

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
August 3, 2022
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the July 6, 2022, Regular Meeting

F. PUBLIC HEARINGS

1. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment
2. SUP-22-0008. Williamsburg Crossing – Greenwood Christian Academy Expansion
3. SUP-22-0011. 3004 Ironbound Road Tourist Home

G. PLANNING COMMISSION CONSIDERATIONS

1. 2022 Agricultural and Forestal District (AFD) Renewals

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the July 6, 2022, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the July 6, 2022, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/14/2022 - 4:59 PM
Planning Commission	Holt, Paul	Approved	7/14/2022 - 5:00 PM
Publication Management	Daniel, Martha	Approved	7/15/2022 - 8:12 AM
Planning Commission	Holt, Paul	Approved	7/15/2022 - 8:13 AM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
July 6, 2022
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Rich Krapf
Jack Haldeman
Frank Polster
Barbara Null
Stephen Rodgers

Planning Commissioners Absent:

Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Thomas Wysong, Senior Planner
Paxton Condon, Planner

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Jack Haldeman stated that the Policy Committee did not meet in June and, therefore, there was no report.

Ms. Barbara Null stated that the Development Review Committee did not meet in June and, therefore, there was no report.

E. CONSENT AGENDA

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

On a voice vote, the Planning Commission voted to approve the Consent Agenda. (6-0)

1. Minutes of the June 1, 2022, Regular Meeting

2. SPLN-21-0012. Colonial Heritage Phase 5, Section 2.

F. PUBLIC HEARINGS

1. Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt has applied on behalf of Williamsburg Landing, Inc. to rezone approximately 2.65 acres from the R-8, Rural Residential District, to the R-5, Multifamily Residential District, and to amend the existing Special Use Permit (SUP) for Williamsburg Landing to include the existing parking lot and gated access as part of this development.

Mr. Wysong stated that the subject parcel is currently located within the Primary Service Area (PSA) and this portion is designated Airport in the Comprehensive Plan.

Mr. Wysong stated that at this point in the process, the applicant has requested more time to evaluate and discuss this proposed use and conditions with Planning staff. Mr. Wysong further stated that per the letter in the Commission's Agenda Packet, the applicant has requested a postponement of this case for at least one month to allow continued collaboration with Planning staff.

Mr. Wysong stated that staff concurs with the request for postponement and recommends that the Planning Commission postpone this application to the August 3, 2022, Regular Meeting.

Mr. O'Connor opened the Public Hearing.

No one wished to speak.

Mr. Krapf made a motion to continue the Public Hearing to the Planning Commission's August 3, 2022, Regular Meeting.

On a voice vote, the Planning Commission voted to continue the Public Hearing to its August 3, 2022, Regular Meeting. (6-0)

2. SUP-22-0009. JCC Police Firing Range Expansion

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers

Absent: Rose

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers

Absent: Rose

Ms. Paxton Condon, Planner, stated that Mr. Rick Koehl has applied for a SUP on behalf of the James City County (JCC) Police Department to expand the existing Police firing range at 1206 Jolly Pond Road. Ms. Condon stated that the property is zoned, PL, Public Lands, designated Federal, State, and County Land on the 2045 Comprehensive Plan Land Use Map, and is located outside of the PSA.

Ms. Condon stated that the Jolly Pond convenience center and existing firing range are currently located on the property. Ms. Condon further stated that the existing firing range is located towards the interior of the approximately 546-acre parcel and has been in use since

1985 when it was first approved by the County. Ms. Condon noted that the firing range is not open to the public.

Ms. Condon stated that according to Section 15.2-2232 of the Code of Virginia, unless a public structure is shown on the adopted Comprehensive Plan or other master plans for the County, the local Planning Commission and a governing body shall determine whether the location, character, and extent of the project is consistent with the adopted Comprehensive Plan.

Ms. Condon stated that staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and the Zoning Ordinance. Ms. Condon further stated that staff recommends that the Planning Commission find this application consistent with the 2045 Comprehensive Plan and recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster inquired whether there was a site plan on file for the firing range.

Ms. Condon stated that a site plan was approved in 2004 for a rain shelter. Ms. Condon further stated that a rezoning was done in 2007 to rezone the property to PL, Public Lands.

Mr. Holt stated that the firing range expansion was included in the Capital Improvements Program and that the Commission may be remembering discussion related to that application.

Mr. Holt requested that the applicant elaborate on the relationship of the various structures on the parcel.

Mr. Rick Koehl, Capital Projects Coordinator, provided an overview of the plans to move certain existing structures to allow for a 100-yard range to accommodate training with additional weapons.

Mr. Polster inquired where the buildings would be located.

Mr. Koehl stated that there would be a two-story tower behind the 100-foot line to replace the existing shed that currently serves as the observation area for supervisors.

Mr. Koehl further stated that there would be concrete firing lines at 50 yards and 100 yards.

Mr. Polster inquired about the second building.

Mr. Koehl stated that it would be an open-air pavilion similar to the current structure.

Mr. Polster inquired about the location.

Mr. Koehl stated that it would be in the same area as the tower. Mr. Koehl further stated that the tower would be centered approximately five yards behind the 100-yard line, and the pavilion would be approximately eight yards from the tower.

Mr. O'Connor inquired if there will be a gate to prevent the public from accessing the firing range. Mr. O'Connor further inquired if the area commonly used for disposing of storm debris would be closed.

Mr. Koehl stated that the changes would not encroach on the area used for storm debris. Mr. Koehl further stated that a gate is not currently in the plan but could be added if necessary.

Mr. O'Connor stated that it might something to consider.

Mr. Haldeman inquired if there were plans for the remainder of the parcel.

Mr. Koehl stated that he is not aware of any future plans. Mr. Koehl stated that a good portion is not fit for development due to the previous use as a landfill.

Mr. O'Connor opened the Public Hearing. As no one wished to speak,

Mr. O'Connor closed the Public Hearing.

Mr. Krapf inquired if there needed to be one vote to recommend approval of the application and one vote to find the facility consistent with the Comprehensive Plan.

Mr. O'Connor confirmed that two separate votes were required.

Mr. Krapf made a motion to recommend approval of the application subject to the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0009. JCC Police Firing Range Expansion. (6-0)

Mr. Krapf made a motion to find the facility in substantial accord with the adopted Comprehensive Plan.

On a roll call vote, the Commission voted to adopt the resolution finding the facility to be in substantial accord with the adopted Comprehensive Plan. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that he did not have anything in addition to the information provided in the Agenda materials.

1. Planning Director's Report - July 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor stated that Ms. Null is scheduled to represent the Planning Commission at the Board of Supervisors meeting on July 12, 2022.

Ms. Null noted that she was preparing to go out of town.

Mr. Haldeman stated that he would cover the meeting.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 6:22 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chairman

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

FROM: Thomas Wysong, Senior Planner II

SUBJECT: Z-22-0001 & SUP-22-0012. 5700 Williamsburg Landing Rezoning and SUP Amendment

ATTACHMENTS:

	Description	Type
0	0. Staff Report	Staff Report
1	1. Deferral Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/25/2022 - 1:13 PM
Planning Commission	Holt, Paul	Approved	7/25/2022 - 1:13 PM
Publication Management	Daniel, Martha	Approved	7/25/2022 - 2:13 PM
Planning Commission	Holt, Paul	Approved	7/25/2022 - 2:15 PM

SPECIAL USE PERMIT-22-0012 and REZONING-22-0001. 5700 Williamsburg Landing SUP Amendment and Rezoning
Staff Report for the August 3, 2022, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Paul Gerhardt, Kaufman & Canoles,
P.C.

Land Owner: Williamsburg Landing, Inc.

Proposal: To rezone approximately 2.65 acres from
the R-8, Rural Residential District to the R-
5, Multifamily Residential District and to
amend the existing Special Use Permit
(SUP) for Williamsburg Landing to include
the existing parking lot and gated access as
part of this development

Location: 5700 Williamsburg Landing Drive

Tax Map/Parcel No.: 4820100002

Project Acreage: ± 2.65 acres

Current Zoning: R-8, Rural Residential District

Proposed Zoning: R-5, Multifamily District

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner II

PUBLIC HEARING DATES

Planning Commission: July 6, 2022, 6:00 p.m.
August 3, 2022, 6:00 p.m.
September 7, 2022, 6:00 p.m. (Tentative)

Board of Supervisors: October 11, 2022, 5:00 p.m. (Tentative)

Postponement Request

The applicant has requested a deferral of this case until the September 7, 2022, Planning Commission Meeting (see Attachment No. 1). The applicant has requested the additional time to review the existing SUP and proposed SUP conditions. Staff concurs with the request for deferral and recommends the Planning Commission defer this application to the September 7, 2022, Regular Meeting.

TW/md
SUP22-12RZ22-1WLdgAmd

Attachment:
1. Deferral Request

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.

KAUFMAN & CANOLES
attorneys at law

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July 21, 2022

VIA EMAIL

Mr. Thomas Wysong
Senior Planner II
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

**Re: Williamsburg Landing, Inc.
JCC Application No. Z-22-0001**

Dear Mr. Wysong:

The above-referenced case is scheduled to be considered by the Planning Commission at its meeting next month; however, in light of continuing questions regarding the SUP currently applicable to the property that is the subject of the referenced case and the proposed SUP conditions, the applicant would again like to request at least a two month postponement to September to allow the applicant and the County Staff sufficient time to adequately evaluate and address those questions.

Thank you for consideration of this request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Paul W. Gerhardt

cc (via email): Gregory R. Storer, Williamsburg Landing, Inc.
Ryan Stephenson, AES Consulting Engineers
Thomas G. Tingle, Guernsey Tingle Architects
Benming Zhang, Esq.
Paul Holt, James City County

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SUP-22-0008. Williamsburg Crossing – Greenwood Christian Academy Expansion

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Proposed SUP Conditions	Backup Material
☐	2. Location Map	Backup Material
☐	3. Master Plan	Backup Material
☐	4. Community Impact Statement	Backup Material
☐	5. Public Facilities Report	Backup Material
☐	6. Parking Authorization from Property Owner	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	7/27/2022 - 4:44 PM
Planning Commission	Holt, Paul	Approved	7/27/2022 - 4:54 PM
Publication Management	Pobiak, Amanda	Approved	7/27/2022 - 4:58 PM
Planning Commission	Holt, Paul	Approved	7/27/2022 - 5:01 PM

**SPECIAL USE PERMIT-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant:	Mr. Mark Thornblom
Land Owner:	Williamsburg Crossing Associates, LLC
Proposal:	To allow Greenwood Christian Academy to expand within the existing Williamsburg Crossing Shopping Center
Location:	5251 John Tyler Highway
Tax Map/Parcel No.:	4812200002
Property Acreage:	± 16.25 acres
Zoning:	B-1, Limited Residential
Comprehensive Plan:	Mixed Use
Primary Service Area (PSA):	Inside
Staff Contact:	John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission:	August 3, 2022, 6:00 p.m.
Board of Supervisors:	September 13, 2022, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. Staff finds the proposal to be compatible with the surrounding zoning and development.
2. Staff finds the proposal consistent with the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.

SUMMARY STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors subject to the proposed conditions.

PROJECT DESCRIPTION

Mr. Mark Thornblom has applied for a Special Use Permit (SUP) to allow the operation of a school within the existing Williamsburg Crossing Shopping Center. Greenwood Christian Academy has operated a school and child day care center in the Williamsburg Crossing Shopping Center since 2009, when schools were a by-right use within the B-1 Zoning District. Schools became a specially permitted use within the B-1 Zoning District when the Zoning Ordinance was amended in 2012. At that time, the school use became legally nonconforming. With the current application, the school use would be allowed to operate within a new space in the shopping center (the Annex) and the existing school facility (the Main Campus) would come into conformance with the B-1 Zoning District. Child day care

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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

centers are currently a by-right permitted use in the B-1 Zoning District which allows for the continued operation of the preschool.

Greenwood Christian Academy operates a school program for grades Kindergarten-8 (K-8) as well as a preschool program. The school program and full-day preschool program operate from 8:30 a.m. to 3:30 p.m. on weekdays. A half-day preschool program is offered in the mornings from 8:30 a.m. to 12 p.m. Greenwood Christian Academy also offers before and after school care programs which operate from 7 to 8:15 a.m. and from 3:30 p.m. to 5:30 p.m.

The current application proposes an expansion of the school within the shopping center by adding additional classrooms and administrative office space in the Annex. The applicant has stated that the additional classroom space is intended to meet current demand for student enrollment. Greenwood Christian Academy previously applied for an SUP in 2021 to allow for the construction of a school and preschool facility at the nearby Crosswalk Community Church. However, the expansion of the school on that property is no longer being pursued. The applicant has stated that with the current proposal, the school and preschool use would be consolidated on the shopping center property instead of being split across two properties.

The Main Campus facility is approximately 19,900 square feet in size with a total of 12 classrooms serving a maximum capacity of 150 students. The Main Campus classrooms provide learning space for preschool students as well as school students in grades K-5. The Main Campus facility also contains a gymnasium space and classrooms for foreign language, music, art, and technology classes which are utilized by all students. The Main Campus is also used for the before and after school care programs as well as being the location for all student drop-offs and pick-ups.

The Annex is approximately 6,645 square feet in size, is planned to have five classrooms serving a maximum capacity of 75 students and will have approximately 10 teachers and staff members. The applicant states that the Annex space is planned to be utilized for students in grades 5-8 but may also be utilized for preschool students and students in grades K-4 depending on the individual grade enrollments each year.

With the proposed conditions, the maximum enrollment of the school is 225 students and the hours of operation are limited from 7 a.m. to 5:30 p.m. Any future expansion of the school's operations or changes to where the school operates within the shopping center would require an SUP amendment.

The Annex and Main Campus facilities are separated by other units in the shopping center and would not have direct access between the facilities. Students will be able to traverse between the two facilities using a wide covered concourse along the front of the shopping center. Landscaping areas along the covered concourse provide additional separation from the drive aisles and parking areas for the shopping center.

Transportation to and from the school is limited to parents picking up and dropping off their students at the Main Campus entrance. Greenwood Christian Academy does not offer any bus transportation to the school. According to the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Generation, the Annex will contribute 69.75 AM peak hour trips to the school. Since the Annex will not be used for after school care, it will not contribute any trips to the PM peak hour which is defined as being from 4-6 p.m. by the ITE. As a whole, the school will have a total of 209.25 AM peak hour trips and 93 PM peak hour trips. While this is an increase compared to the number of trips that would be generated for these shopping center units if they were occupied by retail uses, 79.6 AM peak hour trips and

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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

111.8 PM peak hour trips, it is important to note that pick-up and drop-off trips will be spread out with the before and after school programs. The property has three existing access points with Kings Way and an additional access point on John Tyler Highway with internal drive aisles in the parking lot. Staff anticipates that the existing entrances and drive aisles within the parking lot will provide sufficient means of vehicular circulation internal to the property to accommodate the pick-up and drop-off vehicle traffic for the school.

Since students are not of driving age, the parking needs of the school are limited to parents, teachers, and other staff members. The Zoning Ordinance does not specifically define the number of required parking spaces for school uses. For SUP-21-0015, it was estimated that two and a half parking spaces would be needed for each classroom of the school. With that calculation, a total of 43 parking spaces would be required. For retail use of the same unit spaces occupied by the school, 107 parking spaces would be required. The entire shopping center, excluding any outparcels, requires 624 parking spaces and has approximately 697 parking spaces currently provided. With this analysis, staff anticipates that the school use would require fewer parking spaces compared to the potential retail use of the same unit spaces and that the parking lot provides ample parking for the school and shopping center.

PLANNING AND ZONING HISTORY

- In 1991, the Board of Supervisors approved Case No. SUP-0049-1990 to allow the construction of the Williamsburg Crossing Shopping Center.

- In 1993, the Board of Supervisors approved Case No. SUP-0002-1993 to amend the previous SUP.
- In 2009, Greenwood Christian Academy began operating a school facility within the shopping center as a by-right use.
- In 2012, the Board of Supervisors adopted amendments to the B-1 Zoning District which made schools a specially permitted use.
- In 2021, the Board of Supervisors approved Case No. SUP-21-0015 to allow Greenwood Christian Academy to operate a school and child day care center at Crosswalk Community Church. Operation of the school and day care center at this location is no longer being pursued.

SURROUNDING ZONING AND DEVELOPMENT

- The Williamsburg Crossing Shopping Center is located south of the John Tyler Highway and Route 199 intersection. Neighboring development includes outparcels of the Williamsburg Crossing Shopping Center and the Riverside Medical Center which are zoned B-1, General Business, and The Promenade at John Tyler and La Fontaine which are zoned MU, Mixed Use. Properties north of John Tyler Highway area are zoned R-1, Limited Residential, and R-8, Rural Residential.
- The properties surrounding the Williamsburg Crossing Shopping Center are primarily designated as Low Density Residential on the 2045 Comprehensive Plan Land Use Map. The nearby Fire Station 3 and Fire Administration Building are designated as Federal, State, or County Land.

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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The school will have 209.25 AM peak hour trips and 93 PM peak hour trips. While this is an increase over potential retail use of the unit spaces, the drop-off and pick-up traffic is anticipated to be spread out with the before and after school care programs. Staff anticipates that access points to Kings Way and John Tyler Highway and the drive aisles internal to the parking lot will provide sufficient means of vehicular circulation to accommodate the pick-up and drop-off traffic. - The school use requires 43 parking spaces which is less than the number of spaces that would be required for retail use of the same shopping center units. The shopping center provides approximately 697 existing parking spaces which staff anticipates will accommodate the school's parking needs.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- The current proposal does not require that any bicycle and pedestrian accommodations be provided. - A sidewalk is shown along the east side of John Tyler Highway on the adopted Regional Bikeways Map and Pedestrian Accommodation's Master Plan and would be required for any future developments that require a site plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 1,000 feet from the proposed structures. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's public schools.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property receives public water and sewer.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The proposed use will be located within the existing Williamsburg Crossing Shopping Center building and no exterior site improvements are proposed.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- The proposed use will be located within the existing Williamsburg Crossing Shopping Center building and no exterior site improvements are proposed. - The intensity of the proposed use is anticipated to be comparable to the existing retail uses of the shopping center.
<u>Community Character</u>	<u>No Mitigation Required</u>	- The project is located along the John Tyler Highway Community Character Corridor (CCC). - The proposed use will be located within the existing Williamsburg Crossing Shopping Center building and does not propose any impacts to the CCC.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

2045 COMPREHENSIVE PLAN

The property is designated Mixed Use on the 2045 Comprehensive Plan Land Use Map.

There are two levels of Mixed Use in the 2045 Comprehensive Plan. This property is located within the Williamsburg Crossing Mixed Use area and is a Level 1 designation.

Level 1 areas are described as:

- Located in the PSA where public services and utilities are available.
- Located at the intersections of collector or arterial streets and intended to serve as local community focal points with a friendly blend of useful services, shopping, or employment and close-in housing just as in traditional town and village centers.
- Have natural characteristics such as terrain and soils suitable for compact mixed use development or redevelopment.
- Contain a mixture of uses, rather than uses segregated into individual areas for residences, retail, office, and services.
- Designed with a pedestrian focus with good multimodal connections to surrounding areas and recreation opportunities.
- Designed as lower intensity areas to be compatible with surrounding context and with transition areas and step downs in densities to respect nearby historic and/or residential areas.

Designed with a mix of uses that is compatible with the surrounding area and is consistent with the specific area descriptions below.

Principal suggested uses for the Williamsburg Crossing Mixed Use area include commercial, office, and moderate density residential. Additional access points beyond those currently existing for the Route 199 corridor are strongly discouraged. This application does not propose any additional access points into the property.

Staff finds that this proposal would contribute to having a mix of uses within the shopping center and providing useful services to the community. Staff finds this proposal to be consistent with the Comprehensive Plan guidance for Level 1 Mixed Use areas and the Williamsburg Crossing Mixed Use area.

John Tyler Highway is identified as a CCC on the 2045 Comprehensive Plan Land Use Map. There are no proposed impacts to the CCC.

Staff finds that the proposal meets the following Comprehensive Plan goals:

Population Needs

PN 2.1 - Ensure that youth have adequate and safe facilities where they may participate in programs and services.

PN 2.3 - Encourage and promote additional safe and licensed child care businesses, including home-based child care, near adequate and accessible transportation routes.

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-22-0008. Williamsburg Crossing-Greenwood Christian Academy Expansion
Staff Report for the August 3, 2022, Planning Commission Public Hearing

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

With the attached proposed conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan. Staff therefore recommends the Planning Commission recommend approval of this application to the Board of Supervisors subject to the proposed conditions.

JR/ap
SUP22-8_GrnwdChrAcad

Attachments:

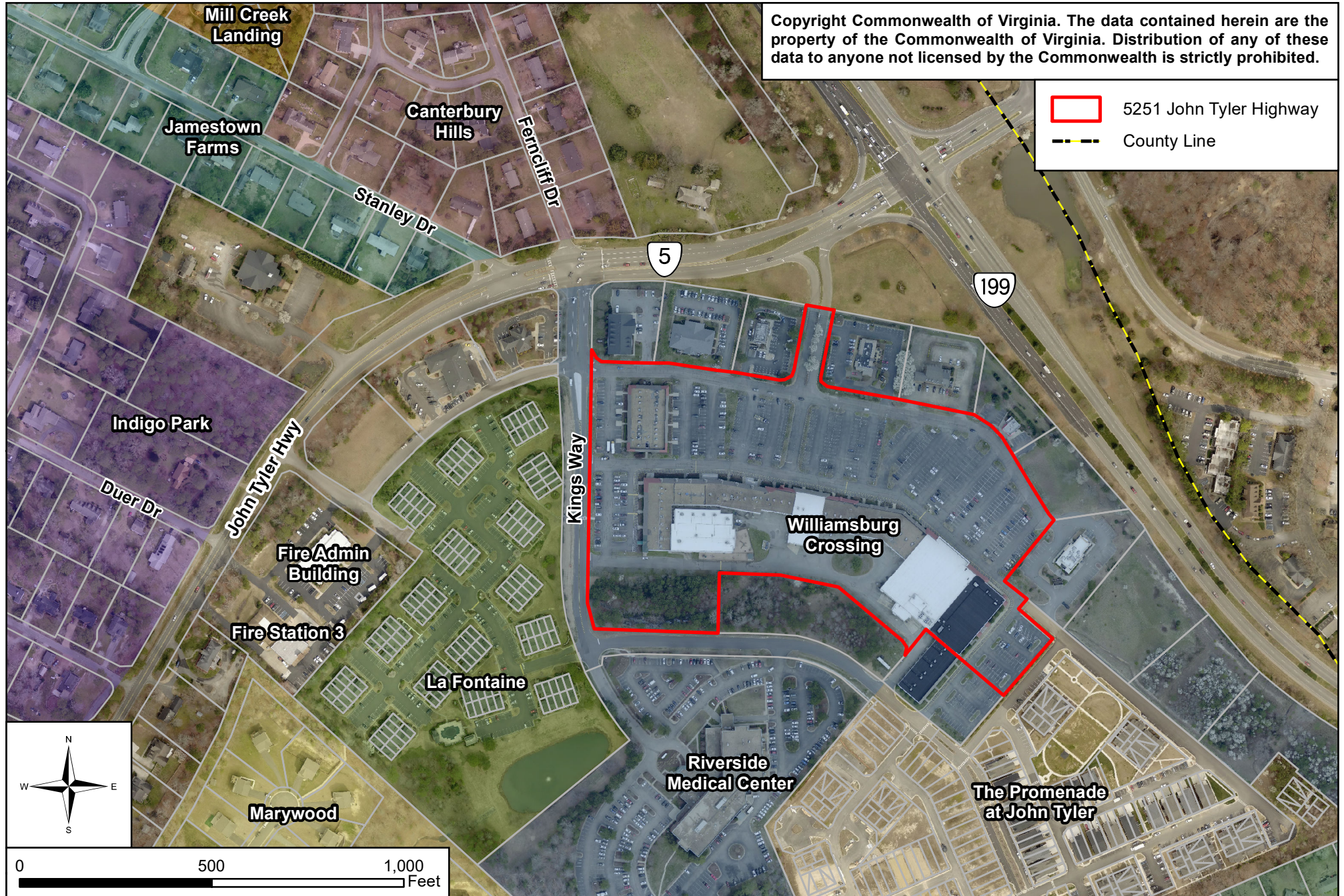
1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Community Impact Statement
5. Public Facilities Report
6. Parking Authorization from Property Owner

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

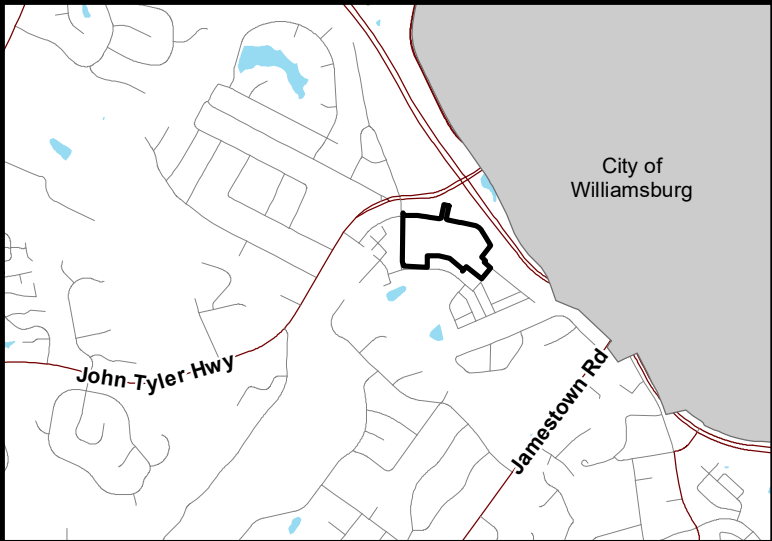
**Proposed SUP conditions for SUP-22-0008, Williamsburg Crossing - Greenwood
Christian Academy Expansion**

1. **Master Plan:** This SUP shall permit a school on property located at 5251 John Tyler Highway, which is further identified as James City County Real Estate Tax Map Parcel No. 4812200002 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled, “SUP-22-0008, Williamsburg Crossing – Greenwood Christian Academy Expansion” dated July 22, 2022 (the “Master Plan”) with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. **Location:** The school shall be operated within the existing school facility (the “Main Campus”) and the new school facility (the “Annex”) as shown on the Master Plan.
3. **Hours of Operation:** The school shall be limited to hours of operation from 7:00 a.m. to 5:30 p.m, Monday - Friday.
4. **Enrollment:** Enrollment of the school shall be limited to 225 children, grades K through 8. On or before July 1 of each year, the Zoning Administrator shall be provided with actual school enrollment data for the previous school year and projected school enrollment data for the upcoming school year. The school enrollment data shall include the total number of children enrolled, the number of children per grade and the number of staff employed.
5. **Commencement of Use:** A permanent Certificate of Occupancy for the Annex shall be obtained within 36 months of the date of approval of this SUP, or this SUP shall automatically be void.
6. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-22-0008, Williamsburg Crossing Greenwood Christian Academy Expansion



SUP-22-0008, Williamsburg Crossing - Greenwood Christian Academy Expansion



Vicinity Map
1 inch equals 0.5 miles

Property Information

Parcel ID: 4812200002
Property Owner: Williamsburg Crossing Associates, LLC
Property Address: 5251 John Tyler Hwy Williamsburg, VA 23188
Total Site Area: ±16.25 Acres
Zoning: B-1, General Business
Comp. Plan: Mixed Use

General Notes

1. This site does not appear to be located in the Resource Protection Area.
2. This site is not located in the Special Flood Hazard Area per FEMA FIRM 51095C0138D dated 12/16/15.



5251 John Tyler Highway



Special Use Permit Area

0 50 100 200 Feet

1 inch equals 100 feet



July 22, 2022



Community Impact Statement for Greenwood Christian Academy

**5251 John Tyler Highway
Williamsburg, Virginia**

Submittal: May 25th, 2022

Revised:

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1. Introduction and Project Description

Greenwood Christian Academy (GCA) is applying for a Special Use Permit (SUP) for their facility located at 5251 John Tyler Highway, Parcel 4812200002, zoned B-1, within the Williamsburg Crossing Shopping Center, and owned by Williamsburg Crossing Associates, LLC. The school presently exists within the shopping center as a 19,900 square-foot facility that provides 12 classrooms for pre-school through 5th grade education, with a maximum capacity of approximately 150 students. The facility is also equipped with administrative offices, a full-sized gymnasium, and an outdoor playground. The school was established at the current location in the spring of 2009, prior to county ordinances requiring SUPs for schools operating in commercial zoned property and has been in continuous operations since. In the Summer of 2021, with support from their executive sponsor Crosswalk Community Church, GCA obtained a Special Use Permit, SUP-21-0015, to operate a daycare and school at the Crosswalk Community Church property at 5100 John Tyler Highway, including a proposal to construct a building on site to serve as the school. Due to several circumstances beyond the control of GCA, that project has been canceled. In lieu of building a new facility, Greenwood Christian Academy has elected to proceed with expanding the school by leasing additional space within the Williamsburg Crossing Shopping Center and ceasing operations at Crosswalk Community Church. Though GCA has been in continuous operations since 2009 without an SUP requirement, given that new space is being developed, the school is requesting a permit to operate both facilities to comply with updated county ordinances.

The purpose of this SUP application is to request authorization of both day care and school use within the current 19,900 square-foot usage space, as well as the additional proposed leased space within the Williamsburg Crossing Shopping Center. GCA is currently in process of leasing approximately 6,645 square-feet of new space, with the plans to provide five additional classrooms to meet the current demand of enrollment and provide education services for pre-k to 8th grade. This annex will be located within the Williamsburg Crossing Center but will not be adjacent or physically connected to the existing main campus. Rather, it will be located in units on the main frontage of the shopping center. Students and staff will be able to traverse between the two facilities by utilizing the covered walkway that extends along the frontage of the

building. It is significant to note that students and staff will not have to cross any traffic to access the two facilities.

The current facility (main campus) will continue to be utilized for daycare and school purposes, as operated since the building opened in 2009. The new 6,645 square-foot space (annex) will be utilized exclusively for school use and have a maximum capacity of approximately 75 students and staff. The annex is planned to be utilized for 5th-8th grade, but may be altered from time to time based on individual grade enrollments, etc. Classes utilizing the annex space will continue to utilize the main campus for regular use of the gymnasium and established classrooms for special classes, such as foreign language, music, art, and technology. They will traverse between the two facilities as described above. Parking for staff and visitors will continue to be utilized on the side of the shopping center, and ample parking exists in front of the proposed annex location, of which the property owners have provided support for use of the parking spaces provided at the center. The current facility has a sign on the frontage that was installed in 2009 according to county ordinance. There is no signage planned for the additional leased space.

2. TRAFFIC IMPACT ANALYSIS

A traffic impact analysis is not required since this project is not expected to generate any significant additional traffic within the capacity of the Williamsburg Crossing Shopping Center.

3. Analysis of Parking for Shared Parking Use

Analysis of parking is not provided in this impact study because Greenwood Christian Academy parking is adequately provided and shared amongst tenants by the Williamsburg Crossing Shopping Center. No additional parking will be required to accommodate the additional lease space. A letter of support is provided by the property managers that endorse use of parking in front of the new leased space, and that ample parking is available on site.

4. WATER AND SEWER IMPACT STUDY

The current facility utilized by GCA has a maximum capacity of approximately 150 students, producing an average daily flow of approximately 1,500 gallons. The additional development of 6,645 sq-ft of leased space will increase anticipated average daily flow by approximately 750 gallons per day, based on the maximum 75 students that will be utilizing the new leased space.

This is based on the AWWA and JCSA requirement of 10 gallons per day per student, resulting in a total usage of approximately 2,250 gallons per day. Therefore, since the anticipated average daily flow is less than 15,500 gallons, a water and sewer impact study is not required.

5. ENVIRONMENTAL CONSTRAINTS ANALYSIS

The project site is currently developed with minimal environmental constraints, as environmental impacts were assessed when the Williamsburg Crossing Shopping Center was developed. The proposed expansion within the facility creates no impact regarding hydrologic, soils, and physical features.

6. ADEQUATE PUBLIC FACILITIES REPORT

See attached adequate public facilities report describing how existing sewer, water, schools, fire stations, and libraries will have little to no impact as a result of this project.

7. ADDITIONAL ON-SITE AND OFF-SITE PUBLIC FACILITIES OR SERVICES

No additional on-site or off-site public facilities or services will be required as a result of the development.

8. PHASE IA ARCHAEOLOGICAL STUDY

A phase IA archaeological study is not required since the property is not identified as being an ultra- or highly-sensitive area on the James City County archaeological assessment.

9. PRELIMINARY NATURAL RESOURCE INVENTORY

A preliminary natural resource inventory is not required since the property is not identified as being in a B1, B2, or B3 area, as defined by the Virginia Department of Conservation and Recreation's Natural Heritage Resources Program.

10. FISCAL IMPACT ANALYSIS

A fiscal impact analysis is not required since the project does not include residential dwelling units.

11. PARKS AND RECREATION INFORMATION

Parks and recreation improvements are not proposed since there are no new dwelling units as part of the project.

Public Facilities Report for Greenwood Christian Academy

**5251 John Tyler Highway
Williamsburg, Virginia**

Submittal: May 20th, 2022

Prepared by: Mark N. Thornblom

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1.1 INTRODUCTION / PROJECT DESCRIPTION

Greenwood Christian Academy is applying for a Special Use Permit (SUP) for their facility located at 5251 John Tyler Highway Suite 37, as well as additional space in suites 15-18, within the Williamsburg Crossing Shopping Center. The school presently operates within the shopping center as a leased 19,900 square-foot facility that provides 12 classrooms for pre-school through 5th grade education. The facility is also equipped with administrative offices, a full-sized gymnasium, and an outdoor playground. The school was established at the current location in the spring of 2009. Greenwood Christian Academy is intending to lease an additional 6,645 sq-ft of space, suites 15-18, within the Williamsburg Crossing Shopping Center to provide additional classrooms to meet the growing demand within the community. This new space will allow increased enrollment of between 60 and 75 additional students.

1.2 ROADS

The site is accessible from John Tyler Highway (US Route 5), either directly through the dedicated entrance road, or on a side entrance via Kings Way Rd. John Tyler Highway is classified as "Minor Arterial" by VDOT's Functional Classification on LRS 20.1 Web Map. The posted speed limit at the site is 35 MPH. John Tyler Highway is a 4-lane divided roadway further to the east at intersections with Stanley Drive and Kings Way and extending to the intersection with Humelsine Parkway (US Route 199). The Greenwood Christian Academy access is along the undivided portion of the roadway. No additional access points will be added as part of the new development. No improvements to the existing entrance are anticipated.

1.3 WATER AND SEWER

The site is located within the James City County Primary Service Area. Public water and sewer are available to the site and are provided to the site. Water connects to an existing line in John Tyler Highway. Additional anticipated flows for proposed leased space will increase by approximately 600 GPD based on AWWA M22 sizing calculations for 60 student capacity.

1.4 SCHOOLS

The site is in the school district for Clara Byrd Baker Elementary School, Berkeley Middle School, and Lafayette High School. The proposed SUP will not generate any additional school-age children within these school districts and will not have any adverse impact on the existing school system capacity.

1.5 FIRE STATIONS

Fire and Emergency Services are provided to the site by the James City County Fire Station #3, located within ¼ mile of the site at 5077 John Tyler Highway.

1.6 LIBRARIES

The John D. Rockefeller Jr. Library is located approximately 5 miles away from the site, at 313 1st Street in Williamsburg. No additional dwelling units are proposed as a part of this project, which results in no additional demand for library services.

The Cotswold Group, Inc.
Suite 411
550 Mamaroneck Avenue
Harrison, NY 10528-1634

Tel 914 381-8040
Fax 914 381-8044

THE COTSWOLD GROUP

Williamsburg Crossing Associates, LLC

May 10, 2022

Via E-mail: harold.mcdonald@crosswalk.cc

Mr. Harold McDonald
Greenwood Christian Academy, Inc.
5251 John Tyler Highway
Williamsburg, VA 23185

**Re: Greenwood Christian Academy Inc. Additional Parking
Williamsburg Crossing – Suites #15, #16, #17 & #18
5251 John Tyler Highway
Williamsburg, VA 23185**

Dear Mr. McDonald:

Greenwood Christian Academy has the right to use the parking spaces in front of these retail spaces where they wish to expand.

We have plenty of parking at this center and want to accommodate their expansion needs.

Sincerely,



Robert Y. Shasha
Managing Member

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

FROM: Paxton Condon, Planner

SUBJECT: SUP-22-0011. 3004 Ironbound Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed SUP Conditions	Backup Material
▣	Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Applicant Narrative	Backup Material
▣	Correspondence	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/25/2022 - 4:23 PM
Planning Commission	Holt, Paul	Approved	7/25/2022 - 4:24 PM
Publication Management	Daniel, Martha	Approved	7/25/2022 - 4:30 PM
Planning Commission	Holt, Paul	Approved	7/25/2022 - 4:31 PM

**SPECIAL USE PERMIT-22-0011. 3004 Ironbound Road Tourist Home
Staff Report for the August 3, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Mr. Randy Coleman

Land Owner: Clockwork Angels, LLC

Proposal: To allow for the rental of an entire two-bedroom residential home as a tourist home. The owner does not live on-site.

Location: 3004 Ironbound Road

Tax Map/Parcel No.: 4710100074

Property Acreage: ± .46 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area:
(PSA) Inside

Staff Contact: Paxton Condon, Planner

PUBLIC HEARING DATES

Planning Commission: August 3, 2022, 6:00 p.m.

Board of Supervisors: September 13, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. The applicant has acknowledged that, should this application be approved, he will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Staff finds the proposal inconsistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. See Impact Analysis on Pages 3-4.
3. See Comprehensive Plan Analysis on Page 5.

SUMMARY STAFF RECOMMENDATION

Staff finds the proposal to be incompatible with surrounding development and not consistent with the recommendations of the 2045 Comprehensive Plan. Staff therefore does not recommend approval of this application. Should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration (Attachment No. 1).

PROJECT DESCRIPTION

Mr. Randy Coleman has applied for a Special Use Permit (SUP) to allow for the short-term rental of an existing two-bedroom house as a

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-22-0011. 3004 Ironbound Road Tourist Home
Staff Report for the August 3, 2022, Planning Commission Public Hearing**

tourist home. This house is not the primary residence for Mr. Coleman, who also runs the neighboring nursery business at 3000 Ironbound Road. The proposal includes no changes to the size or footprint of the house.

The Zoning Ordinance defines a tourist home as “a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” Should this application be approved, staff has proposed conditions to limit the number of bedrooms available for rental to two bedrooms.

Staff finds the property has an existing parking area sufficient to accommodate guests. The two-bedroom home is on public water and sewer. In previous tourist home applications, staff calculated the number of occupants to be two people per bedroom. Per proposed SUP Condition No. 3, the maximum number of occupants per contract is four.

PLANNING AND ZONING HISTORY

- There have been no previous legislative cases associated with this parcel.

SURROUNDING ZONING AND DEVELOPMENT

- The property is located next to the Coleman Nursery at 3000 Ironbound Road.
- Properties surrounding the parcel are also zoned R-8, Rural Residential.
- Properties surrounding this parcel are also designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map.

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-22-0011. 3004 Ironbound Road Tourist Home
Staff Report for the August 3, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate traffic exceeding a typical residential use. - The subject property is located on a local road.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 1.7 miles from the proposed tourist home. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property receives public water and sewer. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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-22-0011. 3004 Ironbound Road Tourist Home
Staff Report for the August 3, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Not Fully Mitigated</u>	- Traffic is anticipated to be typical of a residential home. The subject property must adhere to the County's Noise Ordinance. Although the proposed SUP conditions would mitigate some impacts to neighboring properties, staff finds the location of the subject parcel is not compatible with the Comprehensive Plan.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Ironbound Road is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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.

2045 COMPREHENSIVE PLAN

The site is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. The adopted Comprehensive Plan provides recommendations regarding locations for short-term rentals.

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

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

This property is designated Low Density Residential on the adopted 2045 Comprehensive Plan Land Use Map.

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.
- *This parcel is not located within an existing platted subdivision and fronts on Ironbound Road.*

- Be located on a major road.

This property fronts on and takes access from Ironbound Road. This segment of Ironbound Road is classified by the Virginia Department of Transportation as a major collector road.

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

The owner of the home will not reside on the same property as the proposed rental.

Staff finds the proposal is inconsistent with the recommendations of 2045 Comprehensive Plan.

PROPOSED SUP CONDITIONS

Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal incompatible with surrounding zoning and development and not consistent with the recommendations of the adopted 2045 Comprehensive Plan.

Staff therefore does not recommend approval of the proposed SUP. Should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration.

**SPECIAL USE PERMIT-22-0011. 3004 Ironbound Road Tourist Home
Staff Report for the August 3, 2022, Planning Commission Public Hearing**

PC/md
SUP22-11_3004IrnbdTH

Attachments:

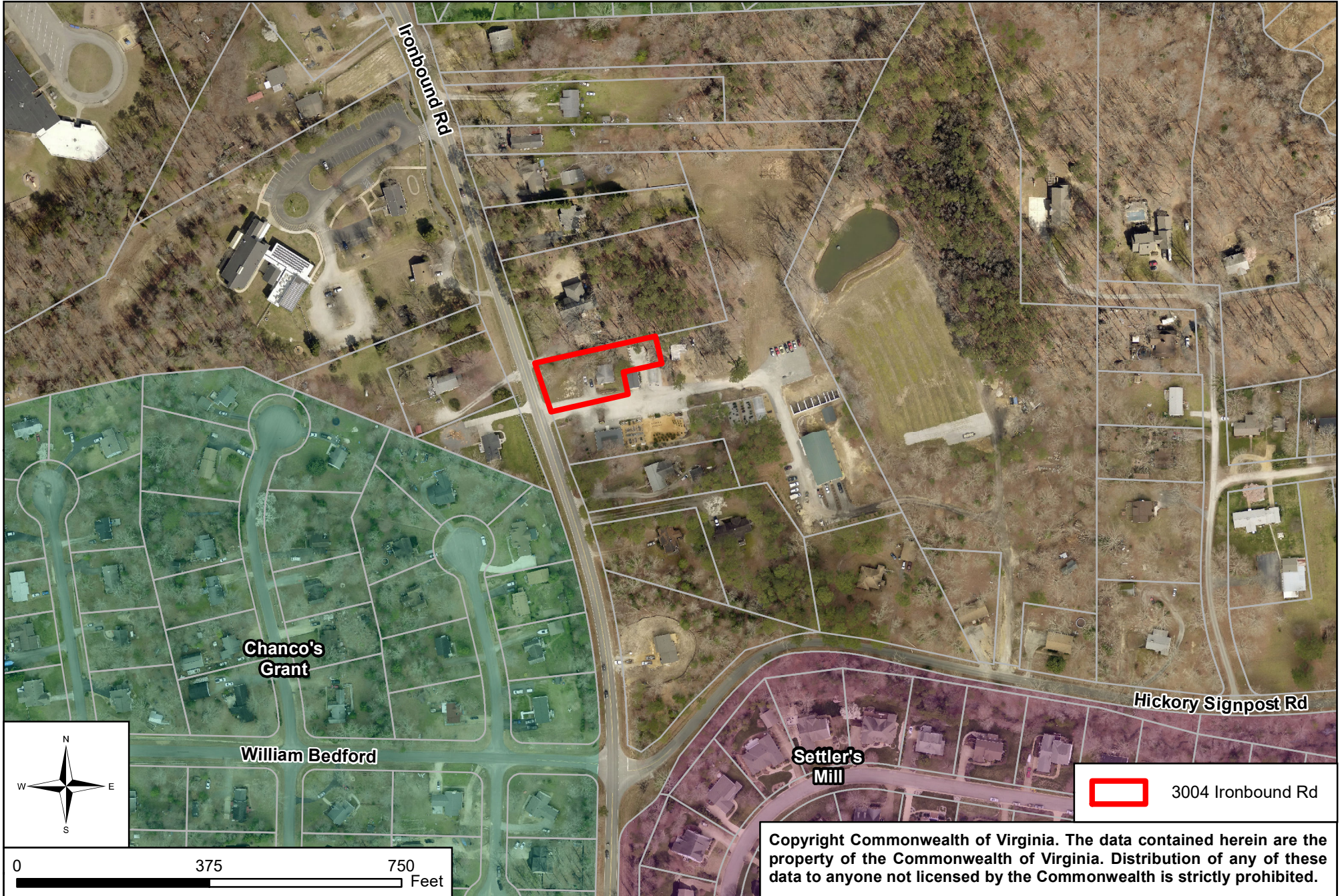
1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Correspondence

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.

SUP-22-0011, 3004 Ironbound Road Tourist Home

1. **Master Plan** – This SUP shall permit a tourist home on property located at 3004 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 4710100074 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “JCC SUP-22-0011, 3004 Ironbound Rd. Tourist Home” and date stamped June 22, 2022 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. **Commencement** – Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. **Number of rental room occupants** – There shall be no more than two (2) bedrooms available for rent to visitors and no more than four (4) rental occupants total at any one time.
4. **Contracts per Rental Period** – There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. **Signage** – No signage related to the use of the tourist home shall be permitted on the Property.
6. **Parking** – Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property.
7. **Severance Clause** – This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-22-0011, 3004 Ironbound Road Tourist Home



SUP-22-0011, 3004 Ironbound Road Tourist Home

Property Information

4710100074
Clockwork Angels LLC
3004 Ironbound Rd
Williamsburg, VA 23185
Zoning: R8 Rural Residential
2045 Comp Plan: Low Density
Residential
Legal Acreage: .46

Adjacent Properties

4710100073
Ryan G Newsom
3020 Ironbound Rd
Williamsburg, VA 23185
R8 Rural Residential

4710100067
Mark Collins
3021 Ironbound Rd
Williamsburg, VA 23185
R8 Rural Residential

4710100068
Armando Holdings LLC
3001 Ironbound Rd
Williamsburg, VA 23185
R8 Rural Residential

4710100075
Clockwork Angels LLC
3000 Ironbound Rd
Williamsburg, VA 23185
R8 Rural Residential

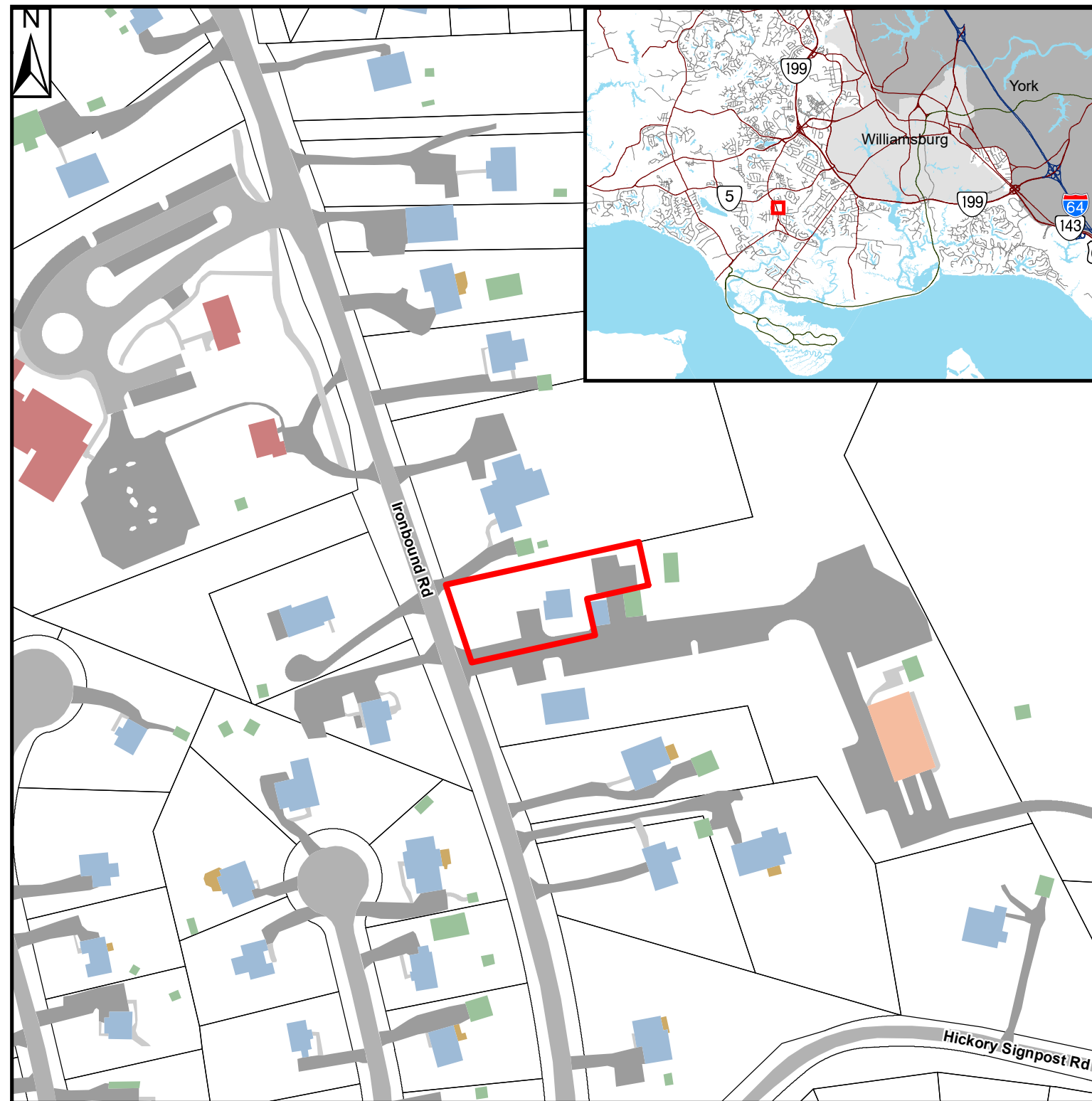
General Notes

1. Site is served by public water and sewer.
2. Property is not located in a FEMA Flood zone.
3. Property does not contain Resource Protected Area.
4. Property has an existing driveway.
5. A minimum of two parking spots shall be provided (one parking spot per bedroom).

Sheet Index

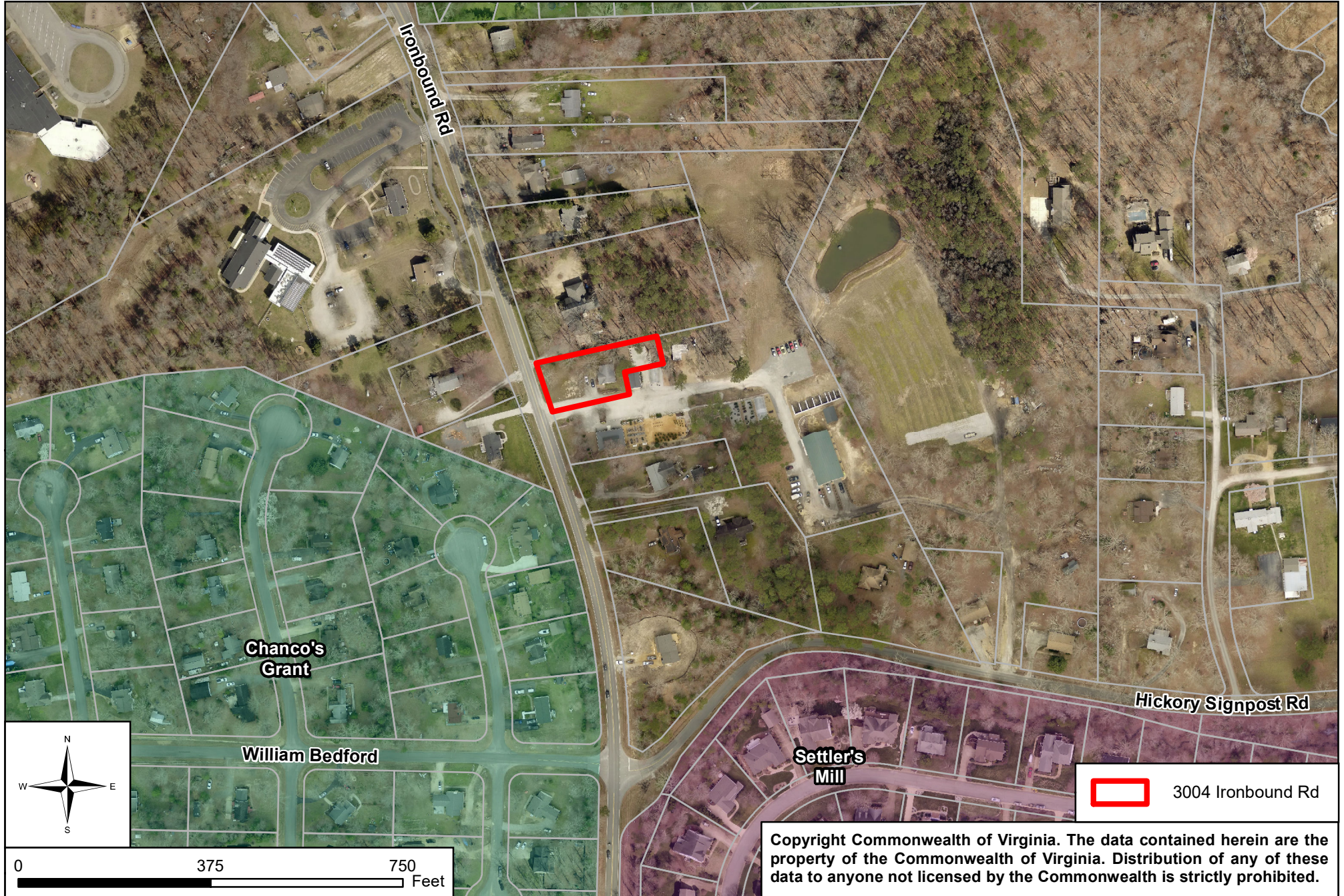
1. Cover Page
2. Location Map
3. Site Details

June 22, 2022



Maps Not to Scale

JCC SUP-22-0011, 3004 Ironbound Road Tourist Home



JCC SUP-22-0011

3004 Ironbound Road Tourist Home



COLEMAN NURSERY, LLC

3000 Ironbound Road
Williamsburg, VA 23185
757-903-2778
www.colemannursery.com

June 14, 2022

RE: 3004 Ironbound Road

We are looking to provide a tourist home at 3004 Ironbound Road to complement the Farmers Market and Nursery. As you can see in the photos this house sits directly next to the parking lot for the market.

The house is approximately 800 sq ft and has two bedrooms, kitchen, living room and one bathroom. Located next to us and across the street from our location are three short term rentals. They have shared their success and also encouraged us to apply for an SUP. We will have staff from the nursery oversee the rental property seven days a week and after business hours a staff member will oversee the property that lives at the adjacent property to the nursery.

We're hoping that this tourist home will promote and enhance not only our business but surrounding venues in the area and promoting the Greater Williamsburg Area.

Thank you,

Randy Coleman
Coleman Nursery LLC
757-903-4855
757-342-3316

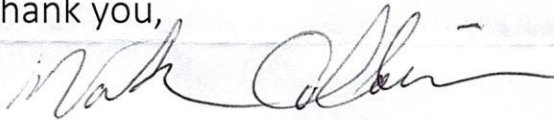
July 19, 2022

RE: SUP# 22-0011

James City County Planning Commission/Building Supervisors:

This letter is to inform you that I have no objections to having 3004 Ironbound Road Williamsburg, VA 23185 as a short term. It's a pleasure having Coleman Nursery as a neighbor.

Thank you,

A handwritten signature in black ink, appearing to read "Mark Collins", with a long horizontal flourish extending to the right.

Mark Collins

3021 Ironbound Road

Williamsburg, VA 23185

07/15/2022

David Bauernschmidt
2990 Ironbound Road
Williamsburg, VA. 23185

To whom it may concern,

I have been asked by Coleman Nursery located at 3004 Ironbound Road to submit a letter stating that I have no objections for that property to be used as a short-term rental. This is in reference to the SUP-22-0011.

I am here to state that I do NOT have any issues or concerns with this request. If you would like to discuss this approval or anything related to this letter please feel free to contact me @ 757-871-8920.

Thank you

A handwritten signature in cursive script that reads "David Bauernschmidt". The signature is written in black ink and is positioned above the printed name.

David Bauernschmidt

15th July 2022

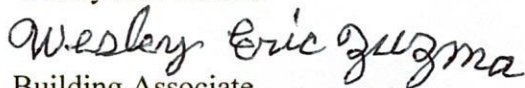
Dear JCC Planning Commission and Board of Supervisors,

I have no objection to Randy Coleman, Re: SUP# SUP-22-001, renting a house on his commercial property. Everybody needs a place to live and Randy needs the ability to rent a usable house without restrictions placed upon him. Randy continues to be an excellent neighbor always willing to help with anything needed.

Feel free to contact me on my Mobile Phone at
757-880-5697

Sincerely,

Wesley Eric Zuzma



Building Associate,

Williamsburg Community Chapel

3899 John Tyler Highway

Williamsburg, VA 23185-2400

Property Owner and Resident

4618 Hickory Signpost Road

Williamsburg, VA 23285-2462

wesezuzma@hotmail.com

July 14, 2022

JCC Planning Commission and Board of Supervisors:

Re: SUP# SUP-22-0011
3004 Ironbound Road
Williamsburg, VA 23185

I have no objections to a short-term rental at 3004 Ironbound Road
Williamsburg, VA 23185. Mr. Coleman has been a great neighbor with
the development of the property.

Thank you,


Kevin Carver
2986 Ironbound Road
Williamsburg, VA 23185

Jenna - Coleman Nursery

From: Gary & Liz Bowling <6bowlings@verizon.net>
Sent: Thursday, July 14, 2022 10:50 AM
To: jenna@colemannursery.com
Subject: Short term rental, SUP-22-0011

To: James City County Planning commission & Board of supervisors

From: Gary & Elizabeth Bowling, 4676 Hickory Signpost Rd.

Reference : SUP-22-0011, Short term rental

This letter is to inform the board that we have no objection to the proposed short term rental at the Coleman property, 3004 Ironbound Road, Williamsburg, VA 23185.

Thank you,
Gary Bowling
Elizabeth Bowling

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

FROM: Terry Costello, Senior Planner; John Risinger, Planner; Suzanne Yeats, Planner

SUBJECT: 2022 Agricultural and Forestal District (AFD) Renewals

ATTACHMENTS:

	Description	Type
▣	Cover Memo	Cover Memo
▣	Overall AFD Map	Exhibit
▣	AFD Program Information Sheet	Exhibit
▣	AFD District Memos and Backup Material	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/27/2022 - 10:50 AM
Planning Commission	Holt, Paul	Approved	7/27/2022 - 10:50 AM
Publication Management	Daniel, Martha	Approved	7/27/2022 - 11:04 AM
Planning Commission	Holt, Paul	Approved	7/27/2022 - 11:18 AM

MEMORANDUM

DATE: August 3, 2022

TO: The Planning Commission

FROM: Terry Costello, Senior Planner
John Risinger, Planner
Suzanne Yeats, Planner

SUBJECT: 2022 Agricultural and Forestal District (AFD) Renewals

Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides landowners an opportunity to try to protect their land from the pressure to develop. This process is known as the [Agricultural and Forestal Districts \(AFD\) Act](#). The Act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts, and agricultural and forestal districts.

Land within a district is directly affected in several ways:

- 1) District land qualifies for the benefits of use-value taxation, subject to local regulations; and
- 2) Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local plans, Ordinances, and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. In addition, it shall be the policy of state agencies to encourage farming and forestry within the districts. No special purpose assessments or tax levies may be imposed on the basis of frontage, acreage, or value of land used for agricultural or forestal production within a district; and
- 3) Land acquisition by agencies, political subdivisions, or public service corporations (including acquisition by eminent domain) must be reviewed by the Board of Supervisors if the land acquisition in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation.

AFD Statistics

State Code specifies a minimum acreage for each district of 200 acres. As shown in the following table, there are currently $\pm$ 18,031.93 acres of land within the AFD program. This acreage represents approximately 19.80% of the total land area of the County. The AFD program began in James City County in 1986 and there have been eight previous major review periods of AFD districts (1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018). Of the 13 districts, 12 are set to expire on October 31, 2022 (Wright’s Island District expires on October 31, 2026).

The State Code governing AFDs allows the establishment of a district for terms of four to 10 years. With the exception of the Wright’s Island District, the 12 districts currently being considered have been previously renewed for four-year terms. The Wright’s Island District was renewed for a term of eight years.

Prior to the start of the review process, the Board of Supervisors had asked staff to survey property owners regarding the preferred AFD term length (four-year renewal schedule or eight-year renewal schedule). Staff conducted this survey to AFD property owners with a postcard mailer sent in November 2021 and received responses through December 2021.

According to survey results, staff determined there was not significant voluntary support for modifying the existing districts' term length at this time. Staff met with the AFD Advisory Committee at its January 2022 Organizational Meeting to discuss the survey results; the Committee concurred with staff's findings. Therefore, staff is not proposing any revisions to these terms and recommends that if renewed, each district continue to be renewed for its respective four-year terms.

Applications regarding AFDs, as well as AFD renewals, are reviewed by County staff, the AFD Advisory Committee, the Planning Commission, and the Board of Supervisors, as well as the Virginia Department of Forestry, Virginia Department of Transportation, and the Natural Resource Conservation Service.

Agricultural and Forestal Districts
(As of July 2022)

District Name and Term of District in Years ()	± Acres	Exp. Date
Armistead (4)	311.53	10/31/2022
Barnes Swamp (4)	1,929.55	10/31/2022
Carter's Grove (4)	316.14	10/31/2022
Christenson's Corner (4)	1,179.32	10/31/2022
Cranston's Pond (4)	774.31	10/31/2022
Croaker (4)	1,314.89	10/31/2022
Gordon Creek (4)	3,055.17	10/31/2022
Gospel Spreading Church (4)	1,133.21	10/31/2022
Hill Pleasant Farm (4)	346.34	10/31/2022
Mill Creek (4)	3,276.74	10/31/2022
Pates Neck (4)	755.30	10/31/2022
Wright's Island (8)	1,496.55	10/31/2026
Yarmouth Island (4)	2,142.88	10/31/2022
	Acres	Sq. Miles
± AFD Total	18,031.93	28.17
Total County Area: Land	91,070.72	142.30
Total County Area: Water	23,534.08	36.77
Total County Area: Land and Water	114,604.80	179.07
± AFD % of Total County Area	15.73%	
± AFD % of Total Land Area	19.80%	

Renewal Process

The review process is somewhat similar to other land use cases that come before the Board, but with several important exceptions. The review of districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners and advertise proposed changes in a local newspaper. During this review period the County sends notice of the renewal to all affected property owners and adjacent property owners.

Withdrawals and Additions

During the renewal period, State Code provides that all AFD property owners have an opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time, and are able to request withdrawal up to the day of consideration by the Board. If the Board chooses to renew or “continue” the particular district, the Board simply renews the district without the acreage that has been voluntarily withdrawn. Should a property owner request to withdraw their property outside of the renewal period, the request must be approved by the Board of Supervisors and should be in accordance with the [Policy Governing Withdrawals of Property from Agricultural and Forestal Districts](#), adopted by the Board of Supervisors on June 28, 2010.

Property owners may also apply to add land to an AFD or establish a new district at any time. Properties requesting to participate in the AFD program are evaluated for consistency with the criteria established in [Section 15.2-4306](#) of the State Code. Staff notes that several applications have recently been received. These applications are currently under review and are tentatively scheduled to be evaluated by the AFD Advisory Committee, Planning Commission, and Board of Supervisors this fall.

Conditions

Staff is not proposing any revisions to these conditions during this review period. The current conditions to be re-established are:

- 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 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, 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 AFD 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 AFD may be withdrawn from the district in accordance with the Board of Supervisors’ Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
- 3) No Special Use Permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue Special Use Permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

In addition, any land within the district that is within 25 feet of an adjoining public road is generally excluded from the district in order to allow for possible future road and/or drainage improvements.

Summary of District Renewals

Included in the Agenda Packet are detailed staff reports which identify any modifications to parcel acreages and requested withdrawals for each district. In total, approximately 22 acres of land have been requested to withdraw from the James City County AFD program during this renewal period, leaving approximately 18,009.93 acres ($\pm$ 19.78% of total land area) remaining in AFDs.

Recommendation

Staff recommends the continuation of each district, subject to the conditions detailed in the respective staff reports.

TC/JR/SY/ap

AFDRen2022-mem

Attachments:

1. Overall AFD Map
2. AFD Program Information Sheet
3. AFD District Memos and Backup Material



James City County Agricultural & Forestral Districts



Gloucester
County

King and Queen
County

York
County

Charles City
County

Surry
County

City of
Newport News

AFD NAME	
	Armistead
	Barnes Swamp
	Carter's Grove
	Christenson's Corner
	Cranston's Pond
	Croaker
	Gordon Creek
	Gospel Spreading Church
	Hill Pleasant Farm
	Mill Creek
	Pates Neck
	Wrights Island
	Yarmouth Island
	Primary Service Area

0 1 2
Miles
1 inch = 13,000 feet
1:156,000

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

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AGRICULTURAL AND FORESTAL DISTRICT ACT

Virginia Code Section 15.2-4300 et seq.

Authority

Localities may establish agricultural and forestal districts under the Agricultural and Forestal Districts Act (“AFD”), which serve two primary purposes:

1. Conserve and protect agricultural and forestal lands: Conserve and protect agricultural and forestal lands for the production of food and other agricultural and forestal products; conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.
2. Develop and improve agricultural and forestal lands: Encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products.¹

AFD Committee

The AFD Advisory Committee is established under the provisions of Virginia Code §15.2-4304 to provide the County Planning Commission and Board of Supervisors in “creating, reviewing, modifying, continuing or terminating districts within the locality.” It is comprised of 10 members in the following criteria; the Commissioner of Revenue (Richard Bradshaw), a member of the Board of Supervisors (Sue Sadler), 4 landowners engaged in agricultural or forestal production and 4 additional landowners. Members are appointed by and serve at the pleasure of the Board of Supervisors. All Committee members serve as volunteers, without compensation. James City Planning staff assists the Committee by providing a secretary, who is not a member of the Committee, and technical assistance regarding current County statutes and policies.

AFD Establishment and effect

Establishment

Agricultural and forestal districts are established by the Board of Supervisors on the petition of participating landowners. A new district must have a minimum core of 200 acres in a single or in contiguous parcels.²

A parcel not part of the core may be included in a district: (1) if the nearest boundary of the parcel is within one mile of the boundary of the core; (2) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core; or (3) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.³

¹ *Virginia Code* § 15.2-4300

² *Virginia Code* § 15.2-4305.

³ *Id.*

A landowner may petition to add land to the district at any time.⁴ Districts are periodically reviewed by the locality (most often 4 years, but it depends on the applicable district ordinance) and during the review period, any landowner may request to withdraw her lands from a district.⁵ At other times, land may be withdrawn from a district only for good and reasonable cause and in accordance with the Board's policies (there are two policies – one regarding withdrawals from land within the PSA and one outside the PSA).⁶

Effect

1. Prohibits development to a more intensive use: The Act prohibits any parcel in a district from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior approval of the governing body.
2. Prohibits regulation of certain dwelling construction and placement: The Act bars the locality from prohibiting the construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, unless the locality finds that the use in the particular case would be incompatible with farming or forestry in the district.
3. Prohibits regulation of certain structures and practices: The Act bars a locality from exercising its zoning power in a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Act unless the restrictions or regulations bear a direct relationship to public health and safety.

7

Tax consequences

Land lying within a district and used in agricultural, horticultural, or forestal production automatically qualifies for use-value assessment authorized under Virginia Code § 58.1-3229 et seq. if the requirements for that assessment are satisfied.⁸ Any AFD ordinance shall extend such use-value assessment and taxation to eligible real property within such district whether or not a use-value assessment and taxation ordinance has been adopted.⁹

LAND USE TAXATION

Virginia Code Section 58.1-3229 et seq.

In general, to qualify for land use valuation, assessment, and taxation, the real estate must meet the following use requirements:

1. Agricultural use: Real estate devoted to agricultural use is either land devoted to the *bona fide* production for sale of plants and animals useful to man, or land that meets the

⁴ *Virginia Code* § 15.2-4310.

⁵ *Virginia Code* § 15.2-4311.

⁶ *Virginia Code* § 15.2-4314.

⁷ *Virginia Code* § 15.2-4312.

⁸ *Virginia Code* § 15.2-4312.

⁹ *Id.*

requirements for payments or other compensation pursuant to a soil conservation program.

2. Horticultural use: Real estate devoted to the *bona fide* production for sale of fruits of all kinds, including grapes, nuts, and berries; vegetables; and nursery and floral products under uniform standards prescribed by the Commissioner of Agriculture and Consumer Services in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), or real estate devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.
3. Forest use: Real estate devoted to forest use is land devoted to tree growth in such a quantity and so spaced as to constitute forest area.

Virginia Code § 58.1-3230

Real estate that has been designated as devoted to one of these three uses does not lose its designation solely because a portion of the property is being used for a different purpose as allowed by the County's zoning regulations, including a special use permit, if the property, excluding the portion used for a different purpose, meets all the requirements for the applicable designation.¹⁰ The portion of the property being used for a different purpose is deemed to be a separate piece of property from the remaining property for purposes of assessment.¹¹ Neither the property's zoning designation nor any special use permits is to be the sole consideration in determining whether real property is devoted to one of the two qualifying uses.¹² Prior, discontinued use of property shall not be considered in determining its current use.¹³

In addition to the foregoing use requirements, the real estate must meet the following minimum size requirements: (1) agricultural or horticultural property must consist of a minimum of five acres; and (2) forest property must consist of a minimum of 20 acres.¹⁴ The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership.¹⁵ For purposes of the Virginia Code, properties separated only by a public right-of-way are considered contiguous.

Land participating in the land use valuation program is entitled to a tax preference in the form of a reduction in the assessed value of the qualifying land. Determining the fair market value is a factual question for the Commissioner of the Revenue.¹⁶

In assessing land qualifying for land use valuation, the Commissioner must determine the value in accordance with *Virginia Code* § 58.1-3236, which provides that he must "consider only those indicia of value which such real estate has for agricultural, horticultural ... [or] forest ... use, and

¹⁰ *Virginia Code* § 58.1-3230.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Virginia Code* § 58.1-3233(2).

¹⁵ *Id.*

¹⁶ *Virginia Code* § 58.1-3236.

real estate taxes for such jurisdiction shall be extended upon the value so determined.”¹⁷ These factors include the real estate’s location, appearance, availability for use and the economic situation in the area.¹⁸

When the use by which real estate qualified for land use valuation changes to a nonqualifying use, or the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it is subject to roll-back taxes.¹⁹ Roll-back taxes are considered to be deferred real estate taxes. These additional taxes are only assessed against that portion of the real estate that no longer qualifies for use valuation.²⁰ The roll-back tax is equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on the roll-back taxes at a rate no greater than the rate applicable to delinquent taxes.²¹

¹⁷ *Virginia Code* § 58.1-3236(A).

¹⁸ *See Smith v. City of Covington*, 205 Va. 104, 135 S.E.2d 220 (1964); 1997 Va. Op. Atty. Gen. 196.

¹⁹ *Virginia Code* § 58.1-3237(A).

²⁰ *Id.*

²¹ *Virginia Code* § 58.1-3237(B)

AGRICULTURAL AND FORESTAL DISTRICT-22-0002. Armistead Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Sarah Armistead	3120100014	53.78
Sarah Armistead	3120100017	84.50
Sarah Armistead	3130100029	132.08
<i>Sarah Armistead</i>	<i>3140100001</i>	<i>41.17*</i>
TOTAL ACRES		311.53

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning:	A-1, General Agricultural R-8, Rural Residential
Comprehensive Plan:	Low-Density Residential
Primary Service Area (PSA):	Inside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	Aug. 3, 2022, 6:00 p.m.
Board of Supervisors:	Sept. 12, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

- At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Armistead AFD was created in 1989 for a term of four years and originally consisted of five parcels totaling ± 403 acres.
- The District was renewed in 1994 and 1998 for four-year terms with no additions or withdrawals.
- On February 9, 1999, the Board of Supervisors approved the withdrawal of approximately 90 acres (Elizabeth Carter Tract) as part of a rezoning for Ford's Colony on the south side of Longhill Road.
- The District was renewed in 2002, 2006, 2010, 2014, and 2018 for four-year terms with no additions or withdrawals.

DISTRICT DESCRIPTION

The Armistead AFD consists of 311.53 acres located between Longhill Road and Centerville Road. Three parcels totaling ± 258 acres are zoned R-8, Rural Residential. The fourth parcel consisting of ± 54 acres is zoned A-1, General Agricultural. All parcels remain heavily wooded and undeveloped, are located inside the PSA, and are designated Low Density Residential in the 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

Staff Report for the August 3, 2022, Planning Commission Meeting

been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Armistead AFD is bordered by several residential developments and zoning districts, including Adam's Hunt (R-1, Limited Residential), Ford's Colony (R-4, Residential Planned Community), Forest Glen (R-2, General Residential), and Longhill Station (R-2, General Residential). Warhill Sports Complex (PL, Public Lands) abuts the District to the east.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Low Density Residential. Land Use Action 6.1.1 of the adopted 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 Armistead AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

AGRICULTURAL AND FORESTAL DISTRICT-22-0002. Armistead Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

TC/ap

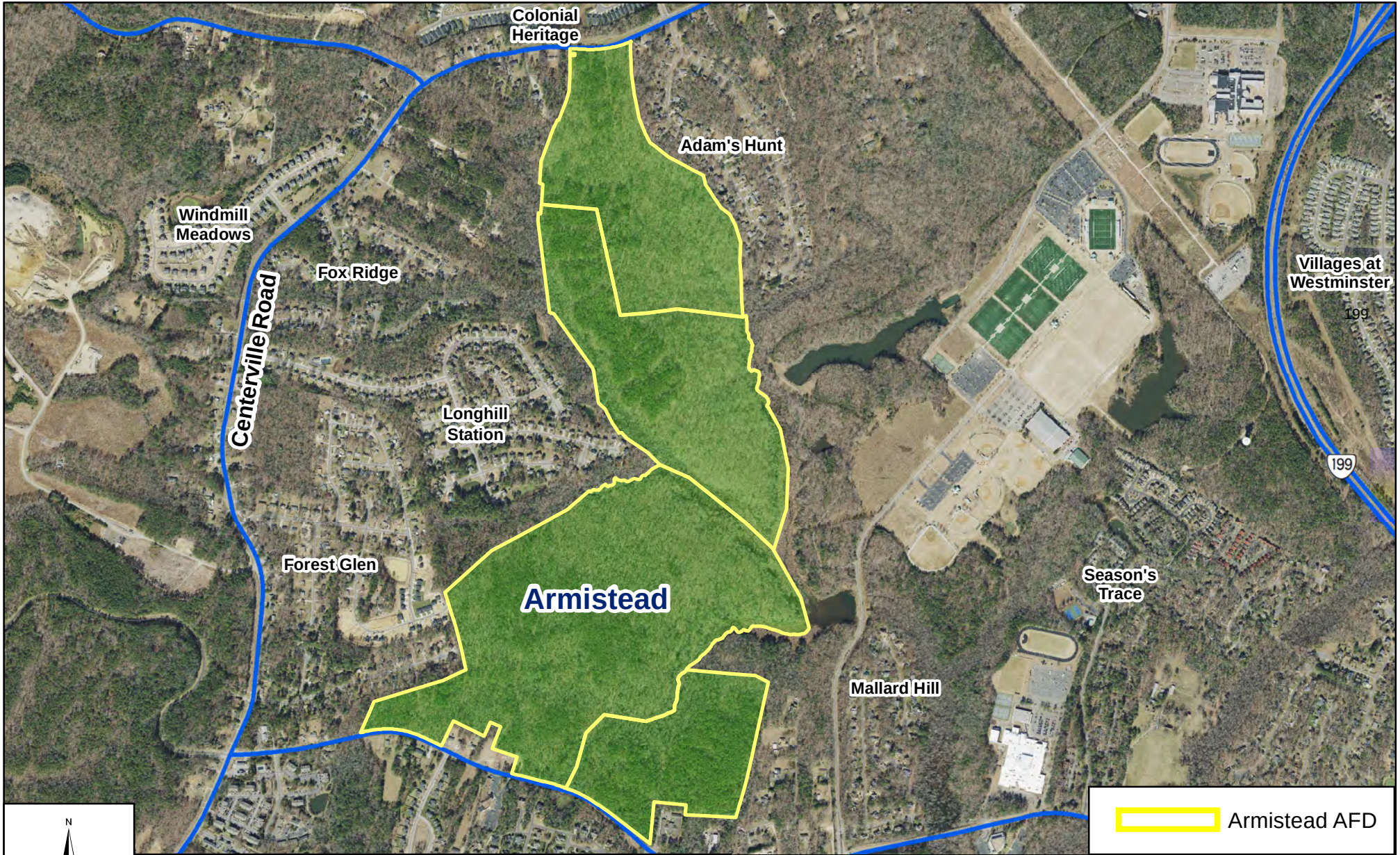
AFD22-2_Armistead

Attachments:

1. Location Map
2. Adopted Conditions for the Armistead AFD

JCC AFD-22-0002

Armistead Agricultural Forestal District



 Armistead AFD

0 0.425 0.85 Miles

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ADOPTED

SEP 11 2018

ORDINANCE NO. 182A-10

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-01-89-1-2018

ARMISTEAD 2018 RENEWAL

WHEREAS, James City County has completed a review of the Armistead 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:

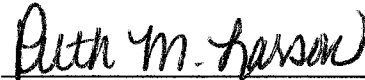
1. The Armistead Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel ID No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	41.17
	Total:	<u>311.53</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
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFDArmisteadRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0003. Barnes Swamp Renewal**Staff Report for the August 3, 2022, Planning Commission Meeting****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Arline H. Bowmer Estate	0240100012	62.19
Berta L. Bowmer Estate	0240100013	18.90
Berta L. Bowmer Estate	0240100014	25.84
Alex L. Penland	0240100029	55.90
Maynard P. Phelps and Joy L. Barnes	0310100001	108.47
Leah R. Fry & Craig A. Beck	0310100001A	10.00
Maynard P. Phelps	0310100001B	10.23
<i>Timothy & Joan Mills</i>	<i>0310100002</i>	<i>23.84*</i>
<i>Katherine L. Hockaday, Ann Blair Hall Martin, and Justin Ray Martin</i>	<i>0310100003</i>	<i>39.26*</i>
<i>Elizabeth O. Harwood</i>	<i>0320100001</i>	<i>43.53*</i>
<i>Stephen E. and Rebecca Murphy, Trustee</i>	<i>0320100002</i>	<i>13.86*</i>
Frederick C. Johnson, Trustee <i>Betty Johnson and Lynn Fischer</i>	0320100002A <i>0320100003</i>	17.20 <i>19.08*</i>
<i>Betty Johnson and Lynn Fischer</i>	<i>0320100003A</i>	<i>93.99*</i>
<i>Robert M. Dzula</i>	<i>0320100004</i>	<i>28.08*</i>
Jane Farmer and Betty Rady	0330100003	70.00
Jane Farmer and Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Steven and Michelle Johnson	0340800003	52.63
Steven and Michelle Johnson	0340800005	68.43
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Jonathan C. Kinney, Trust	0410100010	196.30
<i>Niceland Farm, LLC</i>	<i>0420100008</i>	<i>188.68*</i>
Cherri U. Spellmeyer, Trustee	0420100014	134.00
<i>Donald A. Hazelwood</i>	<i>0420100018</i>	<i>4.77*</i>

Donald A. Hazelwood	0420100020	112.44
<i>Pamaka, LLC</i>	<i>0430100014A</i>	<i>1.12*</i>
<i>Pamaka, LLC</i>	<i>0430100015</i>	<i>19.99*</i>
<i>Pamaka, LLC</i>	<i>0430100016</i>	<i>36.84*</i>
<i>Donald A. Hazelwood</i>	<i>0440100001</i>	<i>6.12*</i>
David K. and Karen P. Hogue	0540100001	60.77
Charles and Dianne Hasbrouck	0920100001	97.50
<i>Shelton and Jennifer Daniels</i>	<i>1010100001</i>	<i>61.62*</i>
TOTAL ACRES		1,838.71

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural
Open Space and Recreation

Comprehensive Plan: Rural Lands
Low Density Residential

Primary Service Area
(PSA): Outside and Inside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.

Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling $\pm$ 1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.
- On June 9, 2020, the Board of Supervisors approved the addition of approximately 44.74 acres, Parcel ID Nos. 0240100014 and 0240100013. Case number is AFD-19-0003.
- On October 13, 2020, the Board of Supervisors approved the addition of approximately 196.30 acres, Parcel ID No. 0410100010. Case number is AFD-05-85-2-2018.
- On January 11, 2022, the Board of Supervisors approved the addition of approximately 60.77 acres, Parcel ID No. 0540100001. Case number is AFD-21-0002.
- On March 8, 2022, the Board of Supervisors approved the withdrawal of approximately 26 acres, Parcel ID No. 0310100002. Case number is AFD-21-0003 and is part of a Special Use Permit (SUP) for Racefield Solar Farm (SUP-21-0022).

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. There is one exception; however, the Hogue parcel is located inside the PSA and designated Low Density Residential 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

None.

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.

Staff Report for the August 3, 2022, Planning Commission Meeting

COMPREHENSIVE PLAN

The Comprehensive Plan designates all the parcels as Rural Lands and Open Space and Recreation except the Hogue parcel, which is designated Low Density Residential. Land Use Action 6.1.1 of the adopted 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 Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

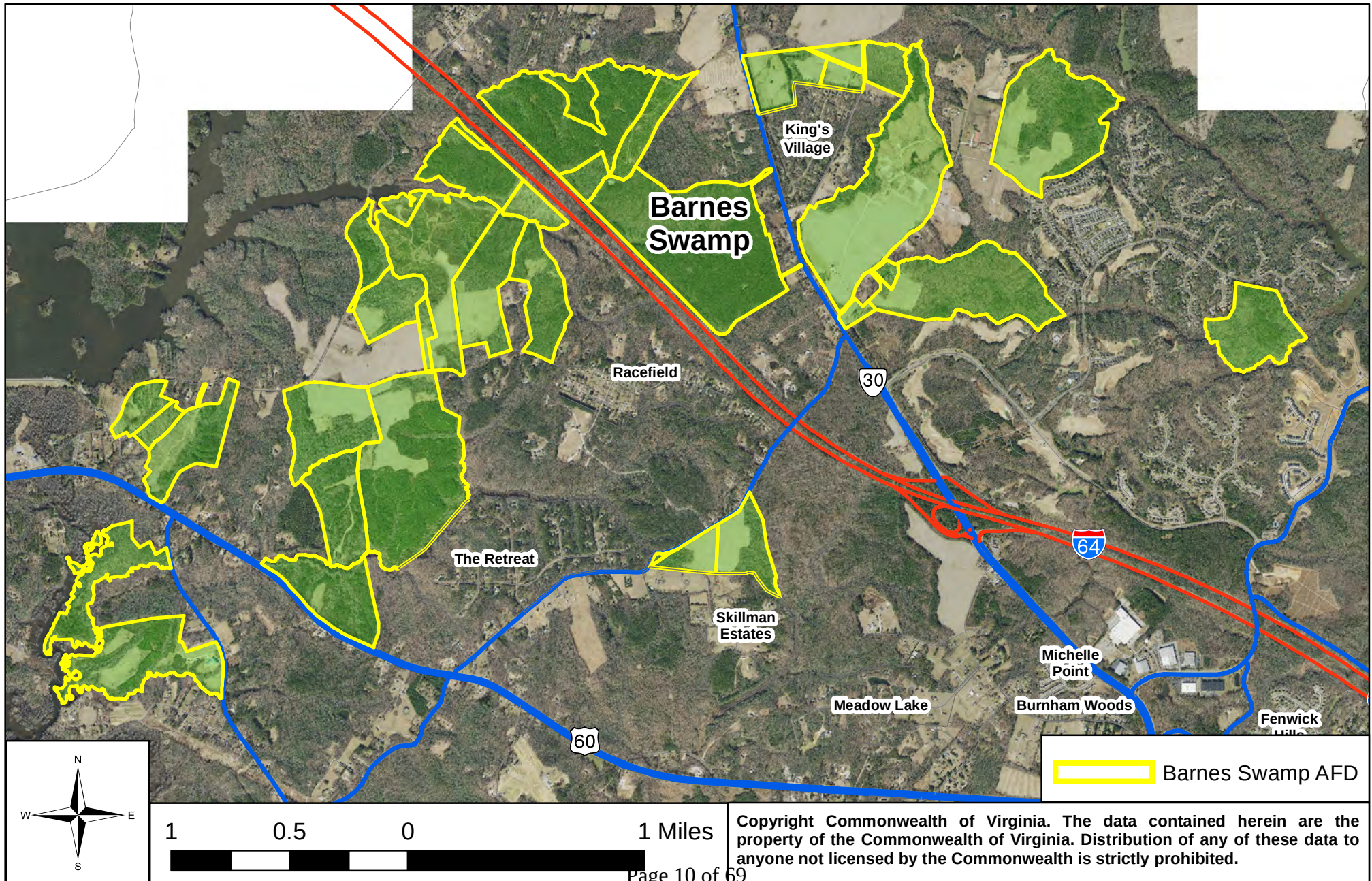
TC/ap
AFD22-3_BarnesSwp

Attachments:

1. Location Map
2. Adopted Conditions for the Barnes Swamp AFD

JCC AFD-22-0003

Barnes Swamp Agricultural Forestal District



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:
- 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.
 - 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.
 - 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>
MCGLENNON	<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-22-0004. Carter's Grove Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Carter's Grove Associates	5820100002	62.30*
Carter's Grove Associates	5910100030	245.26
TOTAL ACRES		307.56

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning:	R-2, General Residential R-8, Rural Residential
Comprehensive Plan:	Open Space or Recreation Federal, State, and County Land
Primary Service Area (PSA):	Inside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	Aug. 3, 2022, 6:00 p.m.
Board of Supervisors:	Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Carter's Grove AFD was created in 2002 for a term of four years and originally consisted of three parcels totaling $\pm$ 320 acres.
- In 2006, the District was renewed for a four-year term. At this time, a 2.26-acre portion was withdrawn.
- The District was renewed for four-year terms in 2010 and 2014 with no additions or withdrawals.
- In 2015, a 1.56-acre parcel owned by Colonial Williamsburg Foundation was withdrawn.
- The District was renewed in 2018 for a period of four years with no additions or withdrawals.
- In 2020, a boundary line adjustment was approved for 5.22 acres from Parcel ID No. 5820100002 to Parcel ID No. 5910100030.

DISTRICT DESCRIPTION

Carter's Grove AFD consists of $\pm$ 308 acres which were originally part of historic Carter's Grove Plantation. The District is mostly wooded, with wetlands located near the river. The mansion and areas immediately surrounding it, including the gardens and entrance road, are not included in the AFD.

Total acreage includes all the land in the above properties with the exception of the aforementioned mansion grounds and 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

None.

Staff Report for the August 3, 2022, Planning Commission Meeting

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of both residential and commercial development, including Kingsmill (R-4, Planned Residential Community and M-1, Limited Business/Industrial), James River Elementary School (PL, Public Lands) and James River Commerce Center (M-1, Limited Business/Industrial). Other adjacent zoning districts include LB, Limited Business and R-5, Multifamily Residential. Hampton Roads Sanitation District sanitary sewer station is not included in the Carter's Grove AFD, but is wholly encompassed by Parcel ID No. 5820100002.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Open Space or Recreation and Federal, State, and County Land. Land Use Action 6.1.1 of the adopted 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

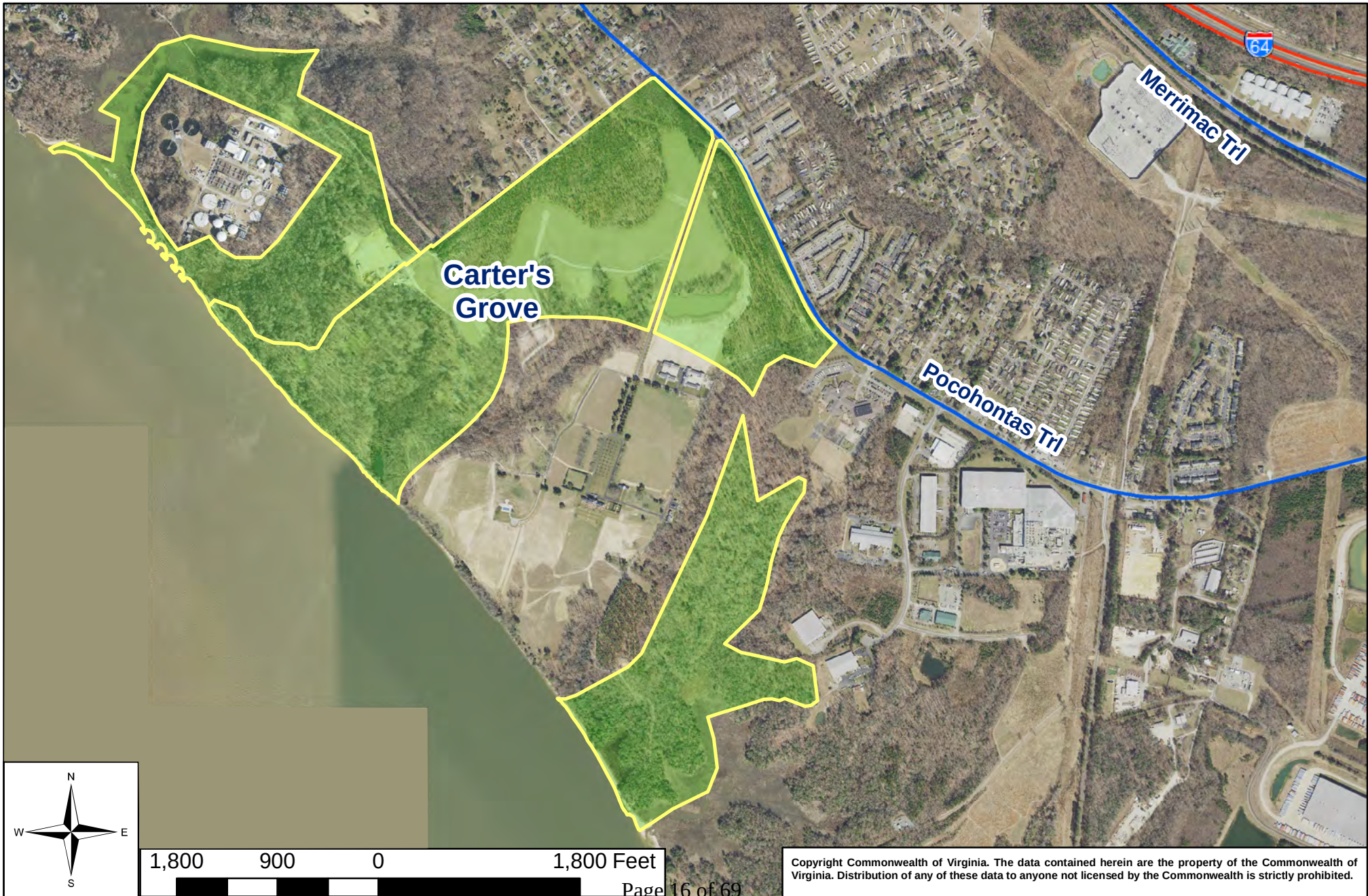
Staff finds the Carter's Grove AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

TC/ap
AFD2-4_CartersGrv

Attachments:

1. Location Map
2. Adopted Conditions for the Carter's Grove AFD

Carter's Grove Agricultural Forestal District



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 197A-5

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-1-02-1-2018

CARTER'S GROVE 2018 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove 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:

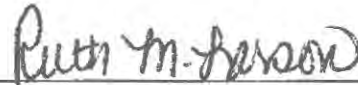
1. The Carter's Grove Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following 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>
Carter's Grove Associates	5820100002	76.10
Carter's Grove Associates	5910100030	<u>240.04</u>
	Total:	<u>316.14</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
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFDCtrrsGrvRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0005. Christenson's Corner Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Kenneth Chandler	1540100008	49.53
<i>Kenneth Chandler</i>	<i>1540100011</i>	<i>155.95*</i>
Kenneth Chandler	1630100001	8.01
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, and Mountain Park LLC	1630100011	156.85
<i>Stieffen Co. LLC, BP Stieffen Woodlands LLC, and Dennis Stieffen</i>	<i>1640100003</i>	<i>400.80*</i>
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, and Mountain Park LLC	2520100007	410.79
Betty Arlene Chandler Woodfin	1540100011X	1.31
TOTAL ACRES		1,179.32

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Christenson's Corner AFD was created in 1986 for a term of four years and originally consisted of four parcels totaling ± 568 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The majority of the District is heavily forested, though it also includes marshlands and land actively in agricultural use. All of the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands 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.

Staff Report for the August 3, 2022, Planning Commission Meeting

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of forestland, marshes, and single-family residential. The District is bordered by York River State Park (zoned Public Lands) to the north, Riverview Plantation (zoned R-1) and Camp Peary (zoned Public Lands) to the east, and Wexford Hills and North Cove (zoned A-1) to the west. The Croaker AFD is also located to the west. York County is located to the south.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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 Christenson's Corner AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

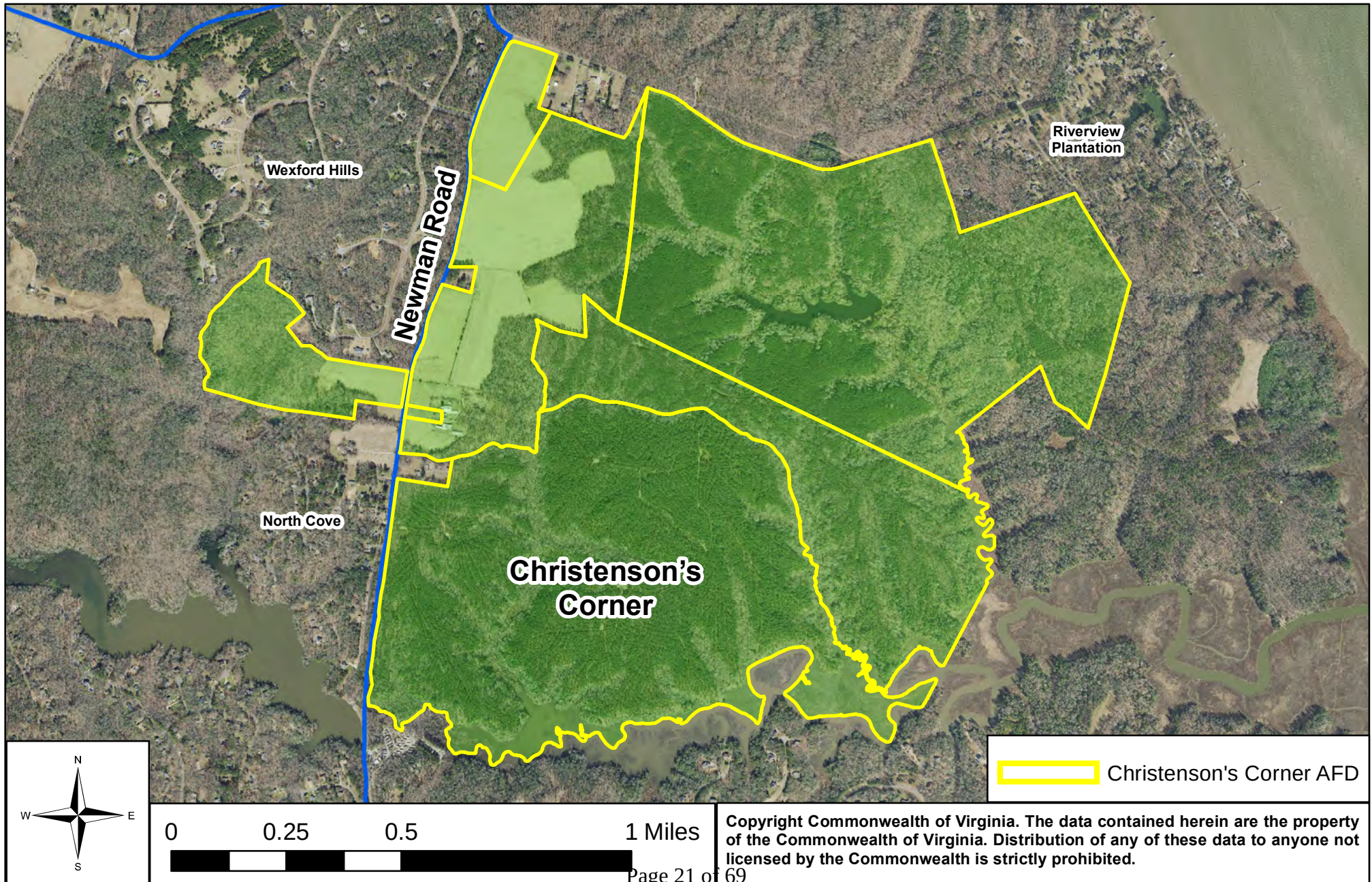
TC/ap
AFD22-5_ChristCnr

Attachments:

1. Location Map
2. Adopted Conditions for the Christenson's Corner AFD

JCC AFD-22-0005

Christensen's Corner Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 171A-10

**Board of Supervisors
James City County, VA**

AGRICULTURAL AND FORESTAL DISTRICT-10-86-1-2018

CHRISTENSON'S CORNER 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Christenson's Corner 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 Christenson's Corner 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>
Kenneth Chandler	1540100011	151.25
Betty Arlene Chandler Woodfin	1540100011X	1.31
Kenneth Chandler	1630100001	8.01
Stieffen Co. LLC, B. P. Stieffen, Woodlands LLC & Dennis Stieffen	1640100003	402.89
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	2520100007	410.79
Hampton 41 LLC, Abbitt Land Co., R Holdings LLC, & Mountain Park LLC	1630100011	156.85
Kenneth Chandler	1540100008	<u>49.53</u>

Total: 1,179.33

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 (WCF), 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 Withdrawals of Properties from Agricultural and Forestal Districts, adopted September 28, 2010, as amended.
 - 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 wireless communications facilities 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>
MCGLENNON	<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-ChristCrmRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0006. Cranston's Pond Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Susanna Y. English	2210100056	5.07
J. Payten Harcum	2220100087	62.56
Bertrand E. Geddy, Jr., Trustee	2230100026	167.50
Hidden Acres Farm, Inc.	2330100001	416.50
Susanna L. English	2240100001A	101.67
Sandra J. Ripley and Shirley J. Sulenski-Hughes	3120100003B	21.01
TOTAL ACRES		774.31

Zoning:	A-1, General Agricultural R-8, Rural Residential
Comprehensive Plan:	Rural Lands Low-Density Residential
Primary Service Area (PSA):	Inside and Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	Aug. 3, 2022, 6:00 p.m.
Board of Supervisors:	Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Cranston's Pond AFD was created in 1986 for a term of four years and originally consisted of 12 parcels totaling ± 1,172 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The District consists primarily of forested land. Records indicate that approximately 75% of the District is used for forestry with some agricultural use and the remainder is in marsh land. Most of the District is located outside of the PSA and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel is located inside the PSA and is designated Low-Density Residential.

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

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of the District is located southeast of Chickahominy Road and Little Creek Dam Road. The area surrounding the main body of the District is largely wooded, and zoned A-1, General Agricultural and R-8, Rural Residential, with Cranston's Mill Pond forming the southeast border. The Ripley parcel is surrounded by the Colonial Heritage and James Shire Settlement subdivisions, which are zoned MU, Mixed-Use and A-1, General Agricultural, respectively.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted 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 Cranston's Pond AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

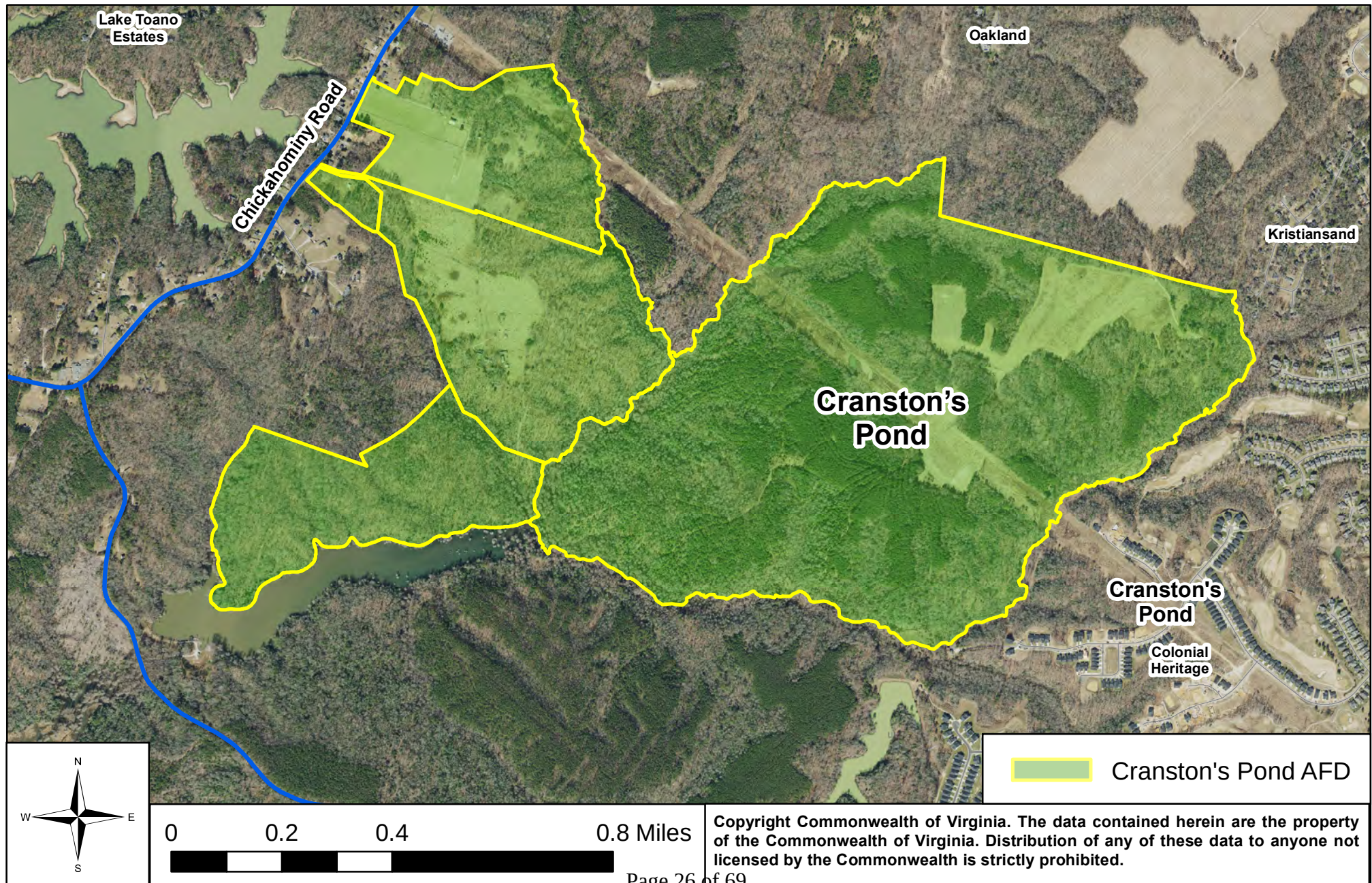
TC/ap
AFD22-6_CranstnPd

Attachments:

1. Location Map
2. Adopted Conditions for the Cranston's Pond AFD

JCC AFD-22-0006

Cranston's Pond Agricultural Forestal District



ADOPTED

ORDINANCE NO. 168A-13

SEP 11 2018

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-06-86-1-2018

CRANSTON'S POND 2018 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond 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.

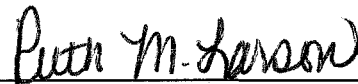
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Cranston's Pond 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>
Hidden Acres Farm, Inc.	2330100001	416.50
Bertrand E. Geddy Jr. Trustee	2230100026	167.50
Edward K. English Estate	2240100001A	101.67
Peyton J. Harcum	2220100087	62.56
Otto C. & Thelma Ripley	3120100003B	21.01
Susanna Y. English	2210100056	<u>5.07</u>
	Total:	<u>774.31</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
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFD-CranstnPdRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0007. Croaker Renewal**Staff Report for the August 3, 2022, Planning Commission Meeting****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Thomas W. Dana III, Trustee	0720100006	62.35
Thomas W. Dana III, Trustee	0720100006A	3.85
Mitchell Family Ltd. Partnership	0740100002	48.49
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	120.00
Wenger Farms, LLC	1410100002	30.00
Wenger Farms, LLC	1410100007	7.00
Wenger Farms, LLC	1410100014	143.50
Jonathan C. Kinney, Trustee	1410100046	14.18
Stephanie L. Billon, Trustee	1440100009	49.08
J. Rosalie Will, Trustee	1440100010	40.00
William L. and Mary M. Apperson	1440100015	26.05
William L. and Mary M. Apperson	1440100015A	26.23
Katherine G. Trustee and William Mann, Trustee	1510400003	50.00
Hazel M. and L. Richardson	1530100002	39.76
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Thomas B. Ballard	1530100032	16.22
Hazel M. Richardson	1530100034	39.78
Thomas B. Ballard	1530100035	53.17
Thomas B. Ballard	1530100035A	4.91
Douglas O. Lucidi	1530100036	40.40
Ronald McManus, Patrick S. Crawford McManus, Michelle and Sarah McManus	1530100042	10.10
Ronald McManus, Patrick S. Crawford McManus, Michelle and Sarah McManus	1530100043	119.85

Hankins Land Trust	1530100044	119.00
Milly Wallis	1540100004	40.00
Charles E. Apperson Trustee and Patricia A. Russo, Trustee	2420100035	52.28
TOTAL ACRES		1,314.89

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area
(PSA): Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.

Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ± 1,341 acres.

AGRICULTURAL AND FORESTAL DISTRICT-22-0007. Croaker Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various withdrawals and additions occurring during that period.
- On April 9, 2019, the Board of Supervisors approved the addition of approximately 128.81 acres, Parcels ID Nos. 0720100006, 1410100046, and 242010035. Case numbers are AFD-18-0017, AFD-02-86-2-2018, and AFD-18-0019, respectively.
- On January 14, 2020, the Board of Supervisors approved the addition of approximately 3.85 acres, Parcel ID No. 0720100006A. Case number is AFD-19-0002.

DISTRICT DESCRIPTION

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural, located outside the PSA and are designated both Rural Lands 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

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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 Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

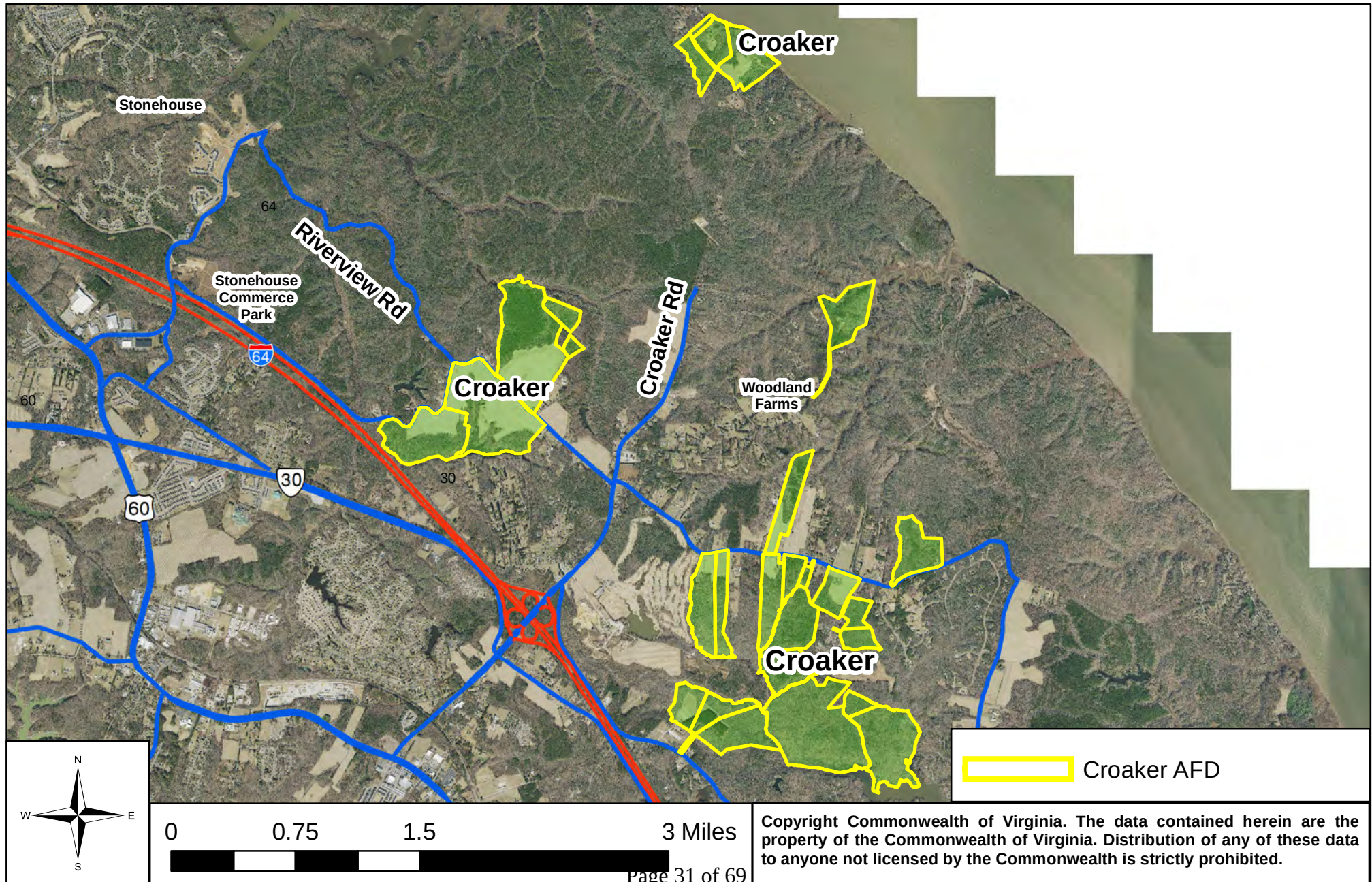
TC/ap
AFD22-7_Croaker

Attachments:

1. Location Map
2. Adopted Conditions for the Croaker AFD

JCC AFD-22-0007

Croaker Agricultural Forestal District



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

WHEREAS, James City County has completed a review of the Croaker 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 Croaker 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>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</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>
MC GLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AGRICULTURAL AND FORESTAL DISTRICT-22-0008. Gordon Creek Renewal**Staff Report for the August 3, 2022, Planning Commission Meeting****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Martha W. McMurrin and SWR-Pinewood	3540100001	394.50
Edward D, III, and Regina L. Warburton	3520100001B	29.00
Marion P. Warburton	2940100011	56.20
David H. & Stephanie M. Allen	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W. McMurrin and SWR-Pinewood	3630100003	264.00
Thomas L. and Victoria R. Hitchens, Trustee	3610100006	35.00
William Albert Thompson, Trustee and InSight Law PLLC, Trustee	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	109.65*
Richardson Holdings Limited Partnership	3030100003	33.00
Scott Arthur Carswell and Robert. Anson Carswell	3610100003	44.00
James M. and Deborah S. Wright, Trustee	3610100004	36.92*
Powhatan Associates	4410100001	360.50*
Powhatan Associates	3540100016	25.52**
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Gregory R. Davis, Trustee	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayes Bay Land Company, LLC	3510100003	32.00
Nayes Bay Land Company, LLC	3510100006	34.30
William C. Jr. and Angelia Kane, Trustee	2940100003	4.00
William C. Jr. and Angelia Kane, Trustee	3520100007	110.00
William C. Jr. and Angelia Kane, Trustee	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95

Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon and Martha M.	3730100003	30.74
Michael B. and Michelle Ann Isler	3630100004	1.11

TOTAL ACRES 3,055.17

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

***Parcel subdivided after 2018. No withdrawal from the AFD was requested.*

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Low Density Residential

Primary Service Area
(PSA): Inside and Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.

Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) AFD Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Gordon Creek AFD was created in 1986 for a term of four years and originally consisted of 26 parcels totaling ± 3,337 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.

DISTRICT DESCRIPTION

The majority of the District contains woodlands. All of the land in this District is zoned A-1, General Agricultural. The majority of the District is located outside of the PSA and is designated Rural Lands on the Comprehensive Plan. A small portion is located inside the PSA and is designated Low Density Residential on the Comprehensive Plan. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land in agricultural and forestal uses until the appropriate time for development in the future.

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

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The Gordon Creek AFD is bordered to the east and south by several residential developments zoned R-4, Residential Planned Community, including Ford's Colony, Greenspings West, Greenspings Plantation, and Governor's Land. The Yarmouth Island AFD is located to the north, with most land zoned A-1, General Agricultural. The Chickahominy River and associated marshland is located to the west.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low Density Residential. Land Use Action 6.1.1 of the adopted 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 Gordon Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

AGRICULTURAL AND FORESTAL DISTRICT-22-0008. Gordon Creek Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

JR/ap

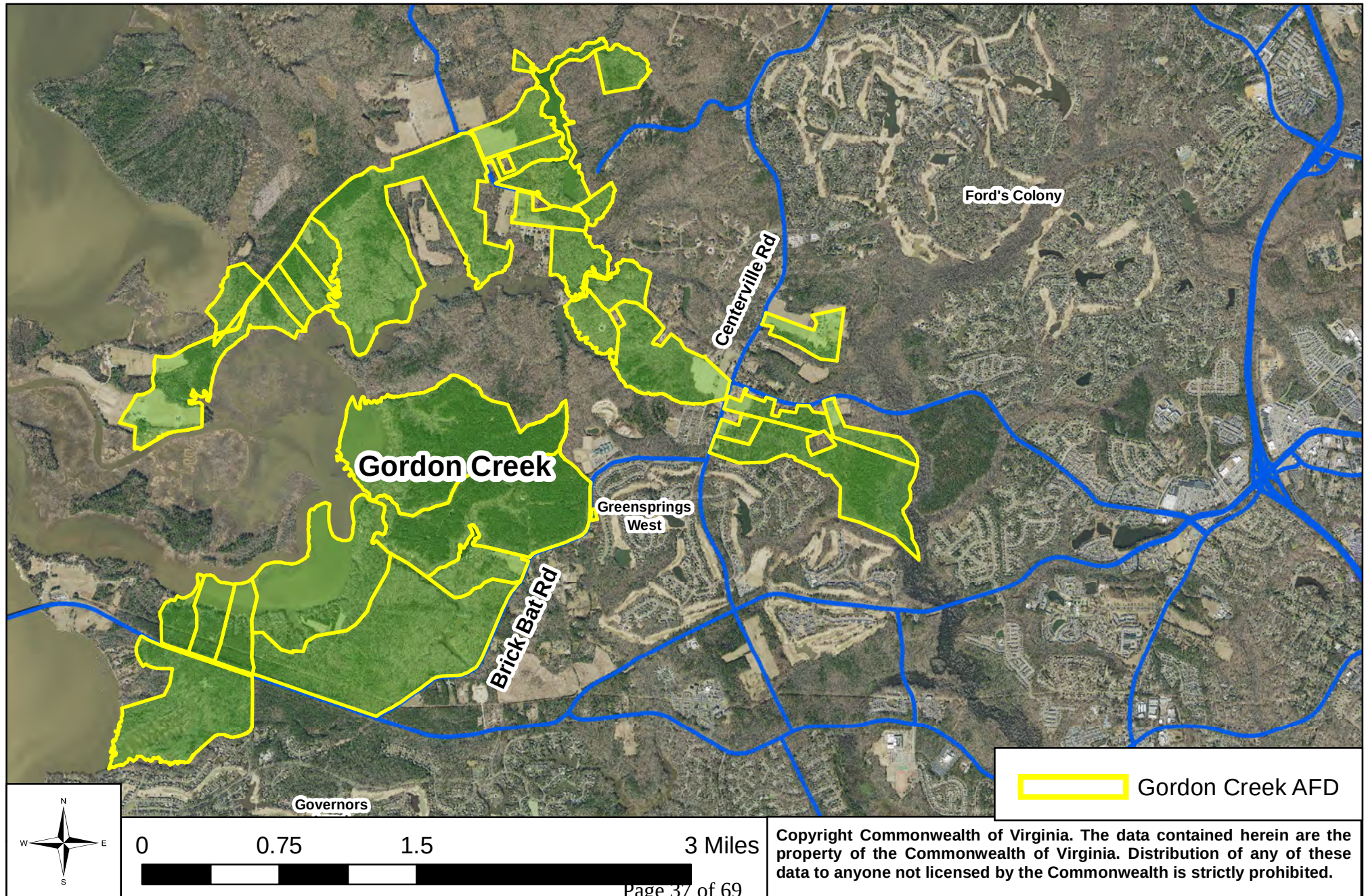
AFD22-8_GrdnCrk

Attachments:

1. Location Map
2. Adopted Conditions for the Gordon Creek AFD

JCC AFD-22-0008

Gordon Creek Agricultural Forestal District



SEP 11 2018

ORDINANCE NO. 170A-22

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-09-86-1-2018

GORDON CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek 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 Gordon Creek 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>
Martha W McMurran & SWR-Pinewood	3540100001	394.50
Edward Warburton, III & Regina L	3520100001B	29.00
Edward Warburton	2940100011	56.20
David H. Allen & Stephanie M.	3420100002	132.98
Thomas R. Tucker, Trustee	3420100002A	25.02
Martha W McMurran & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96
Claybank Landing, LLC	4320100012	33.83
Claybank Landing, LLC	4320100013	46.04
Claybank Landing, LLC	4320100014	44.92
Richardson Holdings Limited Partnership	3640100007	116.65
Richardson Holdings Limited Partnership	3030100003	33.00

Jane T. Carswell	3610100003	44.00
Martha W. McMurren & SWR-Pinewood	3610100004	37.62
Powhatan Associates	4410100001	384.42
Powhatan Associates	3530100001	241.68
Mary Rebecca Richardson Abbott	3620100018	43.55
Trust Company of Virginia	3540100009	56.15
Linda Henderson Gordon	3420100001	35.30
Nayses Bay Land Co.	3510100003	32.00
Nayses Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3520100007	110.00
William Kane	3610100002	13.00
Baxter I. Bell Jr., Trustee	4320100003	207.95
Robert Anson and S. Carswell	3520100010	28.36
Beatrice Richardson Est.	3640100009	22.00
Richardson Holdings Limited Partnership	3640100008	38.00
Pickett Holdings, LLC	3510100001	349.00
Jerry W. Nixon & Martha M.	3730100003	30.74
Michael B. & Michelle Ann Isler	3630100004	1.10
Total:		<u>3,061.27</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 (WCF), 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 rezoning 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 SPUs 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>
MCGLENNON	<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-GordonCkRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0009. Gospel Spreading Church Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LANDOWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
JCC Bible and Agricultural Training School	4830100035	403.56*
JCC Bible and Agricultural Training School	5620100001	457.80*
Roderick B. Perkinson	4740100037	27.93*
Stephen W. Haag	4740100042C	2.89
R. Edwin II, and Meredith H. Gilley	4740100042E	56.49
Leigh Ann Gilley	4740100040	56.58
Smokehouse Lane, LLC	4740100041	56.63
R. Edwin II, Leigh Anne, and Terri Lynn Gilley	4830100042	71.33
TOTAL ACRES		1,133.21

**Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.*

Zoning: A-1, General Agricultural
R-1, Limited Residential
R-2, General Residential
R-8, Rural Residential

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area (PSA): Inside and Outside

Staff Contact: John Risinger, Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Gospel Spreading Church AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ± 1,173 acres.
- A separate adjacent AFD, titled “Gospel Spreading Church (Gilley Addition),” was created in 1987, consisting of five parcels totaling ± 208 acres.
- Gospel Spreading Church AFD and Gospel Spreading Church (Gilley Addition) AFD were renewed for four-year terms in 1990, 1994, and 1998.
- In 2002, Gospel Spreading Church (Gilley Addition) AFD was discontinued due to falling below the minimum required acreage for a district. The remaining eligible parcels were merged with the Gospel Spreading Church AFD.
- The merged District was renewed in 2006, 2010, 2014, and 2018. Various additions and withdrawals occurred throughout these years.

AGRICULTURAL AND FORESTAL DISTRICT-22-0009. Gospel Spreading Church Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

DISTRICT DESCRIPTION

The Gospel Spreading Church AFD consists of woodlands, wetlands, and farmland. The majority of the District is zoned R-8, Rural Residential and A-1, General Agricultural. Portions of two parcels are zoned R-1, Limited Residential and R-2, General Residential, respectively. Approximately 861 acres are located outside the PSA, while the remaining $\pm$ 271 acres are located inside the PSA. Comprehensive Plan designations include Rural Lands and Low Density Residential.

ADDITION/WITHDRAWAL REQUESTS

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The District is generally surrounded by residential housing zoned R-1, Limited Residential or R-2, General Residential. Adjacent subdivisions include Page Landing, Peleg's Point, Lake Powell Forest, Rolling Woods, and Vineyards at Jockey's Neck. The Colonial Parkway serves as the District's southern border.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low Density Residential. Land Use Action 6.1.1 of the adopted 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 Gospel Spreading Church AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

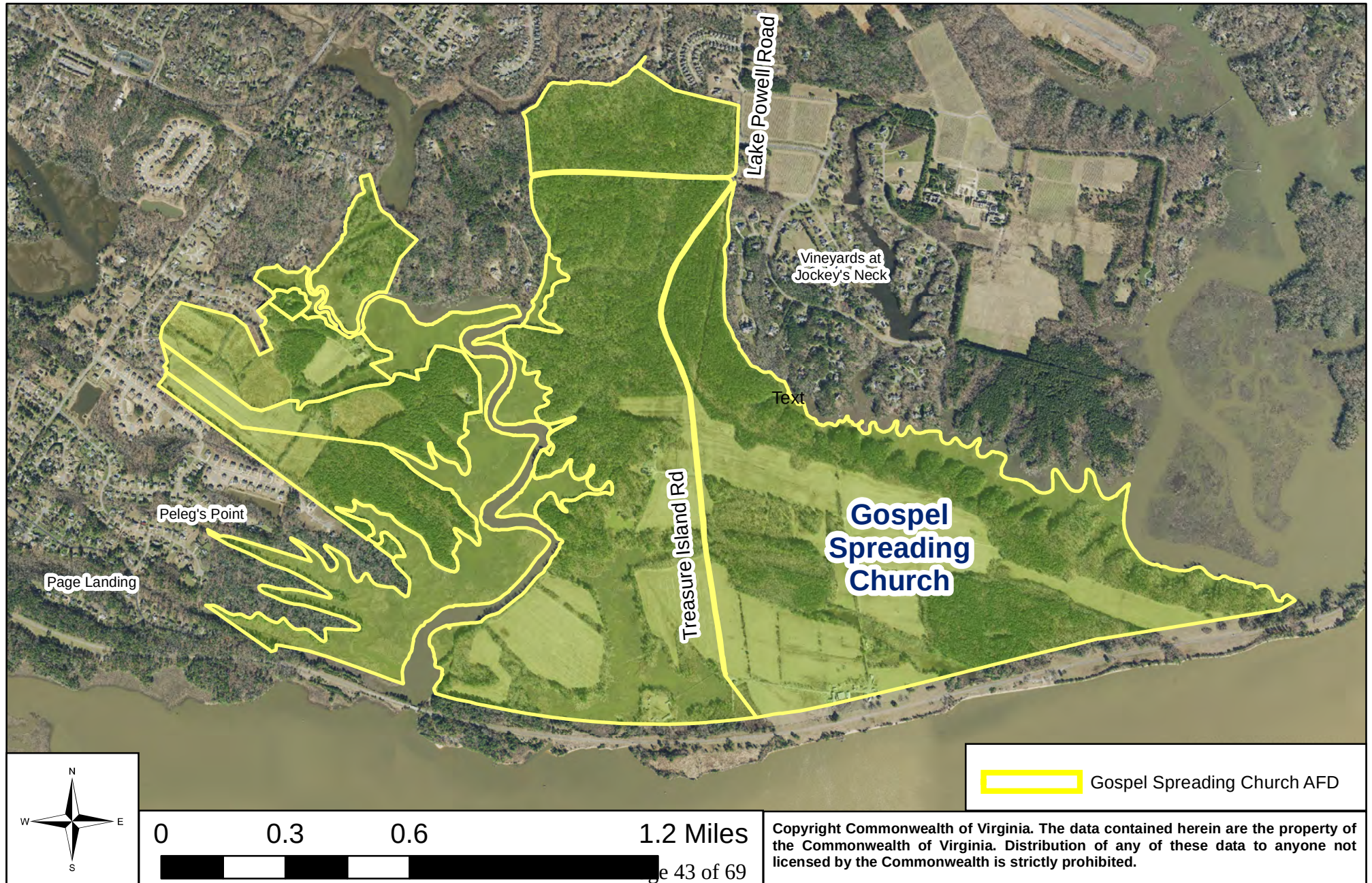
JR/ap
AFD22-9_GospSprdCh

Attachments:

1. Location Map
2. Adopted Conditions for the Gospel Spreading Church AFD

JCC AFD-22-0009

Gospel Spreading Church Agricultural Forestal District



ADOPTED

ORDINANCE NO. 173A-20

SEP 11 2018

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-12-86-1-2018

GOSPEL SPREADING CHURCH FARM 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm 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:

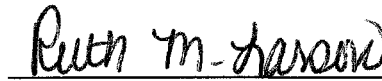
1. The Gospel Spreading Church Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include 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 ID No.</u>	<u>Acres</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Roderick B. Perkinson	4740100037	27.92
Robert E. II & Meredith H. Gilley	4740100042C	2.89
Merewin Farms, LLC	4740100042E	56.49
Leigh Ann Gilley	4740100040	56.58
Terri Lynn Gilley	4740100041	56.63
R. Edwin II, Leigh Ann & Terri Lynn Gilley	4830100042	71.33
	Total:	<u>1,133.18</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 SPUs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MC GLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFDGospSCFrmRenw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0010. Hill Pleasant Farms Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
D&S Chong, LLC	2410100004	63.82*
Hill Pleasant Farm, Inc.	2410100005	208.24
Wayne A. Moyer	2410100015D	32.28
TOTAL ACRES		304.34
<i>*Requesting a partial withdrawal</i>		

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Economic Opportunity

Primary Service Area
(PSA): Outside

Staff Contact: Suzanne Yeats, Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Hill Pleasant Farms AFD was created in 1986 for a term of four years and originally consisted of two parcels totaling ± 504 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for periods of four years, during which time various withdrawals and additions took place.
- On November 15, 2019, the Board of Supervisors approved the withdrawal of approximately 192.76 acres (Hill Pleasant Farm, Inc., Parcel ID No. 2410100005) as part of a Special Use Permit (SUP) (SUP-19-0017) for Hill Pleasant Solar Farm.

DISTRICT DESCRIPTION

Except for a few residences, all acreage in this District is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. All the land in this District is zoned A-1, General Agricultural, and is located outside of the PSA. The majority of the land in this District is designated Economic Opportunity by the adopted 2045 Comprehensive Plan, with Mr. Moyer's parcel and a small portion of a parcel located northeast of the Interstate 64 right-of-way, both designated Rural Lands.

Total acreage includes all the land in the above properties except 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

The owner of the property located at 7294 Richmond Road (Parcel ID No. 2410100004) has requested a partial withdrawal of 42

AGRICULTURAL AND FORESTAL DISTRICT-22-0010. Hill Pleasant Farms Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

acres (Attachment No. 3). With this withdrawal, the District will encompass 304.34 acres and continue to maintain the 200-acre minimum requirement per State Code.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

Most of the surrounding land to the north of the District is zoned A-1, General Agriculture. The property to the west of the District is a mixture of businesses, residences, and developed property within the PSA zoned LB, Limited Business; B-1, General Business; R-2, General Residential; and MU, Mixed Use. The property to the south of the District is zoned A-1, General Agriculture and M-1, Limited Business/Industrial. Although this AFD lies within the vicinity of existing commercial development along Richmond Road, the District is separated from Richmond Road by the CSX Railway. The District borders York County to the east.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Economic Opportunity and Rural Lands. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall “support both the use value assessment and Agricultural and Forestal District (AFD) programs to the maximum degree allowed by the *Code of Virginia*.”

STAFF RECOMMENDATION

Staff finds the Hill Pleasant AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a

period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

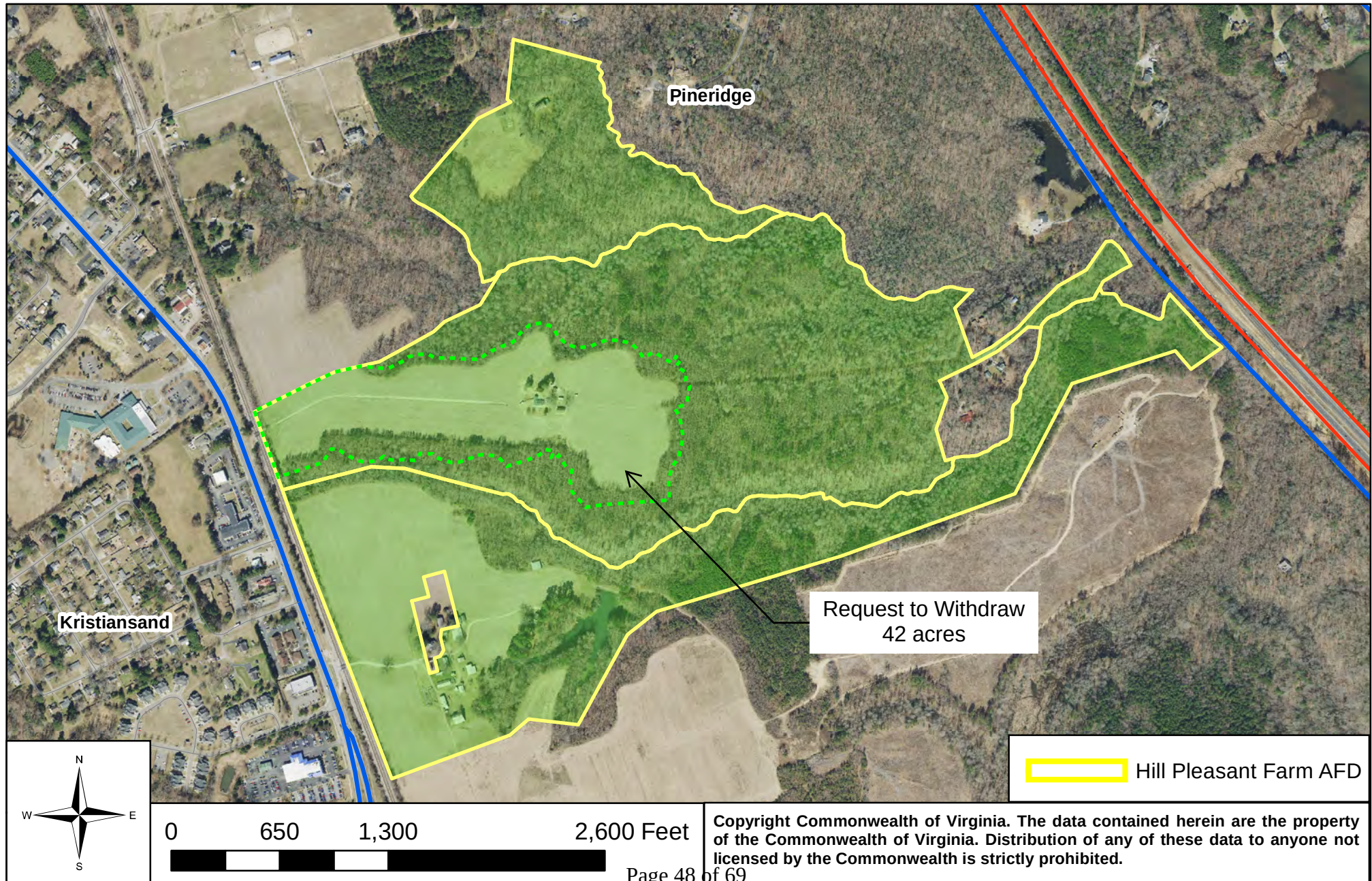
SY/ap
AFD22-10_HillPIFm

Attachments:

1. Location Map
2. Adopted Conditions for the Hill Pleasant Farms AFD
3. Property Owner(s) Withdrawal Request

JCC AFD-22-0010

Hill Pleasant Farm Agricultural Forestal District



ADOPTED

SEP 11 2018

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 165A-12

AGRICULTURAL AND FORESTAL DISTRICT-03-86-1-2018

HILL PLEASANT FARM 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Hill Pleasant Farm 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:

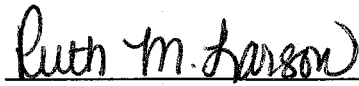
1. The Hill Pleasant Farm Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the 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>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	<u>32.27</u>
	Total:	<u>529.39</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
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFD-HillPlstFmRnw-res

Suzanne Yeats

From: Buzz Becker <bbecker@pivotenergy.net>
Sent: Tuesday, July 26, 2022 10:47 AM
To: Suzanne Yeats
Subject: [External]Chong AFD Withdrawl
Attachments: Formal Withdrawl Letter to James City County v2.pdf

Good morning, Suzie.

Please see the attached AFD withdrawal letter from the Chong family. It is our mutual understanding that the previously sent site plan showing 39 acres required for AFD withdrawal represents the minimum required for the solar project to proceed.

We anticipate providing email confirmation from the landowner consenting to this range later today and expect to finalize the acreage number in the coming days.

--

BUZZ BECKER | Director of Project Development
bbecker@pivotenergy.net
D 918.346.9542 | [LinkedIn](#)

Pivot Energy | *Clean Energy. Clear Choice.*
pivotenergy.net

D & S Chong, LLC
3920 Hester Drive Virginia
Beach, VA 23456

July 15, 2022

James City County Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784.

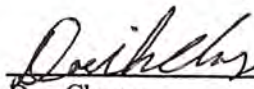
Re: 7294 Richmond Road (James City County PIN: 2410100004)

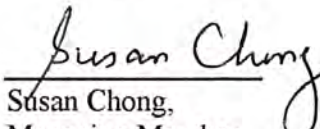
Greetings Community Development,

Please acknowledge this letter as the formal withdrawal request for our property at 7294 Richmond Rd (PIN 2410100004) from the Hill Pleasant Farm AFD. This is a partial withdrawal request for the approximately forty-two (42) acres as seen in the submitted master site plan for a proposed solar development.

We have not farmed this property for a few years and do not wish to remain in the AFD. Please let us know what else is needed to quickly withdraw from the AFD ahead of the natural expiration of its term this fall.

Sincerely,
D & S Chong, LLC

By: 
Dae Chong,
Managing Member

By: 
Susan Chong,
Managing Member

cc: Buzz Becker, Pivot Energy

AGRICULTURAL AND FORESTAL DISTRICT-22-0011. Mill Creek Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>		
8700 Barnes Road LLC	1010100037	104.00	Mayes D. and Cheryl M. Matthews	2110100005 46.01
Abbitt, M.W. Family Partnership	920100040	95.51	Nancy Cottrell Kruse and M. Anderson Bradshaw	1140100002 297.29*
Albert T. and Joan Lloyd Slater	1010100028	69.69	Pamaka LLC	1020100017 242.70
Christopher M. Ware	920100036	39.13	Pamela C. and Steve L. Massie	1130100028 102.06*
Cowles-Cowlesville LLC	1040100005	249.89*	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100005 178.44
Cowles-Cowlesville LLC	1040100006	124.77*	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100007 16.50
Cowles-Cowlesville LLC	2010100002	2.00	Ralph Benjamin Dozier, Charles Norris Dozier III and Mary Elizabeth Sink	2020100008 12.00
Cowles-Lobbs LLC	2020100006	352.96	Randolph G. and Michelle H. Gulden	1020100012 62.20
Dale Cowles Henderson and John Cowles Dozier, et al.	2020100001	8.76*	Randolph G. and Michelle H. Gulden	1020100032 25.00
Dale Cowles Henderson and John Cowles Dozier, et al.	2020100003	102.67	Richard W. and Margaret Krapf	1140100006 4.73
Daniel R. Winall and Marion Virginia	1030100019	97.59	Sarah Armistead	1010100038 50.00
Dennis P. and Christine A. Weygand	1030100013	34.03	Walter Nelson Marshall, III Trustee	1140100005 79.95*
Edwards' Mill Pond, LLC	1030100003	45.80	WGJ Land Holdings LLC	1040100004 43.07
Ivy Hill LLC and Barbara L Silverman c/o Ellen Lightman	1110100013	100.18	WGJ Land Holdings LLC	1130100011 14.85
Ivy Hill LLC c/o Ellen Lightman	1110100024	1.18	WGJ Land Holdings LLC	1130100011A 2.81
J. Michael Sim	1040100003	103.26	TOTAL ACRES	3,276.74
J. Michael Sim	1040100001A	10.00	*Parcel size changed since 2018 due to new plats and/or revised parcel acreages per Real Estate Assessments Division.	
John E. and Elaine M. Sharp	0940100008N	57.81	Zoning:	A-1, General Agricultural
John G. and Marie Antionette Findlay	0940100008H	118.29	Comprehensive Plan:	Rural Lands
John M. L. Barnes Estate	1110100001	29.00	Primary Service Area (PSA):	Outside
John M.L. Barnes Estate and James F. Cowles	1020100004	215.77*	Staff Contact:	Suzanne Yeats, Planner
Mark M. and Michelle B. Massie	1130100028B	29.43*		
Martha Ware Trust	2020100002	57.41		
Mary M. Selph	1010100007	50.00		

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-22-0011. Mill Creek Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Mill Creek AFD was created in 1986 for a term of four years and originally consisted of 28 parcels totaling ± 3,547 acres.
- The District was renewed in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 for four-year periods. Various additions and withdrawals occurred throughout these years.
- Since the 2018 renewal, the Board of Supervisors approved the addition of ± 70.73 acres:
 - o 10.00 ac; AFD-18-2020 and Res. 169A-19
 - o 43.07 ac; AFD-18-2016 and Res. 169A-20
 - o 14.85 ac; AFD-18-2016 and Res. 169A-20
 - o 2.81 ac; AFD-18-2016 and Res. 169A-20

DISTRICT DESCRIPTION

The Mill Creek AFD consists of ± 3,276 acres, the majority of which are located along Forge Road or Diascund Road. The majority of the District contains either woodland or active agriculture. All parcels are zoned A-1, General Agriculture and are designated Rural Lands on the 2045 Comprehensive Plan.

Total acreage includes all the land in the above properties except 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

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists mostly of forestland. The majority of the surrounding property is zoned A-1 and is designated Rural Lands on the Comprehensive Plan. The Chickahominy River is located to the west. The Barnes Swamp AFD is located to the north and the Wright's Island AFD is located to the south.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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 Report for the August 3, 2022, Planning Commission Meeting

STAFF RECOMMENDATION

Staff finds the Mill Creek AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

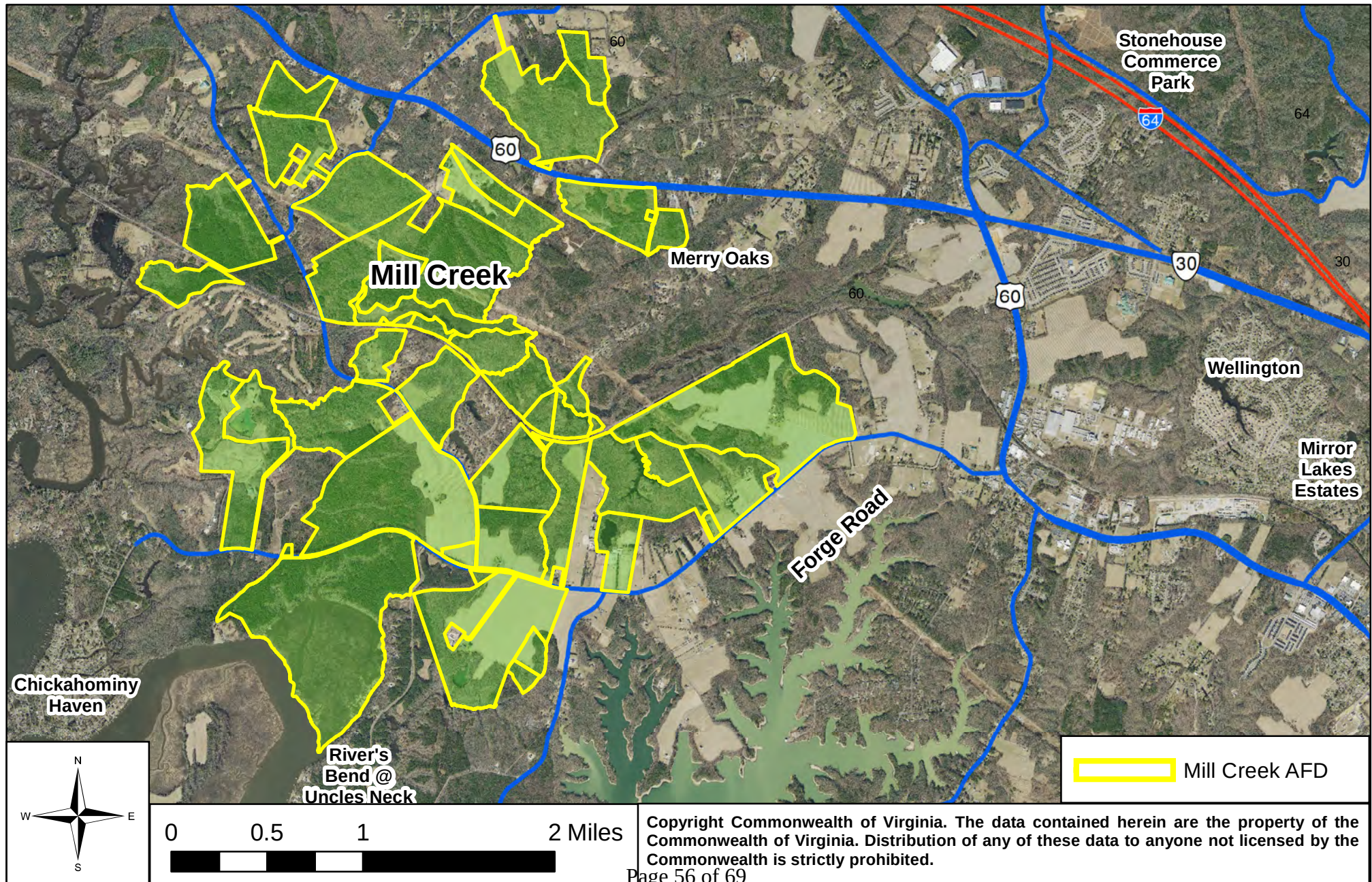
SY/ap
AFD22-11_MillCrk

Attachments:

1. Location Map
2. Adopted Conditions for the Mill Creek AFD

JCC AFD-22-0012

Mill Creek Agricultural Forestal District



SEP 11 2018

ORDINANCE NO. 169A-18

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-07-86-1-2018

MILL CREEK 2018 RENEWAL

WHEREAS, James City County has completed a review of the Mill Creek 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:

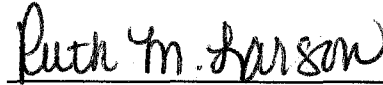
1. The Mill Creek Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-way is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>±Acres</u>
Cowles-Lobbs LLC	2020100006	352.96
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100003	102.66
Dale Cowles Henderson & John Cowles Dozier, et al.	2020100001	8.75
Mayes D. & Cheryl M. Matthews	2110100005	46.01
Pamela C. & Steve L. Massie	1130100028	98.76
Pamela C. & Steve L. Massie	1130100028A	32.74
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Cowles-Cowlesville LLC	1040100005	249.88
Cowles-Cowlesville LLC	1040100006	124.76
J. Michael Sim	1040100003	103.26

8700 Barnes Road LLC	1010100037	104.00
Sarah H. Armistead	1010100038	50.00
Daniel R. & Marion Virginia Winall	1030100019	97.59
Pamaka LLC	1020100017	242.70
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha M. Ware Trust	2020100002	57.41
Christopher M. Ware	0920100036	39.13
Pamaka LLC	1030100003	45.80
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100005	178.44
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100007	16.50
Ralph Benjamin Dozier, Charles Norris Dozier III & Mary Elizabeth Sink	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Cowles-Cowlesville LLC	2010100002	2.00
Randolph G. & Michelle H. Gulden	1020100012	62.20
Randolph G. & Michelle H. Gulden	1020100032	25.00
John E. & Elaine M. Sharp	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	118.29
Richard F. Abbitt Investment LC	0920100040	95.51
Ivy Hill LLC	1110100013	100.18
Ivy Hill LLC	1110100024	1.18
Total:		<u>3,205.94</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 (WCF), 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 rezoning 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 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 special use permits for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.



Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFD-MillCrkRnw-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0012. Pates Neck Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

SUMMARY FACTS

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Pates Neck Timber Company	2040100001	408.86
Miriam Daniels, Trustee	2040100002	215.44
Laura Hineman, Trustee	2130100005B	56.00
John Ballentine	2130100005C	75.00
TOTAL ACRES		755.30

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area
(PSA): Outside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Pates Neck AFD was created in 1986 for a term of six years and originally consisted of one parcel totaling ± 624 acres.
- The District was renewed in 1992 for a period of eight years. In 2000, 2006, and 2012, the District was renewed for a period of six years with two additions taking place.
- In 2018, the District was renewed for a period of four years, two months and 17 days to align it with the renewal period of the other AFDs, therefore making the renewal period easier to administer.

DISTRICT DESCRIPTION

The District continues to meet minimum size requirements. The majority of the District is heavily forested, though it also includes marshlands and land 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 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

None.

CHANGES TO CONDITIONS

None.

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 August 3, 2022, Planning Commission Meeting

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area consists of marshes, forestland, and the Little Creek Reservoir. The surrounding area is zoned A-1, General Agricultural. Wrights Island AFD-1-94 is directly to the west of the Pates Neck AFD.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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 Pates Neck AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District’s last renewal.

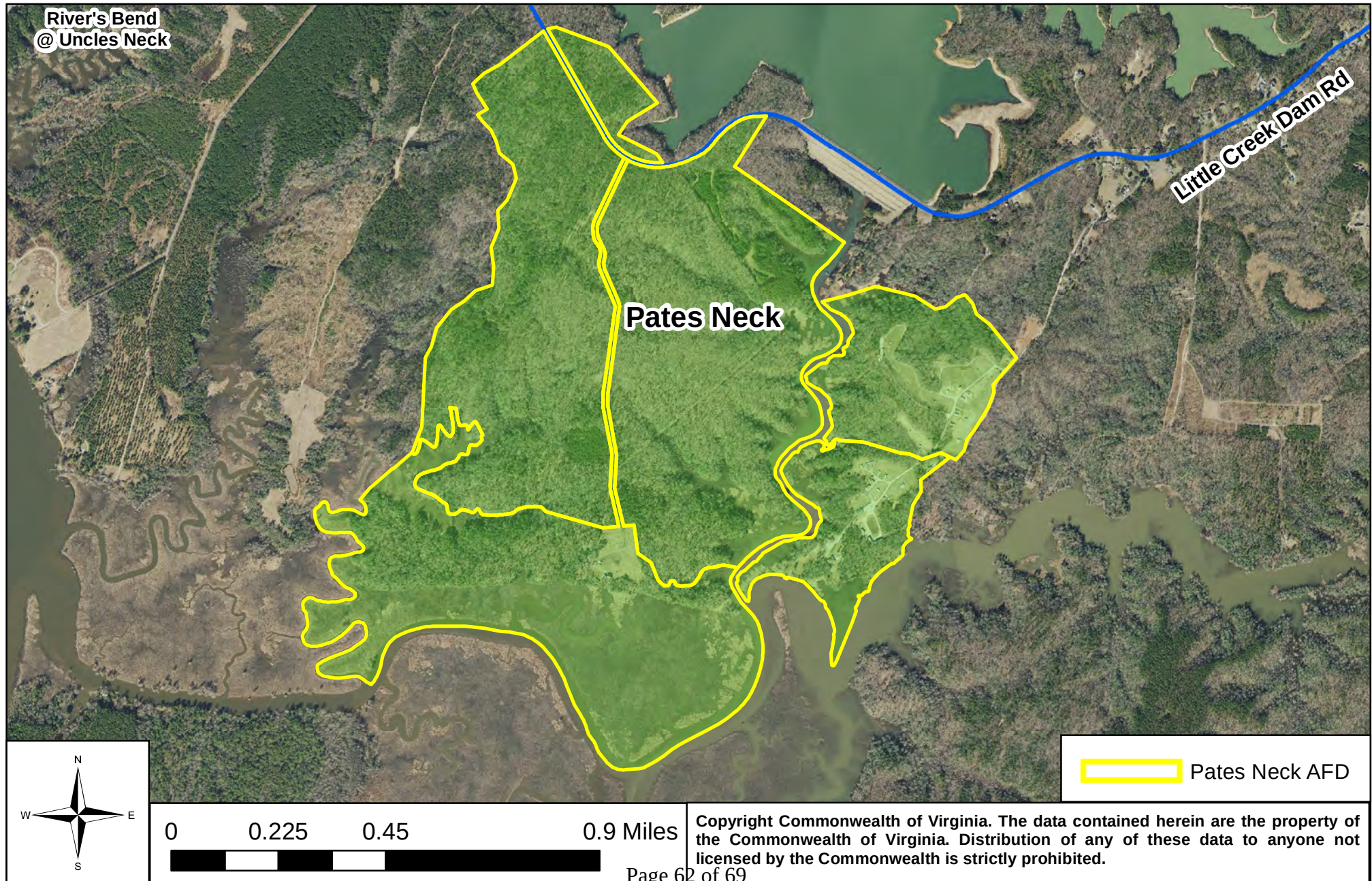
TC/ap
AFD22-12_PatesNk

Attachments:

1. Location Map
2. Adopted Conditions for the Pates Neck AFD

JCC AFD-22-0012

Pates Neck Agricultural Forestal District



ADOPTED

JUL 10 2018

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 166A-5

PATES NECK AGRICULTURAL AND FORESTAL DISTRICT

2018 RENEWAL

(AFD-4-86)

- WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District (AFD); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified and public hearings have been held on the continuation of the Pates Neck AFD; and
- WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on April 26, 2018, recommended the continuation of the District; and
- WHEREAS, the Planning Commission, following its public hearing on June 6, 2018, unanimously recommend the continuation of the District subject to the conditions below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

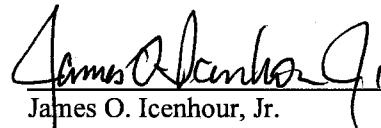
1. The Pates Neck Agricultural and Forestal District (the "AFD") is hereby continued for a period of four years, two months, and 17 days to October 31, 2022, beginning this 10th day of July, 2018, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq.
2. The AFD shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Pates Neck Timber Company	2040100001	408.859
Ms. Miriam Daniels (Trustee)	2040100002	215.438
Ms. Laura Hineman (Trustee)	2130100005b	56.000
Ms. John Ballentine	2130100005c	<u>75.000</u>
Total:		755.300

3. Pursuant to Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the AFD 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. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of

communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the AFD 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 AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the AFD. Land may be withdrawn from the AFD in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities, and uses consistent with Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the AFD. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties, which are in accordance with the County's policies and Ordinances regulating such facilities.



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

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

MC GLENNON
ICENHOUR
SADLER
HIPPLE
LARSON

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MC GLENNON	☒	☐	☐	☐
ICENHOUR	☒	☐	☐	☐
SADLER	☒	☐	☐	☐
HIPPLE	☒	☐	☐	☐
LARSON	☐	☐	☐	☒

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of July, 2018.

AFD4-86-1-2017PatesNkRenew-res

AGRICULTURAL AND FORESTAL DISTRICT-22-0013. Yarmouth Island Renewal**Staff Report for the August 3, 2022, Planning Commission Meeting****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES</u>
Franciscan Brethren of St. Philip	2940100002	34.65
John C. Richardson	2910100001	28.50
Lyle and Demetria Charbonneau	2940100001	38.70
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
Richardson Holdings Limited Partnership	2920100001	100.00
Richardson Holdings Limited Partnership	2930100003	10.00
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	15.10
Shield's Point LLC	2840100007	74.70
TOTAL ACRES		2,142.88

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Suzanne Yeats, Planner

PUBLIC HEARING DATES

Planning Commission: Aug. 3, 2022, 6:00 p.m.
Board of Supervisors: Sept. 13, 2022, 5:00 p.m. (Tentative)

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE RECOMMENDATION:

At its July 21, 2022, meeting, the Agricultural and Forestal District (AFD) Advisory Committee voted 6-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

DISTRICT HISTORY

- The Yarmouth Island AFD was created in 1986 for a term of four years and originally consisted of nine parcels totaling ± 1,524 acres.
- The District was renewed for terms of four years in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018. Various additions and withdrawals have occurred since 1994, but there have been none since 2018.

DISTRICT DESCRIPTION

Yarmouth Island AFD is roughly bordered by the Chickahominy River, Yarmouth Creek, Jolly Pond Road, and Bush Neck Road. The District is heavily wooded and includes swamp and wetland areas. All parcels within Yarmouth Island AFD are zoned A-1, General Agricultural, are designated Rural Lands in the 2045 Comprehensive Plan, and are outside of the PSA.

AGRICULTURAL AND FORESTAL DISTRICT-22-0013. Yarmouth Island Renewal

Staff Report for the August 3, 2022, Planning Commission Meeting

Total acreage includes all the land in the above properties except 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

None.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The surrounding area is substantially rural in nature. The District is abutted by the Chickahominy River and residences to the east, Wright's Island AFD to the north, and Gordon Creek AFD to the south. Adjacent Zoning Districts include A-1, General Agricultural; PL, Public Lands; and R-6, Low-Density Residential.

COMPREHENSIVE PLAN

The 2045 Comprehensive Plan designates these parcels as Rural Lands. Land Use Action 6.1.1 of the adopted 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 Yarmouth Island AFD compatible with surrounding development and consistent with the recommendations of the adopted 2045 Comprehensive Plan and Zoning Ordinance. Staff recommends that the Planning Commission recommend renewal of this AFD for a period of four years to the Board of Supervisors, subject to the attached conditions which were approved at the District's last renewal.

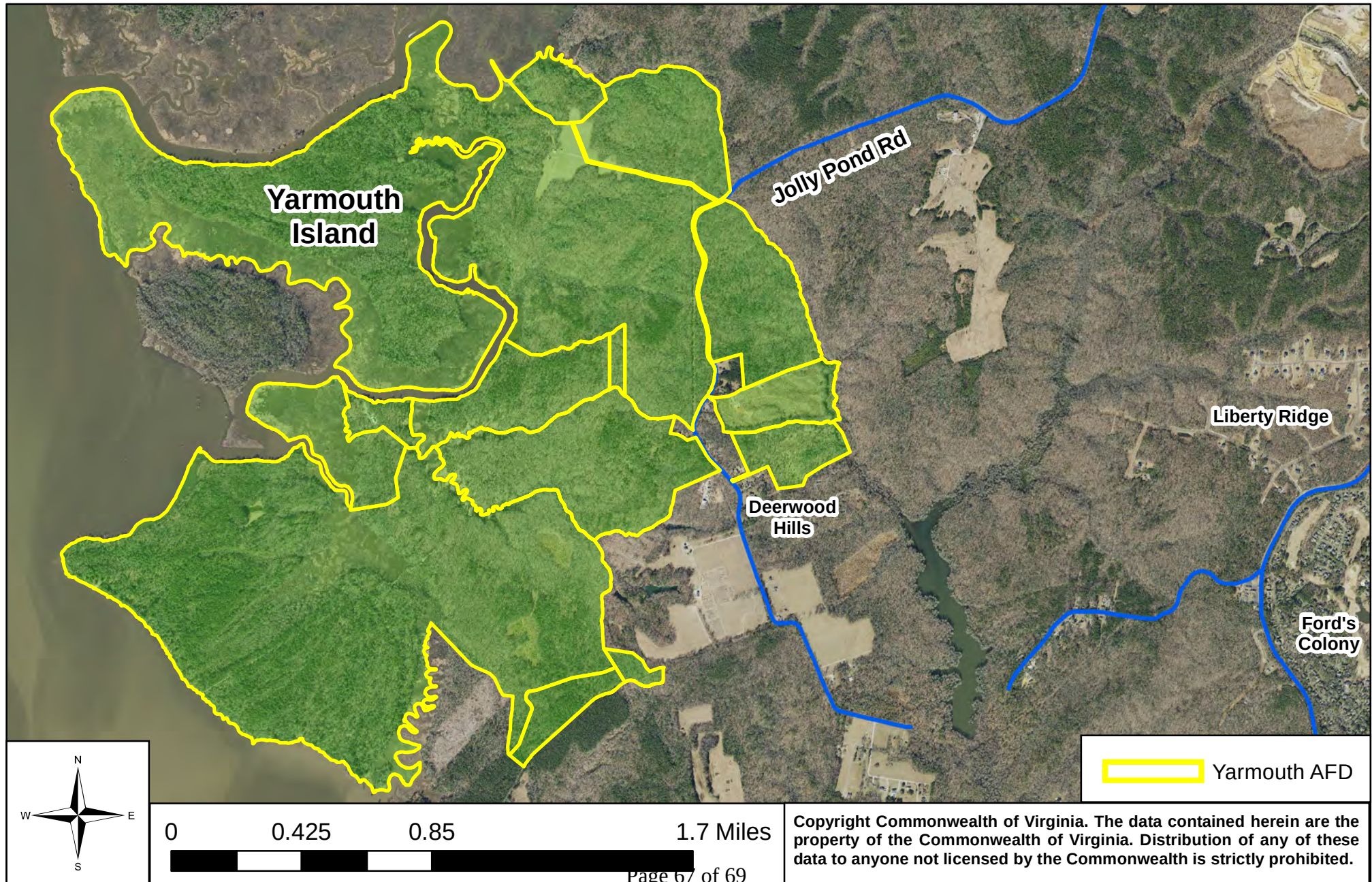
SY/ap
AFD22-13_YrmthIs

Attachments:

1. Location Map
2. Adopted Conditions for the Yarmouth Island AFD

JCC AFD-22-0013

Yarmouth Agricultural Forestal District



ADOPTED

SEP 11 2018

ORDINANCE NO. 172A-11

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-11-86-1-2018

YARMOUTH ISLAND 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Yarmouth Island 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.

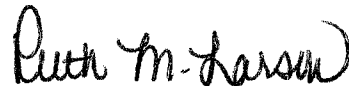
NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Yarmouth Island 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>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	100.00
Lyle & Demetria Charbonneau	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	625.20
Shield's Point LLC	3510100011	27.34
Shield's Point LLC	3510100012	7.35
Shield's Point LLC	2840100006	12.30
Shield's Point LLC	2840100007	77.50
Richardson's Holdings Limited Partnership	2930100003	<u>10.00</u>

Total: 2,142.88

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
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
ICENHOUR	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐
LARSON	☒	☐	☐

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

AFDYarmthIsRenw-res

ITEM SUMMARY

DATE: 8/3/2022

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - August 2022

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/26/2022 - 9:18 AM
Planning Commission	Holt, Paul	Approved	7/26/2022 - 9:18 AM
Publication Management	Daniel, Martha	Approved	7/26/2022 - 9:20 AM
Planning Commission	Holt, Paul	Approved	7/26/2022 - 9:21 AM

PLANNING DIRECTOR'S REPORT

August 2022

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

➤ **Planning**

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results:**
 - **July 12, 2022**
 - SUP-22-0003. 7683 Richmond Rd. Kettle Corn Processing & Storage (Approved 5-0)
 - SUP-22-0004. 4451 Longhill Rd. Life Church Daycare Program SUP Amend. (Approved 5-0)

New Cases for August						
Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Conceptual Plan	C-22-0056	Single Family Residence & Accessory Structure	8791 BARNES RD Lanexa, VA 23089	Powhatan	3,400 square foott and detached home and approximately 1000 square foot accessory structure.	Suzanne Yeats
	C-22-0057	1733 Endeavor Drive Contractor's Offices and Warehouses	1733 ENDEAVOR DR Williamsburg, VA 23185	Roberts	Contractor offices/warehouses (any equipment storage would be within fully enclosed building) 4- units, 50’x50’ each within 2-buildings of 5,000- square feet each.	John Risinger
	C-22-0058	205 Neck O Land Road Short-Term Rental	205 NECK O LAND RD Williamsburg, VA 23185	Roberts	Request to determine potential for a Short Term Rental that would convert to an accessory apartment in the future.	Terry Costello
	C-22-0059	New Town Sec 6, Block 18-14	4385 NEW TOWN AVE Williamsburg, VA 23188	Jamestown	New Town: Sec 6, Block 18- 14 fee simple townhome units accessed by private roads.	Suzanne Yeats
Site Plan	SP-22-0045	JCC Rec Center Charging Station Site Plan Amend.	5301 LONGHILL RD Williamsburg, VA 23188	Jamestown	Site Plan Amendment for an electric vehicle charging station at the James City County Recreation Center	Paxton Condon
	SP-22-0055	7683 Richmond Rd. Kettle Corn Parking Site Plan Amend.	7683 RICHMOND RD Toano, VA 23168	Stonehouse	Site Plan Amendment for revised parking layout.	Suzanne Yeats
	SP-22-0056	Wireless Communication Facility Site Plan Amend.	5361 MOORETOWN RD Williamsburg, VA 23188	Jamestown	Upgrade of equipment on existing tower.	Paxton Condon
	SP-22-0057	Wireless Communication Facility Site Plan Amend.	4400 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	Upgrade of equipment on existing tower.	John Risinger
	SP-22-0058	Wireless Communication Facility Site Plan Amend.	260 FRANCES THACKER Williamsburg, VA 23185	Roberts	Upgrade of equipment on existing tower.	Terry Costello
	SP-22-0059	Wireless Communication Facility Site Plan Amend.	5301 LONGHILL RD Williamsburg, VA 23188	Jamestown	Upgrade of equipment on existing tower.	Suzanne Yeats
	SP-22-0060	Wireless Communication Facility Site Plan Amend.	5900 WARHILL TRL Williamsburg, VA 23188	Powhatan	Upgrade of equipment on existing tower.	Ben Loppacker
	SP-22-0061	Wireless Communication Facility Site Plan Amend.	6487 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Upgrade of equipment on existing tower.	Ben Loppacker
	SP-22-0062	4630 Monticello Ave Charging Station Site Plan Amend.	4630 MONTICELLO AVE Williamsburg, VA 23188	Jamestown	Installation of 4 electric vehicle charging stations in the Target parking lot.	Paxton Condon
	SP-22-0064	Wireless Communication Facility Site Plan Amend.	250 FRANCES THACKER Williamsburg, VA 23185	Roberts	Upgrade of equipment on existing tower.	Terry Costello
	SP-22-0065	Target Parking Site Plan Amend.	4630 MONTICELLO AVE Williamsburg, VA 23188	Jamestown	Restriping 28 regular parking stalls into 24 Drive Up parking stalls; installation of crosswalk striping; installation of 12 post and panel signs; installation of 1 beacon; installation of 2 stop signs/bars and marking.	Paxton Condon

New Cases for August						
Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Site Plan	SP-22-0066	New Town Sec. 2 & 4, Block 11, Parcel A - Manor on the Green	5220 CENTER ST Williamsburg, VA 23188	Jamestown	Construction of a multi-family residential community to be located within the larger New Town development in James City County. The project contains 106 units, a management office, clubhouse, and other residential amenities. Moreover, this project includes roadway and parking space additions, stormwater management modifications, and underground utility additions associated with the proposed development.	Suzanne Yeats
	SP-22-0067	Lafayette High School Parking Lot Lighting Site Plan Amendment	4460 LONGHILL RD Williamsburg, VA 23188	Powhatan	Site Plan Amendment for new parking lot lighting at Lafayette High School.	Ben Loppacker
	SP-22-0068	CrossWalk Church Lighting Site Plan Amend.	7575 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Replacement of existing light heads in parking lot.	Katie Pelletier
	SP-22-0069	Stonehouse Elementary School Sun Shade Site Plan Amend.	3651 ROCHAMBEAU DR Williamsburg, VA 23188	Stonehouse	Stonehouse Elementary School- 20'x30' Sun Shade.	Paxton Condon
	SP-22-0070	Clara Byrd Baker Elementary School Sunshade Site Plan Amend.	3131 IRONBOUND RD Williamsburg, VA 23185	Berkeley	Clara Byrd Baker Elementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0071	Laurel Lane Elementary School Sunshade Site Plan Amend.	112 LAUREL LN Williamsburg, VA 23185	Roberts	Laurel LaneElementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0072	Matoaka Elementary School Sunshade Site Plan Amend.	4001 BRICK BAT RD Williamsburg, VA 23188	Berkeley	Matoaka Elementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0073	Norge Elementary School Sunshade Site Plan Amend.	7311 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Norge Elementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0074	Lois Hornsby Middle School Sunshade Site Plan Amend.	850 JOLLY POND RD Williamsburg, VA 23188	Powhatan	Lois Hornsby Middle School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0075	Warhill High School Sunshade Site Plan Amend.	4615 OPPORTUNITY WAY Williamsburg, VA 23188	Powhatan	Warhill High School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0076	Jamestown High School Sunshade Site Plan Amend.	3751 JOHN TYLER HWY Williamsburg, VA 23185	Berkeley	Jamestown High School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0077	J. Blaine Blayton Elementary School Sunshade Site Plan Amend.	800 JOLLY POND RD Williamsburg, VA 23188	Powhatan	J. Blaine Blayton Elementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0078	James River Elementary School Sunshade Site Plan Amend.	8901 POCAHONTAS TRL Williamsburg, VA 23185	Roberts	James River Elementary School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0079	Lafayette High School Sunshade Site Plan Amend.	4460 LONGHILL RD Williamsburg, VA 23188	Powhatan	Lafayette High School-20' x 30' Sunshade Addition.	Paxton Condon
	SP-22-0080	D J Montague Elementary School Sunshade Site Plan Amend.	5380 CENTERVILLE RD Williamsburg, VA 23188	Powhatan	D J Montague Elementary School-20' x 30' Sunshade Addition.	Paxton Condon

New Cases for August						
Plan Type	Plan Number	Case Title	Address	Plan District	Plan Description	Plan Assigned To
Subdivision Plat	S-22-0015	13 Foxcroft Rd. & 1 Travis Ln. Boundary Line Adjustment	13 FOXCROFT RD Williamsburg, VA 23188	Jamestown	13 Foxcroft Rd. & 1 Travis Ln. Boundary Line Adjustment.	Thomas Wysong
	S-22-0016	3094 Forge Road Boundary Line Adjustment	3094 FORGE RD Toano, VA 23168	Powhatan	3094 Forge Road Boundary Line Adjustment.	Suzanne Yeats
Subdivision Construction Plan	SPLN-22-0004	Forest Glen Sec 5 Amend #2	260 MILDRED DR Williamsburg, VA 23188	Powhatan	Amendment to shift transition between 5' sidewalk and 8' multi-use path at Forest Glen Section 5.	Ben Loppacker
	SPLN-22-0005	StoneHouse Tract 10A Subdivision Plan	9101 SIX MOUNT ZION RD Toano, VA 23168	Stonehouse	StoneHouse Tract 10A Subdivision Plan.	John Risinger
	SPLN-22-0006	The Settlement at Powhatan Creek, Phase 4	4101 MONTICELLO AVE Williamsburg, VA 23188	Berkeley	Subdivision of 68 townhome lots within Settlement at Powhatan Creek Phase IV.	Ben Loppacker
	SPLN-22-0007	Colonial Heritage Phase 3 Sec. 2 Multi-Use Path Amend.	499 JOLLY POND RD Williamsburg, VA 23188	Stonehouse	Colonial Heritage 3-2 Amendment #3 to remove steps from multi-use path.	José Ribeiro
Special Use Permit	SUP-22-0013	3252 N Riverside Dr. Storage and Contractor Office	3252 N RIVERSIDE DR Lanexa, VA 23089	Powhatan	3200 square foot metal building consisting of 2000 square feet of garage to be used for storage of tools and equipment and occasional work shop and 1200 square feet of office space on right side of garage.	Terry Costello
	SUP-22-0015	7294 & 7296 Richmond Rd. Pivot Energy Solar Project	7294 RICHMOND RD Williamsburg, VA 23188	Stonehouse	Two-phase, small scale solar project.	John Risinger
	SUP-22-0016	141 Blow Flats Rd. Battery Storage	141 BLOW FLATS RD Williamsburg, VA 23185	Roberts	Battery Energy Storage System construction.	Paxton Condon
Zoning Verification Letter	ZVL-22-0014	3500 La Grange Parkway Zonign Verification Letter	3500 LA GRANGE PKWY Toano, VA 23168	Stonehouse	Verification of Zoning, Use, and Variances.	Taylor Orne
	ZVL-22-0015	Farm Structure Exemption Request for 36' x 120' Lean-To	2902 FORGE RD Toano, VA 23168	Powhatan	Farm Structure Exemption Request for 36' x 120' Lean-To.	Christy Parrish
	ZVL-22-0016	3851, 3901, and 4101 Monticello Avenue Zoning Verification Letter	3851 MONTICELLO AVE Williamsburg, VA 23188	Berkeley	Request for letter stating the current zoning; the uses allowed for said property; and if there have ever been any violations.	Taylor Orne