

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 11, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. August 9, 2018 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. Potential Ordinance Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

F. ADJOURNMENT

ITEM SUMMARY

DATE: 10/11/2018
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: August 9, 2018 Meeting Minutes

ATTACHMENTS:

	Description	Type
☐	Minutes of the August 9, 2018 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	10/4/2018 - 10:18 AM
Policy	Holt, Paul	Approved	10/4/2018 - 8:52 PM
Publication Management	Burcham, Nan	Approved	10/5/2018 - 7:30 AM
Policy Secretary	Secretary, Policy	Approved	10/5/2018 - 8:55 AM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 9, 2018
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair

Julia Leverenz

Rich Krapf

Heath Richardson

Absent:

Tim O'Connor

Staff:

Paul Holt, Director of Community Development and Planning

John Risinger, Community Development Assistant

C. MINUTES

1. July 12, 2018 Meeting Minutes

Ms. Julia Leverenz made a motion to Approve the July 12, 2018 meeting minutes.

The motion passed 3-0 by voice vote.

D. OLD BUSINESS

1. Master Plan Consistency Determinations

Mr. Haldeman opened the discussion.

Mr. Heath Richardson arrived at this time.

Mr. Paul Holt stated that the purpose of the meeting is to continue the conversation and that there is no pressure to decide today.

Mr. Haldeman stated that major changes to a Master Plan could result in a new Master Plan being required.

Mr. Holt stated that if there are major changes, the applicant would need to go through the Master Plan amendment process.

Mr. Haldeman asked about the applicable process if the applicant reduced the number of homes.

Mr. Holt stated that such a proposal could be approved administratively.

Ms. Leverenz asked if only an increase in homes would require a Master Plan amendment.

Mr. Holt stated that if there is a net increase in homes then there may need to be a Master Plan amendment through the legislative process.

Mr. Rich Krapf stated that there are difficulties determining if a proposal should be administrative or go through the legislative process.

Ms. Leverenz stated that a Board of Supervisors (BOS) member stated that if a proposal is denied by the Planning Director, then the applicant should go through the legislative process.

Mr. Richardson stated that the process should be streamlined. He stated that at the last Policy Committee meeting there was a discussion of a process that would allow the BOS to review proposals that reached a threshold.

Mr. Holt stated that the Policy Committee talked about the number of criteria that needed to be met and approval of the Homeowners Association (HOA) to determine the next step in the process.

Mr. Richardson asked how much the County should be involved between the citizens and the developer.

Mr. Haldeman stated that the County would need to look at how the citizens would be impacted.

Mr. Richardson stated that housing unit counts would have a larger impact in regard to the County and its services and traffic impacts.

Ms. Leverenz stated traffic is impacted the most in the Stonehouse application. She stated that the type of homes also impacts the schools and traffic counts.

Mr. Richardson stated that he agreed from a traffic viewpoint.

Ms. Leverenz stated that the type of housing has a substantial impact.

Mr. Krapf stated that currently there are four criteria, and if only one of the four criteria is met the Master Plan is not consistent.

Mr. Holt confirmed.

Mr. Krapf stated that the first bullet point references the type of housing.

Ms. Leverenz stated that bullet points one and three have the greatest potential to become political.

Mr. Krapf stated that he would delete the rest of the changes after the last sentence in the fourth bullet point.

Mr. Holt stated that there is a variety of possibilities. He asked if there could be a check-in point with the BOS at an earlier date.

Mr. Richardson agreed.

Mr. Holt stated that there can be an alternatives analysis. He stated that one option would be

to not make changes. He stated that the expectation of making a developer go through the legislative process is a big commitment. He stated that the second option would be that the BOS could decide if it would like to see all of the proposals or have some of the proposals go to the Development Review Committee (DRC).

Ms. Leverenz asked if that included residential units and type.

Mr. Holt confirmed. He stated that the approval of the HOA could also impact whether or not an item goes to the BOS. He stated a third option would be to get clarity on what the BOS would like to see. He stated that all of these options can be brought to a work session to get an idea on what the BOS prefers.

Mr. Richardson stated that there have not been a lot of significant Master Plan amendment proposals.

Mr. Holt stated that there have not been many, and the majority were minor architectural amendments.

Ms. Leverenz stated that it is important not to over-legislate the process.

Mr. Holt stated that checking in with the BOS would allow the Policy Committee to accurately develop a policy.

Mr. Richardson stated that there is potential for the BOS to be put in a situation where it is between citizens and developers.

Mr. Krapf stated that the change would not increase the housing units.

Ms. Leverenz stated that the proposals would still go through the Planning Commission (PC).

Mr. Richardson stated that he would not want the process to bypass the DRC.

Mr. Haldeman asked how proposals would get to the BOS.

Mr. Holt stated that that is a question for the BOS and which cases they would want to review.

Mr. Haldeman asked if cases would still go through the PC.

Mr. Krapf stated that the process would go through the PC because the DRC reports to the PC.

Ms. Leverenz stated that if the DRC denies an application, but the PC approves the request, the application is approved and that is the end of the process.

Mr. Krapf stated that DRC reports are part of the consent agenda. He stated that significant applications such as Stonehouse can be pulled during the meeting.

Ms. Leverenz stated that even though the Stonehouse item was pulled from the consent agenda, the PC could not deny the application.

Mr. Holt stated that if a neighbor has a genuine issue with the proposal, the DRC can be an outlet. He stated that the Ordinance was previously amended.

Mr. Krapf stated that a conceptual plan is vague, and the plans begin to add more detail as

they approach a site plan. He stated that the site plan shows the potential issues that were not noticed at the beginning. He asked if the minor issues need to go through the legislation process.

Mr. Holt stated that going back through the legislative process allows the BOS to hold another public hearing on the proposal.

Mr. Krapf stated that for minor changes, the legislative process costs people time and money.

Ms. Leverenz asked if the DRC could deny a political proposal.

Mr. Holt stated that there is not a process to deny a political issue. He stated that when a code is written into the Ordinance, it applies to all projects County-wide. He stated that if a policy were developed, it could allow for interpretations. For example, if a proposal has no issues, it can stop at the PC or if a proposal results in concerned citizens, the BOS can review the proposal in the end.

Mr. Krapf stated that he is concerned about that route.

Ms. Leverenz stated that the citizens are not given a public notice.

Mr. Holt stated that specific process details can be figured out while meeting with the BOS.

Mr. Krapf asked if a chart of Master Plan consistency determinations of the past five years could be put together.

Mr. Richardson agreed.

Mr. Haldeman asked if other communities have a process.

Mr. Richardson stated that other localities may have a policy that is completely different than what the BOS would even want.

Mr. Holt stated that an early check-in point with the BOS will help.

Mr. Krapf stated that it is a good idea to meet with the BOS.

Mr. Haldeman stated that the guidance will help determine which cases will need to go through the full legislative process.

Mr. Richardson asked how this topic can be brought to a work session.

Mr. Holt stated that he would work with Administration to do a check-in with the BOS. He stated that the BOS will be able to consider multiple options.

Mr. Richardson stated that having options will help the BOS decide.

Mr. Holt stated that whether or not the HOA agrees with a proposal can be part of the options as well as determining the number of criteria that would need to be inconsistent before the BOS heard the proposal.

Ms. Leverenz stated that the Policy Committee should start at a higher level and let the BOS make decisions on some of the finer details.

Mr. Holt stated that the finer details are what will be difficult to write into the Ordinance.

Ms. Leverenz stated that she feels the HOA should not be a factor.

Mr. Richardson stated that communities such as Kingsmill have multiple HOAs including ones run by the developer. He stated that they should communicate to the BOS that including the HOA in the Ordinance could be complicated.

Mr. Krapf stated that there is an internal process within a development between the citizens and the HOA. He stated that it is the responsibility of the HOA to notify residents.

Mr. Holt stated that a memorandum will be drafted to capture the Policy members' conversations. He stated that the Planning Director and the Chair of the PC and Policy Committee would attend the work session. He stated that he would go through the memorandum with the BOS. He stated that work session items are usually discussion items.

Mr. Haldeman asked what day.

Mr. Holt stated that it is the fourth Tuesday of each month.

Mr. Haldeman stated that part of the conversation is making the Master Plan amendment process easier for proposals that reduce the amount of homes.

Mr. Richardson stated that talking with the BOS would help answer the question about reducing the number of homes process.

Mr. Leverenz stated that the location of where the homes would be located would still be an issue regarding the impacts.

Mr. Holt stated that there could be an element that reducing the density could be approved at staff level.

Ms. Leverenz stated that lowering the number of homes affects the current citizens in the subdivision.

Mr. Holt stated that there could be multiple concerns with a decrease of density.

Mr. Richardson asked if there could be an incentive to reduce density to increase the likelihood of greenspace.

Mr. Holt stated that reducing density could be done administratively. He stated that increasing greenspace does not necessarily reduce units.

Mr. Krapf stated a single reduction in homes can result in multiple implications.

Mr. Holt stated that if the proposal is just to reduce units, then staff can approve the proposal. He stated that other changes could go through the DRC.

Mr. Haldeman stated that a possible route is to make the process simpler and potentially reduce the fees.

Mr. Richardson stated that the housing market is always changing and it is different than when he moved to the County.

Mr. Haldeman stated that the increase in homes could have a large impact on the County. He stated that a decrease in homes in a Master Plan will be better for the overall vision of the

County.

Mr. Krapf stated that the housing market is changing. He asked what the vision of the new Comprehensive Plan would be for housing to attract a younger group of people.

Mr. Haldeman stated that the job market will attract younger professionals.

Mr. Krapf stated that establishing a new revenue stream to attract a new group of professionals is key.

Mr. Holt stated that the Comprehensive Plan update can include these pieces.

Mr. Haldeman asked what is included in the memorandum to the BOS.

Mr. Holt stated that the memorandum will not have the HOA piece and will include an option for reducing density.

Ms. Leverenz asked if the developer could decide not to build.

Mr. Holt stated that the developer could decide not to build. He stated that there could be an administrative approval for the reduction of lots.

Ms. Leverenz asked if housing units being transferred would go through the legislative process.

Mr. Holt stated that at minimum, they would go to the DRC.

Ms. Leverenz stated that a component to make the process easier could make the overall policy more difficult.

Mr. Krapf stated that he would like the Committee to discuss both the pros and cons before talking to the BOS. He asked if there is another opportunity to talk about the subject before the work session.

Mr. Haldeman stated that there is a Policy Committee meeting before the work session.

Ms. Leverenz stated that the members need some direction from BOS. She stated that there are some components that the Policy Committee needs to continue to talk about before consulting the BOS.

Mr. Holt stated that after the policy is drafted, there will be more questions to ask the BOS and have another check-in before going to the PC.

Mr. Krapf stated that this gives the Committee an opportunity to refine the policy.

Mr. Haldeman asked if there were any questions.

There were none.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 5:10 p.m.

Mr Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 10/11/2018

TO: The Policy Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Potential Ordinance Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Attachment 1. Staff Report for Ordinance Changes in 2016	Backup Material
☐	Attachment 2. Proposed Amended Sections 24-144, 24-147, 24-148 and 19-19 (Section 24-149 included for reference only)	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	10/4/2018 - 3:13 PM
Policy	Holt, Paul	Approved	10/5/2018 - 4:19 PM
Publication Management	Burcham, Nan	Approved	10/5/2018 - 4:28 PM
Policy Secretary	Secretary, Policy	Approved	10/5/2018 - 4:29 PM

MEMORANDUM

DATE: October 11, 2018

TO: The Policy Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Potential Ordinance Amendments to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

Introduction

During the 2018 session of the General Assembly, amendments were made to Section 15.2-2259 of the Code of Virginia. The amended language states: “the local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews.” After consultation with the County Attorney’s office, it is staff’s understanding that this language prohibiting the requirement of “presubmission reviews” would also prohibit the requirement for conceptual plan submissions.

A process for submission and review of conceptual plans has been a part of the County’s site plan and subdivision ordinances for many years. For most of that time, the sections covering conceptual plans were worded to encourage their submission, but not require it. However, in 2016, the site plan section of the Zoning Ordinance was amended to require “enhanced conceptual plans” prior to the submission of a site plan when the proposal was for certain types of development (see list in Section 24-147, Attachment No. 2) that triggered review by the Development Review Committee (DRC) and Planning Commission (PC). This change in 2016 was proposed to help make the plan review process more efficient and predictable, without compromising review integrity (see 2016 staff report, Attachment No. 1). Unfortunately, this language is now out of compliance with the State Code.

Recommendation

In order to comply with the State Code, staff recommends reverting to the language of Sections 24-147 and 24-148 as they existed prior to the amendments made in 2016. This reversion would mean that for the types of development triggering review by the DRC and PC, this review would again occur at the site plan stage unless the applicant voluntarily chose the option of submitting an enhanced conceptual plan for review by the DRC/PC. This process remains a functional and feasible process, if not one that fully achieves the objectives stated in 2016.

In addition, in order to comply with the State Code, staff recommends a change to Section 24-144 of the Zoning Ordinance and Section 19-19 of the Subdivision Ordinance, the sections which contain the provisions for conceptual plans, to delete a sentence that states “Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.”

Attachment No. 2 shows these proposed amended sections in strikethrough format, and also includes the text of Section 24-149 for the Committee’s reference if needed (no changes are proposed to Section 24-149). Staff looks forward to the Policy Committee’s input on this matter, or should the Committee find the current documents acceptable, staff recommends that the Committee recommend approval of the attached draft amendments to the Planning Commission.

JR/md
CodeVA-MandCPlan-mem

Attachments:

1. Staff Report for Ordinance Changes in 2016
2. Proposed Amended Sections 24-144, 24-147, 24-148 and 19-19 (Section 24-149 included for reference only)

MEMORANDUM

DATE: July 26, 2016

TO: The Board of Supervisors

FROM: Roberta Sulouff, Planner

SUBJECT: ZO-0004-2016 and SO-0003-2016. Amendments to the Zoning and Subdivision Ordinances Regarding Development Review Committee Review Criteria and Processes

Over the past several years, much work has been done to ensure a more predictable and flexible plan review process. Staff has worked to incorporate recommendations from the Business Climate Task Force, both through small process changes and through the most recent comprehensive Zoning Ordinance update in 2012. As a result of these changes, the Development Review Committee (DRC) has become more of a strategic body; beyond master plan consistency and other proffered and conditioned reviews, the DRC now primarily serves as an appellate body. Given these shifts in purpose, and with additional direction from the Comprehensive Plan, staff proposed revisiting Zoning and Subdivision Ordinance DRC review triggers at the May 2016 Policy Committee meeting. At this meeting, Policy Committee members considered options for procedural changes and draft ordinance language. Staff used feedback from that meeting to draft the attached materials. Staff believes that the proposed changes further accomplish the goals set during earlier ordinance revisions and continue the trend of making the plan review process more efficient and predictable, without compromising review integrity.

Proposed Revisions

In response to feedback received at the May 12, 2016, Policy Committee meeting, staff has prepared revisions which reflect a streamlined approach to DRC review of site plans and major subdivisions:

- Zoning Ordinance, Article III, Site Plan: Per Section 24-147, Site Plan - Criteria for review, the current ordinance requires DRC review for any plans which meet the following criteria: a non-master planned multi-family development of 10 or more units, a shopping center or a single building or complex exceeding 30,000 square feet (excluding certain industrial uses). Current code also allows applicants to submit an enhanced conceptual plan, which could gain preliminary approval through the DRC and proceed through the review process administratively.

Staff is proposing that the current, full site plan review process for applications fitting the above criteria be replaced with a mandatory enhanced conceptual plan review. This option is designed to allow a less costly way to identify any cost prohibitive or complicated issues in advance of submitting a fully engineered site plan. Review of the conceptual plan by the DRC also allows feedback as early in the process as possible, which will make the full site plan process more efficient and predictable. Enhanced conceptual applications reviewed by the DRC would not have to be reviewed by the DRC at the site plan stage.

- Subdivision Ordinance, Article II, Procedures and Documents to Be Filed: Per Section 19-23 of the Subdivision Ordinance, Procedure for preliminary plan review for major subdivisions, the current code requires DRC review for any major subdivision. This requirement applies regardless of any previous legislative master plan approval. Currently, the Planning Director may waive this requirement for any subdivision proposing fewer than 50 lots.

In an effort to eliminate a step in the process, staff is proposing to remove language requiring DRC review of major subdivisions. In practice, DRC review of subdivisions under 50 lots is very rare, unless otherwise required by proffer or Special Use Permit conditions. Additionally, State Code mandates that any major subdivision of 50 or more lots must gain preliminary approval via the Planning Commission, with or without DRC review and thus major subdivisions will still be reviewed by the Commission.

Recommendation

On June 1, 2016, the Planning Commission voted to recommend approval of the proposed amendments by a vote of 7-0. Staff recommends the James City County Board of Supervisors approve these amendments to County Code Sections 24-147, 24-148 and 19-23.

RS/nb

ZO-04-16 SO-03-16Amend-mem

Attachments:

1. Zoning Ordinance (strikethrough version)
2. Zoning Ordinance (clean version)
3. Subdivision Ordinance (strikethrough version)
4. Subdivision Ordinance (clean version)
5. Approved minutes from the June 1, 2016, Planning Commission meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN; SECTION 24-147, CRITERIA FOR REVIEW, AND SECTION 24-148, PROCEDURE FOR COMMISSION REVIEW OF SITE PLANS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article III, Site Plan; Section 24-147, Criteria for review, and Section 24-148, Procedure for commission review of site plans.

Chapter 24. Zoning

Article III. Site Plan

Sec. 24-147. Criteria for review.

(a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider ~~site plans~~ *applications submitted for review* if any of the following conditions are present:

(1) The ~~site plan~~ *application* proposes:

- a. a multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
- b. a shopping center; or
- c. a single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.

(2) ~~There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director. Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.~~

(b) ~~Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148. However, the commission's designee may consider and review, pursuant to section 24-149, any site plan which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.~~

(c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. - Procedure for commission review of ~~site plans~~ *enhanced conceptual plans*.

(a) The applicant shall submit to the planning director, or his designee, ten copies of the ~~site plan~~ *enhanced conceptual plan* and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for ~~site~~ plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such ~~site~~ plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.

(b) Upon meeting all submittal requirements ~~of section 24-148(e)~~, the ~~site~~ *enhanced conceptual* plan shall be reviewed by the planning division and other agencies of the county, state, and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the ~~site~~ *enhanced conceptual plan* and make a recommendation to the commission.

(c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the ~~site~~ *enhanced conceptual plan*. The ~~site~~ plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

~~(d) The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the plan. The plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval. Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further *administrative* review ~~administratively~~ by the planning division and other agencies as deemed necessary by the planning director. In order for ~~enhanced conceptual~~ plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.~~

(e) The enhanced conceptual plan shall at a minimum contain:

- (1) Project title, title block, legends, north arrow and graphic scale labeled;
- (2) Vicinity and location maps and site address;
- (3) Site owner and developer information;
- (4) County tax parcel number, site boundary and parcel size information;
- (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
- (6) Adjacent property information;

- (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
- (8) Existing topography using county base mapping (five (5) foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
- (9) Existing and proposed rights-of-way and easements;
- (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;
- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;
- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;

- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2016.

Sec. 24-144. Preapplication conference and submission of conceptual plan.

- (a) Before filing an application for approval of a site development plan, the applicant is advised to confer with the planning director or his designee, and such other agencies of the county, state and/or federal governments as the planning director suggests to be advisable concerning the general proposal.
- (b) Prior to the submission of a site plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.
- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final site plan approval by the zoning administrator; such action does not constitute site plan approval or preliminary approval. ~~Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.~~
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) Project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties;
 - (2) Vicinity and location maps and site address;
 - (3) County tax parcel identification number, site boundary, and parcel size information;
 - (4) Building locations and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as those associated with Resource Protection Areas (RPA) and CCC (Community Character Corridors);
 - (5) Entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.);
 - (6) Greenway connections (on-site and those adjacent to the subject property);
 - (7) Narrative description of the proposed use of site;
 - (8) Location of stormwater management facilities;
 - (9) Recorded easements (conservation, utility, rights-of-way, etc.);
 - (10) Unique natural/visual features (viewsheds, water features, wetlands, etc.);
 - (11) Unique natural/visual features to be preserved (specimen trees, known archaeological sites, etc.);
 - (12) List of currently binding proffers or SUP conditions;
 - (13) Location of entry signs; and
 - (14) Existing topography using county base mapping (two (2) foot contour or greater with the prior approval of the Engineering and Resource Protection Director) or other mapping sources or resources.
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.

Sec. 24-147. Criteria for review.

- (a) The development review committee (DRC) and the commission, or the commission's designee(s), shall consider ~~applications submitted for review~~ **site plans** if any of the following conditions are present:
- (1) The ~~application~~ **site plan** proposes:
 - a. A multi-family development of ten or more units which is not subject to a binding legislatively approved master plan; or
 - b. A shopping center; or
 - c. A single building or group of buildings which contain a total floor area that exceeds 30,000 square feet which are not predominantly to be used as a warehouse, distribution center, office, or for other industrial or manufacturing purpose. The term predominantly shall be defined as 85 percent of the total square feet of the building or more.
 - (2) ~~Applications that meet any of the conditions listed above shall be reviewed by the DRC and the commission as an enhanced conceptual plan in accordance with section 24-148 prior to any application for site plan approval. However, the commission's designee may consider and review, pursuant to section 24-149, any plan that is determined by the economic development director to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan. There are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director.~~
- (b) ~~The DRC and the commission shall consider site plans if there are unresolved conflicts between the applicant, adjacent property owners and/or any departmental reviewing agency. Unresolved conflicts shall be defined as disagreements in the interpretation or application of ordinance requirements which have a material impact on the proposed development's off-site impacts and/or density, as determined by the planning director. Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the commission in accordance with section 24-148; however, the commission's designee may consider and review, pursuant to section 24-149, any site plan on behalf of the commission which the economic development director determines to create or significantly expand a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.~~
- (c) If site plans do not qualify for review by the commission or its designees under this section, they may be considered and reviewed administratively by the zoning administrator under the terms of section 24-150.

Sec. 24-148. Procedure for commission review of ~~enhanced conceptual plans~~ **site plans.**

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the ~~enhanced conceptual plan~~ **site plan** and pay the appropriate application fee. Plans shall first be reviewed by the DRC who shall forward a recommendation to the commission. In order for plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.
- (b) Upon meeting all submittal requirements ~~of section 24-148(e)~~, the ~~enhanced conceptual plan~~ **site plan** shall be reviewed by the planning division and other agencies of the county, state, and/or

federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies, and regulations. The DRC shall consider the composite report and the ~~enhanced conceptual plan~~ *site plan* and make a recommendation to the commission.

- (c) The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the ~~enhanced conceptual plan~~ *site plan*. The *site plan* may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions, or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.
- (d) *The applicant may, at their discretion, submit an enhanced conceptual plan for review by the planning division, other agencies of the county, state and/or federal government as deemed necessary by the planning director in advance of preparation of fully engineered plans. The planning division shall prepare a composite report on the proposed plans which shall include review comments and requirements by other agencies and determine consistency with all applicable zoning ordinance requirements, policies and regulations. The composite report and the enhanced conceptual plan shall be considered by the DRC at one of its regularly scheduled monthly meetings to make its recommendation to the commission. The commission shall consider the recommendation of the DRC and either grant preliminary approval, defer or disapprove the enhanced conceptual plan. The enhanced conceptual plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall notify the applicant of the commission's findings within ten working days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, such notice shall state the specific reasons for disapproval.* Plans granted preliminary approval by the commission at the conceptual stage can move forward into full design for further ~~administrative~~ *administratively* by the planning division and other agencies as deemed necessary by the planning director. *In order for enhanced conceptual plans to be considered by the DRC at one of its regularly scheduled monthly meetings, such plans shall be received by the planning division at least five weeks in advance of the respective DRC meeting.*
- (e) The enhanced conceptual plan shall at a minimum contain:
 - (1) Project title, title block, legends, north arrow and graphic scale labeled;
 - (2) Vicinity and location maps and site address;
 - (3) Site owner and developer information;
 - (4) County tax parcel number, site boundary and parcel size information;
 - (5) Setbacks (Building, Landscape) and Buffers (RPA, Community Character Corridor);
 - (6) Adjacent property information;
 - (7) Existing site features such as property lines, roads, buildings, driveways, and utilities;
 - (8) Existing topography using county base mapping (5-foot contours) or other mapping sources or surveys. Spot elevations shall be shown at topographical low or high points;
 - (9) Existing and proposed rights-of-way and easements;
 - (10) Layout of proposed improvements showing design placement, circulation, parking spaces, handicapped parking spaces, loading spaces, parking islands, recreation areas, and streetlights;

- (11) Landscape plan identifying general location of plantings and buffer/perimeter screening plantings;
- (12) Narrative indicating the purpose of the project and compliance with any proffer and master plan requirements;
- (13) Location and size of existing water mains and proposed connection point(s);
- (14) Proposed location of water meters, waterlines, and fire hydrants;
- (15) Proposed building usage and number of floors;
- (16) Preliminary water demands based on proposed use and required fire flow;
- (17) Fire flow test performed to determine adequate capacity;
- (18) Location of all existing or proposed private wells;
- (19) Location and size of existing sanitary sewer lines and manholes and proposed connection point(s);
- (20) Proposed sanitary sewer, pump or lift stations, and grinder pump(s);
- (21) Verification of sewer flow acceptance;
- (22) Location of primary and secondary onsite disposal system;
- (23) Narrative description of project, including usage and size to determine appropriate ITE code(s) and compliance with Chapter 527 Traffic Impact Analysis Regulations and Access Management Regulations;
- (24) Proposed entrance location(s) and distance to nearest existing intersections, crossovers, and/or adjacent intersections;
- (25) Proposed build out year and phasing information;
- (26) Typical road sections including street widths, curb type, shoulders, sidewalks, bike lanes, planting strips, right-of-way lines, proposed utility locations, centerline curve data;
- (27) Traffic Impact Study for projects that propose 100 or more lots, uses that generate in excess of 100 peak hour trips;
- (28) Proposed design features or elements for which waivers will be sought;
- (29) Project site area, disturbed area, impervious cover and percent impervious estimates;
- (30) Applicable FEMA FIRM panel information and zone designations;
- (31) County watershed, subwatershed and catchment;
- (32) Identify if the site is subject to the county's Special Stormwater Criteria (SSC);
- (33) Overall soils map for the site along with general soil descriptions for each soil mapping unit present on the site, including preliminary locations of highly erodible, hydric, permeable and hydrologic soil groups A and B soils;
- (34) Full environmental inventory consistent with section 23-10(2) of the county's Chesapeake Bay Preservation ordinance containing a perennial stream assessment, delineated wetlands confirmed by applicable federal and/or state agencies, limits of work, a table listing all inventory components, whether they are present on the site and quantified impacts, and offsite work areas, if proposed;

- (35) Demonstration that the project complies with section 23-9(b)(1), (2) and (3) of the county's Chesapeake Bay Preservation ordinance to limit land disturbing, preserve existing vegetation and minimize impervious cover consistent with the proposed land use or permitted development;
- (36) Locations of existing and proposed stormwater management/BMP facilities, with county BMP ID code numbers and labels to show intended BMP type in accordance with designations in the county BMP manual;
- (37) Identify location of areas intended to be dedicated in conservation easement for natural open space, BMP worksheet or stormwater compliance purposes;
- (38) Demonstration that the project complies with the county's 10-point system for water quality and stream channel protection, and minimum standard number 19 of the Virginia Erosion and Sediment Control regulations by provision of a worksheet for BMP point system;
- (39) Demonstration that storm drainage systems and BMP outfalls must outlet into adequate, defined natural or man-made receiving channels;
- (40) Identify preliminary location of primary proposed stormwater drainage system conveyances such as inlets, storm drainage piping, culverts and stormwater conveyance channels for primary systems;
- (41) List of all known federal, state and local permits that are required for the project as well as any exceptions, variances or waivers that must be obtained or pursued.

Sec. 24-149. Procedure for review of site plans by the commission's designee(s).

- (a) The applicant shall submit to the planning director, or his designee, ten copies of the site plan and pay the appropriate application fee.
- (b) Upon meeting all submittal requirements, the site plan shall be reviewed by the planning division and other agencies of the county, state and/or federal governments as deemed necessary by the planning director. The planning division shall prepare a composite report on the proposed site plan which shall include review comments and requirements by other agencies and submit the report to the commission's designees for consideration.
- (c) The commission's designees shall consider the planning division's report and either grant preliminary approval, defer, disapprove or refer the site plan back to the DRC. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the zoning administrator. The planning division shall provide written notice to the applicant of the commission's designee's decision. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

Sec. 19-19. - Preapplication conference and submission of conceptual plan.

- (a) Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with the subdivision agent and such other agencies of the state and county as the agent deems advisable concerning the proposed subdivision.
- (b) Prior to the submission of any major subdivision plan, the applicant or his representative is advised to submit three copies of a conceptual plan for review by the planning director, or his designee; such action does not constitute the submission of a preliminary plan and is not to be construed as an application for approval in computing time limitations in relation thereto. The planning division shall

transmit comments to the applicant within 21 calendar days of submittal of a conceptual plan which meets all applicable submittal criteria.

- (c) The conceptual plan may be granted conceptual plan approval with conditions that should be satisfied prior to final plan approval by the zoning administrator; such action does not constitute final subdivision approval or preliminary plan approval. ~~Unless required by the planning director, a resubmittal of conceptual plans shall not be necessary.~~
- (d) Conceptual plans shall, at a minimum, identify or contain:
 - (1) property lines, project title, title block, legend, north arrow and graphic scale, zoning and zoning of surrounding properties
 - (2) vicinity and location maps and site address
 - (3) county tax parcel identification number, site boundary and parcel site information
 - (4) building location and orientation, location of buildings on adjacent properties, building and landscape setbacks, buffers such as resource protection areas (RPA) and community character corridors (CCC)
 - (5) entrances/exits/access to the site (vehicular, pedestrian, greenway, etc.) and location of nearby roads
 - (6) greenway connections (on-site and those adjacent to the subject property)
 - (7) narrative description of the proposed use of site
 - (8) location of stormwater management facilities
 - (9) recorded easements (conservation, utility, rights-of-way, etc.)
 - (10) unique natural/visual features (viewsheds, water features, wetlands, etc.)
 - (11) unique natural/visual features to be preserved (mature or specimen trees, known archaeological sites, etc.)
 - (12) list of currently binding proffers or special use permit conditions
 - (13) location of entry signs
 - (14) existing topography of site using county base mapping (five foot contour) or other mapping sources or surveys
- (e) If the planning director determines that one or more of the above submittal requirements is not applicable to the proposed project, the planning director may waive those requirements.