

**SPECIAL USE PERMIT-23-0006. 180 Leisure Road. Upper County Park Master Plan Amendment  
Staff Report for the April 5, 2023, Planning Commission Public Hearing**

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**SUMMARY FACTS**

Applicant:	Mr. Alister Perkinson, Parks Administrator, Parks & Recreation Department
Landowner:	James City County
Proposal:	A request to amend the Special Use Permit (SUP) Case and Master Plan for the Upper County Park to include, but not limited to, adding and reconfiguring multiuse trails, a pickleball/tennis court, an off-leash dog area; and a community gymnasium.
Location:	180 Leisure Road
Tax Map/Parcel No.:	1120100001
Property Acreage:	± 55.99 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Community Character Conservation, Open Space, or Recreation
Primary Service Area:	Outside
Staff Contact:	Ben Loppacker, Planner

**PUBLIC HEARING DATES**

Planning Commission:	April 5, 2023, 6:00 p.m.
Board of Supervisors:	May 9, 2023, 5:00 p.m. (tentative)

**FACTORS FAVORABLE**

1. The proposal will continue to be compatible with surrounding zoning and development.
2. The proposal is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. At its January 25, 2022, meeting, the Board of Supervisors approved the Master Plan update for Upper County Park.
4. The proposal will add needed park facilities for future development in the northern part of the County.
5. Impacts: See Impact Analysis on Pages 3-4.

**FACTORS UNFAVORABLE**

1. With the attached SUP conditions, staff finds that there are no unfavorable factors.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. Staff also recommends that the Planning Commission find this application consistent with Section 15.2-2232 of the Code of Virginia.

**PROJECT DESCRIPTION**

Mr. Alister Perkinson, Parks Administrator, Parks & Recreation Department, has submitted a request to amend the Master Plan and SUP condition changes for Upper County Park on behalf of the James

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City County Parks & Recreation Department. The Park opened in 1984, Upper County Park is one of the oldest County parks and primarily serves the residents at the upper end of the County. A 1993 Master Plan for the Park had become outdated and not reflective of current citizen needs. The Parks and Recreation Master Plan identified a lack of several park amenities in this region, notably hard surface trails, gymnasiums, recreation centers, and indoor pools. Current Park amenities include a 25-meter outdoor pool, toddler pool, basketball and sand volleyball courts, picnic shelters, a playground, multiuse/mountain biking trails, a primitive camping area, restrooms, and seasonal store/concessions. In 2022, the Parks & Recreation Department updated the Master Plan for Upper County Park with changes including, but not limited to, adding a 0.5 mile paved multiuse trail, replace the toddler pool with a splash pad/spray ground feature, add a community gym, pickleball/tennis courts, an off-leash dog area, archery range, park maintenance area, and increased parking.

At its January 25, 2022 meeting, the Board of Supervisors approved “Master Plan Upper County Park April 2021” for Upper County Park, which showed a new 0.5-mile paved multiuse trail to the north of the property going around the off-leash dog area (Attachment No. 3) Since then, the Parks & Recreation Department would like to propose a minor change to the Master Plan that would realign the 0.5-mile paved multiuse trail to more of the south going around the proposed community gym and along the parking area (Attachment No. 4) . Conditions for the SUP will also be modified to be consistent with the Master Plan

**PLANNING AND ZONING HISTORY**

- There has been one previous SUP associated with this parcel. On December 5, 1994, the Board approved Case No. SUP-0029-1994, allowing for the operation of the Park by the County and the adoption of the original Master Plan for the Park.

- At its, January 25, 2022, meeting, the Board of Supervisors approved the Master Plan Upper County Park April 2021 for Upper County Park.

**SURROUNDING ZONING AND DEVELOPMENT**

- The properties surrounding this parcel to the north and west are zoned Economic Opportunity, EO, and are part of the Hazelwood Development. Properties to the south and east are zoned A-1, General Agricultural, and are part of the Meadow Lake Subdivision.

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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>Mitigated</u>	- See Condition No. 2 regarding a traffic study being needed prior to site plan approval for the community gym.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are required on the south side of Leisure Road where it crosses into the parcel.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 1 on Richmond Road serves this area of the County and is approximately 3.7 miles from Upper County Park. - Staff finds this SUP 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.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Diascund Creek Watershed.	<u>Mitigated</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. A Master Stormwater Management Plan will be required per Condition No. 3.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Leisure Road is not a Community Character Corridor; therefore, no mitigation is required. This parcel is not located within a Community Character Area.
<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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**2045 COMPREHENSIVE PLAN**

The site is designated Community Character Conservation, Open Space, or Recreation (CCOR) on the 2045 Comprehensive Plan Land Use Map. Properties to the north and west are designated EO and parcels to the east and south are designated Rural Lands.

Appropriate primary uses for areas designated CCOR, include parks and recreational amenities such as recreation fields, trails, wildlife corridors, and greenways. Staff finds this use to generally fit within these categories.

**FINDING OF CONSISTENCY**

Section 15.2-2232 of the Code of Virginia states, in part, that no public park facility be allowed unless the Planning Commission finds the location of the park “substantially” consistent with the adopted Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Comprehensive Plan Land Use Map, the Upper County Park is designated as a CCOR. Also, staff finds this proposal consistent with the Comprehensive Plan since the Park will serve the County and region as a whole and because it is a public facility (i.e., owned and operated by James City County). For the Commission’s consideration, a consistency determination resolution is included as Attachment No. 7.

**STAFF RECOMMENDATION**

Staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions. Staff also recommends that the Planning Commission find this application consistent with Section 15.2-2232 of the Code of Virginia.

BL/ap  
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**Attachments:**

1. Proposed SUP Conditions
2. Location Map
3. Master Plan Upper County Park April 2021
4. Master Plan Upper County Park January 2023
5. Applicant Narrative
6. SUP-0029-1994 Resolution
7. Resolution: 15.2-2232 Consistency Determination

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