

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.

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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.

ATTEST:

Bryan J. Hill
Clerk to the Board

Michael J. Hipple
Chairman, Board of Supervisors

	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.

Ch24-ZoningArtII-ord