driveway can be constructed on Fire Tower Road rather than Old Stage Road. Fire Tower Road would provide a safer access as Old Stage Road has a posted speed limit of 50-mph compared to the 30-mph posted speed limit on Fire Tower Road and wayfinding would be easier. Fire Tower Road currently operates at Level of Service A (LOS A). The proposed Event Venue is projected to add 90 Peak Hour Trips In and 94 Peak Hour Trips Out per ITE 11th Edition Rates using Code 560 "Church". The in and out trips are separated in time by the duration of the specific Church Service or Mass, which are usually in excess of 1 hour. Therefore, the Peak Hour Generator for this proposal does not exceed the 100 Peak Hour Trip threshold requirement for a Traffic Impact Analysis. Fire Tower Road will continue to operate at Level of Service A (LOS A) with the addition of the proposed traffic generated from the Event Venue as the Peak delay would be 7.3 seconds. Additionally, due to the nature of the proposed use, trips to and from the site will be concurrent and during off-peak hours and it is preferable for the entrance to be separated from the arterial to support this arrival and departure pattern. If a waiver for this requirement is granted, Fire Tower Road the Owner will widen the pavement width to 24 feet between Old Stage Road and the site driveway.

The Tourist Home would retain access via the existing driveway connected to Old Stage Road.



LEGEND

A

Existing Buffer

B

Farm Pond w/ Bridge

C

Orchard Gathering Space

D

Orchard

E

Pedestrian Walkways

F

Flexible Event Space

G

Buffer Planting & Berm

H

Tourist Home

I

Service Area

J

Existing Barn

K

Grain Silo Bar

L

Temporary Food Truck

M

Drop Off

N

Gravel Road

O

Support Parking

P

Ceremonial Lawn

Q

Accessible Parking Spaces

R

Farm Road

S

Reinforced Turf Event Parking

T

Existing Farm Maintenance Building

U

Horse Pasture

V

Existing Fire Tower

W

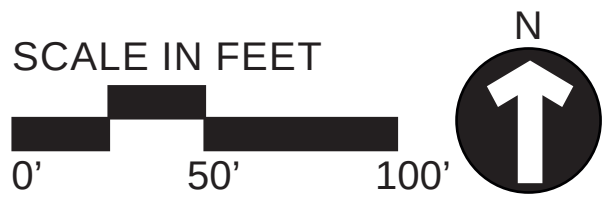
Main Entrance Gate

X

Farm Fencing

MASTER PLAN

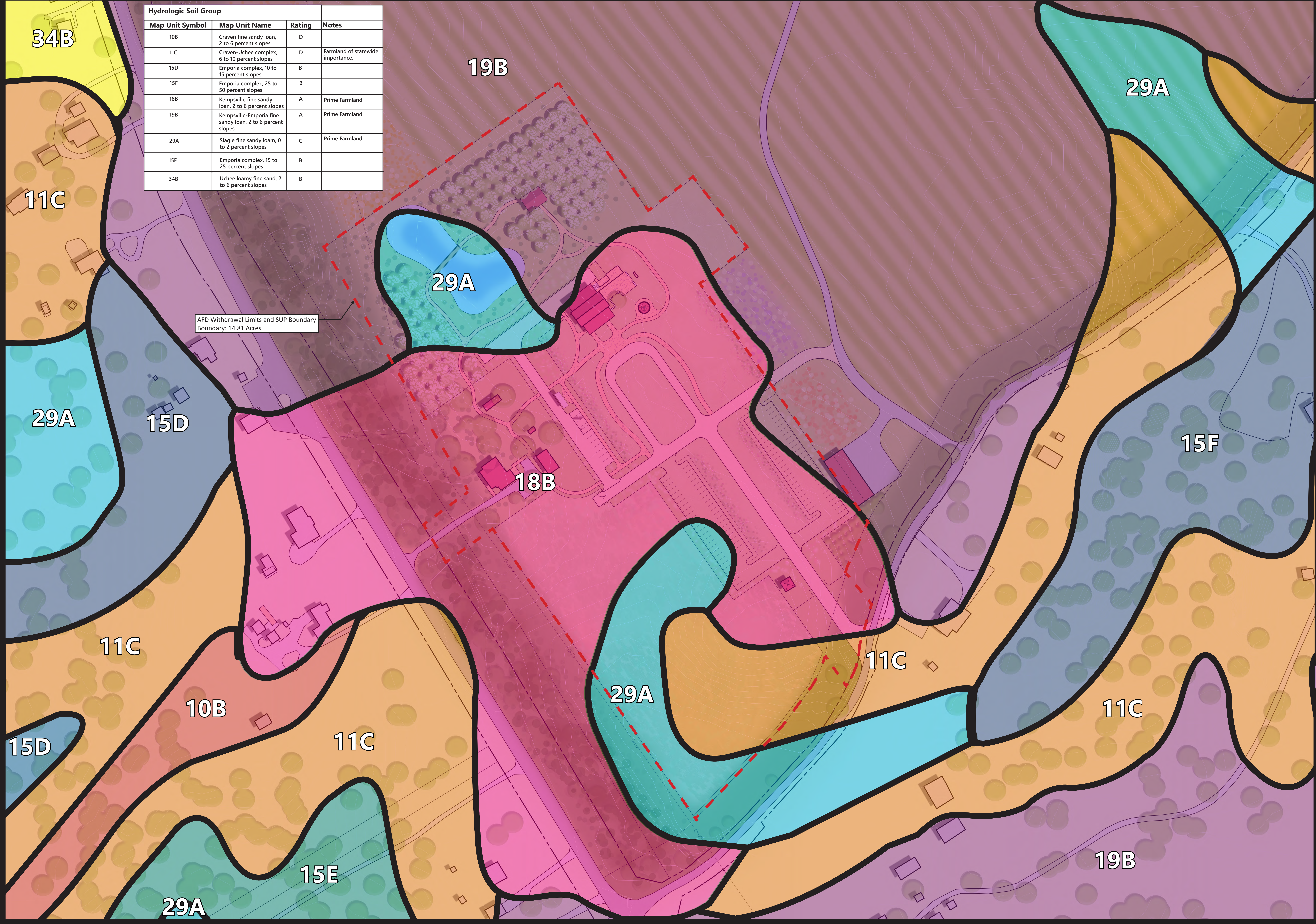
NICELAND FARM EVENT VENUE & TOURIST HOME • WILLIAMSBURG, VA



DATE: September 13th, 2024
PROJECT NUMBER: 34857.00

351 McLaws Circle Suite 3 | Williamsburg, Virginia 23185
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MASTER PLAN SOILS MAP OVERLAY

NICELAND FARM EVENT VENUE & TOURIST HOME ▪ WILLIAMSBURG, VA

PLANNING DIRECTOR'S REPORT

October 2024

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:**
 - SUP-24-0014. 111 Druid Drive Rental of Rooms. (Denied 5-0)
 - Z-23-0001/SUP-23-0031. Monticello Avenue Shops. (Deferred to October 8th, 2024)

Plan Type	Case Number	Address	District	Plan Assigned To	Description
Conceptual Plan	C-24-0054	5365 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	Roberta Sulouff	Liberty Ridge- DEQ Review
Site Plan	SP-24-0071	8660 RICHMOND RD Toano, VA 23168	Powhatan	Terry Costello	8659 Richmond Road- Large Scale Solar Facility Site Plan
	SP-24-0085	4897 LONGHILL RD Williamsburg, VA 23188	Jamestown	Kyle Sirico	4897 Longhill Rd King of Glory Lutheran Church Expansion Classroom Building SP Amend.
	SP-24-0079	4900 STADIUM RD Williamsburg, VA 23188	Powhatan	Kyle Sirico	Williamsburg Community Garden Fence SP Amend
	SP-24-0080	244 OLD STAGE RD Toano, VA 23168	Powhatan	Kyle Sirico	244 Old Stage Rd - Pet Kennel Site Plan The Pet Resort At Stonehouse
	SP-24-0086	180 LEISURE RD Toano, VA 23168	Powhatan	Thomas Wysong	180 Leisure Rd- Upper County Park Pool Storage Site Plan
Special Use Permit	SUP-24-0022	4871 LONGHILL RD Williamsburg, VA 23188	Jamestown	Terry Costello	4871 Longhill Road Williamsburg Montessori School SUP
	SUP-24-0012	3512 BARRETT'S FERRY DR Williamsburg, VA 23185	Berkeley	Tess Lynch	3512 Barretts Ferry Drive- Tourist home SUP
	SUP-24-0021	9812 OLD STAGE RD Toano, VA 23168	Stonehouse	Morgan Risinger	Niceland Farm Event Venue & Tourist Home
Subdivision Plat	S-24-0029	4385 NEW TOWN AVE Williamsburg, VA 23188	Jamestown	Roberta Sulouff	New Town Section 3, Block 18 Subdivision Plat
	S-24-0032	3131 IRONBOUND RD Williamsburg, VA 23185	Berkeley	Ben Loppacker	3175 and 3131 Ironbound Road BLE Plat (Clara Byrd Baker Elementary School)