

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 2, 2020
6:00 PM

A. CALL TO ORDER

1. The meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/92933748911> or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 929 3374 8911. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

B. ROLL CALL

1. Virtual Meeting Resolution

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the August 5, 2020, Regular Meeting

F. PUBLIC HEARINGS

1. AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road
2. SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2020

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: The meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/92933748911> or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 929 3374 8911. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:16 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:16 PM
Publication Management	Daniel, Martha	Approved	8/24/2020 - 2:23 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:23 PM

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Zoom Meeting Instructions

ATTACHMENTS:

	Description	Type
	Zoom Meeting Instructions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:18 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:18 PM
Publication Management	Daniel, Martha	Approved	8/24/2020 - 2:23 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:40 PM

Zoom Instructions for Participants before a Meeting

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. You will receive notice for a videoconference or conference call via email. The notification will include a link to “Join via computer” as well as phone numbers for a conference call option. It will also include the 9-digit (usually) Meeting ID.

Join the Videoconference

1. At the start time of your meeting, click on the link in your invitation to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your computer’s audio and microphone at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without clicking on the invitation link by going to join.zoom.us on any browser and entering the Meeting ID provided by your committee analyst.

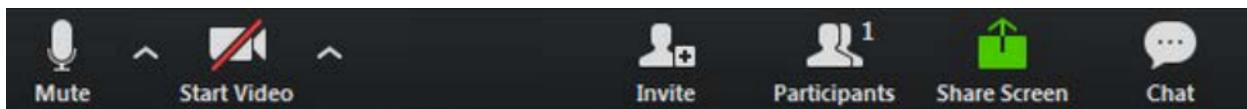
Join Audio via Phone (Recommended for best connection)

If you have sluggish internet connection, your computer or phone lacks a microphone, or for issues with hearing the audio, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided in your invitation.
2. Enter the Meeting ID number (also provided in your invitation) when prompted using your touch-tone keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

During the Meeting

Using the participant controls in the lower left corner of the Zoom screen you can:



- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View Participant list – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand
- Change your screen name that is seen in the participant list and video window
- Share your screen

On your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all of the meeting participants (like a grid).

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Virtual Meeting Resolution

ATTACHMENTS:

	Description	Type
	Virtual Meeting Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:40 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:40 PM
Publication Management	Daniel, Martha	Approved	8/24/2020 - 2:43 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:43 PM

RESOLUTION

PLANNING COMMISSION VIRTUAL MEETING

- WHEREAS, on March 24, 2020, the James City County Board of Supervisors (the “Board”) adopted an emergency Ordinance to ensure the continuity of government in response to the coronavirus pandemic negatively affecting the health, safety, and welfare of the citizens of James City County (the “County”); and
- WHEREAS, on April 14, 2020, the Board readopted the continuity of government Ordinance (the “Ordinance”), which, under certain circumstances, permits the Board and its subordinate boards, committees, and commissions to conduct regularly scheduled, special, or emergency meetings solely by electronic or telephonic means without a quorum of members physically present (a “Virtual Meeting”); and
- WHEREAS, the Planning Commission is a subordinate Commission of the Board and is therefore eligible to conduct a Virtual Meeting; and
- WHEREAS, the Planning Commission desires to conduct a Virtual Meeting on September 2, 2020, at time those items listed on the agenda attached hereto (the “Agenda”) will be considered; and
- WHEREAS, each of the members of the Planning Commission have reviewed each the items listed on the Agenda and have determined that consideration of each is necessary to ensure the continuation of the essential functions of the government during the emergency described in the Ordinance.
- NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby finds and declares that immediate consideration of each of the items set forth in the Agenda is necessary to ensure the continuation of essential functions of the government during the emergency declared by the Board and further described in the Ordinance.

Rich Krapf
Chairman, Planning Commission

ATTEST:

Paul D. Holt III
Secretary to the Planning Commission

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
NULL	_____	_____	_____
ROSE	_____	_____	_____
POLSTER	_____	_____	_____
HALDEMAN	_____	_____	_____
O'CONNOR	_____	_____	_____
LEVERENZ	_____	_____	_____
KRAPF	_____	_____	_____

Adopted by the Planning Commission of James City County, Virginia, this 2nd day of September, 2020.

VMtg-PC-September-res

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the August 5, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the August 5, 2020, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:55 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:55 PM
Publication Management	Daniel, Martha	Approved	8/24/2020 - 2:58 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:59 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
August 5, 2020
6:00 PM

A. CALL TO ORDER

Mr. Krapf called the meeting to order at 6:00 p.m.

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/98552055526> or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 985 5205 5526. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Frank Polster
Rob Rose
Barbara Null

Planning Commissioners Absent:

Tim O'Connor
Julia Leverenz

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Terry Costello, Deputy Zoning Administrator

1. Virtual Meeting Resolution

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Haldeman, Krapf, Null, Polster, Rose

Absent: Leverenz, O'Connor

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Mr. Jack Haldeman made a motion to approve the resolution.

On a roll call vote, the Commission voted to approve the resolution. (5-0)

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

As no one wished to speak, Mr. Krapf closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Haldeman stated that the Development Review Committee did not meet in July.

Mr. Frank Polster stated that the Policy Committee did not meet in July.

E. CONSENT AGENDA

1. Minutes of the July 1, 2020 Regular Meeting

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

On a voice vote, the Commission voted to approve the Minutes of the July 1, 2020, Regular Meeting. (5-0)

F. PUBLIC HEARINGS

1. SUP-20-0008. 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Haldeman, Krapf, Null, Polster, Rose

Absent: Leverenz, O'Connor

Ms. Terry Costello, Deputy Zoning Administrator, stated that Mr. Mark Richardson of the Timmons Group has applied for a Special Use Permit (SUP) to amend, supersede, and replace SUP-0016-2016. Ms. Costello stated that this SUP allows for the construction of an approximately 2,940-square-foot 7-Eleven Convenience Store which sells and dispenses fuel and an approximately 4,000-square-foot fast food restaurant with a drive-through. Ms. Costello further stated that the parcels are located at 7327 and 7337 Pocahontas Trail. Ms. Costello noted that the parcels are zoned B-1, General Business and are designated Mixed Use by the 2035 Comprehensive Plan. Ms. Costello stated that the development currently on the site is the 7-Eleven and gas station.

Ms. Costello stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District and a drive-through restaurant that generates over

100 peak-hour trips requires a Commercial SUP. Ms. Costello stated that the Master Plan and building sizes have not changed compared to the previously approved SUP, and therefore the traffic study is still valid with the recommended improvements being incorporated into the SUP Conditions presented with this application.

Ms. Costello stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Ms. Costello further stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Mark Richardson, Timmons Group, Applicant, stated that he was available to answer any questions the Commission might have. Mr. Krapf inquired why the restaurant portion has not moved forward. Mr. Richardson stated that the right tenant has not yet expressed interest in the property.

As no one else wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf opened the floor for discussion by the Commission.

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

On a roll call vote, the Commission voted to recommend approval of SUP-20-0008. 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath. (5-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2020

Mr. Holt stated that he wanted to promote the Engage 2045: Comprehensive Plan Update Exploring Our Future Alternatives Virtual Assembly to be held on August 10, 2020, at 6:30 p.m. Mr. Holt stated that the Virtual Assembly will include a presentation on possible futures, scenario modeling results, public input themes, and comprehensive plan goals, with online questionnaires available through September 2, 2020. Mr. Holt further stated that there would be a live question and answer session via the County's Facebook page following the presentation. Mr. Holt stated that staff hopes that there will be a substantial response from the public and encourages everyone to spread the word about the Virtual Assembly.

Mr. Haldeman inquired about the courtesy review of a York County rezoning on Pocahontas Trail.

Mr. Holt stated that this is a small property in the vicinity of Fire Station 2. Mr. Holt stated that to the best of his knowledge, there is no specific proposal associated with the request. Mr. Holt further stated that it appears that this is to allow the property to be marketed as General Business.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf stated that Mr. Rob Rose will represent the Planning Commission at the August Board of Supervisors' meeting.

Mr. Polster noted that in the application for SUP-20-0008. 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath, the applicant incorporated Leadership in Energy and Environmental Design (LEED) elements in the construction. Mr. Polster stated that when a residential project does well with LEED elements, they are given bonus points; however, commercial projects get no recognition of those efforts.

Mr. Polster inquired if there is a particular reason that the Zoning Ordinance does not address LEED incentives for commercial projects.

Mr. Holt stated that in residential districts, the incentive for green building is in a list of options which includes consideration of bonus points for density. Mr. Holt stated that in 2012, the Board of Supervisors adopted a resolution supporting green building for commercial properties by providing workshops and other support where the County had resources available. Mr. Holt further stated that other possible incentives included a reduced plan review fee for site plans, additional signage options during construction, and other public recognition.

Mr. Polster stated that he would like to see amendments to the Zoning Ordinance for green building incentives considered during the Comprehensive Plan Review.

Mr. Holt stated that the timing is right and that staff is certainly willing to assist in bringing the item forward. Mr. Holt stated that when staff comes to the appropriate Comprehensive Plan chapter, the ordinance amendments could be included in the Goals, Strategies, and Actions which would set the framework for the policy changes.

Mr. Haldeman inquired if the County could simply require green building techniques without any Ordinance changes.

Mr. Max Hlavin, Deputy County Attorney, stated that he was fairly confident that the County did not have that authority; however, he would look into the matter.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:25 p.m.

Paul D. Holt, III, Secretary

Rich Krapf, Chair

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Tori Haynes, Senior Planner

SUBJECT: AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Proposed Conditions	Backup Material
▣	Attachment 2. Location Map	Backup Material
▣	Attachment 3. Barnes Swamp AFD Map	Backup Material
▣	Attachment 4. Barnes Swamp AFD 2018 Renewal Ordinance and Staff Report	Backup Material
▣	Attachment 5. Forest Management Plan	Backup Material
▣	Attachment 6. State Code AFD Application Criteria	Backup Material
▣	Attachment 7. Unapproved Minutes of the July 23, 2020 AFD Advisory Committee Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/24/2020 - 1:53 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 1:53 PM
Publication Management	Daniel, Martha	Approved	8/24/2020 - 1:57 PM
Planning Commission	Holt, Paul	Approved	8/24/2020 - 2:01 PM

Agricultural and Forestal District-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road
Staff Report for the September 2, 2020, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Jonathan C. Kinney

Land Owner: Mr. Jonathan C. Kinney, Trustee

Proposal: Addition of ±196.3 acres to the Barnes Swamp Agricultural and Forestal District (AFD).

Location: 10039 Old Stage Road

Tax Map/Parcel No.: 0410100010

Project Acreage: ±196.3 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Tori Haynes, Senior Planner

PUBLIC HEARING DATES

AFD Committee: July 23, 2020, 4:00 p.m.

Planning Commission: September 2, 2020, 6:00 p.m.

Board of Supervisors: October 13, 2020, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds that this addition to the Barnes Swamp AFD would be compatible with surrounding development and the existing District.
2. Staff finds the proposal to be consistent with the recommendations of the 2035 Comprehensive Plan Land Use Action 6.1.1.
3. Impacts: This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

As this proposal is not anticipated to generate any impacts that require mitigation, staff finds no unfavorable factors.

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Planning Commission recommend approval of the proposed addition to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 23, 2020 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the application to the Planning Commission and Board of Supervisors.

PROJECT DESCRIPTION

- Mr. Jonathan Kinney has applied to enroll ±196.3 acres of land located at 10039 Old Stage Road into the Barnes Swamp AFD.

Agricultural and Forestal District-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

Staff Report for the September 2, 2020, Planning Commission Public Hearing

- A forest management plan has been prepared by consulting forester Paul Verbyla (see Attachment No. 5).
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*, the parcel consists of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
10B, Craven fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight-Moderate	Slight
14B, Emporia fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15D, Emporia complex, 10-15% slopes	Slight	Slight	Slight	Slight
15E, Emporia complex, 15-25% slopes	Slight	Moderate	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight
19B, Kempsville-Emporia fine sandy loams, 2-6% slopes	Slight	Slight	Slight	Slight
29B, Slagle fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight

- The Virginia Department of Forestry (VDOT) has noted that the soils are moderately- to well-suited for the cultivation of trees. When harvesting, the logger must notify VDOT within three days of starting per Virginia Code § 10.1-1181.2(H). VDOT will inspect the harvest at least once to determine if it is silvicultural in nature, and will monitor water quality if deemed appropriate.

PARCEL AND 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 in four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during those periods.
- A Special Use Permit was granted in 2002 for the construction of a telecommunications tower on the northwestern end of the property. Wireless communications facilities are not in conflict with the Barnes Swamp AFD Ordinance.
- The District currently consists of $\pm 1,698.48$ acres. Should this addition be approved, the District would consist of $\pm 1,894.78$ acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands in the Comprehensive Plan.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states that the County shall "support both the use and value assessment of Agricultural and Forestal (AFD) programs to the maximum degree allowed by the Code of Virginia."

PUBLIC IMPACTS

Staff finds that this proposal is not anticipated to generate any impacts that require mitigation.

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-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road
Staff Report for the September 2, 2020, Planning Commission Public Hearing

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Planning Commission recommend approval of the proposed addition to the Board of Supervisors.

TH/md
AFD05-86-2-2018BarnesSwp

Attachments:

1. Proposed Conditions
2. Location Map
3. Barnes Swamp AFD Map
4. Barnes Swamp AFD 2018 Renewal Ordinance and Staff Report
5. Forest Management Plan
6. State Code § 15.2-4306, AFD Application Criteria
7. Unapproved Minutes of the July 23, 2020 AFD Advisory Committee Meeting

Proposed Conditions:

1. 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.
2. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
3. 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.

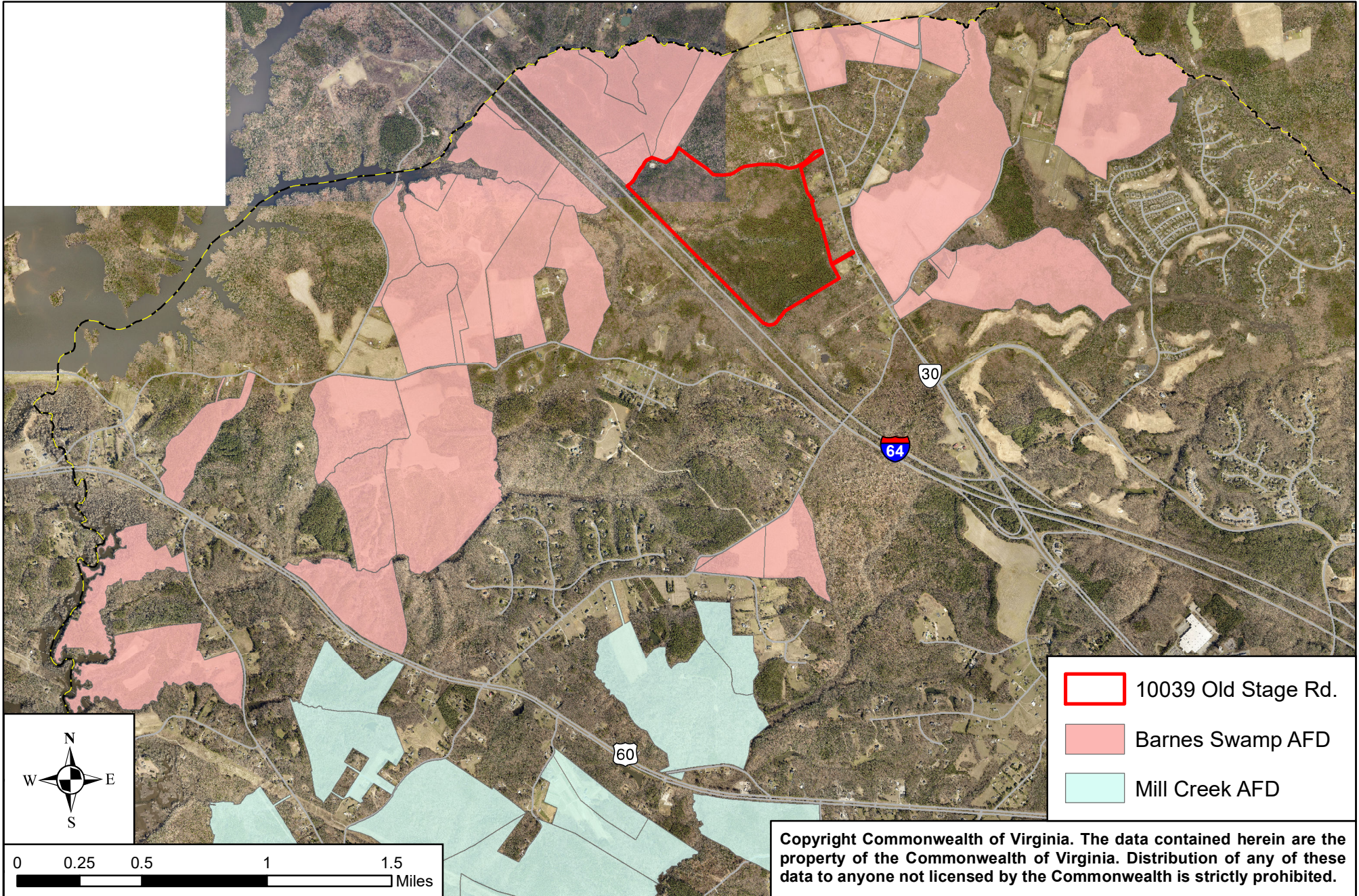
JCC AFD-05-86-2-2018

Barnes Swamp AFD Addition, 10039 Old Stage Rd.



AFD-05-86-2-2018

Barnes Swamp AFD Exhibit



ADOPTED

SEP 11 2018

ORDINANCE NO. 167A-14

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018

BARNES SWAMP 2018 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 June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 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, 2022 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 right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	36.00
Katherine Leon Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurren & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07

Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	189.74
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
Total:		<u>1,653.74</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- 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. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	<u>✓</u>	___	___
ICENHOUR	<u>✓</u>	___	___
SADLER	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-BarnesSwpRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES(±)</u>
SD & SKI, LLC	0310100001	108.47
Jane Farmer & Betty B. Rady	0310100002	64.00*
Katherine L. Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha McMurrin & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.07
Betty Johnson & Lynn Fischer	0320100003A	93.98
Robert M. Dzula	0320100004	28.07
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	227.98**
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50***
Alex L. Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. & Shelly D. Latoski, Trustee	0310100001B	10.23
Dennis W. Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43

TOTAL ACRES 1,719.98

*Proposing to withdraw 28 acres, with 36 acres remaining in the Agricultural and Forestal District (AFD).

**Proposing to withdraw 38.24 acres, with 189.74 acres remaining in the AFD.

***Acreage has been updated based on boundary surveys that have been recorded for this property.

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands; Open Space and Recreation

Primary Service Area (PSA): Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

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 and 2014 with various additions and withdrawals taking place during that period.
- There have been no additions to or withdrawals from the District since its most recent renewal in 2014.

DISTRICT DESCRIPTION

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

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

ADDITION/WITHDRAWAL REQUESTS

- *Addition Requests:*
 - The owner of the property located at 10039 Old Stage Road (James City County Tax Map ID 0410100010) has applied to add approximately 196 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the Committee's consideration at the October 25, 2018, meeting.

- *Withdrawal Requests:*

- The owners of the property located at 1245 Stewarts Road (James City County Tax Map ID No. 0310100002) have requested to withdraw 28 acres of their parcel out of the District. Thirty-six acres of the subject parcel would be left in the AFD.
- The owners of the property located at 9812 Old Stage Road (Tax Map ID No. 0420100008) have requested to withdraw 38.24 acres of their parcel out of the District; 189.74 acres of the subject parcel would be left in the AFD.
- With these withdrawals, the District would include a total of 1,653.56 acres, and will thus continue to meet minimum area requirements.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

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

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Open Space and Recreation. Land Use Action 6.1.1 of the adopted

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Barnes Swamp AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years subject to the conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-BarnesSwpRnw

Attachments:

1. Ordinance
2. Location Map
3. Property owner withdrawal request for 1245 Stewarts Road
4. Property owner withdrawal request and plat for 9812 Old Stage Road
5. Adopted conditions for the Barnes Swamp AFD
6. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD

Forest Management Plan
TAX MAP PARCEL 0410100010
Hockaday Tract, James City County

I inspected this tract on October 18, 2018. The tract is comprised of 3 different forest stands which are shown on the attached map. All boundary lines and acreages were estimated from digital orthophotos.

+/-80 acres (shown in blue) is primarily loblolly pine, white oak, yellow poplar, sweetgum, and Virginia Pine. This stand was established naturally in 1991 following a clearcut. Most of the stand is low value pulpwood and should be left to grow into more valuable sawtimber. This will take around 15 years.

+94 acres is in thinned loblolly pine and is 26 years old (shown in green). This stand should be clearcut at age 35 to 40 years, when sawtimber production peaks. This stand was commercially thinned in March of 2011.

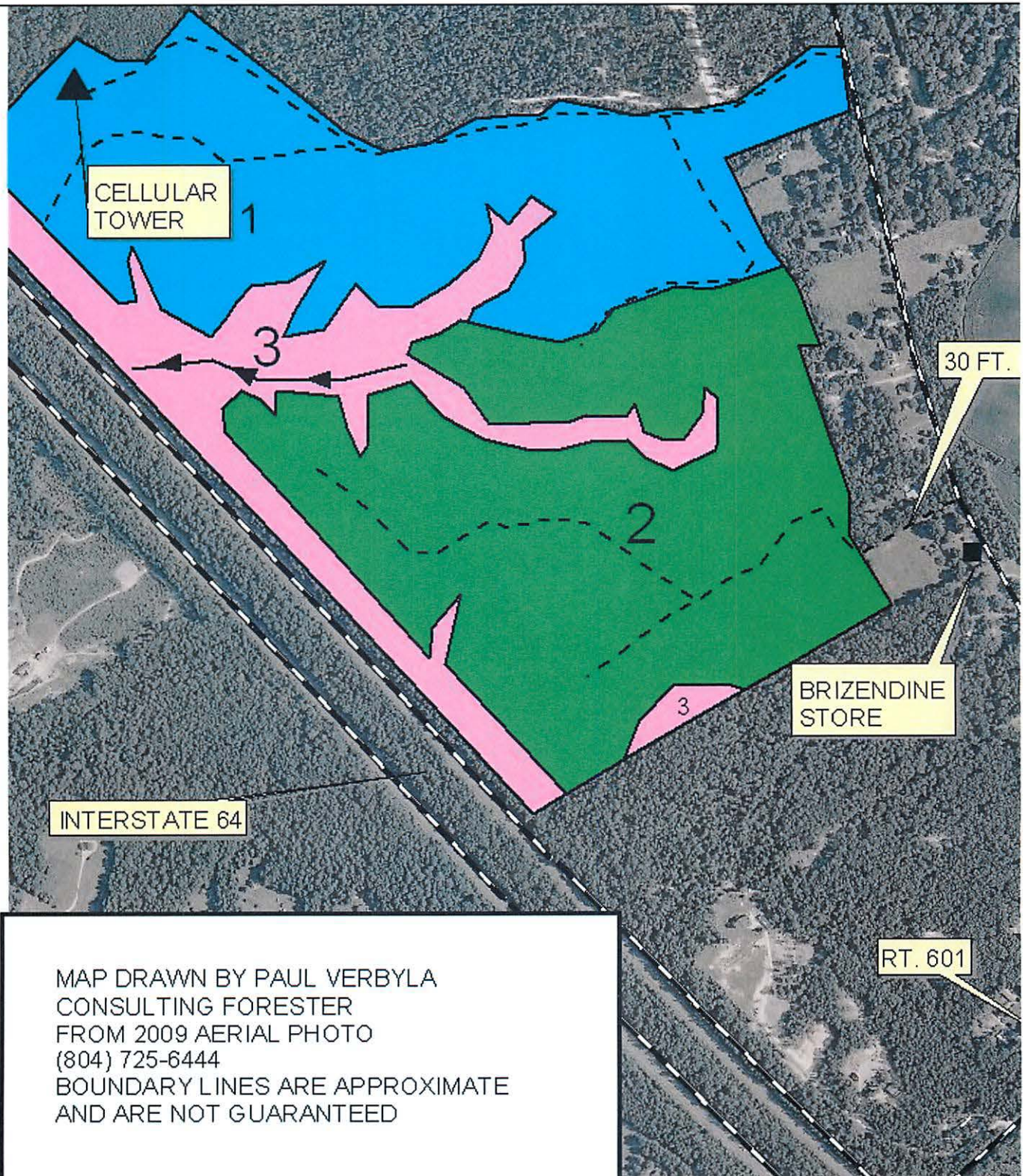
+/-22 acres is older timber in a roadside buffer along interstate 64 and riparian areas (shown in pink). This timber should be harvested when the adjacent stand is harvested. Due to its small acreage, it would be impractical to harvest by itself.

Attached is a 2009 digital orthophoto showing the stands of the Hockaday Tract..

Sincerely,

Paul S. Verbyla
Consulting Forester

HOCKADAY TRACT
TAX PARCEL 04 10100010
OWNER: JONATHAN C. KINNEY, TRUSTEE
ACRES: +/- 196



§ 15.2-4306. Criteria for evaluating application

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § 15.2-4303 is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

MINUTES
JAMES CITY COUNTY AFD ADVISORY COMMITTEE
REGULAR MEETING
101-A Mounts Bay Road, Williamsburg, VA 23185
Building A Large Conference Room
July 23, 2020
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/95663544207> or call 301-715-8592 and enter the meeting ID 956 6354 4207. Citizen comments may be submitted via US Mail to the AFD Advisory Committee Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

2. Zoom Meeting Instructions

B. ROLL CALL

1. Electronic Meeting Resolution

Mr. Chris Taylor called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m. He called the roll and read the Electronic Meeting Resolution.

Mr. Bruce Abbott motioned to Adopt the Electronic Meeting Resolution.

Mr. Payten Harcum seconded the Motion.

The Resolution was adopted by a voice vote of 6-0.

Present:

Chris Taylor, Chair
Bruce Abbott
Loretta Garrett
Payten Harcum
William Harcum
Sandy Wanner

Absent:

Richard Bradshaw

Thomas Hitchens
Sue Sadler

Staff:

Alex Baruch, Principal Planner
Tori Haynes, Senior Planner
Beth Klapper, Community Development Assistant
Katie Pelletier, Community Development Assistant

C. MINUTES

1. Minutes of the January 23, 2020 Organizational Meeting

Mr. William Harcum motioned to Approve the minutes of the January 23, 2020 meeting.

Mr. Abbott seconded the motion.

On a voice vote, the motion was approved 6-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition

Ms. Tori Haynes addressed the Committee and stated that the applicant, Mr. Jonathan Kinney, has applied to enroll 196 acres located at 10039 Old Stage Road into the Barnes Swamp AFD. She said the parcel is currently undeveloped and forested, except for a telecom tower located at the northwestern end of the property.

Ms. Haynes noted a forest management plan has been prepared for the owner, and the Virginia Department of Forestry has noted that the soils are well-suited for the cultivation of trees.

Ms. Haynes said that staff finds the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. She stated, should the Committee concur, staff recommends approval of the proposed addition to the Planning Commission and Board of Supervisors.

Ms. Haynes asked if the Committee had any questions.

Ms. Loretta Garrett asked about the total acreage in the AFD.

Ms. Hayes stated the entire parcel would be included in the AFD as towers are allowed, and

the addition would increase the Barnes Swamp AFD from 1,698.48 acres to 1,894.78 acres.

Mr. Taylor asked if there were any further comments or questions.

Ms. Garrett motioned to Approve AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition.

Mr. Abbott seconded the motion.

The motion was unanimously approved on a voice vote of 6-0.

F. ADJOURNMENT

Mr. Taylor motioned to Adjourn the meeting.

The meeting was adjourned at 4:10 p.m. after a unanimous 6-0 voice vote.

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner

SUBJECT: SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Proposed SUP Conditions	Backup Material
▣	Attachment 2. Draft Proffers	Backup Material
▣	Attachment 3. SUP 20-0013 Conditions	Backup Material
▣	Attachment 4. 2013 Proffers	Backup Material
▣	Attachment 5. 1993 Proffers & SUP Conditions	Backup Material
▣	Attachment 6. Location Map	Exhibit
▣	Attachment 7. Master Plan	Exhibit
▣	Attachment 8. Elevation Example	Exhibit
▣	Attachment 9. 9/10/2019 BOS Resolution	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/25/2020 - 12:40 PM
Planning Commission	Holt, Paul	Approved	8/25/2020 - 12:41 PM
Publication Management	Burcham, Nan	Approved	8/25/2020 - 12:44 PM
Planning Commission	Holt, Paul	Approved	8/25/2020 - 12:44 PM

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments

Staff Report for the September 2, 2020, Planning Commission Public Hearing**SUMMARY FACTS**

Applicant: Mr. Paul Gerhardt

Land Owner(s): Williamsburg Landing LLC

Proposal: An amendment to the existing Special Use Permit (SUP) conditions and proffers to permit an additional four (4) independent living units within two new structures.

Location: 5550 Williamsburg Landing Drive

Tax Map/Parcel No.: 4810100063

Project Acreage: 15.79 acres

Zoning: R-5 AA, Multifamily Residential and Airport Approach Overlay District

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: September 2, 2020, 6:00 p.m.

Board of Supervisors: October 13, 2020, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. The proposal is for the addition of four units, which are expected to generate very limited traffic within the Williamsburg Landing development. In the context of Williamsburg Landing as a whole, no new traffic impacts are expected on Lake Powell Road.
2. The proposal is consistent with the use and density recommendations for the Low Density Residential land use designation within the Comprehensive Plan. With the proposed conditions and proffers, staff finds the proposal meets the Comprehensive Plan recommendations for Continuing Care Retirement Communities.
3. Staff finds the proposed conditions and proffers mitigate impacts.
4. Impacts: See Impact Analysis and the per unit Residential Impact information on Pages 4-6.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis and the per unit Residential Impact information on Pages 4-6.

SUMMARY STAFF RECOMMENDATION

Approval with proffers and conditions.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments

Staff Report for the September 2, 2020, Planning Commission Public Hearing

PROJECT DESCRIPTION

- This proposal is to permit an additional four independent living units within two new residential structures. The proposed homes would be located on Boatwright Circle within the Williamsburg Landing development.
- The subject parcel currently has 28 independent living units, with a gross density of 1.77 units per acre. If this proposal were to be approved, the subject parcel would have 32 units and a gross density of 2.03 units per acre. If this proposal were to be approved, the gross density for the Williamsburg Landing development would marginally increase from 3.80 to 3.83.

PLANNING AND ZONING HISTORY

- 5550, 5660, and 5700 Williamsburg Landing Road and 99 Marclay Road comprise the Williamsburg Landing Continuing Care Retirement Community.
- In 1982, a portion of the Williamsburg Landing site was rezoned from A-2, Limited Agriculture to R-5, Multifamily Residential. No proffers were part of this case, which approved nursing home facilities, facilities for residence and/or care of the aged, and offices.
- In 1984, four acres were incorporated into the R-5 Zoning District.
- In 1991, a portion of the site was rezoned from R-8 to PUD-R to allow a 60-unit single-family development.
- Rezoning cases in 1993, 1995, 2001, and 2008 added property to the site, introduced proffers and approved single-family, nursing, facilities for residence and/or care of the aged, assisted living units and independent living units in the overall development with caps being established and amended.

- Case No. Z-02-08/SUP-18-08 allowed a total of 100 nursing units, 100 assisted living units and 87 independent living facility units on the property.
- The applicant received SUP extensions for the commencement of construction in 2011 under SUP-05-11 and again in 2014 under SUP-10-14.
- In 2013, the proffers and SUP conditions for the subject parcel (5550 Williamsburg Drive) were amended to permit one additional unit, bringing the total number of units permitted on-site to 28.
- In 2015, Case No. SUP-06-15/Z-4-15 (Proffer and SUP Amendment) was requested to allow for an increase in assisted living units from 100 to 131 and a decrease in nursing units from 100 to 73. The request resulted in a net increase of four units over the total number of units permitted on-site. The application also allowed modification of the design of previously approved facilities by combining three previously approved facilities into two buildings.
- In 2017, a SUP, Rezoning and Height Waiver was approved on 20 Marclay Road (now 99 Marclay Road) to permit 135 independent living units.
- In 2018, an administrative site plan application was approved to permit at additional six multifamily dwelling units on 5700 Williamsburg Landing Drive.
- Please see Table 1 on the following page for the unit counts and density for each of the parcels associated with Williamsburg Landing, as well as the counts for the development in total.

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.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the September 2, 2020, Planning Commission Public Hearing***Table 1: Williamsburg Landing Unit Density*

Unit Type for All Current and Proposed Williamsburg Landing Properties					
<i>Unit Type</i>	<i>5550 Williamsburg Landing Dr.</i>	<i>5560 Williamsburg Landing Dr.</i>	<i>5700 Williamsburg Landing Dr.</i>	<i>99 Marclay Dr.</i>	<i>Total</i>
<i>Independent Living</i>	32**	87	219	135	473
<i>Assisted Living</i>	0	131*	*	0	131
<i>Nursing</i>	0	73*	*	0	73
<i>Total</i>	32	291	219	135	667
<i>Acreage</i>	15.79	50.01	72.7	14.87	153.37
<i>Net Developable Acreage</i>	15.79	48.31	44.4	14.87	123.37
<i>Gross Density</i>	2.03	1.8	4.93	9.08	3.83

**Institutional uses not included in density calculation*

***Unit count including four units within proposal*

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located adjacent to the two other developed parcels in Williamsburg Landing, which are to the north and east. The parcel to the north is zoned R-5, Multifamily Residential, while the parcel to the east is split zoned R-5, Multifamily Residential and R-8, Rural Residential. The parcels located to the west of the subject parcel on the other side of Lake Powell Road are zoned for General Residential and Airport Approach Overlay District and consists of low density, single-family residential neighborhoods. The Jamestown-Williamsburg Airport is located to the south.

COMPREHENSIVE PLAN

- Williamsburg Landing is designated as Low Density Residential (LDR) on the 2035 Comprehensive Plan Land Use Map and is located inside the PSA. Single-family homes, multifamily units, and retirement and care facilities/communities are all recommended uses in LDR areas provided that development:
 - Complements the residential character of the surrounding area;
 - Has traffic, noise, and lighting impacts similar to surrounding uses;
 - Is generally located on collector or arterial roads at intersections; and
 - Provides adequate screening and buffering to protect the character of nearby residential areas.

Staff finds this portion of Williamsburg Landing meets all of these criteria and will continue to do so should this application be approved. Additionally, the Comprehensive Plan recommends a gross density of one to four units per acre in LDR areas. If approved, this application would result in a density of 2.03 dwelling units per acre for the subject parcel, compared to the current parcel density of 1.77 units per acre, and a marginal increase within the overall density of Williamsburg Landing from 3.80 unit per acre to 3.83 units per acre.

In order to achieve a higher gross density, certain public benefits must be provided, which include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design. Historically, Williamsburg Landing has included specific proffers and agreed to County instituted conditions, which have been designed to mitigate impacts by providing enhanced environmental protection and preserving open space. Specifically, the proffers approved for the

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.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments

Staff Report for the September 2, 2020, Planning Commission Public Hearing

rezoning of this parcel from R-8 to R-5, Multifamily Residential in 1993 prohibited construction within 100 feet of the Lake Powell Road right-of-way, while the conditions approved for the associated SUP require this buffer to be left in its natural state, except for necessary utility crossings or construction road entrances.

In 2013, the unit cap proffer and SUP conditions were amended to permit an additional independent dwelling unit on this parcel, as well as require for new tree plantings adjacent to Williamsburg Landing Drive. At the time, planning staff found the increase in density from 1.71 units per acre to 1.76 units per acre to be in alignment with the adopted Comprehensive Plan's recommendation of one unit to four units. The developments commitment to open space design was cited as the public benefit justifying this increase. Specifically, this analysis cited: a) the retention of the natural vegetative buffers around College Creek; and b) the emphasis of natural screening and buffering, which protects the designated Community Character Corridor along Route 199.

Each of these cited features is maintained by this application. Although these two new buildings will displace the conserved area, the proposed conditions ensure that an equal acreage will be conserved elsewhere in Williamsburg Landing. Furthermore, the new stormwater conditions associated with this proposal will ensure enhanced environmental protection for this development, which is one of the benefits contributing to increased density. Taken as a whole, staff finds this proposal (with proposed conditions) will maintain Williamsburg Landing's commitment to open space design and enhance environmental protection. As a result, staff finds the proposed 2.03 dwelling unit density for this parcel to be consistent with the Comprehensive Plan.

FINANCIAL IMPACTS OF RESIDENTIAL UNITS

On September 10, 2019, the Board of Supervisors adopted a Resolution directing staff to produce a fact sheet that outlines general financial impacts of residential dwellings based on the Adopted Budget, the Capital Improvements Program, the Comprehensive Plan, the Strategic Plan, and any other relevant data. The Resolution further directs that the fact sheet should address the immediate and long-range fiscal impacts related to increased use and demand on the following public facilities and resources. The per unit Residential Impacts are based on the FY20* data provided by FMS and JCSA, as well as the projected number of annual residential unit data through 2034 (the Comprehensive Plan horizon year). The per-unit impacts are detailed in the table below.

Table 2-Per Unit Fiscal Residential Impacts Information

Category	Residential Impact	Proffered with current application
Public Transportation	\$242.21	\$0
Public Safety	\$1,328.07	\$0
Public Schools	\$8,879.12	\$0
Public Parks & Recreation	\$467.58	\$0
Public Libraries and Cultural Centers	-	\$0
Groundwater and Drinking Water Resources	\$2,862.06	\$0
Watersheds, Streams & Reservoirs	\$982.26	\$0

* Due to COVID19 and the significant, unique impact it created on the FY21 budget, and given that the budget may be revised by the Board of Supervisors, this table has not yet been updated for the current fiscal year.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the September 2, 2020, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal to add four additional dwelling units is not anticipated to generate new traffic impacts exceeding a typical residential use. The expected combined trip generation for these units is approximately 2.7 per day. Boatwright Circle is a private road internal to this portion of the Williamsburg Landing development. It intersects with Williamsburg Landing Drive (also private), which connects to Lake Powell Road, a Virginia Department of Transportation major collector. The annual average daily traffic volume for this segment of Lake Powell Road is approximately 1,400, and this proposal is not expected to change its level of service.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are not necessitated as a result of this proposed use.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Subject property is located within a 6-minute radius of Fire Station 3. - The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate schoolchildren. Williamsburg Landing operates as a Continuing Care Retirement Community (CCRC) that is incorporated and regulated as an age-restricted 501 (c) (3) non-profit.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- Given the small scale of the proposal (four new units) and the location of recreational amenities within Williamsburg Landing, which are exclusively available to the community's residents, it's not anticipated that this proposal would have a negative impact on the County's parks system. Parks and Recreation reviewed this application and raised no issues with the proposal.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.

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.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the September 2, 2020, Planning Commission Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status (No Mitigation Required/Mitigated/Not Fully Mitigated)	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources. James City Service Authority raised no concerns about this application, but did request that water conservation standards be developed for approval. The County has included water conservation standards as an SUP condition.
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	- The Stormwater and Resource Protection Division requested specific conditions be included to mitigate impacts resulting from this development, each of which is included in the proposed conditions. Specifically, Stormwater and Resource Protection has requested the prohibition of certain special stormwater criteria as they relate to this proposal (such as the disconnection of impervious areas and the use of sumped or bottomless inlets), as well as the reallocation of an equal amount of the conserved acreage being displaced by the two new structures.
<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>	- Given its interior location, the proposal is not expected to generate significant impacts to nearby and surrounding properties. The leadership team at Williamsburg Landing intends to meet with residents of Boatwright Circle to discuss this proposal prior to the September Planning Commission Meeting. The Board of Directors for Williamsburg Landing supports this proposal, two members of whom live in Williamsburg Landing, with one living on Boatwright Circle.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This proposal does not generate immediate impacts to a Community Character Area or Community Character Corridor.

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.

Staff Report for the September 2, 2020, Planning Commission Public Hearing

PROPOSED SUP CONDITIONS

Proposed conditions and proffers are provided as Attachment Nos. 1 and 2, respectively.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors, subject to the attached proffers and conditions.

TW/nb

SUP20-14-RZ20-04WLndg

Attachments:

1. Proposed SUP conditions
2. Draft Proffers
3. 2013 SUP conditions
4. 2013 Proffers
5. 1993 Proffers & SUP Conditions
6. Location Map
7. Master Plan
8. Existing Dwelling Elevation
9. 9/10/2019 BOS Resolution

Amendment to Existing Conditions:

1. Master Plan: this SUP shall be valid for four (4) additional independent living facility units of approximately 2400 square feet each (the “New Units”), and other minor improvements on property located at 5550 Williamsburg Landing Drive and further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the “Property”). Development of the New Units shall be generally in accordance with the Master Plan entitled “Williamsburg Landing Boatwright Circle Modification Conceptual Plan (2020)” prepared by AES Consulting Engineers, dated 07/17/20 (the “Revised Master Plan”) with such minor changes as the Planning Director, or designee, determines do not change the basic concept or character of the development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the development, the applicant may appeal the Planning Director's determination to the Development Review Committee.
2. Notification: All prospective residents of the New Units shall be formally notified by the developer and/or seller of the New Units’ proximity to the Airport Approach (AA) Overlay District.
3. Architectural Review: Prior to site plan approval, the Planning Director shall review and approve the final architectural design of the New Units. Such architectural design shall be generally consistent, as determined by the Planning Director, with the surrounding development.
4. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing and a lighting plan shall be submitted to and approved by the Planning Director or designee prior to final site plan approval. All light poles must not exceed 20 feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved by the Planning Director or designee. “Glare” is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.
5. Water Conservation: Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, water conservation measures such as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Conservation Easement. Prior to site plan approval, a deed of exchange and a conservation easement plat showing the relocation of conserved acreage equal to or greater than the amount displaced by this development shall be approved by the County. The relocated conservation acreage easement area shall be located on a parcel that is part of the Williamsburg Landing development and meet all requirements of the County’s Stormwater and Resource Protection division (SRP).

7. Master Stormwater Master Plan. In order to ensure enhanced environmental protection for the increase of density on this site, as recommended for the Low Density Residential land use designation, the Master Stormwater Master Plan (the "Stormwater Plan") must be revised and approved by SRP prior to site plan approval. Revisions must include updated total for impervious cover for Williamsburg Landing with updated layouts, natural open space easement update, and updated list of all included Special Stormwater Criteria (SSC) measures per Condition #10 of approved rezoning Z-02-2008. Generally, the overlap of SSC measures for water quality credits shall not be permitted, and the disconnection of impervious areas and use of sumped or bottomless inlets shall not be permitted. In order to be accepted as an SSC measure, the additional pollution load reduction must increase the 10 point plan by an entire two points.
8. BMP Access Route. Prior to site plan approval, the development plan shall include an adequate access route to stormwater facility CC008, which shall be accessible to the County. This access shall be at least twelve (12) feet wide and of a material that will withstand traffic by heavy maintenance vehicles. The route must allow for vehicle access around at least one side of the facility to the principle spillway and emergency spillway.
9. Commencement of Construction: If construction has not commenced on the New Units within 36 months from the issuance of this SUP amendment, it shall automatically become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections for any one of the New Units.
10. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Prepared by/Return to:
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

Parcel No. 4810100063

PROFFER AMENDMENT

Applicable to Tax Parcel No. 4810100063 (Boatwright Circle Property)

THIS PROFFER AMENDMENT ("Amendment") is made this ___ day of _____, 2020, by and between **WILLIAMSBURG LANDING, INC.**, a Virginia non-stock non-profit corporation, and/or its successors and assigns (collectively "WLI") (to be indexed as grantor), and **THE COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as grantee), provides as follows:

RECITALS:

R-1. WLI is the owner of certain real property in James City County, Virginia, being more particularly described on **EXHIBIT A** attached hereto and made a part hereof (the "Boatwright Circle Property").

R-2. The Boatwright Circle Property is subject to that Proffer Agreement (the "Initial Proffers") dated April 30, 1993, and of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") at Deed Book 623 at Page 661, as amended by that Proffer Amendment, dated April 18, 2013, and of record in the Clerk's Office as Instrument No. 13001739 (together with the Initial Proffers, the "Existing Proffers").

R-3. The Boatwright Circle Property is subject to that certain special use permit dated May 3, 1993, and identified as SUP-0007-1993, as amended by that special use permit, dated June 11, 2013, and identified as SUP-0002-2013 (collectively, the "Existing SUP").

R-4. WLI has made application to the County pursuant to County Case Nos. Z-20-0004 and SUP-20-0014 (the "Applications") to amend the Existing Proffers and Existing SUP to increase the number of units permitted to be constructed in accordance with Condition No. 2 of the Existing Proffers by four (4) additional units.

R-5. The provisions of the James City County Zoning Ordinance, Section 24-1, *et seq.* (the "Zoning Ordinance"), may be deemed inadequate for protecting and enhancing orderly development of the Boatwright Circle Property. Accordingly, WLI, in furtherance of the above-described application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Boatwright Circle Property, in accordance with the provisions of Section 15.2-2303 *et seq.* of the Code of Virginia, as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval of the Applications set forth above by the County Board of Supervisors, and pursuant to Sections 15.2-2303 and 15.2-2303.4(D) of the Virginia Code, Ordinance No. 31A-346, and Section 24-16 of the Zoning

Ordinance, it is agreed that all of the following conditions shall be met and satisfied in developing the Boatwright Circle Property.

PROFFERS:

1. Amendment of Existing Proffers to Allow for Additional Unit (the "Additional Unit"). Condition No. 2 of the Existing Proffers is hereby amended and restated in its entirety as follows:

Independent living units shall be limited to a total of thirty-two (32) units for the Undeveloped Property; however, such limitation shall not apply to the other uses hereby permitted.

2. Effect of this Amendment. As amended by this Amendment, the Existing Proffers and Existing SUP are hereby ratified and confirmed and all other terms of the Existing Proffers and Existing SUP shall remain in full force and effect.

3. Delegation of Subsequent Approvals. The County Board of Supervisors by accepting this Amendment is exercising its legislative function. While this Amendment and the Existing Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

4. Severability. In the event that any clause, sentence, paragraph, section or subsection of this Amendment or the Existing Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Boatwright Circle Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

5. Successors and Assigns. This Amendment and the Existing Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

[SIGNATURE PAGE TO PROFFER AMENDMENT]

WITNESS the following signatures, thereunto duly authorized:

WILLIAMSBURG LANDING, INC.

a Virginia non-stock, not-for-profit corporation

By: _____
(Name, Title)

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2020
by _____ as _____ of Williamsburg Landing, Inc., a Virginia non-stock, not-
for-profit corporation, on its behalf.

NOTARY PUBLIC

My commission expires:_____

EXHIBIT A

All that certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "13.9303 ACRES" as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Stephen A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72.

RESOLUTION

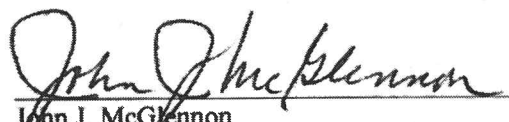
CASE NO. SUP-0002-2013. WILLIAMSBURG LANDING, BOATWRIGHT CIRCLE

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (the "SUP") process; and
- WHEREAS, Mr. Paul Gerhardt has applied on behalf of Williamsburg Landing, Inc. to allow one additional independent living unit; and
- WHEREAS, the proposed development is shown on a plan titled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan" prepared by AES Consulting Engineers and dated March 14, 2013; and
- WHEREAS, the property is located at 5550 Williamsburg Landing Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on May 1, 2013, voted 6-0 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0002-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the proposed development, existing buildings and accessory structures, the addition of one unit approximately 2,500 square feet, and other minor improvements on properties located at 5550 Williamsburg Landing Drive and further identified as James City County Real Estate Tax Map Parcel No. 4810100063. Development of the Property shall be generally in accordance with the Master Plan entitled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan" prepared by AES Consulting Engineers, dated March 14, 2013 (the "Master Plan") with such minor changes as the Planning Director, or his designee, determines does not change the basic concept or character of the development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Planning Director's determination to the Development Review Committee.
2. Landscaping: An area of 100 feet from the edge of the existing Lake Powell Road right-of-way shall be left as buffer area and remain in its natural state except for necessary utility crossings or construction road entrances. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include landscaping approximately 15 feet in width starting at the existing fence found approximately 70 feet from the front property line and running the length of Williamsburg Landing Drive for 150 feet on the side adjacent to the proposed unit to help screen vehicular traffic from the entrance. Per Section 24-96 of the James City County Code, the applicant shall supplement the existing trees and

shrubs with upright evergreen shrubs of a species that will achieve a height of at least 10 feet.

3. Notification: All potential residents of the residential structures shall be formally notified by the developer and/or seller the development's proximity to the Airport Approach (AA) Overlay District.
4. Architectural Review: Prior to site plan approval, the Planning Director shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Planning Director, with the surrounding units.
5. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the property lines unless otherwise approved by the Planning Director or his designee. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director or his designee prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
6. Commencement of Construction: If construction has not commenced on the project within 24 months from the issuance of the SUP, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections for the new unit.
7. Severance Clause: This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___
BRADSHAW	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2013.

SUP02-13WLndBC_res

RESOLUTION

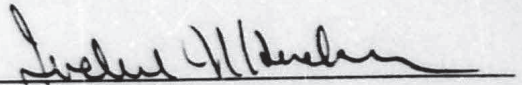
CASE NO. SUP-7-93. WILLIAMSBURG LANDING, INCORPORATED

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

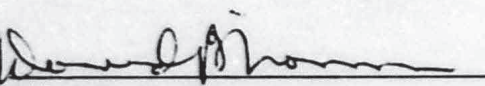
WHEREAS, the applicant has requested a special use permit to allow single-family dwellings, nursing homes, and facilities for the residence and care of the aged in the R-5, Multi-Family Residential District, on property identified as the southern portion of Parcel (1-3) on James City County Real Estate Tax Map No. (48-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-7-93 as described herein with the following conditions:

1. Case No. SUP-7-93 shall remain in effect for a period of 36 months from the date of issuance. If within this time, site plan approval and/or building plan approval are issued, the special use permit shall remain in effect for the term of approval and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
2. Only two entrances shall be permitted to the property, one from Williamsburg Landing Drive and one from Marclay Drive.
3. An area of 100 feet from the edge of the existing Lake Powell Road right-of-way shall be left as buffer area and remain in its natural state except for necessary utility crossings or construction road entrances.
4. All potential residents of the residential structures shall be formally notified by the developer and/or seller the development's proximity to the Airport Approach Overlay District.


Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of May, 1993.

sup-7-93.res

PROFFER AGREEMENT

THIS PROFFER AGREEMENT is made as of the 30th day of April, 1993 by Williamsburg Landing, Inc., a Virginia Non-Stock, Non-Profit Corporation ("WLI"), together with its respective successors and assigns.

RECITALS

A. Williamsburg Landing is the owner of certain real property in James City County, Virginia (collectively "the WLI Property"), more particularly described as follows:

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "PARCEL A" on that certain plat entitled "PLAT OF PARCELS "A" AND "B", BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION TO BE CONVEYED TO WILLIAMSBURG LANDING, INC." dated October 6, 1983 consisting of two sheets and prepared by Charles R. Orsborne, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 39, Pages 20 and 21, consisting of 70.12 acres ("the Developed Property").

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "13.9303 ACRES" as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Stephen A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72 ("the Undeveloped Property").

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "(PARCEL B) WILLIAMSBURG LANDING DRIVE, 1.8609 AC." as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Steven A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the

Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72. ("Williamsburg Landing Drive").

B. WLI has applied for an amendment of the proffers applicable to the WLI Property.

C. WLI has also applied for a rezoning of and a Special Use Permit for the Undeveloped Property and Williamsburg Landing Drive.

D. WLI has requested that the Undeveloped Property and Williamsburg Landing Drive be rezoned from Rural Residential (R-8) to Multi-Family Residential (R-5). WLI has also requested a Special Use Permit for the Undeveloped Property and Williamsburg Landing Drive to permit single family dwellings, nursing homes and facilities for the residence and care of the aged.

E. The provisions of the James City County Zoning Ordinance may be deemed inadequate for the orderly development of the Undeveloped Property and Williamsburg Landing Drive.

F. WLI desires to offer to James City County certain conditions on the development of the Undeveloped Property and Williamsburg Landing Drive not generally applicable to land zoned Multi-Family Residential District (R-5) for the protection and enhancement of the community and to provide for the high quality and orderly development of the Undeveloped Property and Williamsburg Landing Drive.

Now, therefore, for and in consideration of the approval by James City County ("the County") of the rezoning set forth above and the issuance of the requested Special Use Permit and pursuant to Section 15.1-491.1, et seq. of the Code of Virginia, 1950, as amended, and Section 20-18 of the County Code, WLI agrees that it will meet and comply with all of the following conditions in developing the Undeveloped Property and Williamsburg Landing Drive. In the event all of the requested rezoning and Special Use Permit is not granted by the County, these proffers shall thereupon become null and void.

CONDITIONS - UNDEVELOPED PROPERTY & WILLIAMSBURG LANDING DRIVE

1. The use of the Undeveloped Property shall be limited to single family dwellings contained within a cluster development, two-family dwellings, townhouses, three-family dwellings and, with the Special Use Permit, single family dwellings, nursing homes and facilities for the residence and/or care of the aged.

2. Single family dwellings, whether or not contained within a cluster development, two-family dwellings, townhouses and three-family dwellings shall be limited to a total of twenty-seven (27) dwelling units for the Undeveloped Property; however, such limitation shall not apply to the other uses hereby permitted.

3. The entrances to the Undeveloped Property shall be limited to entrances from Williamsburg Landing Drive and, if legally permitted, from Marclay Drive. No entrances except public roads and/or temporary construction entrances approved by the County and the Virginia Department of Transportation shall be permitted from Lake Powell Road to the Undeveloped Property.

4. All internal roads within the Undeveloped Property shall be designed and constructed to Virginia Department of Transportation standards and guidelines but said roads shall be private and maintained by WLI; however, if Marclay Drive is relocated and crosses any portion of the Undeveloped Property, Marclay Drive shall be a public road.

5. A Phase I Archaeological Study for the area to be disturbed on the Undeveloped Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites that are, in the Phase I study, recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

6. No building on the Undeveloped Property shall be erected closer than one hundred (100) feet to the existing right-of-way of Lake Powell Road.

7. No building on the Undeveloped Property shall exceed three (3) stories in height.

WILLIAMSBURG LANDING, INC.

By: Mary Lee Darling

Title: Chairman of the Board
of Directors & President

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

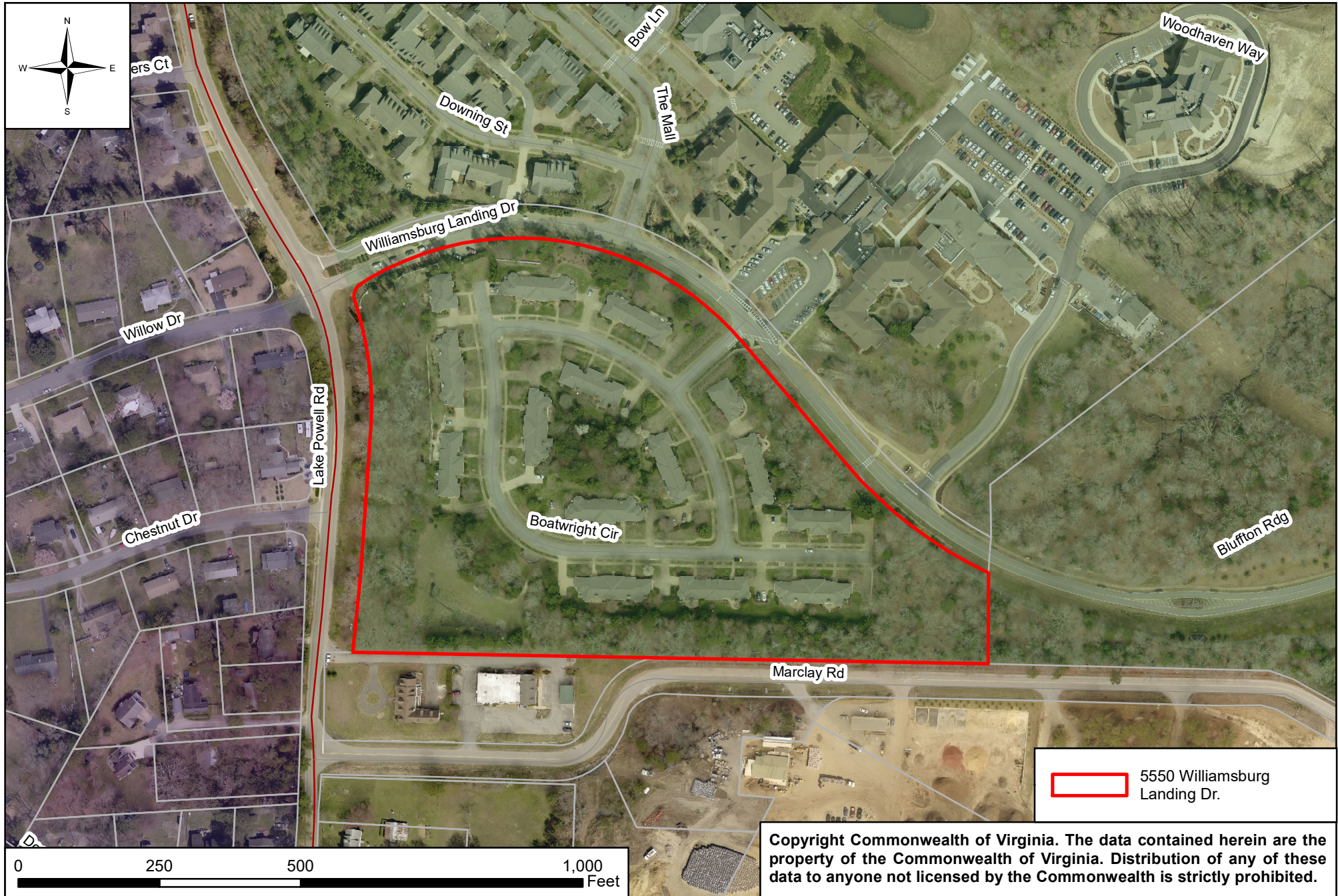
The foregoing instrument was acknowledged before me this 30th
day of April, 1993 by Mary Lee Darling on behalf
of Williamsburg Landing, Inc.

William H. C. [Signature]
NOTARY PUBLIC

My commission expires: 12/31/96

SUP-20-0014/Z-20-0004

Williamsburg Landing Boatwright Circle Amendments









RESOLUTION

IMPACTS TO PUBLIC FACILITIES AND RESOURCES RELATED TO

RESIDENTIAL DWELLING UNITS

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has adopted certain policy and planning documents that guide its legislative considerations in James City County (the "County"), including the Comprehensive Plan, the Strategic Plan, the Annual Budget, and the Capital Improvements Program; and

WHEREAS, the Board is currently updating the County's Comprehensive Plan and, as part of that update, the Board has retained consultant services to support several operational initiatives from the 2035 Strategic Plan, including: conducting scenario planning; conducting a cumulative fiscal, infrastructure, community character, and environmental impact analysis of expanding the Primary Service Area; and refining the fiscal impact model to assess development impacts on the County's fiscal health; and

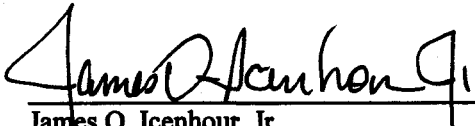
WHEREAS, this consultant will provide the specialized technical knowledge necessary to build, run, and extract pertinent information from sophisticated models; and

WHEREAS, prior to the completion of the Comprehensive Plan update and completion of the aforementioned fiscal impact studies and updates, the Board desires to identify the impacts of residential dwellings on public facilities and resources.


NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that staff is directed to produce a fact sheet that outlines general financial impacts of residential dwellings based on the Adopted Budget, the Capital Improvements Program, the Comprehensive Plan, the Strategic Plan, and any other relevant data. The fact sheet should address the immediate and long-range fiscal impacts related to increased use and demand on the following public facilities and resources:

1. Public Transportation - Construction of new roads and other rights-of-way, or the improvement or expansion of existing facilities, including necessary property acquisition, for automobile, public transit vehicle, pedestrian, and bicycle travel within the County; and construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, directly related to the Williamsburg Area Transit Authority and other transit facilities in the County.
2. Public Safety - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to law enforcement (Police, Sheriff, Courthouse, Jail and Animal Control), Fire, Emergency Medical Services, Emergency Management, Emergency Communications, and Rescue. Because these public safety facilities serve the entire County and provide mutual aid to other jurisdictions, the impact of residential dwellings on public safety facilities should be analyzed on a County-wide basis.

3. Public Schools - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the Williamsburg-James City County Public Schools. Because public school facilities serve the entire County and are shared with the City of Williamsburg, and new or expanded public school facilities may result in adjustments to attendance zones, the impact of residential dwellings on public school facilities should be analyzed on a County-wide basis.
4. Public Parks and Recreation - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to parks and recreation. Because public parks and recreation facilities serve the entire County, the impact of residential dwellings on these facilities should be analyzed on a County-wide basis.
5. Public Libraries and Cultural Centers - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the Williamsburg Regional Library System and Arts Centers. Because public library facilities serve the entire County and are shared with the City of Williamsburg, and new or expanded public library facilities may result in regional adjustments to facility capacity, the impact of residential dwellings on public library facilities should be analyzed on a County-wide basis.
6. Groundwater and Drinking Water Resources - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the James City Service Authority. Principally, the Board encourages the use of water conservation measures such as reduction or elimination of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
7. Watersheds, Streams, and Reservoirs - Construction, improvement, or expansion of capital projects and other facilities, including necessary property acquisition, related to the maintenance or improvement of water quality in the County's watersheds. Construction of residential dwellings shall be consistent with the adopted watershed management plans for Gordon Creek, Mill Creek, Powhatan Creek, Ware Creek, Yarmouth Creek, and York River-Skimino Creek, as those plans may be amended, and any other watershed management plans adopted by the Board of Supervisors.


James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	___	___
LARSON	<input checked="" type="checkbox"/>	___	___
SADLER	<input checked="" type="checkbox"/>	___	___
MCGLENNON	<input checked="" type="checkbox"/>	___	___
ICENHOUR	<input checked="" type="checkbox"/>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2019.

ResImp-res

ITEM SUMMARY

DATE: 9/2/2020

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - September 2020

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	8/26/2020 - 8:12 AM
Planning Commission	Holt, Paul	Approved	8/26/2020 - 8:13 AM
Publication Management	Daniel, Martha	Approved	8/26/2020 - 8:17 AM
Planning Commission	Holt, Paul	Approved	8/26/2020 - 8:19 AM

PLANNING DIRECTOR'S REPORT

September 2020

This report summarizes the status of selected Department of Community Development activities during the past month.

- **Planning**

- **Monthly Case Reports:** For a list of all cases received in the last month, please see the attached document.

- **Board Action Results:**

The Board did not meet in August.

- **Comprehensive Plan Update**

The “Exploring Our Future Alternatives” Assembly was televised and broadcast live from the County Board Room on Monday, August 10, 2020 at 6:30 p.m. County Supervisor Mr. Jim Icenhour welcomed the community, and staff presented the Agenda for the Virtual Assembly. Consultants provided an overview of the Comprehensive Plan Goals Questionnaire and MetroQuest Alternative Future Survey. The virtual event also included a live question and answer session and call for citizens to review the recorded presentation and complete online questionnaires by September 2, 2020.

Citizens may contact Planning staff to request paper copies of questionnaires or internet access. Promotional materials and assistance is also available at community bookmobile and census outreach locations through a collaboration with the Williamsburg Regional Library.

On Aug. 24, 2020 the Community Participation Team (CPT) met electronically to discuss the Virtual Assembly event. Staff presented preliminary questionnaire numbers and the ongoing communications campaign to promote participation through September 2. The CPT discussed options and efforts for theming the open-ended questionnaire responses and established a new schedule for the fall.

Last, staff continued to research and coordinate efforts to update the Comprehensive Plan chapters in preparation for Planning Commission Working Group meetings this fall, starting with meetings on September 14 and 28.

- **Building Safety and Permits**

- Building Safety & Permits inspectors and plans examiners are participating in the Virginia Department of Housing and Community Development's (DHCD) Circuit Rider Program to audit the enforcement of the 2015 Virginia Residential Code energy requirements in JCC. We participated in a similar exercise back in 2012 called the Virginia Energy Assessment & Code Compliance Program. DHCD recognized our efforts in that endeavor with a formal certificate of appreciation for the feedback we provided. We received valuable resources that enabled us to do a better job in exchange.

New Cases for September 2020

Case Type	Plan Number	Case Title	Address	Description	Assigned to	District
Conceptual Plan	C-20-0079	Forest Heights Phase III	6015 RICHMOND RD	Conceptual plan for Forest Heights Neighborhood - Phase III.	Wysong, Thomas	Powhatan
	C-20-0080	6221 Old Mooretown Road Minor Subdivision	6221 OLD MOORETOWN RD	Conceptual plan application to request the approval of a minor subdivision for the parcel of land located at 6221 Old Mooretown Road into four single-family homesites.	Costello, Terry	Powhatan
	C-20-0081	7782 Richmond Rd. Driveway & Parking Improvements	7782 RICHMOND RD	Proposed driveway and parking improvements.	Haynes, Tori	Stonehouse
	C-20-0082	2188 & 2208 Lake Powell Rd. BLA and Family Subdivision Potential	2188 LAKE POWELL RD	Proposal to create a three acre lot on 2188 Lake Powell Road for a family member.	Haynes, Tori	Roberts
	C-20-0083	114 Ron Springs Dr. Minor Subdivision	114 RON SPRINGS DR	Proposal to create a minor subdivision with four single family homes.	Wysong, Thomas	Roberts
	C-20-0084	Cox Communications Store Parking Lot Expansion	112 NEW QUARTER DR	Proposal to add additional parking spaces.	Leininger, Thomas	Jamestown
	C-20-0096	Exit 231 of I-64 Wireless Tower Equipment Swap	Exit 231 Interstate 64	Proposal for update of wireless communication facility equipment.	Leininger, Thomas	Stonehouse
	C-20-0097	8682 Pocahontas Trail Dwellings	8682 POCAHONTAS TRL	Proposal to demolish existing multi-family structure. Request to determine maximum number of multi-family units.	Leininger, Thomas	Roberts
	C-20-0098	Peninsula Pentecostals, Place of Public Assembly	9230 POCAHONTAS TRL	Proposal to build a House of Worship and associated site improvements on a currently undeveloped site.	Leininger, Thomas	Roberts
	C-20-0099	5025 Settlers Market Blvd. NEPA Review	5025 SETTLERS MARKET BLVD	NEPA review of the site prior to construction of a 34-foot non-utility communications pole.	Haynes, Tori	Jamestown
Rezoning	Z-20-0004	Williamsburg Landing Boatwright Circle Proffer Amendment	5550 WILLIAMSBURG LANDING DR	Amendment of existing Proffers to allow for four additional single family dwelling units	Wysong, Thomas	Roberts
Site Plan	SP-20-0022	The Eye Center of Virginia Expansion	101 TEWNING RD	Site plan amendment for building and parking lot expansion.	Risinger, John	Jamestown
	SP-20-0046	7408 Richmond Road Day Care Play Area	7408 RICHMOND RD	Site plan amendment for addition of infant and toddler play areas.	Risinger, John	Stonehouse
	SP-20-0050	Jolly Pond Road Dam T-Turnarounds	2900 JOLLY POND RD	Site plan for Construction of standard VDOT t-type turnarounds on either end of the Jolly Pond Road dam.	Leininger, Thomas	Powhatan
	SP-20-0051	Warhill High School Press Boxes	4615 OPPORTUNITY WAY	Site plan amendment for the addition of press boxes to the Warhill High School baseball and softball fields.	Leininger, Thomas	Powhatan
	SP-20-0052	Rt. 5 & Rt. 199 JCSA Water Main Replacement	100 FERNCLIFF DR	Site plan for JCSA's White Oaks area water main replacement of approx. 22,000 LF of water main in multiple neighborhoods near the intersection of Rt. 5 and Rt. 199.	Leininger, Thomas	Jamestown
	SP-20-0054	Grices Run Watershed Project	8901 POCAHONTAS TRL	Site plan for a stream restoration project along Columbia Drive and adjacent to James River Elementary School.	Risinger, John	Roberts
	SP-20-0055	Carter's Grove Plantation Farm Storage Building	250 RON SPRINGS DR	Site plan to add site improvements associated with the installation of a residential structure and new gravel storage yard.	Wysong, Thomas	Roberts
	SP-20-0056	5300 Palmer Lane Lighting Plan Amendment	5300 PALMER LN	Site plan amendment for lighting changes at 5300 Palmer Lane.	Baruch, Alex	Jamestown

Special Use Permit	SUP-20-0014	Williamsburg Landing Boatwright Circle SUP Amend.	5550 WILLIAMSBURG LANDING DR	SUP Amendment to allow four additional single family dwelling units.	Wysong, Thomas	Roberts
	SUP-20-0015	3179 Chickahominy Rd. AFD Family Minor Subdivision	3179 CHICKAHOMINY RD	SUP to create a one acre lot in a parcel within an AFD to be given to a direct family member.	Leininger, Thomas	Stonehouse
	SUP-20-0016	Norge Solar Farm SUP Amendment	341 FARMVILLE LN	Request to amend Condition 17 of SUP-0028-2016 to allow a one-year extension of the date of commencement of operations for the Norge Solar facility.	Leininger, Thomas	Stonehouse
Subdivision	S-20-0033	2505 & 2507 Manion Dr. Boundary Line Erasure	2507 MANION DR	Erasure of the Boundary line between lots 11 & 12 in Section 1 of Drummonds Field.	Risinger, John	Berkeley
	S-20-0034	The Promenade at John Tyler Phase 31 - Courthouse Plat	5304 JOHN TYLER HWY	Courthouse plat application for The Promenade at John Tyler Phase 31	Ribeiro, Jose	Berkeley
	S-20-0035	The Promenade at John Tyler Phase 32 - Courthouse Plat	5304 JOHN TYLER HWY	Courthouse plat application for The Promenade at John Tyler Phase 32	Ribeiro, Jose	Berkeley
	S-20-0036	3408 N Riverside Dr. Family Subdivision	3408 N RIVERSIDE DR	Subdivision plat for 3408 N Riverside Dr. Family Subdivision	Wysong, Thomas	Powhatan
	S-20-0037	8647 & 8637 Merry Oaks Ln. Boundary Line Erasure	8647 MERRY OAKS LN	Erasure of the Boundary Line between lots 36 & 37, Merry Oaks Section 1	Leininger, Thomas	Powhatan
	S-20-0039	125 Howard Dr. Courthouse Plat	125 HOWARD DR	Boundary Survey of 125 Howard Drive	Baruch, Alex	Roberts