A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 9, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

F. CONSENT CALENDAR

G. PUBLIC HEARING(S)

1. ORD-22-0003. Amendments for Calculation of Residential Development Density
2. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts
3. ORD-23-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops
4. SUP-22-0021. 8401 Hicks Island Road Tourist Home
5. SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment
6. SUP-23-0005. Jamestown Beach Event Park Master Plan Amendment
7. SUP-23-0006. Upper County Park Master Plan Amendment
8. SUP-23-0007. Warhill Sports Complex Master Plan Amendment

H. BOARD CONSIDERATION(S)

1. FY2024 Budget Adoption & Resolution of Appropriation
2. Moses Lane - Community Development Block Grant Application

I. BOARD REQUESTS AND DIRECTIVES

J. REPORTS OF THE COUNTY ADMINISTRATOR

1. Proclamation - Public Service Recognition Week

K. CLOSED SESSION

L. ADJOURNMENT

1. Adjourn until 1 pm on May 23, 2023 for the Business Meeting

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: John Risinger, Senior Planner; Tom Leininger, Principal Planner

SUBJECT: ORD-22-0003. Amendments for Calculation of Residential Development Density

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	1. Ordinance	Ordinance
🗋	2. Ordinance - Clean Copy	Backup Material
🗋	3. Initiating Resolution	Backup Material
🗋	4. Comparison of Density Calculation Methods	Backup Material
🗋	5. Unapproved Minutes of the January 12, 2023, Policy Committee Meeting	Backup Material
🗋	6. Unapproved Minutes of the February 23, 2023, Policy Committee Special Meeting	Backup Material
🗋	7. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting	Backup Material
🗋	8. Citizen Comments	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 1:48 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 1:49 PM
Publication Management	Pobiak, Amanda	Approved	4/21/2023 - 3:17 PM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:11 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:56 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:02 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:17 PM

M E M O R A N D U M

DATE: May 9, 2023

TO: The Board of Supervisors

FROM: John Risinger, Senior Planner
Tom Leininger, Principal Planner

SUBJECT: ORD-22-0003. Amendments for Calculation of Residential Development Density

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Introduction

At the March 8, 2022, Board of Supervisors (BOS) meeting, a request was made to bring forward an Initiating Resolution to consider amending how residential density is calculated with a direction to explore using net acreage. This Initiating Resolution was adopted by the BOS at its meeting on April 12, 2022, which has been included in the Agenda Packet as Attachment No. 3.

The Policy Committee discussed this item at its January 12, 2023, meeting and sought additional guidance from the BOS regarding the intent of the request and if there should be any offset for the reduction in development potential. At its January 24, 2023, Business Meeting, the BOS provided further guidance stating that the intent of the request included avoiding pockets of high-density residential development and reducing impacts to the environment and directed staff to prepare Ordinance language utilizing net acreage for density calculations for consideration. Following these discussions, the County Attorney's Office confirmed that the Initiating Resolution is applicable to all zoning districts which permit residential development. As a result, to meet the direction from the BOS, staff has included the A-1, General Agricultural District, as part of these considerations.

With the additional guidance, the Policy Committee met again on February 23, 2023, to discuss this item and make recommendations for the density calculations for the zoning districts listed below.

Zoning History

In James City County, a variety of density calculations using gross acreage, net acreage, or other alternative approaches, have been used over time. The following table summarizes the current calculation approach and the previous approach for each zoning district which permits residential development. Additional discussion about the alternative approaches ("stepped" and "single number") that are noted in the table is included below.

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
A-1, General Agricultural	Gross (density is not specified, just minimum lot size)	No change	
R-1, Limited Residential	Alternative approach - stepped	Gross	Updated in 2012

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
R-2, General Residential	Alternative approach - stepped	Gross	Updated in 2012
R-3, Residential Redevelopment	Alternative approach - stepped	No change	District created in 2012 with stepped approach density
R-4, Residential Planned Community	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-5, Multifamily Residential	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-6, Low-Density Residential	Gross (density is not specified, just minimum lot size)	No change	
R-8, Rural Residential	Gross (density is not specified, just minimum lot size)	No change	
PUD, Planned Unit Development	Alternative approach - stepped	Net	Updated in 2012
MU, Mixed Use	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
EO, Economic Opportunity	Net	No change	District created in 2011 with net density
Cluster Overlay District	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012

Prior to amendments to the Zoning Ordinance in 2012, many of the residential districts utilized an alternative approach which used a single number to calculate permitted density. With this approach, the permitted density for parcels with less than 35% non-developable area was calculated using the gross acreage of the parcel. The permitted density for parcels with 35% or greater non-developable area was the sum of the developable area and 35% of the gross acreage of the parcel.

The 2012 Zoning Ordinance amendments resulted in those districts using a stepped approach to calculate residential density. This approach continues to allow parcels with a lower amount of non-developable area to use their gross acreage but utilizes a stepped system for parcels with more non-developable area. As the percentage of non-developable area increases, less of the gross acreage of the parcel may be added to the developable area as shown in the table below.

Percent non-developable	Percent of gross acreage added to the developable land
0-20%	Use total parcel acreage
21-40%	20
41-70%	15
70-100%	10

A comparison showing the outcomes of each of the calculation methods has been included in Attachment No. 4. The alternative methods are a middle ground between gross acreage which results in the highest intensity of development and net acreage which results in the lowest intensity. It is important to consider that while the alternative methods do allow parcels with non-developable land to add a percentage of the total parcel acreage to the developable acreage to arrive at the acreage that can be used in the density calculation, the resulting densities are lower both across the total parcel and within the developable area.

Additionally, regulations within the Zoning Ordinance, Subdivision Ordinance, Chesapeake Bay Preservation Ordinance, and other applicable regulations would continue to restrict the use of non-developable areas for proposed developments.

Policy Considerations

The 2045 Comprehensive Plan recommends density ranges based on *gross* acreage for the Low-Density Residential (LDR) and Moderate-Density Residential (MDR). The Mixed Use (MU) and Economic Opportunity (EO) - Mooretown Road/Hill Pleasant Farm Area designations have recommended density ranges based on *net* acreage.

The Land Use Chapter of the 2045 Comprehensive Plan states that residential growth is intended to occur inside the Primary Service Area (PSA), promotes infill development and redevelopment to occur inside the PSA, and recognizes that directing development inside the PSA results in a more efficient delivery of public facilities and services. A reduction in the permitted densities of residential districts could reduce the residential capacity inside the PSA. With less residential capacity inside the PSA, market demands could result in increased growth pressure outside the PSA. While the recent amendments to lot sizes in the A-1 and R-8 Districts reduce what development could be achieved outside the PSA, the rate of growth in these areas could increase.

Reducing the permitted densities could impact opportunities for workforce housing, whereas creating opportunities for workforce housing is consistent with the goals of the Workforce Housing Task Force and the Comprehensive Plan Housing Chapter and Housing Goals, Strategies, and Actions. With fewer units in a development, it could affect the ability of developers to offer affordable units. Additionally, ongoing costs shared among owners such as association dues could be higher than they would otherwise have been, potentially further reducing affordability for owners.

The character of the community and compatibility of new development with adjacent neighborhoods is another consideration in the 2045 Comprehensive Plan. As shown in Attachment No. 4, the gross acreage calculation or alternative approaches could result in higher intensities of development inside the developable area of a parcel. This could cause nearby developments in the same zoning district to have considerably different characters in terms of unit types and lot sizes depending on the amount of developable area. With the net density calculation, the character of adjacent developments in the same zoning district would be more consistent.

Potential Ordinance Revisions

To meet the direction and guidance from the BOS, staff has drafted the following definition to be included in Section 24-2 so that it could be uniformly referenced in all districts which permit residential development.

Density, net. Net density shall be calculated as the number of dwelling units divided by the developable area.

This definition would require that density be based on developable area which is defined as “the total land area of the site minus resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one percent annual chance (100-year) storm event (FEMA zones A, AE, AO, V, and VE), and areas of 1,000 square feet or greater containing steep slopes (Refer to definition of “non-developable area” and “steep slopes.”).”

Staff has categorized the involved districts below based on the extent of the revisions needed to implement the definition of net density in the district and the policy considerations for the districts. The full text of the proposed revisions is available in Attachment No. 1.

A-1, General Agricultural/R-8, Rural Residential

The A-1, General Agricultural, and R-8, Rural Residential, Districts currently do not have density requirements except for cluster subdivisions in the A-1 District. Instead, these districts have historically regulated the number of units per acre through the minimum lot size provisions. To implement a net density approach in these districts, staff has drafted new sections that would apply a density maximum for major subdivisions similar to the language used in other districts. In addition, the cluster configuration section has been updated to reference net density within the existing density standard. In the 2045 Comprehensive Plan, the Rural Lands land use designation recommends a density of one unit per 20 acres but does not state that it should be calculated using net acreage. As part of previous Ordinance revisions, the minimum lot size in these districts was revised to become consistent with the recommended density. Excluding non-developable areas could result in average lot sizes that are considerably greater than 20 acres. Staff finds that the minimum lot size requirement adequately ensures that the character of adjacent developments are compatible without requiring density to be calculated using net acreage and does not recommend revising these districts. The Policy Committee did not recommend using a net density approach for these districts.

R-6, Low-Density Residential

The R-6, Low-Density Residential, District, similar to the A-1 and R-8 Districts, does not currently have density requirements and instead requires lots be a minimum of one acre in size. Implementing net density in this district would require the addition of a new section to regulate the density of major subdivisions. All land zoned R-6 is part of existing platted subdivisions which are mostly built out, thus, implementing a density requirement would not reduce development in lands zoned R-6. Further, the district is not envisioned to be used for future development proposals. This district remains in place to govern the existing neighborhoods and staff finds that no substantial benefit would be received from implementing net density in this district and does not recommend revising the district. The Policy Committee did not recommend using a net density approach for this district.

Residential Districts

The R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, and PUD, Planned Unit Development, Districts utilize the stepped approach. The Residential Cluster Development Overlay District also utilizes the stepped approach. Further, the Residential Cluster Development Overlay District is required by the Code of Virginia to utilize the same density standard as the base district. As the Residential Cluster Development Overlay District applies to the R-1 and R-2 Districts, it must utilize the same density calculation as those districts. Implementing net density in this category of districts would involve deleting the language and tables for the stepped approach and referencing the new net density definition throughout the districts. The Low-Density Residential and Moderate-Density Residential land use designations in the Comprehensive Plan recommend density ranges which are based on gross acreage and, thus, a gross density calculation would be most consistent with the land use designations. A net density approach could be more likely to result in adjacent developments within the same Comprehensive Plan designations having a more even intensity of development. Staff finds the current stepped approach serves as a compromise between these two considerations. The Policy Committee recommended using a net density approach for these districts.

MU, Mixed Use/EO, Economic Opportunity

The MU, Mixed Use, District currently utilizes the stepped approach. Implementing net density in the MU District would involve deleting the language and tables for the stepped approach and referencing the new net density definition. The EO, Economic Opportunity, District currently requires density to be based only on developable area and thus already uses a net density approach; however, updating the district to reference the net density definition would make this district consistent with other districts if net density is adopted.

The MU and EO - Mooretown Road/Hill Pleasant Farm Area land use designations recommend density ranges using net acreage. The language in the MU designation was updated to net density as part of the 2045 Comprehensive Plan. Staff finds that these changes would be consistent with the Comprehensive Plan and recommends revising the districts. Should the Policy Committee recommend utilizing net density in the MU and EO Districts, staff has included draft language for the districts in Attachment No. 1. The Policy Committee recommended using a net density approach for these districts.

Recommendation

The Policy Committee recommended approval of the proposed changes to the Planning Commission for the following districts: R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD, Planned Unit Development, Districts, Residential Cluster Development Overlay District, MU, Mixed Use District, and EO, Economic Opportunity District.

The Policy Committee did not recommend approval of the proposed changes to the Planning Commission for the following districts: A-1, General Agricultural, R-8, Rural Residential, and R-6, Low-Density Residential District.

The Planning Commission considered the proposed Ordinance at its April 5, 2023, Regular Meeting.

A motion to recommend approval of the proposed changes to the R-1, R-2, R-3, R-4, R-5, PUD, and MU Districts and the Residential Cluster Development Overlay Districts but not the A-1, R-6, R-8, or EO Districts failed by a vote of 2-3.

A subsequent motion to recommend denial of the proposed Ordinance passed by a vote of 3-2.

Should the Board of Supervisors desire to implement a net density calculation for residential density in one or more of the districts discussed in this memorandum, the proposed Ordinance is included as Attachment No. 1 for consideration.

JR/TL/md
ORD22-3AmdRDDCalc-mem

Attachments:
1. Ordinance
2. Ordinance - Clean Copy
3. Initiating Resolution
4. Comparison of Density Calculation Methods
5. Unapproved Minutes of the January 12, 2023, Policy Committee Meeting
6. Unapproved Minutes of the February 23, 2023, Policy Committee Special Meeting
7. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting
8. Citizen Comments

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, BY ADDING NEW SECTION 24-213, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING SECTION 24-222, CLUSTER CONFIGURATION; AND BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, BY AMENDING SECTION 24-232, USE LIST; BY AMENDING SECTION 24-233, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-234, DENSITY; AND BY RESERVING SECTION 24-234; AND BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, BY AMENDING SECTION 24-252, USE LIST; BY AMENDING SECTION 24-253, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-254, DENSITY; AND BY RESERVING SECTION 24-254; AND BY AMENDING DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, BY DELETING SECTION 24-273.6, DENSITY; BY RESERVING SECTION 24-273.6; AND BY AMENDING SECTION 24-273.7, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY AMENDING SECTION 24-278, PERMITTED DENSITY OVERALL; AND SECTION 24-279, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; AND BY AMENDING DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, BY AMENDING SECTION 24-307, OVERALL DEVELOPMENT DENSITY; BY DELETING SECTION 24-308, DENSITY; AND BY RESERVING SECTION 24-308; AND BY AMENDING DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, BY ADDING NEW SECTION 24-337, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, BY ADDING NEW SECTION 24-349, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, BY AMENDING SECTION 24-487, DENSITY; AND BY AMENDING DIVISION 15, MIXED USE, MU, BY AMENDING SECTION 24-519, DENSITY; AND BY AMENDING DIVISION 17, ECONOMIC OPPORTUNITY, EO, BY AMENDING SECTION 24-536.3, DENSITY; AND BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, BY DELETING SECTION 24-548, DENSITY, BY RESERVING SECTION 24-548, AND BY AMENDING SECTION 24-549, DENSITY STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article V, Districts, by amending Division 2, General Agricultural District, A-1, by adding new Section 24-213, Overall density within subdivisions; and by amending Section 24-222, Cluster configuration; and by amending Division 3, Limited Residential District, R-1, and by amending Section 24-232, Use list; by amending Section 24-233, Overall density within subdivisions; and by amending Division 4, General Residential District, R-2, by amending Section 24-252, Use list; and by amending Section 24-253, Overall density within subdivisions; and by amending Division 4.1, Residential Redevelopment District, R-3, by amending Section 24-273.7, Overall density within subdivisions; and by amending Division 5, Residential Planned Community District, R-4, by amending Section 24-278, Permitted density overall; and Section 24-279, Permitted density within residential areas; and by amending Division 6, Multifamily Residential District, R-5, by amending Section 24-307, Overall development density; and by amending Division 7, Low-Density Residential District, R-6, by adding new Section 24-337, Overall density within subdivisions; and by amending Division 8, Rural Residential District, R-8, by adding new Section 24-349, Overall density within subdivisions; and by amending Division 14, Planned Unit Development Districts, PUD, by amending Section 24-487, Density; and by amending Division 15, Mixed Use, MU, by amending Section 24-519, Density; and by amending Division 17, Economic Opportunity, EO, by amending Section 24-536.3, Density; and by amending Article VI, Overlay Districts, Division 1, Residential Cluster Development, by amending Section 24-549, Density standards.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Density, net. Net density shall be calculated as the number of dwelling units divided by the developable area.

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-213. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-214. All other subdivisions shall have a maximum net density as specified below.

(a) Parcels subject to section 24-214(a)(2) shall have a maximum net density of one unit per twenty acres.

(b) Parcels subject to section 24-214(a)(2)(i) shall have a maximum net density of one unit per three acres.

Sec. 24-222. Cluster configuration.

Upon issuance of a special use permit, a cluster configuration subdivision may be approved provided that all of the following conditions are met:

(1) The overall ~~gross~~ *net* density of the subdivision shall not exceed one dwelling unit per *twenty* acres.

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Residential Uses	Single-family detached dwellings with a maximum ~~gross~~ *net* density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum ~~gross~~ *net* density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

Sec. 24-233. Overall density within subdivisions.

(a) All subdivisions shall have a maximum ~~gross~~ *net* density of one unit per acre, except for minor subdivision as defined in the county's subdivision ordinance. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum ~~gross~~ *net* density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

~~**Sec. 24-234. Density.**~~

~~The density of a proposed subdivision (other than minor subdivisions, as specified in section 24-233) shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable~~	~~Percent of gross acreage added to the developable land~~
~~0 - 20 percent~~	~~Use total parcel acreage~~
~~21 - 40 percent~~	~~20~~
~~41 - 70 percent~~	~~15~~
~~71 - 100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area~~

~~of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres). In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

Sec. 24-234. Reserved.

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Residential Uses	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum ~~gross~~ *net* density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum ~~gross~~ *net* density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum ~~gross~~ *net* density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum ~~gross~~ *net* density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum ~~gross~~ *net* density of more than one dwelling unit per acre, either		SUP
	• in accordance with section 24-253(b), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		

Sec. 24-253. Overall density within subdivisions.

(a) All subdivisions shall have a maximum ~~gross~~ *net* density of one unit per acre, except for minor subdivisions as defined in Chapter 19 of the county code. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum ~~gross~~ *net* density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

~~**Sec. 24-254. Density.**~~

~~The density of a proposed subdivision (other than minor subdivisions, as specified in section 24-253) shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable~~	~~Percent of gross acreage added to the developable land~~
~~0 - 20 percent~~	~~Use total parcel acreage~~
~~21 - 40 percent~~	~~20~~
~~41 - 70 percent~~	~~15~~
~~71 - 100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~
~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

Sec. 24-254. Reserved.

Division 4.1. Residential Redevelopment District, R-3

~~**Sec. 24-273.6. Density.**~~

~~The density of a proposed subdivision shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable~~	~~Percent of gross acreage added to the developable land~~
~~0 - 20 percent~~	~~Use total parcel acreage~~
~~21 - 40 percent~~	~~20~~
~~41 - 70 percent~~	~~15~~
~~71 - 100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~

~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

Sec. 24-273.6. Reserved.

Sec. 24-273.7. Overall density within subdivisions.

No project shall have a *net* density (including bonuses) of more than four units per acre. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other document approved by the county attorney, for the density bonus items.

Net Density	Required density bonus points from list below
Up to 2.5	None required
More than 2.5, but no more than 3	3
More than 3, but no more than 3.5	4
More than 3.5, but no more than 4	5

	Bonus Item Options	Bonus Points
A.	For every 15 percent of the total units that meet the definition of affordable and workforce housing (starting above the threshold set forth in the Residential Redevelopment Policy, as amended).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of Better Site Design/Low Impact Development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Meeting a majority of items (a)(d) listed in section 24-551, open space development design elements, as determined by the planning director.	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units.	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
H.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
I.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5

J.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the Comprehensive Plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5
K.	For projects with fewer than 50 residential units, providing a neighborhood park of 0.25 acre, with a minimum width of 60 feet. The parkland should be centrally located, relatively level land with a minimum of 70 percent groomed space. The balance may be left in natural tree cover.	1
L.	Providing at least 25 percent of the total units which are offered at fair market rate. Such units shall be fully integrated into the development with regard to location, exterior materials, appearance from the street, and other attributes as determined by the planning director.	0.5
M.	Providing one playground with a minimum area of 2,500 square feet and a minimum of five activities.	0.5

Division 5. Residential Planned Community District, R-4

Sec. 24-278. Permitted density overall.

(a) The ~~gross~~ *net* density of the total area of the planned residential community shall not exceed two dwelling units per acre.

~~(b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable land~~	~~Percent of gross acreage added to the developable land~~
~~0 - 20 percent~~	~~Use total parcel acreage~~
~~21 - 40 percent~~	~~20~~
~~41 - 70 percent~~	~~15~~
~~71 - 100 percent~~	~~10~~

~~*Illustration of Gross Acreage Calculation*~~

~~(a) If a 400 acre parcel has 56 acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 400 acre parcel instead had 112 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (288 acres) and 20 percent of the total parcel acreage (80 acres) are added together to obtain the gross acreage used to calculate allowed density (368 acres). In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 800 units in (a) and 736 units in (b).~~

Sec. 24-279. Permitted density within residential areas.

The master plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

Area Designation	*Dwelling Type*	*Maximum ~~Gross~~ Net Density ~~as defined in section 24-278 (Dwelling Units Per Acre)~~*
A	Single-family	4
B	Multi-family dwellings containing up to and including four dwelling units	9.6
C	Multi-family dwellings containing more than four dwelling units	12
D	Apartments	18

Units for sale in condominium may be in any of the dwelling types listed above and the ~~number of dwelling units per acre~~ *maximum net density* shall be determined by the dwelling type.

Division 6. Multifamily Residential District, R-5

Sec. 24-307. Overall development density.

(a) ~~*Gross density limitation.*~~ No project shall have a ~~gross~~ *net* density (including bonuses) of more than 12 units per acre.

(b) ~~*Determination of number of dwelling units.*~~ The number of units which may be constructed shall be determined by the ~~gross acreage at~~ *net density of* the site and the use proposed as follows:

BASE ~~DWELLING UNITS PER ACRE~~ *NET DENSITY*		
Number of units	Multifamily and apartments under three stories	Multifamily and apartments three stories or more
1-100	8	10
101-200	7	9
Over 200	6	8

(c) *Density bonuses.* In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites and to encourage developers to go beyond the minimum standards of the zoning ordinance, the board of supervisors may approve density bonuses as specified in the density bonus item options table in section 24-549 of this chapter. Density bonuses shall not exceed a maximum of an additional 20 percent above the ~~maximum dwelling units per acre~~ *net density* that would otherwise be permitted and in no case shall exceed 12 units per acre, in accordance with the following:

Bonus increase from base net density	*Required density bonus points from list*
Up to the base density	0
Greater than the base density, up to and including ten percent above the base density	1
Greater than ten percent above the base density, up to and including 20 percent above the base density	2

(d) *Subdivision in order to circumvent provisions prohibited.* Property shall not be subdivided to circumvent this section and project phases shall be considered one development.

~~**Sec. 24-308. Density.**~~

~~The density of a proposed subdivision shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable~~	~~Percent of gross acreage added to the developable land~~
~~0 – 20 percent~~	~~Use total parcel acreage~~
~~21 – 40 percent~~	~~20~~
~~41 – 70 percent~~	~~15~~
~~71 – 100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50-acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~
~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

Sec. 24-308. Reserved.

Division 7. Low-Density Residential District, R-6

Sec. 24-337. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-330. All other subdivisions shall have a maximum net density of one unit per acre.

Division 8. Rural Residential District, R-8

Sec. 24-349. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-350. All other subdivisions shall have a maximum net density as specified below.

(a) Parcels subject to section 24-350(a) shall have a maximum net density of one unit per twenty acres.

(b) Parcels subject to section 24-350(b) shall have a maximum density of one unit per three acres.

Division 14. Planned Unit Development Districts, PUD

Sec. 24-487. Density.

(a) The ~~gross~~ *net* density of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwelling units per acre. The maximum densities of dwelling units per acre which may be constructed in any area designation are:

Area Designation	**Dwelling Type**	**Base *net* density ~~(dwelling units per acre)~~**	**Maximum ~~gross~~ *net* density with density bonus (see table under section 24-488~~(c)~~*(b)*)**
A	Single family	2	4
B	Multi-family dwellings containing up to and including four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

~~(b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~**Percent non-developable land**~~	~~**Percent of gross acreage added to the developable land**~~
~~0-20 percent~~	~~Use total parcel acreage~~
~~21-40 percent~~	~~20~~
~~41-70 percent~~	~~15~~
~~71-100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50 acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50 acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~
~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

~~(c)~~*(b)* In addition to the base *net* density standards from section 24-487 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other documents approved by the county attorney for the density bonus items.

Bonus Increase from Base Net Density	*Required Density Bonus Points from List Below*
Up to the base *net* density	0
Greater than the base *net* density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base *net* density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base *net* density, up to and including 100 percent above the base density	6

	Bonus Item Options	*Bonus Points*
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay preservation ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size.	1
I.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	1
	1. 100-foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	
	3. Conservation area as identified by an approved watershed management plan	

	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
J.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
K.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
L.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
M.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

Division 15. Mixed Use, MU

Sec. 24-519. Density.

(a) ~~The number of dwelling units which may be constructed in any residential or mixed use residential area designation as indicated on the master plan shall be determined by the number of gross acres at the site and the use proposed.~~ The maximum *net* densities ~~of dwelling units per acre~~ which may be constructed are:

Area Designation	*Dwelling Type*	*Base ~~Gross~~ Net Density ~~(Dwelling Units Per Acre)~~*	*Maximum ~~Gross~~ Net Density with density bonus (see table under section 24-519 ~~(c)~~ (b))*
A	Single-family structures	3	6
B	Multi-family dwellings containing up to four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

~~(b) The density of a proposed development shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable land~~	~~Percent of gross acreage added to the developable land~~
~~0-20 percent~~	~~Use total parcel acreage~~
~~21-40 percent~~	~~20~~
~~41-70 percent~~	~~15~~
~~71-100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50 acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Since 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If the 50 acre parcel instead had 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Since 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~
~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

~~(c)~~*(b)* In addition to the base *net* density standards from section 24-519 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus increase from base *net* density	Required density bonus points from list below
Up to the base *net* density	0
Greater than the base *net* density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base *net* density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base *net* density, up to and including 100 percent above the base density	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1

E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5 percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	
	3. Conservation area as identified by an approved watershed management plan	
	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
I.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter.	1
J.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
K.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
L.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

~~(d)~~*(c)* To achieve the intent of a mixed use development, more than one land use category shall be used and no single use or use category shall exceed 80 percent of the developable land area within a mixed use area, as delineated on the master plan. Where the mixed use development contains one or more mixed use structures (vertical mixed use), the developable land area may be converted to square feet to demonstrate compliance with this requirement.
Illustration of vertical mixed use buildings calculation.

For a vertical mixed use building of 60,000 square feet in size, no one use could exceed 48,000 square feet.

~~(e)~~*(d)* For areas designated neighborhood commercial or community commercial on the comprehensive plan, all proposed structures should be mixed use structures (vertical mixed use) and residential floor area should not exceed 50 percent of the total floor area. Either of these criteria may be modified if specifically shown on a master plan approved by the board of supervisors that exceeds mixed use designation development standards in the comprehensive plan.

Division 17. Economic Opportunity, EO

Sec. 24-536.3. Density.

(a) *Balance of land uses.* Not more than 15 percent of the developable land area within an economic opportunity area, as delineated on the master plan, shall be dedicated to non-primary workplace uses. The remaining 85 percent of the developable land area shall be dedicated to primary uses. Non-primary workplace uses include, retail, convenience and service uses, restaurants, child care, residential development or other uses intended to support and complement primary workplace uses. For the purposes of this requirement primary workplace uses include office, research, light industrial, or other uses that will provide a significant fiscal benefit to the county.

Additionally, non-primary workplace uses should be grouped together in an effort to maximize the area for workplace uses. The location of the non-primary workplace uses should not prevent the availability of large contiguous sections of land for office, research, or light industrial development.

(b) *Residential.* Residential dwelling units are permitted in the urban/residential core area, as delineated on the master plan, which shall not exceed 10 percent of the total developable master planned economic opportunity area. ~~The number of dwelling units which may be constructed in any of the urban/residential core as indicated on the master plan shall be determined by the number of acres of the economic opportunity master plan area and the use proposed.~~ The maximum *net* densities of dwelling units ~~per acre~~ *within the developable area of the urban/residential core area* which may be constructed are:

Dwelling Type	***Maximum Net Density***
Multi-family structures (attached housing)	7
Apartments	10

~~In the economic opportunity district, only developable area shall be used for the purposes of calculating density.~~

Article VI. Overlay Districts

Division 1. Residential Cluster Development

~~**Sec. 24-548. Density.**~~

~~The density of a proposed subdivision shall be calculated as the number of units divided by the gross acreage. For the purposes of this section, the gross acreage shall be calculated as follows:~~

~~Percent non-developable~~	~~Percent of gross acreage added to the developable land~~
~~0 - 20 percent~~	~~Use total parcel acreage~~
~~21 - 40 percent~~	~~20~~
~~41 - 70 percent~~	~~15~~
~~71 - 100 percent~~	~~10~~

~~Illustration of Gross Acreage Calculation~~

~~(a) If a 50-acre parcel has seven acres of non-developable land, then the non-developable area of the site is 14 percent. Because 14 percent is less than 20 percent, the total area of the parcel is used to calculate allowed density.~~

~~(b) If a 50-acre parcel has 14 acres of non-developable land, then the non-developable area of the site is 28 percent. Because 28 percent is between 21 percent and 40 percent, the total developable area of the parcel (36 acres) and 20 percent of the total parcel acreage (ten acres) are added together to obtain the total acreage used to calculate allowed density (46 acres).~~

~~In this example, if an applicant sought a density of two dwelling units per acre, they would yield a maximum of 100 units in (a) and 92 units in (b).~~

Sec. 24-548. Reserved.

Sec. 24-549. Density standards.

No project shall have a *net* density (including bonuses) of more than four units per acre. In order to achieve the *net* densities listed below, the developer shall provide at least the minimum amount of open space, and shall make assurances in a master plan, proffers, or other document approved by the county attorney, for the density bonus items. The approval process for cluster development shall be as stated in section 24-556.

***Net* Density**	**Percent of developable acreage as open space**	**Required density bonus points from list below**
Up to 1	25 percent	None
More than 1, but no more than 2	25 percent	2
More than 2, but no more than 3	30 percent	4
More than 3, but no more than 4	35 percent	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy, as amended)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division	1.5
D.	Meeting a majority of items (a) - (d) listed in section 24-551, Open space development design elements, as determined by the planning director	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved greenway master plan, the Virginia outdoors plan, or such other useful and logical location as approved by the parks and recreation director or designee	1
H.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present	1
I.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size	1
J.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer;	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site);	
	3. Conservation area as identified by an approved watershed management plan; or	
	4. Wildlife habitat corridors that:	
	a. Protect a corridor at least 100 feet in width from one protected area (on or off the cluster property) to another protected area, and	
	b. Consist of mature forestland	
K.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter	1

L.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director	0.5
M.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site)	0.5
N.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA	0.5

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

ORD22-3AmdRDDCalc-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, BY ADDING NEW SECTION 24-213, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING SECTION 24-222, CLUSTER CONFIGURATION; AND BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, BY AMENDING SECTION 24-232, USE LIST; BY AMENDING SECTION 24-233, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-234, DENSITY; AND BY RESERVING SECTION 24-234; AND BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, BY AMENDING SECTION 24-252, USE LIST; BY AMENDING SECTION 24-253, OVERALL DENSITY WITHIN SUBDIVISIONS; BY DELETING SECTION 24-254, DENSITY; AND BY RESERVING SECTION 24-254; AND BY AMENDING DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, BY DELETING SECTION 24-273.6, DENSITY; BY RESERVING SECTION 24-273.6; AND BY AMENDING SECTION 24-273.7, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY AMENDING SECTION 24-278, PERMITTED DENSITY OVERALL; AND SECTION 24-279, PERMITTED DENSITY WITHIN RESIDENTIAL AREAS; AND BY AMENDING DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, BY AMENDING SECTION 24-307, OVERALL DEVELOPMENT DENSITY; BY DELETING SECTION 24-308, DENSITY; AND BY RESERVING SECTION 24-308; AND BY AMENDING DIVISION 7, LOW-DENSITY RESIDENTIAL DISTRICT, R-6, BY ADDING NEW SECTION 24-337, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, BY ADDING NEW SECTION 24-349, OVERALL DENSITY WITHIN SUBDIVISIONS; AND BY AMENDING DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, BY AMENDING SECTION 24-487, DENSITY; AND BY AMENDING DIVISION 15, MIXED USE, MU, BY AMENDING SECTION 24-519, DENSITY; AND BY AMENDING DIVISION 17, ECONOMIC OPPORTUNITY, EO, BY AMENDING SECTION 24-536.3, DENSITY; AND BY AMENDING ARTICLE VI, OVERLAY DISTRICTS, DIVISION 1, RESIDENTIAL CLUSTER DEVELOPMENT, BY DELETING SECTION 24-548, DENSITY, BY RESERVING SECTION 24-548, AND BY AMENDING SECTION 24-549, DENSITY STANDARDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article V, Districts, by amending Division 2, General Agricultural District, A-1, by adding new Section 24-213, Overall density within subdivisions; and by amending Section 24-222, Cluster configuration; and by amending Division 3, Limited Residential District, R-1, and by amending Section 24-232, Use list; by amending Section 24-233, Overall density within subdivisions; and by amending Division 4, General Residential District, R-2, by amending Section 24-252, Use list; and by amending Section 24-253, Overall density within subdivisions; and by amending Division 4.1, Residential Redevelopment District, R-3, by amending Section 24-273.7, Overall density within subdivisions; and by amending Division 5, Residential Planned Community District, R-4, by amending Section 24-278, Permitted density overall; and Section 24-279, Permitted density within residential areas; and by amending Division 6, Multifamily Residential District, R-5, by amending Section 24-307, Overall development density; and by amending Division 7, Low-Density Residential District, R-6, by adding new Section 24-337, Overall density within subdivisions; and by amending Division 8, Rural Residential District, R-8, by adding new Section 24-349, Overall density within subdivisions; and by amending Division 14, Planned Unit Development Districts, PUD, by amending Section 24-487, Density; and by amending Division 15, Mixed Use, MU, by amending Section 24-519, Density; and by amending Division 17, Economic Opportunity, EO, by amending Section 24-536.3, Density; and by amending Article VI, Overlay Districts, Division 1, Residential Cluster Development, by amending Section 24-549, Density standards.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

Density, net. Net density shall be calculated as the number of dwelling units divided by the developable area.

Article V. Districts

Division 2. General Agricultural District, A-1

Sec. 24-213. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-214. All other subdivisions shall have a maximum net density as specified below.

(a) Parcels subject to section 24-214(a)(2) shall have a maximum net density of one unit per twenty acres.

(b) Parcels subject to section 24-214(a)(2)(i) shall have a maximum net density of one unit per three acres.

Sec. 24-222. Cluster configuration.

Upon issuance of a special use permit, a cluster configuration subdivision may be approved provided that all of the following conditions are met:

(1) The overall net density of the subdivision shall not exceed one dwelling unit per *twenty* acres.

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

Residential Uses	Single-family detached dwellings with a maximum net density of one dwelling unit per acre in accordance with section 24-233(a)	P	
	Single-family detached dwellings with a maximum net density of more than one dwelling unit per acre in accordance with section 24-233(b)		SUP

Sec. 24-233. Overall density within subdivisions.

(a) All subdivisions shall have a maximum net density of one unit per acre, except for minor subdivision as defined in the county's subdivision ordinance. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum net density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

Sec. 24-234. Reserved.

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

Residential Uses	Multifamily dwellings of between five and eight units, contained within a residential cluster development with a maximum net density of more than one unit per acre in accordance with article VI, division 1 of this chapter		SUP
	Multifamily dwellings, up to and including four units, with a maximum net density of one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter	P	
	Multifamily dwellings, up to and including four units, with a maximum net density of more than one unit per acre, contained within residential cluster development in accordance with article VI, division 1 of this chapter		SUP

	Multifamily dwellings, up to and including two units, in accordance with section 24-260		SUP
	Single-family detached dwellings with a maximum net density of one dwelling unit per acre, either	P	
	• in accordance with section 24-253(a), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		
	Single-family detached dwellings with a maximum net density of more than one dwelling unit per acre, either		SUP
	• in accordance with section 24-253(b), or		
	• contained within residential cluster development in accordance with article VI, division 1 of this chapter		

Sec. 24-253. Overall density within subdivisions.

(a) All subdivisions shall have a maximum net density of one unit per acre, except for minor subdivisions as defined in Chapter 19 of the county code. In these instances, the lots in a minor subdivision must still adhere to the area requirements set forth in section 24-255.

(b) Upon application, the board of supervisors may grant a special use permit for subdivisions to have a maximum net density of more than one unit per acre, but of no more than two units per acre upon finding the developer has made assurances in a master plan, proffers, or other document approved by the county attorney, for at least two points as specified in the density bonus item options table in section 24-549 of this chapter.

Sec. 24-254. Reserved.

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.6. Reserved.

Sec. 24-273.7. Overall density within subdivisions.

No project shall have a net density (including bonuses) of more than four units per acre. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other document approved by the county attorney, for the density bonus items.

Net Density	Required density bonus points from list below
Up to 2.5	None required
More than 2.5, but no more than 3	3
More than 3, but no more than 3.5	4
More than 3.5, but no more than 4	5

	Bonus Item Options	Bonus Points

A.	For every 15 percent of the total units that meet the definition of affordable and workforce housing (starting above the threshold set forth in the Residential Redevelopment Policy, as amended).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of Better Site Design/Low Impact Development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Meeting a majority of items (a)—(d) listed in section 24-551, open space development design elements, as determined by the planning director.	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units.	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
H.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
I.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
J.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the Comprehensive Plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5
K.	For projects with fewer than 50 residential units, providing a neighborhood park of 0.25 acre, with a minimum width of 60 feet. The parkland should be centrally located, relatively level land with a minimum of 70 percent groomed space. The balance may be left in natural tree cover.	1
L.	Providing at least 25 percent of the total units which are offered at fair market rate. Such units shall be fully integrated into the development with regard to location, exterior materials, appearance from the street, and other attributes as determined by the planning director.	0.5

M.	Providing one playground with a minimum area of 2,500 square feet and a minimum of five activities.	0.5

Division 5. Residential Planned Community District, R-4

Sec. 24-278. Permitted density overall.

The net density of the total area of the planned residential community shall not exceed two dwelling units per acre.

Sec. 24-279. Permitted density within residential areas.

The master plan shall designate the proposed dwelling unit densities within each residential area shown, according to the following categories:

Area Designation	*Dwelling Type*	*Maximum* Net *Density*
A	Single-family	4
B	Multi-family dwellings containing up to and including four dwelling units	9.6
C	Multi-family dwellings containing more than four dwelling units	12
D	Apartments	18

Units for sale in condominium may be in any of the dwelling types listed above and the maximum net density shall be determined by the dwelling type.

Division 6. Multifamily Residential District, R-5

Sec. 24-307. Overall development density.

(a) No project shall have a net density (including bonuses) of more than 12 units per acre.

(b) The number of units which may be constructed shall be determined by the net density of the site and the use proposed as follows:

BASE NET DENSITY		
Number of units	Multifamily and apartments under three stories	Multifamily and apartments three stories or more
1-100	8	10
101-200	7	9
Over 200	6	8

(c) *Density bonuses.* In order to encourage attractive architectural and site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites and to encourage developers to go beyond the minimum standards of the zoning ordinance, the board of supervisors may approve density bonuses as specified in the density bonus item options table in section 24-549 of this chapter. Density bonuses shall not exceed a maximum of an additional 20 percent above the net density that would otherwise be permitted and in no case shall exceed 12 units per acre, in accordance with the following:

Bonus increase from base net density	*Required density bonus points from list*
Up to the base density	0
Greater than the base density, up to and including ten percent above the base density	1
Greater than ten percent above the base density, up to and including 20 percent above the base density	2

(d) *Subdivision in order to circumvent provisions prohibited.* Property shall not be subdivided to circumvent this section and project phases shall be considered one development.

Sec. 24-308. Reserved.

Division 7. Low-Density Residential District, R-6

Sec. 24-337. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-330. All other subdivisions shall have a maximum net density of one unit per acre.

Division 8. Rural Residential District, R-8

Sec. 24-349. Overall density within subdivisions.

Lots in a minor subdivision must adhere to the area requirements set forth in section 24-350. All other subdivisions shall have a maximum net density as specified below.

(c) Parcels subject to section 24-350(a) shall have a maximum net density of one unit per twenty acres.

(d) Parcels subject to section 24-350(b) shall have a maximum net density of one unit per three acres.

Division 14. Planned Unit Development Districts, PUD

Sec. 24-487. Density.

(a) The net density of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwelling units per acre. The maximum densities of dwelling units per acre which may be constructed in any area designation are:

Area Designation	**Dwelling Type**	**Base net density**	**Maximum** net **density with density bonus (see table under section 24-488 (b))**
A	Single family	2	4
B	Multi-family dwellings containing up to and including four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

(b) In addition to the base net density standards from section 24-487 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan, proffers, or other documents approved by the county attorney for the density bonus items.

Bonus Increase from Base Net Density	*Required Density Bonus Points from List Below*
Up to the base net density	0
Greater than the base net density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base net density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base net density, up to and including 100 percent above the base density	6

	Bonus Item Options	*Bonus Points*
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay preservation ordinance standards and requirements through extensive use of	1.5

	better site design/low impact development techniques, as approved by the engineering and resource protection division	
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1
H.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size.	1
I.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	
	3. Conservation area as identified by an approved watershed management plan	
	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	

J.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements in set forth in section 24-35 of this chapter.	1
K.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
L.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
M.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

Division 15. Mixed Use, MU

Sec. 24-519. Density.

(a) The maximum net densities which may be constructed are:

Area Designation	*Dwelling Type*	*Base Net Density*	*Maximum Net Density with density bonus (see table under section 24-519(b))*
A	Single-family structures	3	6
B	Multi-family dwellings containing up to four dwelling units	5	10
C	Multi-family dwellings containing more than four dwelling units	6	12
D	Apartments	9	18

(b) In addition to the base net density standards from section 24-519 (a), a density bonus can be achieved with the provision of options as detailed below. In order to achieve the densities listed below, the developer shall make assurances in a master plan or otherwise for the density bonus items.

Bonus increase from base net density	Required density bonus points from list below
Up to the base net density	0
Greater than the base net density, up to and including 33 percent above the base density	2
Greater than 33 percent above the base net density, up to and including 66 percent above the base density	4
Greater than 66 percent above the base net density, up to and including 100 percent above the base density	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy).	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division.	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division.	1.5
D.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
E.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee.	1
F.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved Greenway Master Plan, the Virginia Outdoors Plan, or such other useful and logical location as approved by the parks and recreation director or designee.	1
G.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size, within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present.	1

H.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least 5 percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site)	
	3. Conservation area as identified by an approved watershed management plan	
	4. Wildlife habitat corridors that:	
	• Protect a corridor at least 100 feet in width from one protected area (on or off the development property) to another protected area, and	
	• Consist of mature forestland	
I.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter.	1
J.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director.	0.5
K.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site).	0.5
L.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA.	0.5

(c) To achieve the intent of a mixed use development, more than one land use category shall be used and no single use or use category shall exceed 80 percent of the developable land area within a mixed use

area, as delineated on the master plan. Where the mixed use development contains one or more mixed use structures (vertical mixed use), the developable land area may be converted to square feet to demonstrate compliance with this requirement.

Illustration of vertical mixed use buildings calculation.

For a vertical mixed use building of 60,000 square feet in size, no one use could exceed 48,000 square feet.

(d) For areas designated neighborhood commercial or community commercial on the comprehensive plan, all proposed structures should be mixed use structures (vertical mixed use) and residential floor area should not exceed 50 percent of the total floor area. Either of these criteria may be modified if specifically shown on a master plan approved by the board of supervisors that exceeds mixed use designation development standards in the comprehensive plan.

Division 17. Economic Opportunity, EO

Sec. 24-536.3. Density.

(a) *Balance of land uses.* Not more than 15 percent of the developable land area within an economic opportunity area, as delineated on the master plan, shall be dedicated to non-primary workplace uses. The remaining 85 percent of the developable land area shall be dedicated to primary uses. Non-primary workplace uses include, retail, convenience and service uses, restaurants, child care, residential development or other uses intended to support and complement primary workplace uses. For the purposes of this requirement primary workplace uses include office, research, light industrial, or other uses that will provide a significant fiscal benefit to the county.

Additionally, non-primary workplace uses should be grouped together in an effort to maximize the area for workplace uses. The location of the non-primary workplace uses should not prevent the availability of large contiguous sections of land for office, research, or light industrial development.

(b) *Residential.* Residential dwelling units are permitted in the urban/residential core area, as delineated on the master plan, which shall not exceed 10 percent of the total developable master planned economic opportunity area. The maximum net densities of dwelling units within the developable area of the urban/residential core area which may be constructed are:

Dwelling Type	***Maximum Net Density***
Multi-Family structures (attached housing)	7
Apartments	10

Article VI. Overlay Districts

Division 1. Residential Cluster Development

Sec. 24-548. Reserved.

Sec. 24-549. Density standards.

No project shall have a net density (including bonuses) of more than four units per acre. In order to achieve the net densities listed below, the developer shall provide at least the minimum amount of open space, and shall make assurances in a master plan, proffers, or other document approved by the county

attorney, for the density bonus items. The approval process for cluster development shall be as stated in section 24-556.

Net Density	Percent of developable acreage as open space	Required density bonus points from list below
Up to 1	25 percent	None
More than 1, but no more than 2	25 percent	2
More than 2, but no more than 3	30 percent	4
More than 3, but no more than 4	35 percent	6

	Bonus Item Options	Bonus Points
A.	For every 10 percent of the units committed to provision of affordable and workforce housing (starting above the threshold set in the county's housing opportunities policy, as amended)	2, up to a max of 4
B.	Designing a stormwater management plan that meets Chesapeake Bay Preservation Ordinance standards and requirements through extensive use of better site design/low impact development techniques, as approved by the engineering and resource protection division	1.5
C.	Undertaking or funding a stream restoration project or stormwater management facility retrofit within the same sub-watershed, as identified by an approved watershed management plan or by the engineering and resource protection division	1.5
D.	Meeting a majority of items (a) - (d) listed in section 24-551, Open space development design elements, as determined by the planning director	1.5
E.	Achieving green building certification using EarthCraft, LEED or equivalent program for all units	1
F.	Dedicating to the county a public use site, the developable portion of which is suitable for a public facility, as determined by the county administrator or designee	1
G.	Constructing a greenway trail and dedicating a public use easement in a location indicated by the approved greenway master plan, the Virginia outdoors plan, or such other useful and logical location as approved by the parks and recreation director or designee	1
H.	Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size within the developable portion of the site. The planning director may request that the developer provide confirmation, prepared by a certified horticulturalist, that these qualities are present	1

I.	Retaining a single area of agricultural land designated on the United States Department of Agriculture (USDA) maps to be of prime or statewide importance that is at least five acres in size	1
J.	Preserving one of the following underlined environmentally-related conservation features. The underlined item must constitute at least five percent of the developable area of the site.	1
	1. 100 foot buffers around non-RPA wetland features (isolated wetlands), intermittent streams, or from floodplain zones A or AE (where not already part of the RPA), or from the edge of the RPA buffer;	
	2. Soils in hydrologic groups A and B, as defined by the USDA, and as verified on-site by a licensed geotechnical engineer (retain at least 50 percent of these soils on site);	
	3. Conservation area as identified by an approved watershed management plan ; or	
	4. Wildlife habitat corridors that:	
	a. Protect a corridor at least 100 feet in width from one protected area (on or off the cluster property) to another protected area, and	
	b. Consist of mature forestland	
K.	Providing pedestrian accommodations on one side of all internal roadways, where this would exceed the requirements set forth in section 24-35 of this chapter	1
L.	Developing binding design guidelines for the development that include superior architectural and design standards. Elements that the guidelines shall address include, but need not be limited to, provision of rear or side loading garages; use of universal design concepts; and attention to the quality of, and variation in, elements of the units such as facade materials and colors; windows, roof pitches, porches and entryways; and heights and setbacks from the right-of-way. Design guidelines shall be submitted concurrent with the master plan, and shall be reviewed and approved by the planning director	0.5
M.	Providing a 100-foot buffer from the internal edge of a right-of-way buffer and/or perimeter buffer (must constitute at least five percent of the developable area of the site)	0.5
N.	Preserving and rehabilitating an on-site structure identified in the document entitled Historical Structures Survey, prepared by Virginia Department of Historic Resources, and dated May 2008. The structure may be re-used as a community clubhouse or private residence with appropriate deed restrictions. If the proposed cluster is within a community character area (CCA) designated by the comprehensive plan, this bonus would also be available for rehabilitation and legal preservation of a structure elsewhere within that CCA	0.5

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO CONSIDER POSSIBLE AMENDMENTS REGARDING HOW DENSITY IS

CALCULATED FOR RESIDENTIAL DEVELOPMENTS

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, in order to consider possible amendments regarding how density is calculated for residential developments. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
ICENHOUR	✓			
HIPPLE	✓			
LARSON				✓
SADLER	✓			
MCGLENNON	✓			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2022.

InitConsGrossDensRD-res

Comparison of Density Calculation Methods

Parcel Size: 10 acres

Proposed Density: 2 units per acre

	Gross			Alternative Method – Single Number (35%)			Alternative Method – Stepped			Net		
Percent Non-Developable	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area	# of Units	Resulting Density on Developable Land	Resulting Density on Total Parcel Area
0%	20	2	2	20	2	2	20	2	2	20	2	2
10%	20	2.2	2	20	2.2	2	20	2	2	18	2	1.8
20%	20	2.5	2	20	2.5	2	20	2	2	16	2	1.6
30%	20	2.9	2	20	2.9	2	18	2.6	1.8	14	2	1.4
40%	20	3.3	2	19	3.2	1.9	16	2.7	1.6	12	2	1.2
50%	20	4	2	17	3.4	1.7	13	2.6	1.3	10	2	1
60%	20	5	2	15	3.8	1.5	11	2.8	1.1	8	2	0.8
70%	20	6.7	2	13	4.3	1.3	9	3	0.9	6	2	0.6
80%	20	10	2	11	5.5	1.1	6	3	0.6	4	2	0.4
90%	20	20	2	9	9	0.9	4	4	0.4	2	2	0.2

December 12, 2022

Unapproved Minutes of the January 12, 2023
Policy Committee Regular Meeting

ORD-22-0003. Amendments for Calculation of Residential Development Density

Mr. Risinger stated that a request was made at the March 8, 2022, BOS meeting to bring forward an initiating resolution to consider amending the methods for calculating residential density with a direction to use a net acreage calculation. He stated the initiating resolution was adopted on April 12, 2022. He stated that residential density is calculated by dividing the number of residential units by the acreage of the property. He stated that the acreage being considered could be determined by the gross acreage, net acreage or an alternative method. He stated that the A-1, R-6 and R-8 districts currently only specify minimum lot sizes and not density requirements. He stated that the R-1, R-2, R-3, R-4, R-5, PUD, MU and Residential Cluster Development Overlay districts currently utilize a stepped approach where a percentage of the gross acreage can be added to the developable acreage.

Mr. Risinger stated that the Low Density Residential (LDR) and Moderate Density Residential (MDR) Land Use Designations in the 2045 Comprehensive Plan have recommended densities based on gross acreage while the Mixed Use and Economic Opportunity – Mooretown Road / Hill Pleasant Farm Area designations have recommended densities based on net acreage. He stated that a gross acreage calculation would be most consistent with the LDR and MDR designations.

Mr. Risinger stated that the Land Use Chapter of the 2045 Comprehensive Plan also indicates that residential growth is intended to occur inside the Primary Service Area (PSA) and that infill development and redevelopment is encouraged to occur inside the PSA. He stated that the Land Use Chapter acknowledges that directing growth inside the PSA results in more efficiency for public services. He stated that moving to a net acreage calculation could reduce the residential capacity of the PSA and could increase growth pressure outside the PSA.

Mr. Risinger stated that the goals of the Workforce Housing Task Force and the 2045 Comprehensive Plan Housing Chapter support creating opportunities for workforce housing. He stated that reducing permitted densities could impact housing affordability. He stated that compatibility between adjacent developments is another factor considered in the 2045 Comprehensive Plan. He stated that a net acreage calculation could result in adjacent developments having a consistent intensity of development if they are in the same zoning district.

Mr. Risinger stated that staff found that a gross acreage calculation may be most consistent with the Land Use Designations while a net acreage calculation may be most consistent with ensuring the compatibility of adjacent developments. He stated that the stepped approach utilized in a majority of the districts serves as a compromise between these two considerations.

Mr. Risinger stated that staff received questions from the Committee regarding the Resource Protection Area (RPA) prior to the meeting. He stated that while areas in the RPA could potentially be counted for the calculation of density, structures could not be built in the RPA without approval in accordance with the Chesapeake Bay Preservation Ordinance. He stated that the Stormwater

and Resource Protection (SRP) Division reviewed new developments to ensure compliance with regulations for the RPA.

Mr. Haldeman asked if the amendments would apply to the A-1 and R-8 districts.

Mr. Crump stated that staff had considered the initiating resolution to apply to residential districts.

Mr. Haldeman asked if the amendments would not apply to the A-1 district but would apply to the R-8 district.

Mr. Crump confirmed.

Mr. Polster asked if that would be the case for the A-1 district inside and outside of the PSA.

Mr. Risinger stated that it would be the case for the A-1 district across the board.

Mr. Haldeman stated that if a property was zoned A-1 but designated for residential development in the Comprehensive Plan, the amendment would apply if the property was rezoned to a residential district.

Mr. Polster stated that there were A-1 properties inside the PSA which will potentially have development applications.

Ms. Cook stated that if the applications included a rezoning, they would be reviewed in accordance with the proposed zoning district.

Mr. O'Connor asked what the intent of the initiating resolution was. He stated the 2019 Citizen Survey showed support for directing growth inside the PSA which is carried forward in the 2045 Comprehensive Plan. He stated that reducing density could impact the availability of affordable housing.

Mr. Polster asked why the permitted density should have a bonus for areas in the RPA. He stated that there should be a bonus for increased buffers from the RPA.

Ms. Cook stated that density bonuses are options developers could provide in order to build additional units over the base density. She stated that the amendment being considered was regarding how to calculate the permitted base density.

Mr. Polster stated that while the current density calculation may not be a density bonus, developers are receiving credit for non-developable areas when calculating the base density.

Mr. Risinger stated that a number of zoning districts include density bonuses for having an increased buffer from the RPA.

Mr. Polster stated that was an example of an offset that a developer could achieve if a net acreage calculation was used for residential density.

Mr. Krapf asked what the reasoning was to amend the density calculation method from the current approach.

Mr. Haldeman stated that the 2045 Comprehensive Plan indicated there were approximately 10,000 undeveloped lots inside the PSA. He stated that while the 2045 Comprehensive Plan recommended having residential growth inside the PSA, the 2019 Citizen Survey indicated there was already enough or too much housing in the County.

Mr. Polster stated that properties that may be rezoned would offset any decrease to the residential capacity inside the PSA. He stated that he would support using a net acreage calculation.

Mr. Haldeman stated that he would support using a net acreage calculation but would like to explore providing density bonuses for affordable housing.

Mr. O'Connor asked what the realistic impact of changing to a net acreage calculation would be for a 100-acre property.

Mr. Risinger stated that it would depend on the amount of non-developable area on the property.

Mr. Krapf stated that some of the discussions during the Engage 2045 Comprehensive Plan update process were about having residential growth inside the PSA to take development pressure off of the Rural Lands.

Mr. Polster stated that the majority of land inside the PSA is designated LDR and that applications to change the land use designation to MDR were not approved for a number of properties during the Engage 2045 Comprehensive Plan update process.

Mr. O'Connor stated that the density of residential developments directly relates to housing affordability.

Mr. Haldeman stated that there would be development pressure in the Rural Lands regardless of whether a net acreage calculation was used for residential density.

Mr. Krapf stated that the changes to increase the minimum lot size requirements in the A-1 and R-8 districts reduced residential development outside the PSA.

Mr. O'Connor stated that he had considered that the opportunity for development inside the PSA to be a tradeoff for increasing the minimum lot sizes in the A-1 and R-8 districts.

Mr. Krapf agreed. He stated that he would be in support of keeping the current stepped approach for calculating residential density.

Mr. Polster stated that the 2045 Comprehensive Plan did support reducing growth outside the PSA and increasing growth inside the PSA. He stated that there were conscious decisions made about land use designations to not increase density inside the PSA.

Mr. O'Connor stated that reducing permitted densities throughout the PSA was different than maintaining the current land use designations. He stated that proposed rezonings would be evaluated for consistency with the 2045 Comprehensive Plan and that the Planning Commission and Board could determine whether the proposal had merits for the proposed density.

Mr. Polster stated that there should be additional guidance for what would be considered a public benefit from a proposed rezoning.

Mr. Haldeman asked if there any further questions.

There were none.

Unapproved Minutes of the February 23, 2023
Policy Committee Special Meeting

ORD-22-0003. Amendments for Calculation of Residential Development Density

Mr. Risinger presented the staff report, stating that the Policy Committee had discussed the item during the January 12, 2023, Meeting. Mr. Risinger stated the staff received additional guidance from the Board of Supervisors indicating that the intent of initiating amendments for Residential Density Calculations is to reduce environmental impacts and avoid pockets of high-density residential development. He noted the guidance also included the direction to use net density calculations to prepare the language for the ordinance. He stated staff confirmed with the County Attorney's Office that the initiating resolution was applicable to all zoning districts which permit residential development, including the A-1 district. He noted that the material prepared for the meeting includes the ordinance language staff prepared. The memo categorizes the extent of revisions that would be needed to implement net density in the districts, as well as the policy considerations each of them have.

Mr. Risinger began the discussion by noting that staff has drafted a proposed definition for net density that would be included in Section 24-2. He stated that this definition will serve as a universal reference for all zoning districts instead of each district having its own definition.

Mr. Risinger stated that the A-1 and R-8 districts do not have density requirements within the districts, only minimum lot size requirements. He also noted that adding net density into the districts would require the addition of a new section that specifies what density would be permitted. With the use of the similar language as currently found in the R-1 and R-2 districts, the section will outline the details of the density that can be permitted for a major subdivision.

Mr. Polster asked for clarification on whether staff recommends the adoption of the new addition to A-1 and R-8.

Mr. Risinger answered by explaining how since the recent minimum lot size amendment, the County has matched minimum lot sizes up to the Comprehensive Plan Rural Lands Guidance, which one unit per twenty acres. He noted that the increase in minimum lot sizes has already brought those districts into consistency with the Comprehensive Plan. Mr. Risinger stated that staff does not recommend changing these districts, but the issue is open to the committee's recommendation on the matter.

Mr. Polster, Mr. O'Connor, and Ms. Cook discussed whether the ordinance also has the one unit per twenty acres density for areas with R-8 zoning inside the Primary Service Area (PSA).

Ms. Cook confirmed. She noted the A-1 and R-8 districts are uniform in their minimum lot size requirement, regardless of location inside or outside the PSA.

Mr. Polster noted that when observing the natural and cultural heritage of areas outside the PSA, there are corridors and habitat areas that exist there. He stated that he does not want to see development in those areas which is why he was in favor of net density as opposed to gross density.

Mr. O'Connor stated that he is not in favor of the use of net density because of the effects it has on property owners in the A-1 and R-8 districts. For example, 100-acre parcels are now reduced to being less developable than a 25-acre parcel.

Mr. Polster, Mr. Haldeman, and Mr. O'Connor discussed the possible effects of clustering in relation to the potential density changes.

Mr. O'Connor stated that he felt moving to net density is not necessary. He noted that adjustments and updates will be made to maps as they correspond to certain floodplains and other environmental features. Mr. O'Connor stated that the implementation of net density could possibly hinder future Planning Commissions and Board of Supervisors because if the future ever permitted an opportunity where a higher density and a reduced development footprint would be needed, it would no longer be possible. He stated that affordable housing could also be affected by the adoption of net density.

Mr. Polster stated that he too originally believed affordable housing would be negatively impacted by net density, but he then reviewed more information on the density bonus portion of the ordinance. He stated that in the density bonus sections located in most of the current zoning districts, affordable housing could receive bonuses. He also stated that if a person was to come and ask to develop something that would allow them to use bonus points to increase the density, it would be permissible. Mr. Polster stated regardless of what is already in place for Stormwater and Resource Protection, density is going to change over time because of the standards regarding the impact of climate change. He explained that he does not want to rely on outdated maps to make decisions on Resource Protection Areas and other environmental features. He concluded with wanting to clarify that the density bonus points that will be awarded are distributed adequately while also displaying the benefits this process will have on the County.

Mr. O'Connor and Mr. Polster continued to discuss the use of density bonuses and their effectiveness in the County.

Mr. O'Connor stated that from his experience and conversations with members of the Board of Supervisors and others, none of them has any interest in clusters or density bonuses.

Mr. Polster stated there are density bonuses that already exist within the ordinance, so there is nothing stopping a developer who wants to create affordable housing from being awarded with density bonuses now.

Mr. O'Connor stated that the development must go through the legislative process.

Mr. Polster stated some of the problems current development standards have could possibly be solved by increasing buffers around sensitive areas and increasing open space. He stated this

example could also allow for density bonus points and another way to reward developers for their behaviors that benefit the County as well as the environment.

Mr. Haldeman made a motion to include the net density requirements within the A-1 and R-8 districts. The motion did not pass by a vote of 2-1.

Mr. Haldeman stated the next topic of discussion is the Cluster Configuration option in the A-1 district.

Mr. Risinger responded to Mr. Haldeman's point by stating the Cluster Configuration in A-1 as it is drafted has the one unit to twenty acres density calculation, and so what the staff is presenting is just the addition of the word net to replace gross regarding density.

Mr. Polster asked for clarification on if the motion to amend the A-1 and R-8 districts to specify net density did not pass then the word net can't be used in the Cluster option either, since the Cluster option must also use the same calculations.

Ms. Cook confirmed.

Mr. Polster stated that the question asked by Mr. Risinger had already been answered. He asked for confirmation that with the failure of the motion Section 24-222 would stay the same, using gross density.

Mr. Risinger confirmed.

Mr. Polster stated the next topic of discussion will be the R-6 district.

Mr. Risinger stated the R-6 district is similar in terms of considerations since it currently only has a minimum lot size requirement. He stated that to change to net density, staff added the section to apply a density requirement for major subdivisions. Mr. Risinger stated that all lands zoned R-6 are part of existing platted subdivisions which at this point are almost entirely built out and the district now remains to govern those existing subdivisions. He stated that the R-6 district is not a district that is envisioned to be used for future development. He stated that staff did not find a substantial benefit from updating this district to net density and therefore do not recommend an update.

Mr. Polster asked for clarification on whether there was any space for development in the district.

Mr. Risinger stated that the R-6 district would not be consistent with Rural Lands guidance in the Comprehensive Plan so there were a development proposal to use it outside of the PSA staff would not likely support the idea of a rezoning. He also stated that within the PSA, there are other districts that would provide more development potential if someone were looking to rezone.

Mr. Polster asked was it very unlikely or not even possible to have any other future residential development in the R-6 district whether inside or outside the PSA.

Mr. Risinger confirmed that staff found it unlikely for development to occur in the district.

Mr. Polster made a motion to recommend the new net density requirements for R-6. The motion did not pass by a vote of 3-0.

Mr. Haldeman stated the next topic of discussion would be the recommendation of including the net density requirements in R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD, Planned Unit Development, and the Residential Cluster Development Overlay District. Mr. Haldeman asked for clarity on whether staff recommend the change or not.

Mr. Risinger stated that currently these districts use the stepped approach for calculating density, so to implement net density staff would have to delete the existing language that has the stepped approach in it. He also stated that within the other sections, the reference would need to be added to net so it ties back to the new definition. Mr. Risinger stated that the Low Density and Moderate Density Residential Comprehensive Plan designations recommend density ranges based on gross acreage, so a change to net density would be less consistent with the Comprehensive Plan guidance. A net density approach could result in adjacent developments having a more consistent level of intensity with each other depending on how much developable or non-developable area they may have. He stated that staff found that the current stepped approach was in the middle of these two considerations.

Mr. Polster asked whether the density bonus approach applies to all the districts listed by staff.

Mr. Risinger stated that he would have to double check if density bonuses were in every district, but a good portion of them do have the density bonus items listed.

Mr. Polster stated that he can identify at least three districts where density bonus were listed. He also stated that he had some confusion on when density bonus were applicable except for the instances in the ordinance where it was specifically stated. Mr. Polster stated that he would like to make sure that if net density is implemented, every district has density bonus capabilities.

Mr. Haldeman asked Ms. Cook what staff recommends, given one or two of the districts do not include density bonuses.

Ms. Cook asked for clarification on whether the Policy Committee is referring to the affordable housing density bonuses or having density bonuses in general.

Mr. Polster confirmed that they are referring to density bonuses in general. He stated that there is an extensive list available that would allow developers to receive a bonus for their development.

Ms. Cook stated that she believes all the districts except R-4 may have the density bonuses options available. She stated that staff can confirm.

Ms. Cook stated that she believes pursuing amendments to update density bonus options or to include density bonuses in all districts would be outside of the scope of the initiating resolution,

but the Policy Committee could make a recommendation to revisit the matter to the Board of Supervisors.

Mr. Polster made a motion to amend the residential districts to use net density. The recommendation was passed with a 2-1 vote.

Mr. Haldeman stated that the next topic of discussion would be the inclusion of net density requirements in Mixed Use (MU) and Economic Opportunity (EO) districts. He stated that staff was recommending this amendment.

Mr. Risinger stated the MU district currently utilizes the stepped approach and like the last districts discussed, amending this district would be a matter of deleting the existing language and adding the new definition. He stated the Economic Opportunity district already references net density, but staff recommends updating it to make the language consistent with the rest of the districts to reference the net density definition. He stated that from a Comprehensive Plan perspective, the Mixed Use Land Use Designation and the Economic Opportunity Land Use Designation describing the Mooretown Road and Hill Pleasant Farm areas reference net density. Moving to net density in those districts would make them consistent with the guidance. He stated that staff recommends revising these districts to go to net density.

Mr. O'Connor asked Mr. Risinger if all Mixed Use areas in the Comprehensive Plan have guidance to use net density.

Mr. Risinger responded by stating that the 2045 update to the Comprehensive Plan was when the designation language changed to reference net density.

Mr. Polster made a motion to agree with staff's recommendation. The motion passed with a vote of 3-0.

Mr. Polster asked a question about the previous topic, the net density requirements in R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD Planned Unit Development, and Residential Cluster Development Overlay District. He asked if they are changed to net density, will it make the districts inconsistent with the Low Density Residential (LDR) and Moderate Density Residential (MDR) Comprehensive Plan Designations.

Mr. Risinger confirmed it will make them less consistent with the LDR and MDR designation guidance.

Mr. Risinger stated that staff anticipates the next steps for this ordinance amendment will be to go to the April Planning Commission meeting and the May Board of Supervisors meeting. He stated that staff will also begin the process of mailing out letters to the property owners of all the districts to let them know the County is considering changes to density for their properties.

Mr. Haldeman asked if the members of the Policy Committee were comfortable with the new language and decisions that were made.

Mr. O'Connor, Mr. Haldeman, and Mr. Polster all agreed.

Mr. Haldeman asked if the Committee recommends any type of offsets to property owners for the reduction in the value of their land.

Mr. Haldeman, Mr. O'Connor, Mr. Polster, and Ms. Cook discussed whether the recommendation should be made to offer any offsets to the property owners.

Mr. O'Connor stated he does not fully support the Purchase of Development Rights (PDR) program and thinks without a definitive approach for clustering, decisions about density calculations are difficult to decide. He stated that he believes there is a lot of opportunity for clustering that meets the intent of the Comprehensive Plan while also protecting property owners and causing less impact on the environment.

Mr. Polster stated he still lacked comfort in the verbiage of the density bonuses in the ordinances because he does not know the change in density calculation is adequately offset. He stated that with the use of density bonuses there could still be a benefit to the County. Mr. Polster stated that he would like to recommend to the Planning Commission and Board of Supervisors to possibly reevaluate the level of bonuses allotted when these bodies do look at the issue of clustering in the districts. He also stated parcel owners who make modifications to their property that will benefit the County in the long term should receive benefits like bonuses for their actions.

Mr. O'Connor stated that another conversation that was brought up by the Board of Supervisors was possibly compensating parcel owners for modifications made that would change setbacks from 75 feet to 400 feet in the A-1 district. He stated that he agrees with Mr. Polster that there should be other ways to compensate parcel owners other than paying County money.

Ms. Cook asked Mr. Polster would it be accurate to say that part of what he is considering with his statements is revisiting the items that are in the density bonus tables for the districts that are inside the Primary Service Area, to check that the bonus items are calibrated correctly and are up-to-date.

Mr. Polster confirmed and stated that if the County is serious about its natural and cultural identity, parcel owners that preserve these areas should be rewarded. He also stated that there are more precautions the County can take that will benefit the environment without solely relying on developers.

Mr. Haldeman stated that in the past, he has pointed out that the density bonus points were first created over 40 years ago.

Ms. Cook noted that the bonus point items were last updated in 2012.

Mr. Haldeman stated that the language is over ten years old and that there have been tremendous changes in market value, most dramatically being the recent inflation in housing costs. For example, the cost of achieving LEED certification has gone down but the cost of housing has gone up, arguing that an adjustment in the number of bonus points rewarded needs to be made. He

questioned if there should be more bonus points awarded for the development of affordable housing. Mr. Haldeman concluded with the proposal of possibly going through and evaluating the relative value of the current density bonuses as it relates to the effects they have on the County.

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

ORD-22-0003. Amendments for Calculation of Residential Development Density

Mr. John Risinger, Senior Planner, stated that at the March 8, 2022, Board of Supervisors meeting, a request was made a to consider amending how residential density is calculated with a direction to explore using a net acreage calculation. Mr. Risinger stated that the initiating resolution was adopted by the Board of Supervisors at its April 12, 2022, meeting. Mr. Risinger further stated that at its January 24, 2023, Business Meeting, the Board of Supervisors provided further guidance that the intent of the initiating resolution is to avoid pockets of high-density residential development and to reduce impacts to the environment. Mr. Risinger stated that the Policy Committee considered this ordinance amendment at its January 12, 2023, and February 23, 2023, meetings.

Mr. Risinger stated that currently, the EO, Economic Opportunity District utilizes a net acreage approach while the R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD, Planned Unit Development, and MU, Mixed Use Districts along with the Residential Cluster Development overlay district utilize a stepped approach to calculate density. Mr. Mr. Risinger stated that the stepped approach allows properties with lower percentages of non-developable areas to calculate density using the total area of the parcel while properties with higher percentages of non-developable areas calculate density with the developable area plus a certain percentage of the total parcel area. Mr. Risinger stated that the Zoning Ordinance currently defines developable areas as being the total area of the parcel minus the non-developable areas which are defined as areas in the Resource Protection Area (RPA), areas within floodplains designated as having a one percent annual chance storm event and areas with steep slopes. Mr. Risinger stated that the A-1, General Agricultural, R-6, Low-Density Residential and R-8, Rural Residential Districts do not currently have density requirements except for cluster subdivisions in the A-1 District.

Mr. Risinger stated that Policy guidance from the Comprehensive Plan includes the recommended density ranges for the land use designations, recognizing that residential growth should be directed to occur inside the PSA where it results in more efficiency for public services, goals for providing opportunities for affordable housing, and having a consistent character and compatibility between adjacent developments. Mr. Risinger stated that the net density approach could potentially reduce the residential capacity in the PSA, reducing the efficiency of public services, increase growth pressure on areas outside the PSA, and reduce opportunities for affordable housing. Mr. Risinger stated that the net density approach could, however, result in adjacent developments having a consistent intensity of development if they are in the same Zoning District.

Mr. Risinger stated that to meet the direction of the Initiating Resolution, staff has prepared draft Ordinance language which would implement a net acreage approach in all of the Zoning Districts referenced. Mr. Risinger further stated that the draft Ordinance language adds a definition for "net density" to Section 24-2 to state that "net density is calculated by dividing the number of dwelling units by the developable area of the parcel." Mr. Risinger stated that the draft language includes

revisions to each Zoning District to reference the definition of net density as necessary and remove sections and language pertaining to the current density calculation methods.

Mr. Risinger stated that the A-1 and R-8 Districts, have historically controlled development intensity with the minimum lot sizes established for the districts. Mr. Risinger stated that the draft Ordinance language includes adding new sections which would apply net density for major subdivisions as well as updating the A-1 cluster configuration subdivision section to specify net density. Mr. Risinger stated that the Rural Lands designation in the Comprehensive Plan recommends a density of 1 unit per 20 acres but does not specify that it should be based on net acreage. Mr. Risinger stated that previous Ordinance revisions made the minimum lot sizes in these Zoning Districts consistent with the Rural Lands designation in the Comprehensive Plan and implementing a density section could result in lot sizes that are considerably larger than 20 acres. Mr. Risinger stated that staff finds that the minimum lot size provisions currently in place adequately ensures that the character of residential development in the A-1 and R-8 Zoning Districts is compatible with the Rural Lands designation and does not recommend revising these Zoning Districts to implement the net density calculation.

Mr. Risinger stated that the R-6 Zoning District, also does not currently have a density requirement and instead requires lots to be a minimum of one acre in size. Mr. Risinger stated that the draft language includes adding a new section to this Zoning District which applies a net density calculation for major subdivisions. Mr. Risinger stated that all land zoned R-6 is part of existing platted subdivisions which are mostly built out and the Zoning District is not envisioned for future development and instead remains in place to govern the existing subdivisions. Mr. Risinger stated that staff finds that no substantial benefit would be received from implementing net density in this district and does not recommend revising it.

Mr. Risinger stated that the R-1, R-2, R-3, R-4, R-5, and PUD Zoning Districts along with the Residential Cluster Development overlay district districts currently utilize the stepped approach for calculating density. Mr. Risinger stated that to implement net density, the draft Ordinance includes deleting language pertaining to the stepped approach and referencing net density within the use lists and density sections where necessary in each of the districts. Mr. Risinger further stated that the Low Density Residential (LDR) and Moderate Density Residential (MDR) Comprehensive Plan designations have recommended densities based on gross acreage meaning that a gross acreage calculation would be most consistent with the designations. Mr. Risinger stated that a net density approach would likely result in adjacent developments having a more even intensity of development. Staff finds that the current stepped approach serves as a compromise between these considerations.

Mr. Risinger stated that the MU District currently utilizes the stepped approach. Mr. Risinger further stated that the draft Ordinance deletes the language pertaining to the stepped approach and references the net density definition. Mr. Risinger stated that the EO District currently utilizes net density, however updating the district to reference the proposed net density definition would make it more consistent with the other districts should they be revised to use net density. Mr. Risinger stated that the Mixed Use and Economic Opportunity – Mooretown Road/Hill Pleasant Farm Area Comprehensive Plan designations have recommended densities based on net acreage. Mr. Risinger

stated that staff finds that using net density in the MU and EO districts would be consistent with the Comprehensive Plan and recommends revising these districts.

Mr. Risinger stated that at its February 23, 2023, meeting, the Policy Committee recommended approval of the draft language for the R-1, R-2, R-3, R-4, R-5, PUD, MU, and EO districts. Mr. Risinger stated that the Policy Committee did not recommend approval of the draft language for the A-1, R-8, and R-6 districts.

Mr. Risinger stated that should the Planning Commission recommend utilizing the net density approach for one or more of the districts discussed, draft ordinance language has been provided for consideration.

Mr. Krapf requested that staff provide a brief summary of the step approach to calculating density.

Mr. Risinger stated that the stepped approach is based on a table, where if a parcel has between 0 and 20% undevelopable acreage, the entire lot acreage can be used to calculate density. Mr. Risinger further stated that if the parcel has above 20% undevelopable area, the stepped approach allows a certain percentage of that undevelopable area to be counted toward the developable area.

Mr. Krapf inquired if the stepped approach gives the developer more area to count toward the density calculations.

Mr. Risinger confirmed.

Mr. Krapf inquired if most residential districts used the stepped approach.

Mr. Risinger confirmed.

Mr. Krapf inquired whether the net density approach could have unintended consequences such as discouraging applications for conservation easements.

Mr. Holt stated that this is a more complicated question with a number of factors that go into making that calculation. Mr. Holt further stated that this is not a calculation that County staff is involved in. Mr. Holt stated that the calculation starts with independent appraisers and works its way through a number of other professions. Mr. Holt stated that some of the factors considered are whether the development is by-right or requires legislative approval. Mr. Holt stated that if the highest and best use can only be granted through legislative approval, the appraiser does not assume that the legislative approval will be given and therefore, they do not factor that use into the valuation. Mr. Holt stated that because of the intricacies in such calculations, Planning staff would not necessarily be comfortable in giving a definitive answer.

Mr. Krapf stated that it appears that lower density might affect the value of a conservation easement; however, the effect is not fully known until such a time as a conservation easement is proposed.

Mr. Holt noted that the valuation would also depend on the type of easement, the quality of the easement, and the value of the easement to the recipient.

Mr. O'Connor noted that if parcel was less developable, with fewer lots created, then the value of the lots that cannot be developed is lost.

Mr. Holt stated that development potential is certainly a factor; however, there is a value to the resources that are being preserved such as environmentally sensitive areas, natural heritage or archeologically significant locations.

Mr. Polster opened the Public Hearing.

Ms. Kimberly Magee, 248 William Barksdale, addressed the Commission regarding the Ordinance Amendment and was generally supportive of lower density.

Ms. Juanita Crawford addressed the Commission regarding the Ordinance Amendment with questions regarding the impact of the Ordinance Amendment.

Mr. Chris Henderson, 101 Keystone, addressed the Commission with concerns about the unintended impacts of the Ordinance Amendment.

Mr. Jay Everson, 6923 Chancery Lane, addressed the Commission regarding the Ordinance Amendment.

Mr. Hunter Taylor, 999 Jolly Pond Road, addressed the Commission regarding potential impacts of the Ordinance Amendment.

Ms. Vivian Herbert, 141 Wareham's Point, addressed the Commission regarding the Ordinance Amendment.

Mr. Stephen Zabinski, 5133 Ginger Court, addressed the Commission regarding the Ordinance Amendment.

Mr. Gary Moore,158 Forest Heights Road, addressed the Commission with concerns over the impacts of the Ordinance Amendment.

As no one further wished to speak, Mr. Polster closed the Public Hearing.

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

Mr. Krapf stated that two of the important elements in the 2045 Comprehensive Plan are restricting growth in Rural Lands and driving growth to be within the PSA where utilities and infrastructure are in place, where infill development is needed, and where existing vacant structures could be creatively repurposed for workforce housing. Mr. Krapf stated that by increasing the minimum lot size in the A-1 and the R-8 Zoning Districts, the density has effectively been reduced along with the growth pressure on Rural Lands. Mr. Krapf further stated that by shifting to net density in the

residentially zoned districts, it could have the unintended consequence of putting demand back on Rural Lands. Mr. Krapf further stated that he believes that the Country needs to consider reinstating the Housing Opportunities Policy to encourage workforce housing. Mr. Krapf stated that the County has not put all the tools in place to address critical issues. Mr. Krapf stated that he believes that using stepped density in residential areas is a good compromise between using gross density and net density. Mr. Krapf further stated that driving all the density calculations to net density would be a disservice to landowners and people in need of workforce housing. Mr. Krapf stated that he is not inclined to support the Ordinance Amendment.

Mr. Haldeman stated that he does intend to support the Ordinance Amendment. Mr. Haldeman stated that the purpose of the Ordinance Amendment is to reduce the amount of credit a property owner receives for the non-developable portion of a parcel. Mr. Haldeman stated that this would essentially reduce the number of homes that could be built. Mr. Haldeman stated that he does understand that this will drive up the housing costs and reduce affordable housing; however, that could be mitigated by reinstating the Housing Opportunities Policy and instituting density bonus points. Mr. Haldeman stated that density bonus points are already included in the Comprehensive Plan and the Zoning Ordinance for developments that incorporate affordable housing. Mr. Haldeman stated the factors that lead him to support the Ordinance amendments include protecting the community character, protecting the natural environment, and protecting the County's rural character. Mr. Haldeman stated that citizen feedback during the Comprehensive Plan Update indicate that there is too much residential development. Mr. Haldeman stated that this Ordinance Amendment would address those concerns as well as reduce the demands on infrastructure, water supply, schools, roadways, and public services. Mr. Haldeman noted that the cost of public services for residential development is greater than the tax revenue received. Mr. Haldeman stated that he believes the Ordinance amendment to be crucial to preserving the character and natural resources of the County.

Mr. O'Connor stated that he does not support this Ordinance Amendment. Mr. O'Connor further stated that he did not support the change in lot size in rural lands. Mr. O'Connor stated that he does recognize the importance of preserving environmentally sensitive areas. Mr. O'Connor further stated that a large percentage of citizen feedback during the Comprehensive Plan Update ranked providing affordable housing for the County's workforce as very important. Mr. O'Connor noted that as part of the quality of life, citizens indicated that many of the requested improvements included pedestrian and bicycle accommodations, internet service, library improvements and public water. Mr. O'Connor stated that some of the policy guidance in the Comprehensive Plan includes providing a more compact development patter that can support multimodal transportation options and provide more transportation options; foster more housing choices and increase affordability for the County's workforce, seniors, and those suffering from homelessness; increase accessibility to education and job training services; foster the development of complete communities by locating new housing near transit services, shopping areas and community facilities; provide more housing options for the local workforce and individuals entering new lifestyle periods; create complete communities with walkable environments and a mix of residential and commercial uses that 21st century businesses and employees desire; include new retail and office space as part of mixed use communities rather than as stand alone business centers; reduce commuting times by locating by locating homes, businesses, and supportive uses in closer proximity within the PSA; encourage local job development to create higher paying jobs in the

County; create a better jobs to housing balance and reduce the need for cross commuting to job locations in the County or in other localities, and reduce in coming commuting for workers who cannot afford to live in the County. Mr. O'Connor stated that there is much in the Comprehensive Plan that is not supported by reducing density inside the PSA. Mr. O'Connor stated that if the concern is reducing development in rural lands there are already tools to prevent that. Mr. O'Connor noted that development that is done smartly is not necessarily detrimental. Mr. O'Connor stated that absent a Housing Opportunities Policy and a Clustering Ordinance, reducing density will not allow for the crucial workforce housing.

Mr. Polster stated that the recently adopted Comprehensive Plan focused on what the County would look like in 2045. Mr. Polster stated that the issue of growth cam up. Mr. Polster stated that the current population in the County is around 79,000. Mr. Polster stated that the projection for 2045 put the population at 120, 000. Mr. Polster stated that the projection was based on the current zoning. Mr. Polster stated that in setting goals, strategies, and actions, the Commission was careful to limit growth in Rural Lands and encourage growth inside the PSA where services are already available. Mr. Polster stated that based on available land, the Upper County is where all the growth would have taken place; however, the infrastructure is not in place to handle the traffic impacts, the demand for public utilities, and the need for public services. Mr. Polster stated that one of the things the Commission grappled with was what the density should be for the Upper County. Mr. Polster stated that there was some interest in placing Mixed Use in the Upper County which would be high density. Mr. Polster stated that ultimately the Commission settled on limited residential development which means one house per acre. Mr. Polster further stated that there is nothing to stop a landowner to seek a rezoning. Mr. Polster stated that at gross density, that would mean that on a 220-acre parcel, around 220 homes could be built. Mr. Polster further stated that if the parcel were rezoned to Mixed-Use, and credit were given for the non-developable area, 549 lots could be created. Mr. Polster stated that this is a far cry from what the Commission intended to limit where growth takes place. Mr. Polster stated that the growth has historically been an issue in the County over the last 20 or 30 years. Mr. Polster stated that in those years the County has allowed development within the Resource Protection Area (RPA) if it was platted by 2012. Mr. Polster further stated that over the last several years, the Chesapeake Bay Board has approved around 30 parcels for development that are 100% in the RPA. Mr. Polster stated that this is an environmental issue. Mr. Polster further stated that most of the County's watersheds are critically endangered, particularly those like the Powhatan Creek watershed which is located in the heart of the PSA. Mr. Polster stated that credits should not be given for steep slopes and RPA and development should be calculated with net density. Mr. Polster stated that a reason that the County does not have an affordable housing policy is because the development community was able to have legislation passed that did not allow localities to require proffers and therefore the County cannot require affordable housing when considering a legislative case for development. Mr. Poster stated that, however, the ordinance for each residential district provides that developers can voluntarily offer benefits to the County such as affordable housing or enhanced buffering for greenspace and receive a density bonus. Mr. Polster stated that the impacts on a property owner are based on the amount of the property that is not considered developable. Mr. Polster noted that, absent an affordable housing policy, this is the best hope to provide incentives for a developer to give back a bit to the County. Mr. Polster stated that he intends to support the Ordinance Amendment.

Mr. O'Connor noted that the current owners of larger parcels are the ones who have been good stewards of their property and are now bearing the brunt of the decisions made by previous Planning Commissions and Boards of Supervisors. Mr. O'Connor stated that if the developable acreage is reduced, the County most likely cannot provide enough incentives to create affordable housing. Mr. O'Connor noted that the cost of building materials continues to rise and already limits the potential for affordable housing.

Mr. Polster stated that he believes there are other opportunities to achieve affordable housing, including partnerships with state and federal government. Mr. Polster noted that there are currently one or two such projects underway in the County.

Mr. Krapf stated that the stepped approach does provide a reasonable compromise between gross and net density. Mr. Krapf expressed appreciation to the citizens who attended and participated in the meeting. Mr. Krapf further encouraged citizens to participate in the various hearings and provide feedback on projects and legislation that affect the future of the County.

Mr. Haldeman offered a summary of the recommendations of the Policy Committee.

- Density in the A-1 and R-8 Zoning Districts relies on lot size to determine density, and the Policy Committee recommended that no change be made to this method.
- The R-6 Zoning District also relies on lot size, to determine density, and the Policy Committee recommended that no change be made to this method.
- The R-1, R-2, R-3, R-4, R-5, PUD, and Residential Cluster Development Overlay Zoning Districts all currently use the stepped approach, and the Policy Committee recommended that these districts use the net density approach to calculate density.
- The Mixed-Use Zoning District currently uses the stepped approach and the Policy Committee that the calculations be changed to net density.
- The EO Zoning District currently base density on developable area, effectively a net density calculation and no changes are recommended.

Mr. Polster called for a motion on the Ordinance Amendment

Mr. Polster requested advice on how a motion should be framed.

Mr. Holt stated that the draft ordinance did not incorporate the Policy Committee recommendations and proposes using net density across all Zoning Districts.

Mr. Holt stated that a motion could be made to recommend approval of the draft ordinance as presented. Mr. Holt further stated that a motion could be made to do amend some districts and not others.

Mr. Haldeman made a motion to recommend that the density calculations for residential districts be changed consistent with the recommendations made by the Policy Committee at its February 23, 2023.

Mr. O'Connor inquired about which ordinance would be advertised and forwarded to the Board of Supervisors.

Mr. Holt stated that the ad would remain the same as the one for the Planning Commission Public Hearing.

Mr. Krapf inquired about the difference between the items included in the motion and the draft Ordinance provided in the Agenda Packet.

Mr. Haldeman stated that as drafted, the Ordinance changes the A-1, R-8, R-6 Zoning Districts to net density.

Mr. Krapf noted that he believed this was more grammatical than functional because of the parcel size for the R-6 Zoning District.

Mr. Holt stated that he was not certain that was necessarily the case for every parcel in the R-6 Zoning District.

Mr. O'Connor stated that he is concerned about effect of the net density approach on the value of a parcel in the A-1 Zoning District.

Mr. Polster asked for clarification on whether the change to net density was advertised for all Zoning Districts.

Mr. Holt stated that the change to net density was advertised for all Zoning Districts and the same ad will be used for the Board of Supervisors. Mr. Holt further stated that the draft Ordinance will go forward to the Board of Supervisors as it is currently presented, along with a recommendation for any changes recommended by the Planning Commission.

Mr. Polster stated that the Planning Commission has the ability to recommend changes to the draft Ordinance.

Mr. Haldeman stated that his intent is to recommend that the Board of Supervisors change the draft Ordinance language to be consistent with the recommendations of the Policy Committee.

Mr. O'Connor requested clarification on whether the draft Ordinance will go to the Board of Supervisors as it stands or if it will be rewritten to incorporate the changes recommended by the Planning Commission.

Mr. Holt stated that the draft language will go forward to the Board of Supervisors as currently written.

Mr. Holt requested that Mr. Haldeman recapture the Policy Committee recommendations as part of his motions.

Mr. Haldeman stated that the A-1 and R-8 Zoning Districts relies on lot size to determine density, and the Policy Committee recommended that no change be made to this method; the R-6 Zoning District also relies on lot size, to determine density, and the Policy Committee recommended that no change be made to this method; the R-1, R-2, R-3, R-4, R-5, PUD, and Residential Cluster Development Overlay Zoning Districts all currently use the stepped approach, and the Policy Committee recommended that these districts use the net density approach to calculate density; the Mixed-Use Zoning District currently uses the stepped approach and the Policy Committee that the calculations be changed to net density; the EO Zoning District currently base density on developable area, effectively a net density calculation and no changes are recommended by the Policy Committee. Mr. Haldeman stated that this is added to his motion as clarification.

Mr. O'Connor inquired if the motion could be amended to not recommend approval of the Ordinance as written and to recommend that the Ordinance language be amended to incorporate the Policy Committee recommendations as elaborated.

Mr. Haldeman stated that this was the intent of his motion.

Mr. Holt stated that under Mr. Haldeman's motion, the method of calculating density for A-1, R-8, R-6, and EO Zoning Districts would not be changed from the way it is currently calculated; within the R-1, R-2, R-3, R-4, R-5, PUD, Residential Cluster Development Overlay, and Mixed-Use Zoning Districts, the method of calculating density would be changed to net density.

Mr. Polster made some clarifications for the citizens attending the meeting.

Mr. O'Connor noted that the Board of Supervisors will make the final determination on the final language in the Ordinance.

On a roll call vote, the motion did not pass. (2-3)

Mr. O'Connor made a motion to recommend denial of the changes proposed in the draft Ordinance.

On a roll call vote, the Commission voted to recommend denial of the changes proposed in the draft Ordinance. (3-2)

Beth Klapper

From: davwhi41@gmail.com
Sent: Sunday, March 26, 2023 12:27 PM
To: Community Development
Cc: 'DOUGLAS SMITH'; davwhi41@gmail.com
Subject: [External]proposed zoning change ORD-22-0003

Importance: High

If you are going to go the trouble and expense to mail letters regarding these changes (I got 3 of them BTW) you should explain the ordinance in language that the average citizen can understand. Most of us have no idea if this is replacing an existing ordinance or supplanting it, and we have no knowledge of what the current density is, nor what all of the zoning identifiers stated in the letter. How about a paragraph that explains what you are talking about, and what the impact will be on the citizens of JCC?

James White
4197 Haymarket Ln
Williamsburg, VA 23188

Thomas Leininger

From: Heather Wilson [redacted]
Sent: Wednesday, March 29, 2023 11:45 AM
To: Planning
Cc: David Lewis
Subject: [External]Net Density Calculation Proposed Ordinance Amendment 22-0003

To Whom It May Concern:

My name is Heather Lewis and I reside with my family at 3448 Old Stage Road, Toano.

We are unable to attend the public hearing scheduled for April 5, 2023 but ask that our written comments be considered please.

My husband and I purposefully decided to live in Toano because of the rural natural of the area. Of course, we knew and expected the area to develop over time; however, it appears that during the pandemic and after development has increased at at rapid/alarming rate. We support this Ordinance amendment and any other zoning amendments that are allowed by law that allows for thoughtful and environmentally sustainable development in the area. One of the many wonderful things about this area is that one can go to one end of the County and find all kinds of shops and restaurants (with plenty of traffic) and then you can go to the other end of the County and the pace slows down (along with the traffic) and it feels rural, you see more fields with horses than anything else. It is the best of both worlds and the very thing that attracted us to our home. Please support this Amendment.

I thank you for your time and consideration of this matter.

Sincerely,
Heather Lewis

I ask that my email not be included with this comment please, but you may use my name and address

Thomas Leininger

From: Bill Valvo <whittwicky127@gmail.com>
Sent: Thursday, March 30, 2023 4:01 PM
To: Planning
Subject: [External]Comments on ORD-22-003 Proposed Amendment

We are unable to attend Wednesday's public hearing, but want to comment on teh subject propose amendment.

1. We support the proposed amendment.
2. We support greatly reducing the density of residential and commercial development in James City County to alleviate already congested roadways, reduce the load on our infrastructure, help preserve the environment, and prevent increased further crime and violence..

Respectfully,

William & Patricia Valvo
3101 Pristine Vw
Williamsburg VA 23188-2436

Date: April 5, 2023

From: Linda Rice, President of Friends of Forge Road and Toano
2394 Forge Road
Toano, VA 23168
lindarice678@cox.net

To: The Honorable Members of the James City County Planning Commission

Re: Support for ORD-22-0003: Amendments to the James City County Zoning Ordinance for the Calculation of Residential Development Density

Friends of Forge Road and Toano (F.O.R.T.) is a non-profit group founded in 2004 by concerned citizens in Upper James City County. We work with neighborhood associations and various other groups to promote the preservation of rural areas, enhance awareness of our region's historical significance, and support agri-tourism. Some of our members have served on the James City County Planning Commission, the Chesapeake Bay Board, the Wetlands Board, the James City County Historical Commission and the Purchase of Development Rights Committee.

F.O.R.T. commends the Board of Supervisors for its April 12, 2022 Initiating Resolution and for recognizing the importance of transitioning James City County to a net developable density calculation. F.O.R.T. also applauds James City County Planning Staff for their efforts in crafting these much needed revisions to the Zoning Ordinance. These revisions represent a common sense, forward-looking approach to zoning. They also help codify the stated goals of the Comprehensive Plan to accommodate reasonable growth while protecting our environment, economy, culture and quality of life.

In James City County we are blessed with many natural treasures, as set forth in the Natural and Cultural Assets Study completed last year. In fact, a large percentage (approximately 35%) of the land in James City County is

undevelopable, making James City County somewhat unique in this regard. Relying on gross acreage in density calculations has created high density pockets of development, which negatively impact the environment, traffic, schools and overall quality of life. While growth is inevitable, we believe **smart** growth, which is based on net acreage, is far preferable.

As noted in the County's March 17, 2023 public notice, the proposed Ordinance revision provides ample accommodations for existing landowners. These include, for example, allowances for family subdivisions in the A-1 and R-8 zoning districts. Also, existing residential uses are not affected.

In survey after survey, the vast majority of citizens of James City County have repeatedly affirmed their desire to maintain the character of our area. As stated in the Community Character chapter of the Comp Plan: "The County will be a good steward of the land by preserving and enhancing the scenic, cultural, rural, farm, forestal, natural, architectural, and historic qualities that are essential to the County's distinctive character, economic vitality, and overall health and quality of life of its residents."(Intro-p. 7)

We are grateful to James City County leadership for its foresight in proposing this change to our zoning ordinance. This change in the code will be appreciated in the coming years, as our citizens witness reasonable and sustainable growth in James City County. We urge that you vote yes on ORD-22-0003, and help preserve our distinctive environment and culture.

Respectfully submitted,

Linda Rice, President
Friends of Forge Road and Toano

Thomas Leininger

From: Lisa Bates <lisabates3@yahoo.com>
Sent: Friday, March 31, 2023 7:17 AM
To: Planning
Subject: [External]Comment regarding ORD 22-0003 Proposal for ordinance for calculation of residential development density

I am unable to attend the April 5th meeting where you will be discussing proposed amendments to JCC zoning for the calculation of resident development density.

I am opposed to this as it will allow more housing units per gross development area. JCC already has issues with water resources and school capacity.
Adding more density is not a good decision.

Thank you for your consideration in this matter.

Lisa Bates
4509 Misty Court
Williamsburg, VA 23185

Armani Franklin

From: Jerome Svinicki <da2sv@hotmail.com>
Sent: Saturday, April 1, 2023 7:36 AM
To: Planning
Subject: [External]Proposed Amendents zoning density

The letter used lots of codes and could have used a breakdown of the terms PUD, MUD MU etc. However, is this a change to how density is currently calculated? If so, how is density currently calculated ?

My hopes is that development be slowed as all the expansion in the country does not see infrastructure in roads etc. With the increases in my real-estate taxes, it seems like I am paying for this development and developers are not being required to update roads etc to support all this development. I don't see any major road construction projects to keep up with all this development.

Especially the 199 James Town and John Tyler road interchanges need some over passes. Maybe traffic should be addressed before the county continues on this building frenzy!

I am worried this new way to calculate density will allow developers a loop hole to pack in houses on a small section of a larger parcel that is mostly not "developable area"

Thank you for your consideration.

Jerome Svinicki
James City county resident

Armani Franklin

From: Rebecca Dubois <beckydubois5825@gmail.com>
Sent: Saturday, April 1, 2023 5:19 PM
To: Planning
Subject: [External]ORD-22-003

Dear James City County Planning Commission-

I'm writing in hopes that you will hear the pleas of this homeowner who is one of many like-minded residents of Williamsburg and Kingsmill who are very much against the development proposed by Escalante.

I moved to Kingsmill just over two years ago. I moved here because I loved the peaceful setting. To me, it was worth paying a premium for our home given the setting - well maintained homes in a bird conservation area that sets high architectural standards for its residents in order to ensure that the setting will not degrade. A perfect place to live for several years and then begin my retirement in.

I understand that the owners of our resort intend to eliminate a large amount of green space that separates our homes from the amusement park. As it stands now, Busch Gardens is a good though somewhat noisy neighbor - we hear trains, noise from the rides and fireworks - daily fireworks in July in fact. These sounds are disruptive but we coexist. Without the additional barrier the existing green space provides though, this noise will be louder and will drive many of us from our peaceful neighborhood driving home values down. I wonder what value will be paid for the new homes to be constructed in that space. Certainly, given the proximity to the park, values will be lower than those others have paid, driving property values here even lower which will degrade the tax base of course.

We love our neighborhood. We love to see the bald eagles and other beautiful birds fly overhead. We love the deer and other wildlife. We love the peacefully active community that we live in. This is why we moved here.

We will not love the excess noise that will come after so many new homes are built. We will not love the loss of the beautiful green space where we bike, walk our dogs, play with our kids. We will not love the disruption that this will cause local wildlife. All so that Escalante can squeeze a few more dollars out of their investment at our expense.

Please help us to protect our community and investments. There are so many other locations where new homes can be built - why disrupt this specific area and drive so many homeowners away?

Rebecca Dubois
125 John Browning
Williamsburg

Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F. 757-253-6822
community.development@jamescitycountyva.gov

jamescitycountyva.gov

PLANNING DIVISION

Building Safety & Permits 757-253-6626 | **Neighborhood Development** 757-253-6640 | **Planning** 757-253-6685 | **Zoning** 757-253-6671

APR 03 2023

March 17, 2023

RECEIVED

RE: ORD-22-0003. PROPOSED AMENDMENTS TO THE JAMES CITY COUNTY ZONING ORDINANCE FOR THE CALCULATION OF RESIDENTIAL DEVELOPMENT DENSITY

PLEASE NOTE

THIS PROPOSAL WILL NOT AFFECT THE USE OF EXISTING RESIDENCES

Dear Property Owner:

This letter is to inform you that the County has initiated an amendment to the Zoning Ordinance to require that a net density calculation be used for residential development in the A-1, R-1, R-2, R-3, R-4, R-5, R-6, R-8, PUD, MU and EO districts and the Residential Cluster Development overlay district. The definition of net density will be added to Section 24-2 which will state "Net density shall be calculated as the number of dwelling units divided by the developable area."

A list of frequently asked questions can be found on the reverse of this letter.

The Planning Commission of James City County, Virginia will hold a public hearing to consider ORD-22-0003 on Wednesday, April 5, 2023, at 6:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Rd., James City County, Virginia. All interested persons are invited to attend the hearing and may speak on the above application. Persons requiring an accommodation in order to participate in the hearing should call 757-253-6685, Planning Division, at least three days prior to the meeting.

If you are unable to attend the meeting or prefer to send comments in writing ahead of time, comments can be submitted to the County by mail at the address above or via email at planning@jamescitycountyva.gov.

If you have any questions, more information is available at jamescitycountyva.gov/3940 or by contacting the Planning Division at planning@jamescitycountyva.gov or 757-253-6685.

STRONGLY OPPOSED TO ANYTHING THAT INCREASES DENSITY.

S. A. Markley

109 Thomas Dale
Wmsbg. 23185

RICHMOND VA 230
1 APR 2023 PM 6 L

JAMES CITY CO.
COMMUNITY DEVELOPMENT
P.O. BOX 8784

Beth Klapper

From: stewart wetchler <swetchler@cox.net>
Sent: Wednesday, April 5, 2023 8:49 AM
To: Community Development
Cc: John McGlennon
Subject: [External]ORD-22-003

I appreciate your efforts to keep the community informed. The notice about the April5th meeting, however, is not useful for most residents.

I have no idea where the affected parcels are, as they are only designated by numbers and letters. If you truly want to inform residents, please include a map in future notices.
Alternately, at least include a link where one click will show where the parcels are, and describe the proposed changes in simple language.

Thank you very much.

Stewart Wetchler
156 West Landing
Williamsburg, VA 23185

John Risinger

From: John Risinger
Sent: Wednesday, April 5, 2023 12:28 PM
To: John Risinger
Subject: RE: [External]ORD - 22-0003 Amendments for Calculations of Residential Development

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From: Dean McClain <DMcClain@cvbia.com>
Sent: Wednesday, April 5, 2023 11:51 AM
To: Paul Holt <Paul.Holt@jamescitycountyva.gov>
Subject: [External]ORD - 22-0003 Amendments for Calculations of Residential Development

Paul-

I am writing on behalf of the Coastal Virginia Building Industry Association to express our concerns regarding the Policy Committee recommendations to significantly reduce the allowable densities in many zoning districts in the County.
As the staff report accurately states on Page 3. under Policy Considerations:
"The Land Ise Chapter of the 2045 Comprehensive Plan states that residential growth is intended to occur inside the Primary Service Area (PSA), promotes infill development and redevelopment to occur inside the PSA, and recognizes that directing development inside the PSA results in more efficient delivery of public facilities and services. A reduction in permitted densities or residential districts could reduce the residential capacity inside the PSA. With less residential capacity inside the PSA, market demands could result in growth pressure outside the PSA. While the recent amendments to lot sizes in the A-1 and R-8 Districts reduce what development could achieve outside the PSA, the rate of growth in these areas could increase.

Reducing the permitted densities could impact opportunities for workforce housing, whereas creating opportunities for workforce housing is consistent with the goals of the Workforce Housing Task Force and the Comprehensive Plan Housing Chapter and Housing Goals, Strategies and Actions. With fewer units in development, it could affect the ability of developers to offer affordable units. Additionally, ongoing costs shared among owners such as association dues could be higher than they otherwise would have been, potentially further reducing affordability for owners."

As the staff truthfully noted above, the Policy recommendation of dramatically reducing allowable densities will have an impact upon workforce or affordable housing and further exacerbate the "Crisis" that we are seeing across the Hampton Roads Region, Commonwealth, and the nation. For decades, zoning has focused too much on lot sizes, design features, fiscal impact analysis, and civic/neighborhood sentiments. Affordable or workforce housing never was given a major thought even though each locality competes for new jobs/industries/companies to locate within their borders. A properly planned and managed community is dependent upon having a mix of affordable rental and owner-occupied units if it truly wants to have a community for all generations.

We strongly urge the Planning Commission to table this recommendation and to work with the shelter industry for a compromise approach such as the **Alternative Method – Stepped** as provided in the packet. We stand ready to work with the Planning Commission and Board of Supervisors on this effort.

Best,

Dean McClain
Government Relations Director
Coastal Virginia Building Industry Association
CVBIA

5041 Corporate Woods Dr S245
Virginia Beach, VA 23462
757.305.9061- office + fax
757.407.1342 (cell)

Heidi A McCormick
8 Monument Drive
Williamsburg, VA 23185
(216) 210-6277
heidi.mccormick@gmail.com

4th April 2023

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

Subject: ORD-22-0003, Calculation of Residential Density,

Dear Planning Commissioners: O'Connor, Rodgers, Polster, Haldeman , Krapt, Rose and Null

First of all, thank you for sending a notice about proposed amendments to the zoning ordinance via mail. I would not have been aware of this proposal otherwise. I am unable to attend the public hearing on April 5th due to a prior commitment.

As a homeowner in James City County, I am concerned about changes to zoning ordinances. These decisions have an effect on both quality of life and home value. I experienced this first hand when Dollar General built a new store at 7115 Merrimac Trail.

While many of the documents on the website are highly detailed with discrete information and specifications, I believe I am adequately informed to comment on overarching goals that are important to me as a resident. These are listed below.

1. Reduce the negative impact on our environment caused by over populations and deforestation. This results in the following:
    a. poor air and water quality
    b. noise pollution
    c. soil erosion and
    d. reduced biodiversity.

2. Reduce the strain on our regional infrastructure
    a. Reduce new residential and commercial property development.

b. Provide incentives for businesses to retool, repurpose current vacant structures.
c. Work in partnership with surrounding municipalities to achieve goals.

Tourism and education are key economic drivers for our region. And both strain our natural environment and infrastructure. It is a delicate balancing act for the planning and zoning to support these economic opportunities while limiting other growth in order to maintain a healthy balance for its residents. Residents and local businesses must go the extra mile to ensure our region protects our natural resources and maintains sufficient infrastructure for all. Your work in community development and planning to update the county's zoning and subdivision ordinances is critical to the success of our county and our shared future.

Thank you for your diligent efforts and consideration.

Sincerely,

Heidi McCormick

John Risinger

From: Hunter Taylor <taylorh81@yahoo.com>
Sent: Wednesday, April 5, 2023 12:25 PM
To: Michael Hipple
Cc: Paul Holt; Richard Krapf; John Risinger
Subject: [External]Proposed Amendments to the James City Count Zoning Ordinance For the Calculation of Residential Development

Mr. Hipple - I hope this email finds you well. My name is Hunter Taylor. My family (wife, daughter-11 years old, daughter-9 years old and son - 3 years old) reside at 999 Jolly Pond Road. I am reaching out because I would like to coordinate a time to speak with you about the amendment going before the Planning Commission this evening: ORD -22 -0003 regarding calculation of residential development density.

I look at this proposed ordinance from two different but equally important perspectives: 1) as a large property owner, conservationist, outdoor enthusiast and aquacultural farmer (farm raising oysters on the Eastern Shore of VA and 2) as a homebuilder/developer that believes in home ownership and the benefits homeownership offers to individuals, families and society at large.

These perspectives generate thoughts and concerns, which I shared with John Risinger yesterday and separately during a very nice conversation with Commissioner Krapf.

Putting the actual proposed ordinance itself aside for a moment, the fact this is going before the Planning Commission tonight seems premature and looks akin to the County trying to shove a decided policy based on personal agendas down the citizens throats as quickly as possible. This is as a significant proposal with far reaching impacts. I, along with many other neighbors and citizens, first learned about this proposal via a notice letter I received this past Friday, March 31st and as I am sure you can understand, four days it's not enough time to adequately research, reflect and provide thoughtful, fact-based input during tonight's public hearing.

Nonetheless, recognizing the limitations of my personal abilities for being able to postpone the public hearing of this ordinance, I have attempted to educate myself on both the origin of the initiating resolution and the exact problem this proposal is trying to solve. As part of this effort, I have also tried to review any due diligence and research conducted by County staff, thinking there would be substantive information on hand for and provided to both the Planning Commission and BOS to make well informed, data driven decisions. Perhaps I have overlooked information that does exist, but I don't believe that's the case and because of this I am aghast at the lack of information, background data or supporting information available. I do know if a private citizen or company were bringing forward an SUP or similar request, they would be required to provide a litany of studies and supporting data to staff before a public hearing would be scheduled. In my view, the County has the same responsibility when bringing forward a proposal of its own and at minimum has the responsibility as representatives of its constituents to be able to articulate the County's reasoning for this proposed policy.

Moreover, I am unclear on what is the basis or reasoning for this proposed amendment. After watching the March 8, 2022 BOS meeting Mr. Icenhour brought forward an Initiating Resolution request asking staff to look into the net density calculation. I am not oblivious to the fact that as Supervisors, these types of requests are brought forward based on conversations you all have with constituents outside of BOS meetings; however, the only reason Mr. Icenhour speaks to during the March 8th meeting was that based on data provide by staff 35% of the County can be classified us undevelopable and that he viewed the current policy of having a percentage of undevelopable acreage added to the overall parcels as being a policy that incentivizes higher development on our more environmental sensitive lands and we need to limit the impact on these sensitive areas. Leaving me unable to understand how his statement about 35% of the County being undevelopable is connected to the density calculations of parcels under the current policy.

Is Mr. Icenhour of the belief that developable land is environmentally sensitive? Is the County simply trying to further limit growth? What is the right growth/density in developable areas that doesn't create environmental impacts to adjacent environmentally sensitive areas? What data proves this? There are too many questions and not enough answers around this proposal and again as both a large property owner deeply concerned about environmental protections but also a homebuilder deeply concerned about the housing crisis and affordability issues making housing out of reach for too many Americans, this is an issue the County needs to get right.

Lastly, I know the tone of this email may come across slightly adversarial. Please know that is not the intent but what I cannot hide is the conviction and passion I have for these topics and the growing concerns I have as I continue to watch the County take siloed approaches towards land use policies. The issues at hand are hard, they are complex, but they are solvable. They require sophisticated solutions and input from all stakeholders. For the sake of other hard-working James City County families just like mine, please get this right. Let's all work harder to find a way to protect our natural assets in the County but also allow other James City County families the opportunity of owning a home in our wonderful County.

Again, I'd very much like to speak with you via phone or in person at your convenience.

Thanks

Hunter Taylor

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE:	5/9/2023
TO:	The Board of Supervisors
FROM:	Jose Ribeiro, Senior Planner II; Suzanne Yeats, Planner
SUBJECT:	ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	1. Ordinance, Strikethrough Version	Ordinance
🗋	Ordinance, Clean Version	Exhibit
🗋	3. Board of Supervisors' Initiating Resolution, April 12, 2022	Exhibit
🗋	4. Unapproved Minutes from the April 5, 2023, Planning Commission Meeting	Minutes
🗋	5. Unapproved Minutes from the February 9, 2023, Policy Committee Meeting	Minutes
🗋	6. Unapproved Minutes from the December 8, 2022, Policy Committee Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 2:17 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 2:17 PM
Publication Management	Daniel, Martha	Approved	4/21/2023 - 3:15 PM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:12 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:56 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:02 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

M E M O R A N D U M

DATE: May 9, 2023

TO: The Board of Supervisors

FROM: Jose R. Ribeiro, Senior Planner II/Landscape Planner
Suzanne Yeats, Planner

SUBJECT: ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

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At its meeting on April 12, 2022, the Board of Supervisors adopted an Initiating Resolution to consider possible amendments to the James City County Zoning Ordinance regarding community recreation facilities (Attachment No. 2). Currently, the James City County Zoning Ordinance defines recreation facilities and further classifies them as being either "commercial" or "community" and is written as follows:

- Recreation facility, Commercial. *A place designed and equipped for the conduct of leisure-time activities, sports, or other customary and usual recreation activities and which is operated as a business.*
- Recreation facility, Community. *A place designed and equipped for recreational activities by the inhabitants of a residential or mixed-use project and which is operated for noncommercial purposes by a developer, homeowners association, nonprofit organization, or a governmental agency.*

It has come to staff's attention that at least one neighborhood's community recreation facility is being used by group and team sports not affiliated with the neighborhood. Such additional group and team sport use does bring with it the potential for impacts such as increased vehicular traffic, noise, lighting, and a duration of use not commonly found with typical neighborhood facilities. The purpose of the Initiating Resolution and this Ordinance amendment would be to classify community recreation facilities with recurring use by outside entities as a Specially Permitted Use, allowing public input, analysis, and mitigation of impacts, as determined.

In the existing Zoning Ordinance, community recreation facilities are a permitted use in most Residential and Mixed Use Districts as shown in the table below:

DISTRICT	Permitted	SUP
A-1, General Agricultural		SUP
R-1 Limited Residential	P	
R-2, General Residential	P	
R-3, Residential Redevelopment	P	
R-4, Residential Planned Community	P	
R-5, Multifamily Residential	P	
R-6, Low Density Residential	P	
R-8, Rural Residential		SUP
PUD, Planned Unit Development	P	
MU, Mixed Use	P	
EO, Economic Opportunity	P	

Staff analyzed the Zoning Ordinance and other parts of the County Code as it relates to Recreation Facilities, Commercial and Community, and presented their findings to the Policy Committee at its meeting on December 8, 2022. During the discussion, the Policy Committee requested further investigation and provided a list of questions to be addressed (questions below with staff's responses in italics):

- How widespread is the problem? How many complaints have been received? Are homeowners associations (HOAs) handling the problem?

Complainants	**Is an HOA present in the related neighborhood?**	**Are there other entities present in this neighborhood?**	**HOA or other entity actions in response to complaint(s).**
1	*No*	*Yes, a Recreation Association. The complainant was not a member of the Recreation Association.*	*There is not an HOA in this neighborhood. County staff is not able to comment on actions taken by the Recreation Association.*
Summary of Issues Presented by the Complainant			
-Recreation facility being used by outside recreation groups and also for non-recreational uses (fundraisers, private parties, other organizations). -Parking outside facility parking areas (on streets). -Increased traffic, vehicles making unsafe traffic movements. -Safety issue for residents and children from increased traffic generally and also specifically in terms of children crossing to a bus stop. -Neighborhood children unable to use the facility due to outside group use. -Lack of information to neighborhood residents about activities and schedules. -Ownership of the recreation facility not by the neighborhood but by an outside group whose members did not live in the neighborhood, perceived lack of accountability to neighbors. -Noise.			

- How would the proposed amendment be enforced?

  The Zoning Administrator is empowered to administer and enforce the requirements of the Zoning Ordinance.

- What specific activities would be covered? Sports? Weddings? Card Games?

  Staff would evaluate each proposal based on the language of the Ordinance. If the draft language under consideration were adopted, staff would evaluate whether the recreation facility "included the recurring use of by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located." Key considerations would be one-time versus recurring use, and whether the make-up of the team, organization, or other entities using the facility on a recurring basis were primarily residents (50% or greater) of the neighborhood the facility is located in.

- What conditions would apply to the Special Use Permit (SUP)?

  Conditions would vary on a case-by-case basis; staff would review each case and work to mitigate impacts such as noise, visual impact, or traffic. Staff would also review the duration of the proposed use and the location of use: i.e., indoor clubhouse, outdoor athletic fields, swimming pools, etc. (See additional discussion under the next question.)

Are there other ways to handle this problem if it is a problem?

There are some general regulations or resources that may be pertinent to issues noted above and they include:

- *Noise. The County has noise regulations in Section 15-20 which are written to address "excessive noise" and would apply in residential zoned districts or areas.*
- *Lighting. The County has standards for lighting in the Zoning Ordinance that are designed in part to limit light trespass. Unless they pre-dated the Ordinance, recreation facilities would be built in accordance with these standards, and any new lighting would require a site plan amendment to demonstrate compliance.*
- *Parking. The County has standards for minimum numbers of parking space within the Zoning Ordinance. New or expanded facilities would require site plans that demonstrate compliance with the minimum number of spaces required.*
- *Structure Height. Each zoning district has height limitation standards.*
- *Parking on Streets. The County has a mix of private streets and public streets. For public streets, Section 13-36 permits the County Administrator to restrict or prohibit parking upon County-maintained roads and streets, and roads part of the state secondary system within the County, and may designate the time, place, and manner vehicles may be allowed to park.*
- *Unsafe Driving. The Police Department is able to assist in monitoring and enforcing traffic laws.*

Staff is not aware of existing regulations that would apply to issues directly related to the following:

- *The exact nature of use of a recreation facility;*
- *Duration of use of a recreation facility (either daily hours of operation or number of months per year);*
- *Resident/non-resident status of use of a recreation facility;*
- *Evaluation of the volume of traffic in relation to a particular road and its capacities/geometry; and*
- *Visual impacts of the facility (other than height and lighting described above).*

Recommendation

On February 9, 2023, the Policy Committee reviewed the information provided by staff and found that, overall, the issue was a very infrequent problem and would require substantial staff oversight; and that there are perhaps easier ways to handle issues involving community recreation facilities. The Policy Committee unanimously recommended by a vote of 4-0 that the Planning Commission not recommend adoption of this Ordinance amendment unless the problem becomes more frequent.

Staff presented the proposed Ordinance at the April 5, 2023, meeting of the Planning Commission. On a roll call vote, the Planning Commission voted to not recommend approval of ORD-22-0004 to the Board of Supervisors by a vote of 5-0 (Mr. Rodgers and Mr. Rose were absent).

There have been no proposed changes since the April Planning Commission meeting.

JRR/SY/md
ORD22-4ZOACommRec-mem

Attachments:
1. Ordinance, Strikethrough Version
2. Ordinance, Clean Version
3. Board of Supervisors' Initiating Resolution, April 12, 2022
4. Unapproved Minutes from the April 5, 2023, Planning Commission Meeting
5. Unapproved Minutes from the February 9, 2023, Policy Committee Meeting
6. Unapproved Minutes from the December 8, 2022, Policy Committee Meeting

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328 PERMITTED USES AND SECTION 24-329 USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24.536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, by amending Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-238, Permitted uses and Section 24-329 Uses permitted by special use permit only; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use List; Division 15, Mixed Use, MU, Section 24-518, Use list; and Division 17, Economic Opportunity, EO, Section 24-536.4 Use List.

Chapter 24. Zoning

Article V. Districts

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

In the limited residential district, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

In the general residential district, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

In the residential redevelopment district, R-3, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Parks, playgrounds, golf courses, ~~*tennis courts, swimming pools and other public or private recreational facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities public or private, which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Parks, playgrounds, golf courses, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities public or private, which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

In the multifamily residential district, R-5, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 7. Low Density Residential District, R-6

Sec. 24-328. Permitted uses.

In the low density residential district, R-6, structures to be erected or land to be used shall be for the following uses:

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*

Sec. 24-329. Uses permitted by special use permit only.

In the low density residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	*P*	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, ~~*swimming pools, ball fields, tennis courts, and other similar recreation facilities*~~ *and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.*	*P*	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		*SUP*

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

ORD22-4AmdCRF-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, USE LIST; DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, USE LIST; DIVISION 4.1, RESIDENTIAL REDEVELOPMENT DISTRICT, R-3, SECTION 24-273.2, USE LIST; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-305, USE LIST; DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6, SECTION 24-328 PERMITTED USES AND SECTION 24-329 USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY, EO, SECTION 24.536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, by amending Division 3, Limited Residential District, R-1, Section 24-232, Use list; Division 4, General Residential District, R-2, Section 24-252, Use list; Division 4.1, Residential Redevelopment District, R-3, Section 24-273.2, Use list; Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 6, Multifamily Residential District, R-5, Section 24-305, Use list; Division 7, Low Density Residential District, R-6, Section 24-238, Permitted uses and Section 24-329 Uses permitted by special use permit only; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use List; Division 15, Mixed Use, MU, Section 24-518, Use list; and Division 17, Economic Opportunity, EO, Section 24-536.4 Use List.

Chapter 24. Zoning

Article V. Districts

Division 3. Limited Residential District, R-1

Sec. 24-232. Use list.

In the limited residential district, R-1, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 4. General Residential District, R-2

Sec. 24-252. Use list.

In the general residential district, R-2, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 4.1. Residential Redevelopment District, R-3

Sec. 24-273.2. Use list.

In the residential redevelopment district, R-3, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Parks, playgrounds, golf courses, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities public or private, which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Parks, playgrounds, golf courses, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities public or private, which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 6. Multifamily Residential District, R-5

Sec. 24-305. Use list.

In the multifamily residential district, R-5, structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 7. Low Density Residential District, R-6

Sec. 24-328. Permitted uses.

In the low-density residential district, R-6, structures to be erected or land to be used shall be for the following uses:

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.

Sec. 24-329. Uses permitted by special use permit only.

In the low density residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which are primarily used by residents of the neighborhood within which the facility is located.	P	
	Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, and athletic facilities including but not limited to swimming pools, ball fields, tennis courts, and other similar recreation facilities which include the recurring use by a team, organization, or other entity who are not primarily residents of the neighborhood within which the facility is located.		SUP

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO CONSIDER POSSIBLE AMENDMENTS REGARDING COMMUNITY

RECREATION FACILITIES IN RESIDENTIAL DISTRICTS

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider possible amendments regarding community recreation facilities in residential districts. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
ICENHOUR	✓			
HIPPLE	✓			
LARSON				✓
SADLER	✓			
MCGLENNON	✓			

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of April, 2022.

InitConsCommRecFac-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Mr. José Ribeiro, Senior Planner, stated that at its meeting on April 12, 2022, the Board of Supervisors adopted an Initiating Resolution to consider amendments to the James City County Zoning Ordinance regarding community recreation facilities. Mr. Ribeiro stated that currently, the County's Zoning Ordinance defines recreation facilities and further classifies them as being either "commercial" or "community."

Mr. Ribeiro stated that staff understands that at least one neighborhood's community recreation facility is being used by group and team sports not affiliated with the neighborhood. Mr. Ribeiro further stated that such additional group and team sport use does bring with it the potential for impacts such as increased vehicular traffic, noise, lighting, and a duration of use not commonly found with typical neighborhood facilities.

Mr. Ribeiro stated that the purpose of this Ordinance amendment would be to classify community recreation facilities with recurring use by outside entities as a Specially Permitted Use, allowing public input, analysis, and mitigation of impacts, as determined.

Mr. Ribeiro stated that at its meeting on December 8, 2022, the Policy Committee discussed the proposed amendment and requested address several questions including how widespread is the problem, how many complaints have been received, and if Homeowners Associations (HOA) are handling these issues.

Mr. Ribeiro stated that at its meeting on February 9, 2023, the Policy Committee reviewed and discussed the information provided by staff and found that, overall, the issue was a very infrequent problem and would require substantial staff oversight; and that there are perhaps easier ways to handle issues involving community recreation facilities. Mr. Ribeiro stated that the Policy Committee recommended by a vote of 4-0 that the Planning Commission not recommend adoption of this Ordinance amendment unless the problem becomes more frequent.

Mr. Polster opened the Public Hearing.

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

Mr. Haldeman stated that the Policy Committee was not eager to create yet another Ordinance to be enforced. Mr. Haldeman stated that many of the concerns can be addressed through existing Ordinances for noise, parking, etc.

Mr. O'Connor noted that there was only one complaint submitted and that this would be a wide sweeping measure to address a small issue. Mr. O'Connor stated that requiring an SUP for public

use of community recreation facilities would be a bit of an overreach into the operations of an HOA.

Mr. Haldeman noted that existing facilities would be able to continue as non-conforming uses and, therefore, an ordinance amendment would not address concerns related to these facilities.

Mr. Haldeman made a motion to not recommend approval of the Ordinance amendment.

On a roll call vote, the Commission voted to not recommend approval of ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts. (5-0)

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 9, 2023
4:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Present:
Jack Haldeman, Chair
Rich Krapf
Tim O'Connor
Frank Polster

Staff:
Ellen Cook, Principal Planner
Jose Ribeiro, Senior Planner II/Landscape Planner
Suzanne Yeats, Planner
Terry Costello, Senior Planner
Andrea Case, Community Development Assistant
Liz Parman, Deputy County Attorney
Margo Zechman, Senior Budget and Accounting Analyst
Cheryl Holland, Budget Manager, Financial and Management Services
Christopher Johnson, Director of Economic Development
Tammy Rosario, Assistant Director of Community Development

C. MINUTES

There were no minutes.

D. OLD BUSINESS

1. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Ms. Yeats presented the staff report, stating that staff had addressed questions from the Policy Committee meeting on December 8, 2022. These questions included how widespread the problem was; how the new Ordinance would be enforced; what specific activities would be addressed by the language; what conditions would be included in special use permits (SUPs); and whether there are different ways to address concerns. Ms. Yeats summarized the information presented in the staff report.

Mr. Haldeman asked a question about enforcement authority if a neighborhood facility is used by citizens who live outside a neighborhood, in a circumstance where there is no homeowners association (HOA).

Ms. Yeats stated that if the neighborhood had a recreation association, that would likely be a matter for them.

Mr. Haldeman, Mr. Krapf, and Ms. Yeats discussed the possibility of this being considered

trespassing and if police would be able to assist in this situation., with Ms. Yeats also noting that some neighborhoods have their own police or security arrangements.

Mr. Haldeman stated that the matter before them was a situation where an outside group had been given permission to use a facility on a recurring basis.

Ms. Yeats confirmed.

Mr. Krapf asked for more information about staff's response to the Policy Committee's question about what conditions would apply to a potential SUP and expressed concern about the amount of work that would be involved in developing appropriate conditions, particularly when there are a number of existing regulations that address many of the potential issues.

Mr. Krapf, Ms. Yeats, and Ms. Cook discussed that the conditions would depend on whether the Ordinance moved forward, and if it did, then the conditions would depend on the specifics of the case and the analysis and studies done for the SUP - for example, one facility might trigger the need for roadway improvements, while another might not.

Mr. Krapf asked for confirmation that there had been a total of one complaint.

Ms. Yeats confirmed.

Mr. Krapf stated that a response to the Board could be that the Policy Committee had examined this issue and a draft approach to address it, should it become a more frequent issue, but that at this point in time it appears to be a rare and isolated issue and the Committee would not recommend making an Ordinance change at this point.

Mr. Haldeman and Mr. Polster concurred.

Mr. Polster stated that the swim club in Kingswood involved in the complaint had been a 501(c) since 1971. Mr. Polster stated that membership in this group was open for anyone to join, and that their calendar was posted. He stated that he did not think that the concerns related to swim meets, such as some parking on adjacent streets or noise, were significant issues as they would happen infrequently.

Mr. O'Connor noted that there are a number of similar swim clubs in the County. He questioned how, in circumstances where the club is open to the community or to a group of neighborhoods (as in the case of Kingswood), the County could define 50% of a neighborhood as specified in the draft Ordinance language. He stated his concern that this approach was overreaching by telling HOAs how to manage their recreation facilities.

Mr. Haldeman summarized the discussion, stating that the Committee had reviewed the information provided by staff and found that the issue was a very infrequent problem and would require substantial staff oversight. He stated that the Committee would recommend not moving forward with an Ordinance amendment unless the problem became more frequent.

The Committee concurred.

Mr. O'Connor added his strong concern that if the Ordinance is adopted, the County would end up in the middle of internal HOA strife.

Ms. Cook advised the Committee that at the Planning Commission stage, staff would attach draft Ordinance language. The Committee's recommendation to not move forward with Ordinance adoption would be in the staff report, but the language would be available, should the Commission or Board of Supervisors wish to move forward.

The Committee and staff discussed next steps for this item.

E. NEW BUSINESS

1. Fiscal Year 2024-2028 Capital Improvements Program Review

Ms. Costello presented the staff report, stating the number of applications submitted by the various departments. Ms. Costello provided an overview of the Capital Improvements Program (CIP) review process.

Mr. Polster asked about how the process the Committee is going through relates to the list of CIP projects included in budget document from last year, since staff and the Board had already made decisions about items moving forward. He noted that the General Services building has funding shown for FY23 and FY24, as an example, and asked why the Committee would be including this project in the prioritization process.

Ms. Holland described the budget process the County uses, noting that the first year is adopted, while the second year is a framework year and items may be reconsidered.

Mr. Polster stated that it seemed that if a project was funded in FY23, that the County would certainly fund it in FY24. In addition, if there is already a plan for floating a bond for certain projects, and he questioned whether there is a purpose in revisiting those projects.

Ms. Holland stated that depending on input on the projects from the Committee in relation to Comprehensive Plan consistency, paired with updated information on funding resources and other considerations, there could still be changes to what had been planned, if directed by the Board.

Mr. Polster noted that the Board made the final decision on what projects are funded, and that projects may be funded by the Board that are at the bottom of the Committee's prioritization.

Ms. Holland stated that another factor was the availability of General Services Department staff to administer the projects.

Mr. Polster asked about the CIP projects included in the budget that were not reviewed by the Policy Committee and questioned the prioritization process if not all projects are included.

Ms. Holland asked if he was referring to the capital maintenance items.

Mr. Polster confirmed. He stated that his point was to ask why they were ranking repeat or already funded projects versus just the new ones.

Ms. Holland stated that would be a change in the process but could be considered.

Ms. Cook noted that a larger change in the process would likely be a discussion for a future year.

Mr. Krapf asked if the capital maintenance projects had been included in previous years, and if the Committee at some point had decided not to review them.

Ms. Cook and Ms. Holland confirmed.

Mr. Haldeman asked about the expected facility life for several projects and whether it would be appropriate for the ones with the longer facility life be handled through bonds. He noted this

would relate the use of the facility to the people who are in the community using it. He noted the low interest rates and the benefit of front-loading projects, as well as the economies of scale that could be achieved by consolidating projects.

Ms. Holland described the process Financial and Management Services Department goes through in consulting with financial advisors on especially the larger and more expensive projects.

Mr. Haldeman and Ms. Holland discussed the County's debt load.

Mr. Krapf asked about American Rescue Plan Act (ARPA) funds and its use for capital projects.

Ms. Holland stated that all ARPA funds have been allocated by the Board. Ms. Holland stated that the items included in the CIP list are items that are not fully funded by ARPA, although some of the projects included may have a piece or a phase funded by ARPA.

Mr. Polster asked about Brickyard Landing.

Ms. Holland stated that Parks & Recreation has been reprioritizing its projects. She stated that some projects may have been shown as funded in FY23 with ARPA funds; however, there have been discussions about whether to continue to move forward with those Parks & Recreation projects that had been previously selected, or whether to switch to other projects in order to meet ARPA timeline requirements (the need to complete projects by 2026), and that some changes had been made.

Mr. Polster and Ms. Holland further discussed the ARPA funds and how it related to the CIP projects on the list.

Ms. Cook asked the Committee for the feedback on whether it had questions for the various Departments that had submitted applications. Ms. Cook asked about whether there were questions for County Administration for the consolidated campus application.

Mr. Haldeman confirmed and stated he would send his questions to staff.

Mr. Polster stated that he had a question for this application as well as some of the General Services applications regarding the inclusion of solar energy in the design of County and Williamsburg-James City County (WJCC) Schools facilities. He recommended that the County include sustainability and renewable energy considerations in facility designs. He recommended considering a solar farm on the 504 acres at the County landfill for sustainability reasons and financial reasons.

Ms. Cook stated that these questions could be passed along to the Departments and asked if there were other questions for Administration.

Mr. Haldeman stated that he had sent questions to Mr. Jason Purse, Assistant County Administrator, via email.

Mr. O'Connor stated he had questions that were partially for Administration and partially for General Services regarding the need for office and other spaces described in the applications. Mr. O'Connor suggested efficient consolidation of services to best serve County citizens, such as Chesterfield County. Mr. O'Connor asked about co-locating a library at the planned consolidated campus in order to create a walkable community with good transportation access.

Ms. Cook stated that Mr. Purse may be able to address considerations for the consolidated campus, including any possibly library co-location. Ms. Cook asked if the Committee had questions for Community Development staff, either for transportation or open space.

In relation to the transportation match application, Mr. Haldeman recommended considering widening Blow Flats Road at the same time that improvements are made to Pocahontas Trail. Mr. Haldeman noted that he would share the responses he received from Ms. Rosario on the open space application with the other Committee members.

Ms. Cook asked if there were questions on the Economic Development application.

Mr. Polster stated that he had two questions, one about the matching funding for one of the projects, and one about the Tier ranking status. Mr. Polster stated that it appeared that the Stonehouse project had received FY23 funding.

Ms. Cook asked if there were questions for the Fire Department application.

Mr. Haldeman stated that he had several, which he had sent to staff and would forward to the Committee. Mr. Haldeman stated that one of his questions was about the entrance design for the new station.

Mr. Polster noted that the older station had very low clearance for the ladder trucks, which can slow them down as they are leaving.

Mr. Haldeman asked about the status of Fire Station 6.

Ms. Costello confirmed with Mr. Krapf that he had a question for the Fire Department as well.

Ms. Cook asked about the General Services applications, stating that some questions for General Services had already been discussed, and asking if there were any additional questions.

Mr. Haldeman asked if the architectural study from 2014 was still valid or needed to be updated.

Mr. O'Connor asked, in relation to the stormwater applications, if the County owned the dam in Mirror Lakes.

Mr. Polster confirmed and described the history of that project.

Mr. Polster discussed the General Services building application, noting that renewable energy needs to be part of the initial design and engineering considerations for County facilities, as the feasibility to include this component is decreased or eliminated if considered later. Mr. Polster noted that renewable energy and sustainability considerations are part of the Comprehensive Plan.

Ms. Costello referred to a question that Mr. Krapf had sent asking if the General Services building could be included in the new consolidated campus.

Mr. Krapf confirmed that he wondered if that was possible or if there would be reasons these facilities could not be located together and recalled that there had been some feedback from General Services that operational needs would not be compatible. He asked for some additional information on what the adverse impacts would be to General Services if they were to be located within the campus.

Ms. Cook asked if there were questions on the Parks & Recreation applications.

Mr. Polster stated that he would like more information about funding for the various Parks and Recreation projects. He expressed support for the Lower County Park application.

Mr. Haldeman asked why the Lower County Park project needed to wait until the Pocahontas Trail project moves forward, as stated in the application. He noted his concerns about equity of access to parks within the County.

Mr. Polster asked what the use of the Abram Frink Jr. Community Center would be after Lower County Park is in place, and whether it would become a library. He noted that there was a separate application for a lower County library.

Ms. Cook asked if the Committee had questions for the Police firing range application.

Mr. Haldeman asked for an update on what has been done so far.

Ms. Holland stated that the additional fund request may be due to cost increases associated with inflation.

Ms. Cook asked if there were questions on the WJCC Schools applications.

Mr. Polster stated his questions regarding the Bright Beginnings program, the implications for school classroom usage, bus times, and overall capacity issues in the elementary schools. He asked for updated documentation. He also asked for information about the plans for cafeteria expansion and how that matched or did not match redistricting plans and considering a bond.

Ms. Cook asked if there were questions on the Social Services application.

The Committee did not have questions.

Ms. Cook asked if the Committee had questions on the Library applications.

Mr. Haldeman stated he did not have questions, and that he was unable to rank the project until a decision has been made on the location.

Mr. Polster asked what the County Administrator and officials in the City of Williamsburg decided. Mr. Polster stated that it was his understanding that the City of Williamsburg was planning to put the library in the old Police building and that funding had already been allocated. He stated that he felt the City of Williamsburg had indicated its direction, and that inclusion of funds in the out years of the County's CIP was puzzling since the location is unknown and no decision has been made.

Mr. O'Connor stated that unless the Library has an update on a decided location, the situation remains the same as in past years and he is not able to rank it either.

Ms. Cook asked if the Committee had questions on the other Library applications.

Mr. Polster stated that he did have questions about the other Library applications, including the plan for the lower County.

Ms. Costello asked the Committee to forward questions to her as soon as possible and she will provide them to the Departments in advance.

Mr. Polster noted that Mr. Krapf would not be in attendance at upcoming CIP meetings and

asked if he was comfortable with the rankings he had provided.

Mr. Krapf confirmed, stating that he was familiar with many of the projects from previous years. Mr. Krapf stated that he respected the Committee's judgement and any adjustments to the final order that the Committee might deem appropriate.

The Committee concluded discussion of the CIP agenda item.

Mr. Krapf asked to return to discussion of the Community Recreation Facilities Agenda item. Mr. Krapf asked for clarification from Mr. O'Connor about this desired next step for this item.

Mr. O'Connor stated that his desire was that the item not move forward from the Committee to the full Planning Commission but acknowledged that the staff needed to address the Board's Initiating Resolution. He stated that he would not support this Ordinance change at the Commission level and that, given the Committee concerns, it seemed like a wasted effort on staff's part, should the Board eventually reconsider.

The Committee discussed concerns with enforcing the Ordinance and the staff time that would be involved, as well as impacts to the overall community if there are restrictions on recreation facility uses.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 5:14 p.m.

Mr. Jack Haldeman, Chair

Mr. Paul Holt, Secretary

M I N U T E S
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 8, 2022
4:00 PM

A. CALL TO ORDER

Mr. Frank Polster called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:
Jack Haldeman, Chair (participated remotely)
Rich Krapf
Tim O'Connor
Frank Polster

Staff:
Josh Crump, Principal Planner
Ellen Cook, Principal Planner
Suzanne Yeats, Planner
Jose Ribeiro, Senior Planner II/Landscape Planner
Thomas Wysong, Senior Planner II
Christy Parrish, Zoning Administrator
Andrea Case, Community Development Assistant
Liz Parman, Deputy County Attorney

Mr. Rich Krapf made a motion to allow Mr. Haldeman to participate remotely. The motion passed 3-0.

C. MINUTES

There were no minutes.

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

Ms. Suzanne Yeats stated that on April 12, 2022, the Board of Supervisors initiated a resolution to consider Zoning Ordinance amendments regarding community recreation facilities in residential districts. Staff has become aware of some community neighborhood recreational facilities being used by groups and team sports not affiliated with the neighborhood. Ms. Yeats stated that recreational facilities as currently defined does bring with it the potential for impacts such as increased vehicular traffic, noise, and a duration of use not typically found with neighborhood facilities. She stated that the purpose today was to discuss the Initiating Resolution and the potential ordinance amendment to classify community recreation facilities with reoccurring use by outside entities as a specially permitted use.

Mr. Jack Haldeman stated, just to clarify, that the discussion was to review ordinance amendments, which would require a Special Use Permit for uses at community recreational facilities, in any residential neighborhood, by a group not affiliated with the neighborhood.

Mr. Jose Ribeiro confirmed that was correct.

Ms. Ellen Cook clarified that it would be for a recurring use by those groups.

Mr. Frank Polster asked the question as to why the County would want to regulate neighborhood facilities. He also asked if this was an issue currently, and how widespread it might be.

Ms. Christy Parrish answered that there have been instances where groups outside the neighborhood have used neighborhood facilities or modified neighborhood facilities for their use. Some uses are beyond the normal seasonal use. She stated that some neighbors have expressed concerns about the impacts from these groups using these facilities, as well as the groups monopolizing the use of the facilities. She further stated that it has caused impacts to the adjacent properties. Ms. Parrish stated that there is an instance where one group is essentially operating at the facility year-round and the citizens that live near the facility have expressed concerns about traffic and noise.

Mr. Polster asked if this community has an active homeowners association (HOA).

Ms. Parrish answered that the community has an HOA where membership is not mandatory.

Mr. Polster asked if the HOA had a contractual relationship with the outside group.

Ms. Parrish answered that she did not know but staff was looking at this issue generally, as groups look to utilize neighborhood facilities.

Mr. Polster stated that the HOA should have purview over the use of the facilities, and as such should have some responsibility with regards to the contract and what the specifics are. He stated for example, if the use is for year-round, then the HOA should have some control.

Ms. Parrish answered that staff was reviewing this County-wide, not just in this one specific case.

Mr. Polster stated that it appeared that there was a problem in this one case, and it was unclear as to if it is a County-wide problem. He is not in favor of changing the Ordinance because an HOA might not be enforcing its regulations.

Mr. Haldeman asked whether the HOA has the authority to not permit outside groups from using its facilities.

Ms. Parrish answered that if the HOA oversees the facility, it has the authority to allow and not allow groups to use its facility.

Mr. Haldeman asked if this use by outside groups is occurring with the knowledge of the HOA, why is this a problem for the County?

Ms. Parrish answered that there are some community facilities that are not being operated solely with just the residents of that community.

Mr. Haldeman stated that most community facilities are installed by some entity and maintained and governed by some entity, such as an HOA. That HOA can allow or not allow groups to

use its facility.

Ms. Parrish answered that there could be instances where a resident of the neighborhood lives near the facility, and is not part of the HOA, and the HOA has granted a group permission to use the facility that now has changed the nature of the use. In that instance, that neighbor may or may not have a say regarding the impacts of that group.

Mr. Timothy O'Connor stated that the neighboring resident does have a choice in that they can join the HOA and express their concerns, or they choose not to participate.

Mr. Polster added that these facilities require maintenance and some facilities such as pools can be expensive. He stated that it is important to give those facilities the opportunity to generate additional income for maintenance. He also stated that in some neighborhoods where pools exist and a swim meet is taking place, there are a lot of impacts such as traffic and noise.

Mr. Haldeman asked if this discussion would apply to those neighborhoods who hold swim meets and other groups/neighborhoods come to participate.

Mr. O'Connor answered that is the challenge. The challenge is where do you draw the line with groups attending and/or using neighborhood facilities. He stated that it has been his experience that no other jurisdictions regulate this kind of use.

Mr. Krapf asked if this change was for recreational uses only. There are some neighborhoods that have restaurants. He stated that these restaurants are open to the public and generate traffic. He believed that it should be the responsibility of the HOA or entity that oversees renting out the facility. Mr. Krapf mentioned the beekeeping and chicken keeping Ordinances where it may be permitted in the County's Ordinance, but an HOA might not allow it. In these cases, the HOA rules would prevail. He feels that there would be some inconsistency when comparing the County regulating uses in beekeeping/chicken keeping (with regards to HOAs) and the County regulating uses for community facilities.

Ms. Parrish stated that the intent is not to take away the HOA's responsibilities or privileges or how it operates its facility. The intent is to require an SUP when groups or organizations that are not part of that neighborhood use the facility when the use has changed. The use is changing from a community recreation facility to more of an outward non-neighborhood facility.

Mr. Polster felt that this was problematic since it could not be demonstrated that there is a problem that needs to be solved. He felt that the County should not be involved when the HOA or non-HOA entity is running its own facility.

Mr. O'Connor stated that it would be difficult to draw the line. He stated that the County requires these neighborhood facilities, he does not feel the County should tell the neighborhoods how to operate them. The enforcement is the responsibility of the HOA or non-HOA board of directors. He further stated that State Law allows homeowners to adopt reasonable rules and regulations for use of those facilities.

Ms. Parrish stated that staff was trying to bring some flexibility when a) trying to determine when there is an issue and what is a community facility and its purpose; and b) when does it change to something else. staff is not trying to prevent small groups or teams coming to the facility to participate with a neighborhood. She stated that this is trying to address when organizations come in and take over 50% or more of the facility that has a reoccurring use, and it is no longer a neighborhood facility.

Mr. Kraft expressed his concerns that requiring an SUP for this use does not necessarily correct this issue, it just adds a legislative process. He stated that the process could become convoluted without solving the problem. He felt that it was unclear as to what circumstances an SUP would be required and how conditions would be applied.

Ms. Parrish clarified that this process would be for a reoccurring use.

Mr. O'Connor asked if a facility was used on a regular basis for certain events, scheduled for example by an event planner, would this qualify for an SUP.

Ms. Parrish answered that in that instance, an organization is not trying to take over a facility and change the use per se.

Mr. Polster stated that if abuse is occurring at these neighborhood facilities, then the HOA or non-HOA entity needs to be responsible for that.

Ms. Cook stated that if the Committee does not support the proposed changes that can be reflected in the minutes, and that the Committee could forward its recommendation to the full Planning Commission.

Mr. Haldeman stated that he could not support the recommendation as made by staff due to the reasons the Committee has stated previously.

Ms. Parrish asked if there were any zoning districts that could be recommended for a change.

Mr. Haldeman answered no.

Mr. Polster concurred with Mr. Haldeman.

Mr. O'Connor stated the complainants are not part of the HOA that brought up this complaint. He stated that the complainant could file a complaint based on the Lighting and Noise Ordinance.
Mr. Polster added that maybe staff should look at alternatives.

Mr. Haldeman asked for a motion.

Mr. Krapf felt that the Committee was not ready to make a motion.

Mr. Polster added that he is not supportive of this change. Mr. Polster requested more information as to how widespread of a problem this is. He also added it would be helpful to know if this is occurring in neighborhoods with an HOA or in those neighborhoods that do not have an HOA. He also asked if the neighborhoods do have HOAs, are the HOAs doing anything about the issues. Mr. Polster asked if there were any other alternatives to address these issues other than amending the Ordinance.

Ms. Cook stated that it was her understanding that it was one set of complaints.

Mr. Krapf stated that it would be helpful to know how widespread the problem is.

Ms. Parrish stated that it was only one complaint that staff has received.

Mr. Haldeman clarified that the Committee has asked for 1) staff to evaluate the extent of the problem; 2) determine if there are other ways to solve the problem; 3) determine the nature of the problem.

Mr. O'Connor stated that he had concerns on how this amendment would be written so that it could be enforceable.

Mr. Krapf added that it would be interesting to get feedback from any HOAs in the County.

Staff agreed to come back with the information requested.

Mr. O'Connor expressed his appreciation to staff for the information that has been provided and further stated that he understands that staff was directed to research and review these changes.

F. ADJOURNMENT

Mr. Polster made a motion to Adjourn.

The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:40 p.m.

Mr. Jack Haldeman, Chair

Mr. Paul Holt, Secretary

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE:	5/9/2023
TO:	The Board of Supervisors
FROM:	Christy H. Parrish, Zoning Administrator
SUBJECT:	ORD-23-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Ordinance Strikethrough Version	Ordinance
🗋	Ordinance Clean Version	Ordinance
🗋	Citizen Correspondence	Exhibit
🗋	Initiating Resolution	Exhibit
🗋	Unapproved Minutes from the April 5, 2023, Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 8:56 AM
Development Management	Holt, Paul	Approved	4/21/2023 - 8:57 AM
Publication Management	Pobiak, Amanda	Approved	4/21/2023 - 9:33 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:13 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:57 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:00 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

M E M O R A N D U M

DATE: May 9, 2023

TO: The Board of Supervisors

FROM: Christy H. Parrish, Zoning Administrator

SUBJECT: ORD-23-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

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At its meeting on January 24, 2023, the Board of Supervisors adopted an Initiating Resolution to consider possible amendments to the James City County Zoning Ordinance (the "Ordinance") to require vape and smoke shops to obtain a Special Use Permit (SUP) (Attachment No. 3).

Staff has received numerous calls from citizens regarding vape and smoke shops in the County. Specifically, citizens have voiced concerns over the location of these shops in close proximity to schools and the Toano Commercial Historic District. Additionally, staff has received complaints of noncompliant lights on the exterior of windows or buildings and of individuals smoking outside the retail store near other places of business.

Uses listed in each Zoning District are either permitted by-right or permitted by an SUP. The SUP process allows the Planning Commission and the Board of Supervisors to consider whether a proposed establishment will adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will impair the character of the district or adjacent districts, will be incompatible with the Comprehensive Plan of James City County, will likely reduce or impair the value of buildings or property in surrounding areas, and whether such establishment or use will be in substantial accordance with the general purpose and objectives of the Ordinance.

The current Ordinance generally permits vape and smoke shops under the retail and service stores use category which includes tobacco and pipes stores. Retail sales of tobacco and pipes are permitted by-right in the R-4, Residential Planned Community, LB, Limited Business, B-1, General Business, M-1, Limited Business/Industrial, PUD, Planned Unit Development, MU, Mixed Use, and EO, Economic Opportunity Districts.

Additionally, retail stores and shops are defined as "buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following which will serve as illustration: Drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop."

Staff is aware of the following existing retail shops in the County:

1. Williamsburg Tobacco Outlet 1	5601 Richmond Road
2. Williamsburg Tobacco Outlet 2	5251 John Tyler Highway
3. Williamsburg Tobacco Outlet 3	240 McLaws Circle
4. Palace One Stop Shop	4385 Ironbound Road
5. Vape Zone	4854 Longhill Road
6. Déjà Vu Smoke Shop	5242 Olde Towne Road
7. Super Tobacco and Vapes	6528 Richmond Road
8. Super Smoke and Vape	7828 Richmond Road
9. Havana Connections	4920 Courthouse Street

Staff understands that the purpose of the Initiating Resolution and this Ordinance amendment is to define and classify vape and smoke shops as a standalone specially permitted use and ensure all associated or accessory uses are addressed.

Should the Ordinance be amended to specially permit vape and smoke shops, the existing stores will become nonconforming. Section 24-629 of the Ordinance (Continuation of nonconforming uses) states that "a nonconforming use may continue as it existed when it became nonconforming provided however, if any nonconforming use is discontinued for a period of two years, it shall lose its nonconforming status and any further use shall be required to conform to the provisions of this chapter."

In January 2023, the City of Williamsburg amended its Zoning Ordinance to require vape and smoke shops obtain an SUP in various commercial districts. Staff surveyed several other localities and found that most permit vape and smoke shops as a general retail use.

Staff presented materials at the March 9, 2023, meeting of the Policy Committee and recommended the following changes to the Ordinance to address this directive:

- Add new definitions for vape/smoke shops and vape/smoke lounges within Section 24-2, Definitions.
- Amend the existing "retail stores and shop" definition to exclude vape/smoke shops and vape/smoke lounges within Section 24-2, Definitions.
- Remove "tobacco and pipe" from the retail and service stores use category in the R-4, Residential Planned Community, LB, Limited Business, B-1, General Business, M-1, Limited Business/Industrial, PUD, Planned Unit Development, MU, Mixed Use, and EO, Economic Opportunity Districts.
- Add vape/smoke shop and vape/smoke lounge as a specially permitted use in the R-4, Residential Planned Community, LB, Limited Business, B-1, General Business, M-1, Limited Business/Industrial, PUD, Planned Unit Development, MU, Mixed Use, and EO, Economic Opportunity Districts.

The Policy Committee voted to recommend approval of the proposed changes to the Planning Commission with a few minor additions. Furthermore, the Policy Committee also discussed that it would favor including a compliance review condition to any future SUP request similar to short-term rentals to address any noncompliant activity.

Staff presented the proposed Ordinance at the April 5, 2023, meeting of the Planning Commission. The Planning Commission recommended approval of the Ordinance to the Board of Supervisors by a vote of 5-0 (Mr. Rodgers and Mr. Rose were absent).

Recommendation

Staff recommends that the Board of Supervisors approve the attached Ordinance.

CHP/ap
ORD23-1AmdVpeSmk-mem

Attachments:
1. Ordinance Strikethrough Version
2. Ordinance Clean Version
3. Citizen Correspondence
4. Initiating Resolution
5. Unapproved Minutes from the April 5, 2023, Planning Commission Meeting

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY DISTRICT, EO, SECTION 24-536.4, USE LIST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; and by amending Article V, Districts, by amending Division 5, Residential Planned Community District, R-4, Section 24-281, Use list; Division 9, Limited Business District, LB, Section 24-368, Use list; Division 10, General Business District, B-1, Section 24-390, Use list; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Use list; Division 14, Planned Unit Development Districts, PUD, Section 24-493, Use list; Division 15, Mixed Use District, MU, Section 24-518, Use list; and Division 17, Economic Opportunity District, EO, Section 24-536.4, Use list.

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services ~~(but specifically exclusive of coal, wood and lumber yards)~~ such as the following which will serve as illustration: Drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique shop and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty shop. *For purposes of this definition, the following uses are excluded: coal, wood and lumber yards, vape/smoke shop, and vape/smoke lounge.*

Vape/smoke shop. A retail establishment that sells cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products, such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids. Drug stores, retail food stores, grocery stores and convenience stores, the primary purpose of which is to sell goods and services other than those listed above, shall not be considered vape or smoke shops even if the above referenced goods are offered for sale.

Vape/smoke lounge. Any public or private establishment that allows persons to gather for the purpose of using cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids.

ARTICLE V. DISTRICTS

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, ~~tobacco and pipes~~, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, health and beauty aids, home appliance, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, ~~tobacco and pipes~~, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, ~~tobacco and pipes~~, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, ~~tobacco and pipes~~, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, ~~tobacco and pipes~~, toys, travel bureau, upholstery, wearing apparel and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, ~~tobacco and pipes~~, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, ~~tobacco and pipes~~, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		*SUP*

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

ORD23-1AmdVpeSmk-ord

ORDINANCE NO._____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS AND BY AMENDING ARTICLE V, DISTRICTS, BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-281, USE LIST; DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, USE LIST; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, USE LIST; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, USE LIST; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, PUD, SECTION 24-493, USE LIST; DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-518, USE LIST; AND DIVISION 17, ECONOMIC OPPORTUNITY DISTRICT, EO, SECTION 24-536.4, USE LIST.

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ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

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Vape/smoke shop. A retail establishment that sells cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products, such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids. Drug stores, retail food stores, grocery stores and convenience stores, the primary purpose of which is to sell goods and services other than those listed above, shall not be considered vape or smoke shops even if the above referenced goods are offered for sale.

Vape/smoke lounge. Any public or private establishment that allows persons to gather for the purpose of using cigars, tobacco, and/or tobacco products, such as, but not limited to cigars, pipe tobacco, roll-your-own supplies, herbal and wax vaporizers, and glassware; hookah and water pipes; cannabis and/or hemp products such as, but not limited to Cannabidiol (CBD); and/or e-cigarettes and associated equipment, such as, but not limited to vape batteries, coils, and e-liquids.

ARTICLE V. DISTRICTS

Division 5. Residential Planned Community District, R-4

Sec. 24-281. Use list.

In the residential planned community district, R-4, structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift, and photography stores	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 9. Limited Business District, LB

Sec. 24-368. Use list.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, all buildings or structures to be erected or land to be used shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, health and beauty aids, home appliance, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, toys, travel bureau agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 10. General Business District, B-1

Sec. 24-390. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gift, gourmet foods, greeting cards, handicrafts, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, office supply, optical goods, paint, pet, photography, picture framing, plant supply, secretarial services, shoes, sporting goods, stamps, tailor, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 11. Limited Business/Industrial District, M-1

Sec. 24-411. Use list.

Reference section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliance, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet, picture framing, plant supply, shoes, sporting goods, stamps, tailor, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 14. Planned Unit Development Districts, PUD

Sec. 24-493. Use list.

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, greeting card, ice cream, jewelry sales and service, locksmith, music and records, pet, picture framing, shoe, sporting goods, stamp, tailor, toys, travel bureau, upholstery, wearing apparel and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 15. Mixed Use, MU

Sec. 24-518. Use list.

In the mixed use districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

Division 17. Economic Opportunity, EO

Sec. 24-536.4 Use list.

In the economic opportunity districts, all structures to be erected or land to be used, shall be for the following uses:

Use Category	Use List	Permitted Uses	Specially Permitted Uses
Commercial Uses	Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plan supply, shoe, sporting goods, stamp, tailor, toys, travel bureau, upholstery, wearing apparel, and yard goods	P	
	Vape/smoke shop and vape/smoke lounge		SUP

TOANO HISTORICAL SOCIETY

P.O. Box 433
Toano, VA 23168

PLANNING DIVISION

JAN 26 2023

RECEIVED

January 18, 2023

Paul Holt, Director, Community Development/Planning
James City County Community Development
PO Box 8784
Williamsburg, VA 23187

Dear Mr. Holt:

Toano Historical Society is a non-profit organization and Main Street America Affiliate. Our Mission is to: Inspire a new sense of community spirit, Promote interest in our history and Preserve our small town character.

We are dismayed to learn a by right vape shop will be opening in the old Hooker's Bait and Tackle at 7828 Richmond Road, on Toano's main street. This is not the type of business the community wants considering its proximity to Toano Middle School and the Toano Commercial Historic District.

Recently, according to a Virginia Gazette article, the Williamsburg City Council approved an amendment requiring certain retail uses such as vape and smoke shops to obtain a special use permit requiring public hearings. **We urge you, the James City County Board of Supervisors, to adopt a similar amendment to the JCC Zoning Ordinance.**

In light of recent improvements along Toano's Historic Corridor: the opening of hohl restaurant, the cleanup of distressed properties where the Toano Open Air Market is held, and the ongoing restoration of other properties, we seek the support of James City County on this matter.

Respectfully,

Jack Wray

Jack Wray
President, Toano Historical Society

c: JCC Board of Supervisors Members
Christy Parrish, Zoning Administrator
THS Board Members

MAIN STREET AMERICA
2022 Affiliate

Toano Historical Society is a 501c3 non-profit organization established in 2018, dedicated to inspiring a sense of community spirit, promoting interest in our community, and preserving our small town character.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

TO CONSIDER POSSIBLE AMENDMENTS REGARDING THE USE LIST OF THE

LIMITED BUSINESS, LB, GENERAL BUSINESS, B-1, LIMITED BUSINESS/INDUSTRIAL,

M-1, PLANNED UNIT DEVELOPMENT, PUD, MIXED USE, MU, ECONOMIC

OPPORTUNITY, EO, AND THE RESIDENTIAL PLANNED COMMUNITY, R-4, DISTRICTS

TO REQUIRE VAPE/SMOKE SHOPS TO OBTAIN A SPECIAL USE PERMIT

WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning, in order to consider possible amendments regarding the Use List of the Limited Business, LB, General Business, B-1, Limited Business/Industrial, M-1, Planned Unit Development, PUD, Mixed Use, MU, Economic Opportunity, EO, and the Residential Planned Community, R-4, Districts to require vape/smoke shops to obtain a Special Use Permit. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	✓			
ICENHOUR	✓			
MCGLENNON	✓			
LARSON	✓			
HIPPLE	✓			

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of January, 2023.

InitConsULVape-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

ORD-23-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops

Ms. Christy Parrish, Zoning Administrator, stated that on January 24, 2023, the Board of Supervisors adopted an Initiating Resolution to consider possible amendments to the James City County Zoning Ordinance to require vape and smoke shops to obtain an SUP.

Ms. Parrish stated that staff has received numerous calls from citizens regarding vape and smoke shops in the County. Ms. Parrish stated that, specifically, citizens have voiced concerns over the location of these shops in close proximity to schools and the Toano Commercial Historic District. Ms. Parrish further stated that staff has received complaints of non-compliant lights on the exterior of windows or buildings and of individuals smoking outside the retail store near other places of business. Ms. Parrish noted that staff is aware of nine existing retail shops in the County.

Ms. Parrish stated that staff understands that the purpose of the Initiating Resolution and this Ordinance amendment is to define and classify vape and smoke shops as a standalone specially permitted use and ensure all associated or accessory uses are addressed.

Ms. Parrish stated that uses listed in each Zoning District are either permitted by-right or permitted by an SUP. Ms. Parrish stated that the current Ordinance generally permits vape and smoke shops under the retail and service stores use category which includes tobacco and pipes stores.

Ms. Parrish stated that retail sales of tobacco and pipes are permitted by-right in the R-4, Residential Planned Community, LB, Limited Business, B-1, General Business, M-1, Limited Business/Industrial, PUD, Planned Unit Development, MU, Mixed Use, and EO, Economic Opportunity Districts.

Ms. Parrish stated that should the Ordinance be amended to specially permit vape and smoke shops, the existing stores will become non-conforming. Ms. Parrish further stated that Section 24-629 of the Zoning Ordinance states that "a nonconforming use may continue as it existed when it became nonconforming provided however, if any nonconforming use is discontinued for a period of two years, it shall lose its nonconforming status…."

Ms. Parrish stated that the City of Williamsburg amended its Zoning Ordinance in January 2023 to require vape and smoke shops obtain an SUP in various commercial districts. Ms. Parrish stated that staff surveyed several other localities and found that most permit vape and smoke shops as a general retail use.

Ms. Parrish stated that staff presented materials at the March 9, 2023, meeting of the Policy Committee and recommended the following changes to the Ordinance to address this directive:

- Add new definitions for vape/smoke shops and vape/smoke lounges within Section 24-2, Definitions.

- Amend the existing “retail stores and shop” definition to exclude vape/smoke shops and vape/smoke lounges within Section 24-2, Definitions.
- Remove “tobacco and pipe” from the retail and service stores use category in the R-4, LB, B-1, M-1, PUD, MU, and EO Districts.
- Add vape/smoke shop and vape/smoke lounge as a specially permitted use in the R-4, LB, B-1, M-1, PUD, MU, and EO Districts.

Ms. Parrish stated that the Policy Committee voted to recommend approval of the proposed changes to the Planning Commission with a few minor additions. Ms. Parrish further stated that the Policy Committee also discussed that they would favor including a compliance review condition to any future SUP requests similar to short-term rentals to address any non-compliant activity.

Ms. Parrish stated that staff recommends that the Planning Commission recommend approval of the Ordinance to the Board of Supervisors.

Mr. Polster inquired about language for SUP conditions.

Ms. Parrish stated that the SUP conditions would be drafted for each SUP application.

Mr. Polster opened the Public Hearing.

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

Mr. Krapf made a motion to recommend approval of the Ordinance amendment.

On a roll call vote the Commission voted to recommend approval of ORD-23-0001. Amendments to the Zoning Ordinance Regarding Vape and Smoke Shops. (5-0)

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0021. 8401 Hicks Island Road Tourist Home

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	Staff Report from the January 10, 2023, Board of Supervisors Meeting	Exhibit
🗋	Location Map	Exhibit
🗋	General Location Map	Exhibit
🗋	Master Plan	Exhibit
🗋	Exhibit of 8401 Hicks Island Road	Exhibit
🗋	Applicant Narrative	Backup Material
🗋	Approved Minutes from the December 7, 2022 Planning Commission Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/24/2023 - 7:51 AM
Development Management	Holt, Paul	Approved	4/24/2023 - 7:51 AM
Publication Management	Pobiak, Amanda	Approved	4/24/2023 - 9:03 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:57 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:00 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

SPECIAL USE PERMIT-22-0021. 8401 Hicks Island Road Tourist Home
Staff Report for the May 9, 2023, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Stuart Evans, Evans Construction, Inc.
Landowner:	Mr. Chris Adickes
Proposal:	To allow for a tourist home rental of an entire four-bedroom home. The owner lives on a different property nearby.
Location:	8401 Hicks Island Road
Tax Map/Parcel No.:	0910100024A
Property Acreage:	± 7.7 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	December 7, 2022, 6:00 p.m.
Board of Supervisors:	January 10, 2023, 5:00 p.m. (Postponed)
	May 9, 2023, 5:00 p.m.

SUMMARY STAFF RECOMMENDATION

At its meeting on January 10, 2023, the Board postponed action on this item until the May 9, 2023, pursuant to the applicant's request. There have been no updates or changes since the January 10, 2023, Board of Supervisors meeting. Staff has received a request from the applicant to defer this application to the July 11, 2023, Regular Meeting. However, if the Board of Supervisors wishes to consider this application, staff continues to recommend denial. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

TC/md
SUP22-21_8401HickIsTH

Attachments:
1. Resolution
2. Staff Report Board of Supervisors Meeting January 10, 2023
3. Location Map
4. General Location Map
5. Master Plan
6. Exhibit of 8401 Hicks Island Road
7. Applicant Narrative
8. Approved Minutes of the December 7, 2022, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-22-0021. 8401 HICKS ISLAND ROAD TOURIST HOME

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Stuart Evans of Evans Construction, Inc. has applied for an SUP to allow for the operation of a tourist home within a single-family dwelling located at 8401 Hicks Island Road, further identified as James City County Real Estate Tax Map Parcel No. 0910100024A (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on December 7, 2022, recommended denial of Case No. SUP-22-0021 by a vote of 5-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0021; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-22-0021 as described herein with the following conditions:

1. *Master Plan*. This SUP shall permit a tourist home on property located at 8401 Hicks Island Road and further identified as James City County Real Estate Tax Map Parcel No. 0910100024A (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-22-0021, 8401 Hicks Island Road Tourist Home" and date stamped October 6, 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 four (4) bedrooms available for rent to visitors and no more than eight (8) 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. *Compliance Review*. On or before November 28, 2025, the owner of the Property must submit a letter to the Director of Planning requesting either continuance or cancellation of the SUP. If the owner requests cancellation of the SUP or does not submit the required letter, the Director of Planning shall initiate proceedings for the Board of Supervisors to revoke the SUP pursuant to section 24-12 of the County Code. If the owner of the Property requests continuance of the SUP, the owner must also submit a statement certifying that the use and Property are in compliance with all SUP conditions. The Director of Planning shall then prepare a memorandum setting forth any and all complaints received by staff since issuance of the SUP and any violations of the SUP conditions. The Director of Planning shall place the compliance review on the Board of Supervisors' February 2026 Board meeting as a Public Hearing item at no cost to the Property owner. Following the public hearing, the Board of Supervisors shall determine whether to initiate proceedings to revoke the SUP due to incompatibility with the surrounding neighborhood, violation of the SUP conditions, or any other reason related to the health, safety, and welfare of the community or may instead set a new compliance review date.

8. *Severance Clause*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

_____

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May 2023.

SUMMARY FACTS

Applicant:	Mr. Stuart Evans, Evans Construction, Inc.
Landowner:	Mr. Chris Adickes
Proposal:	To allow for a tourist home rental of an entire four-bedroom home. The owner lives on a different property nearby.
Location:	8401 Hicks Island Road
Tax Map/Parcel No.:	0910100024A
Property Acreage:	± 7.7 acres
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	December 7, 2022, 6:00 p.m.
Board of Supervisors:	January 10, 2023, 5:00 p.m.

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. Lot sizes in the A-1, General Agricultural District, are larger than in other more densely populated residential areas. The size of the lot, the location along the water, and the existing vegetation provide screening and buffering to most adjacent properties.

4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Staff finds the proposal is not fully consistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

2. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Per the Impact Analysis noted below, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Level of Service (LOS) for roads or other public services. While staff believes that this location is generally considered appropriate for this use, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

PLANNING COMMISSION RECOMMENDTION

At its December 7, 2022, meeting, the Planning Commission recommended denial of this application by a vote of 5-1. (Mr. O'Connor absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

Condition No. 7 was added for Compliance Review.

PROJECT DESCRIPTION

Mr. Stuart Evans of Evans Construction, Inc. has applied for a Special Use Permit (SUP) to allow for a short-term rental of an existing four-bedroom house as a tourist home. The house is located on a neighboring property to the owner's primary residence. 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." The proposed conditions limit the number of bedrooms available for rental to a maximum of five bedrooms.

The property has an existing driveway that takes access from a private road. The road is owned in several pieces by the various abutting parcel owners (see Attachment No. 5). There is an existing parking area that is sufficient to accommodate guests. The four-bedroom home is on private well water and a private sewer system. In previous tourist home applications, staff calculated the number of occupants to be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per contract, including children, is eight.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the residence that was built in 2010.

- Information was discovered that the Property was being listed as a short-term rental. A notice of violation was sent to the owner in August 2022. The owner has since removed the listing and applied for an SUP to operate a tourist home (short-term rental).

- A complaint was also filed with the Stormwater and Resource Protection Division concerning work occurring within the wetlands and Resource Protection Area. Staff determined that there are several violations to Chapter 23, Chesapeake Bay Preservation Ordinance and Chapter 8 of the County Code, Erosion and Sediment Control Ordinance. Staff is currently working with the applicant and the owner of the Property to remedy the violations.

SURROUNDING ZONING AND DEVELOPMENT

- The property is not located within any major or minor subdivision. The properties surrounding this parcel to the north, south, and east are all zoned A-1, General Agricultural. The property's west side is along Diascund Creek and the properties across the water are in New Kent County.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	No Mitigation Required	- The proposal is not anticipated to generate traffic exceeding a typical residential use. - The subject property is located on a private road owned in several pieces by various abutting parcel owners. The public right-of-way ends at the intersection of the private road and Hicks Island Road.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
Public Safety	No Mitigation Required	- Fire Station 1 on Forge Road serves this area of the County and is approximately 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.
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	- The property is served by a private well and private septic system. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the Diascund Creek Watershed.	Mitigated	- 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.
Cultural/Historic	No Mitigation Required	- The subject property has been previously disturbed and has no known cultural resources on-site.
Nearby and Surrounding Properties	Mitigated	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
Community Character	No Mitigation Required	- Neither the private road nor Hicks Island Road is a Community Character Corridor, and this parcel is not located within a Community Character Area.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN

The site is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. All surrounding properties are designated Rural Lands.

Per the adopted Comprehensive Plan, appropriate primary uses includes traditional agricultural and forestal activities, but also innovative agriculture, horticulture, silviculture, specialty or niche farming, commercial and noncommercial equine opportunities, agri-tourism, rural-based public or commercial recreation, rural-support businesses, and certain public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Staff finds this use to generally fit within these categories as nearby lodging options which could support agri-tourism and eco-tourism uses in Rural Lands.

Per the adopted Comprehensive Plan language, uses in Rural Lands should reflect and enhance the rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas, and maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and uses. As mentioned earlier in this staff report, the property owner has cleared trees and vegetation within sensitive areas. These activities are a violation of:

1. James City County Code ("County Code") Chapter 23, Chesapeake Bay Preservation Ordinance.

2. County Code Chapter 8, Article I, Erosion and Sediment Control Ordinance.

3. County Code Chapter 8, Article II, Stormwater Management Ordinance.

However, none of these violations are related to the proposed short-term rental use.

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services.

Specific to short-term rentals, the adopted Comprehensive Plan states that, 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 Rural Lands 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.

- Be located on a major road.

  This property fronts on a private road owned in several pieces by the various abutting owners. Access to the private road is taken from Hicks Island Road which is a local 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 property currently lives on a neighboring property.

STAFF RECOMMENDATION

Per the Impact Analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. While staff believes that this location may be considered appropriate for this use, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors approve this application, staff has included proposed conditions for consideration (Attachment No. 1).

TC/md
SUP22-21_8401HickIsTH

JCC SUP-22-0021
8401 Hicks Island Rd Tourist Home

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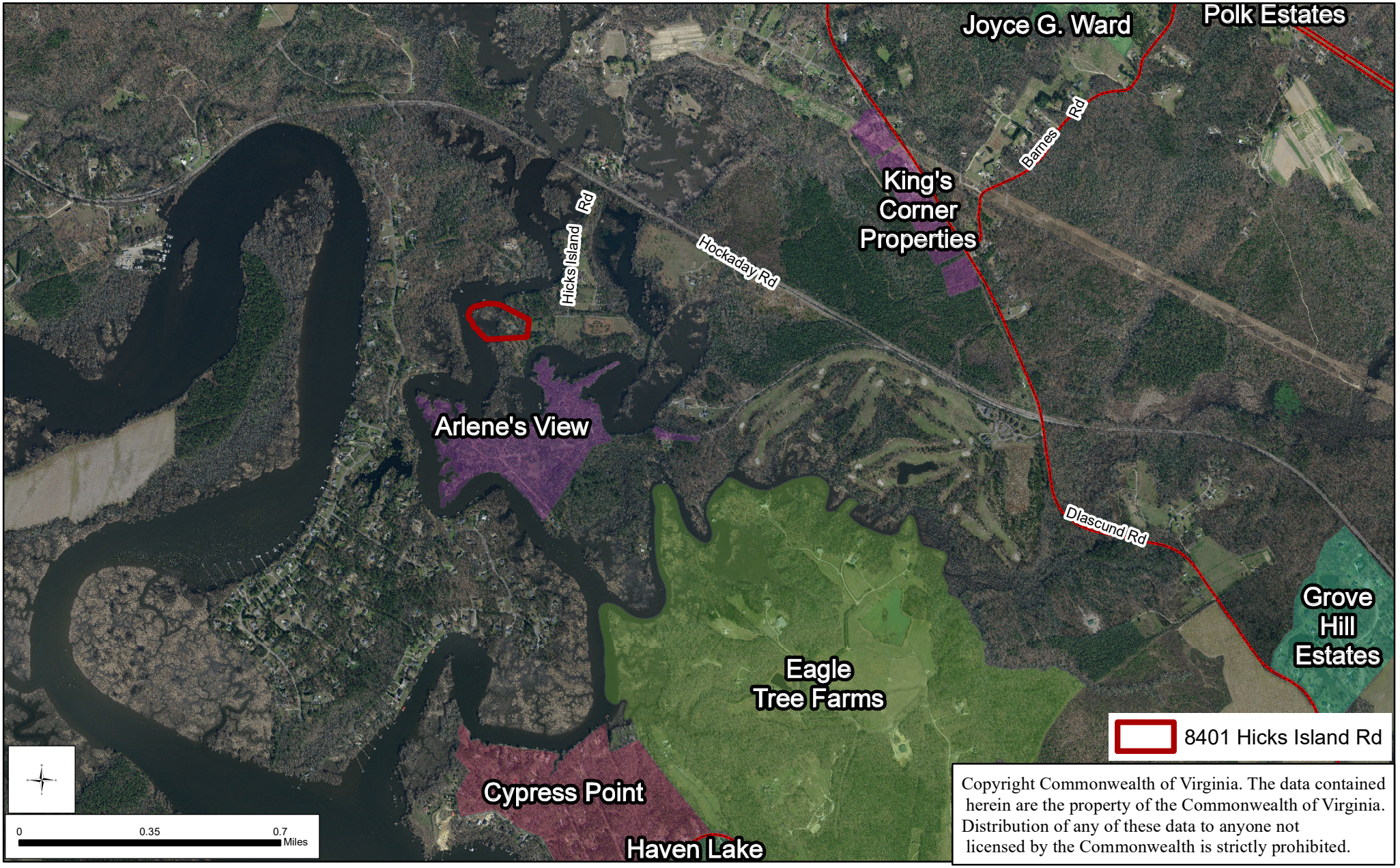
JCC SUP-22-0021
8401 Hicks Island Rd Tourist Home



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JCC SUP-22-0021
8401 Hicks Island Road Tourist Home

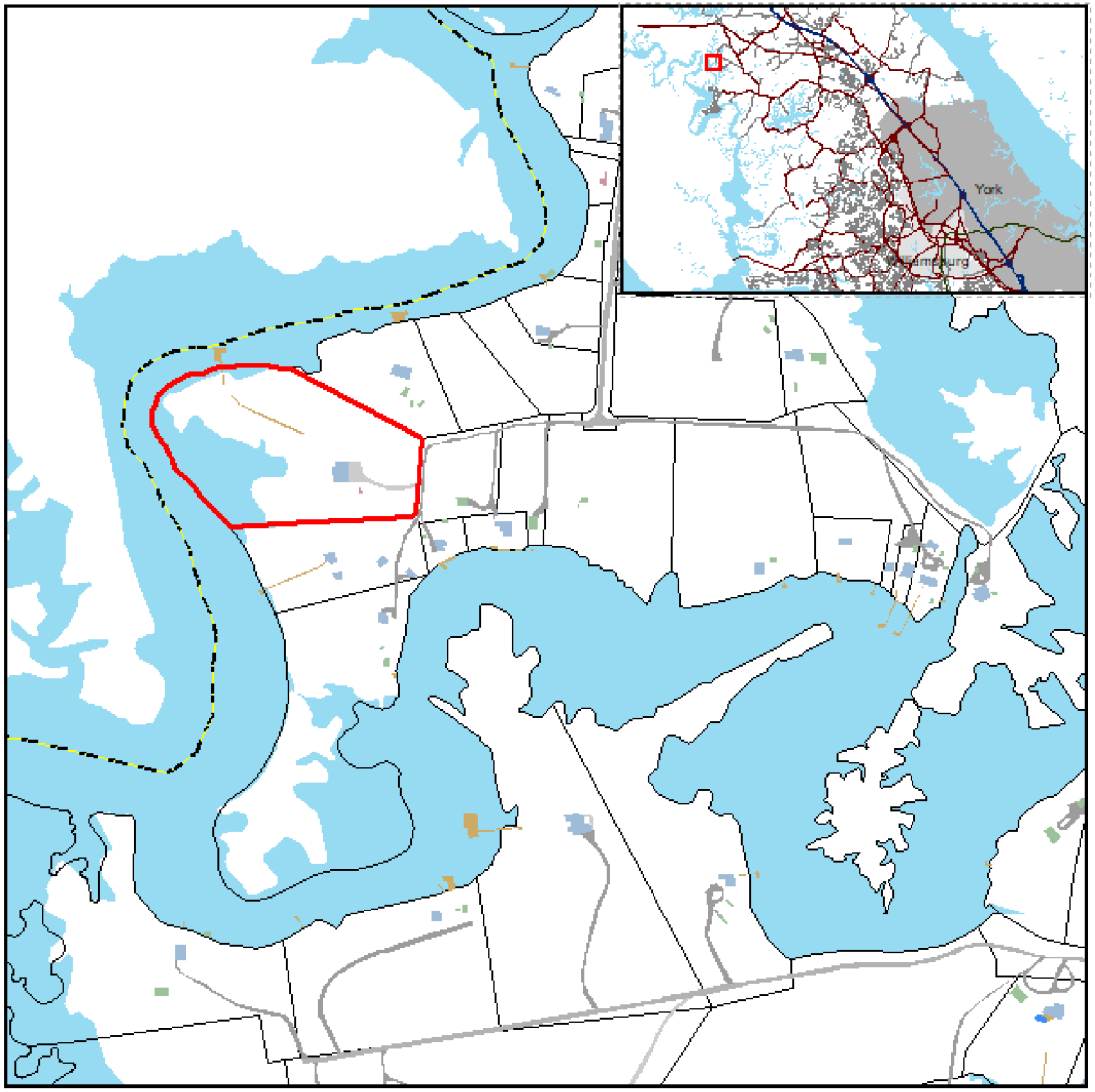
Property Information
0910100024A
Chris Adickes
8401 Hicks Island Rd
Lanexa, VA 23089
Zoning: A1 General Agricultural
2045 Comp Plan: Rural Lands
Legal Acreage: 7.7

General Notes
1. Site is not served by public water and sewer.
2. Property is partially located in the FEMA Flood Zone AE.
3. Property contains Resource Protected Area.
4. Property does have an existing driveway.

Sheet Index

1. Cover Page
2. Location Map
3. Additional Information
4. Concept Plan

October 6, 2022



Adjacent Properties

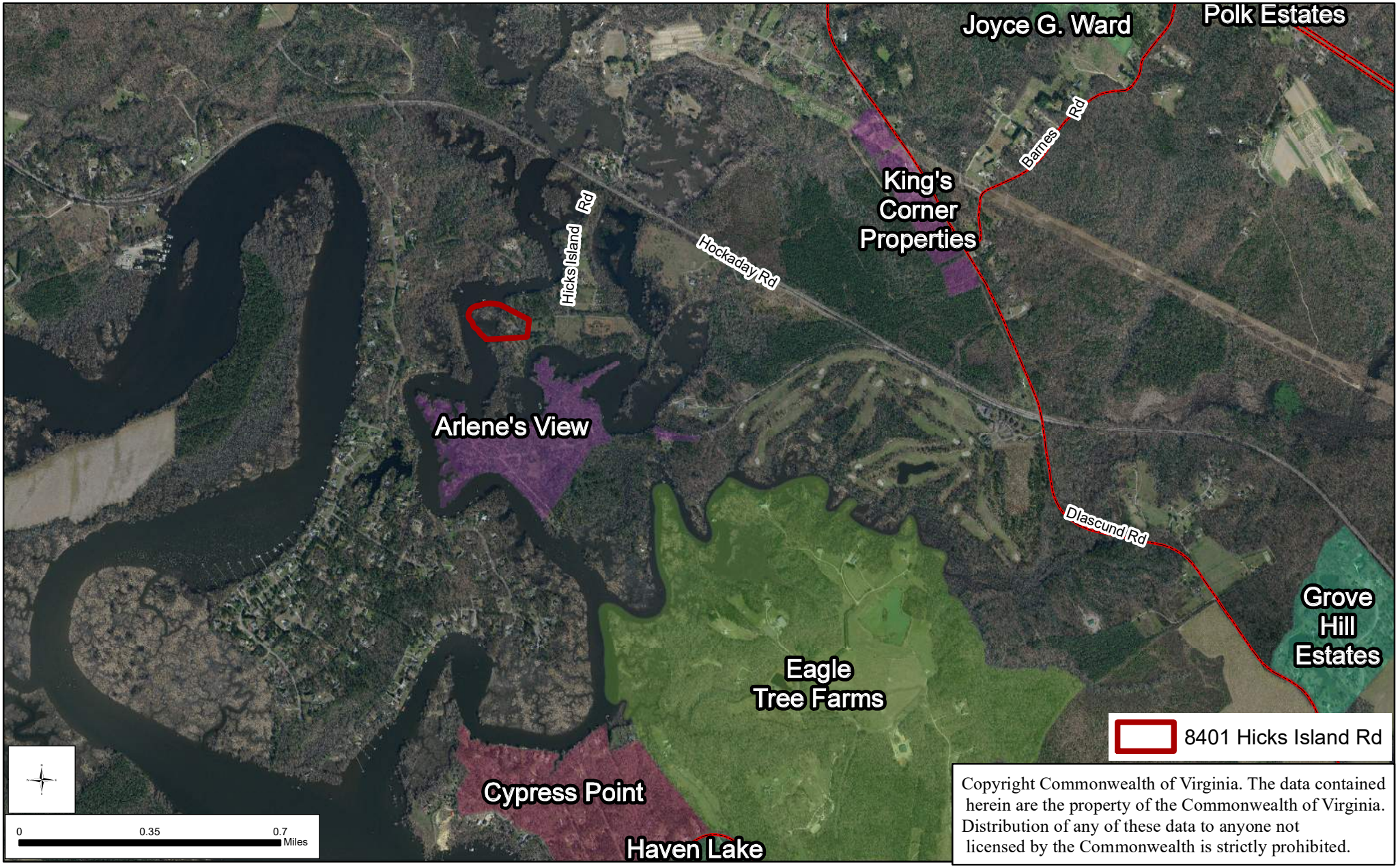
0910100024
Paulanne H. Thacker & Wells Fargo Bank Trustrees c/o Suntrust Bank
8451 Hicks Island Rd.
Lanexa, VA 23089
A1 General Agricultural

0910100025A
Donald West
8414 Hicks Island Rd.
Lanexa, VA 23089
A1 General Agricultural

0910100026
Chris Adickes
8400 Hicks Island Rd.
Lanexa, VA 23089
A1 General Agricultural

PLANNING DIVISION
Oct 06 2022
RECEIVED

JCC SUP-22-0021
8401 Hicks Island Rd Tourist Home



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JCC SUP-22-0021
8401 Hicks Island Road Tourist Home

GENERAL NOTES

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN INST #080002397.
2. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
3. PARCEL LIES IN F.I.R.M. ZONE "X" & ZONE "AE" (ELEV 7) ACCORDING TO COMMUNITY PANEL #51095C0019D, DATED DECEMBER 16, 2015.

SITE INFORMATION

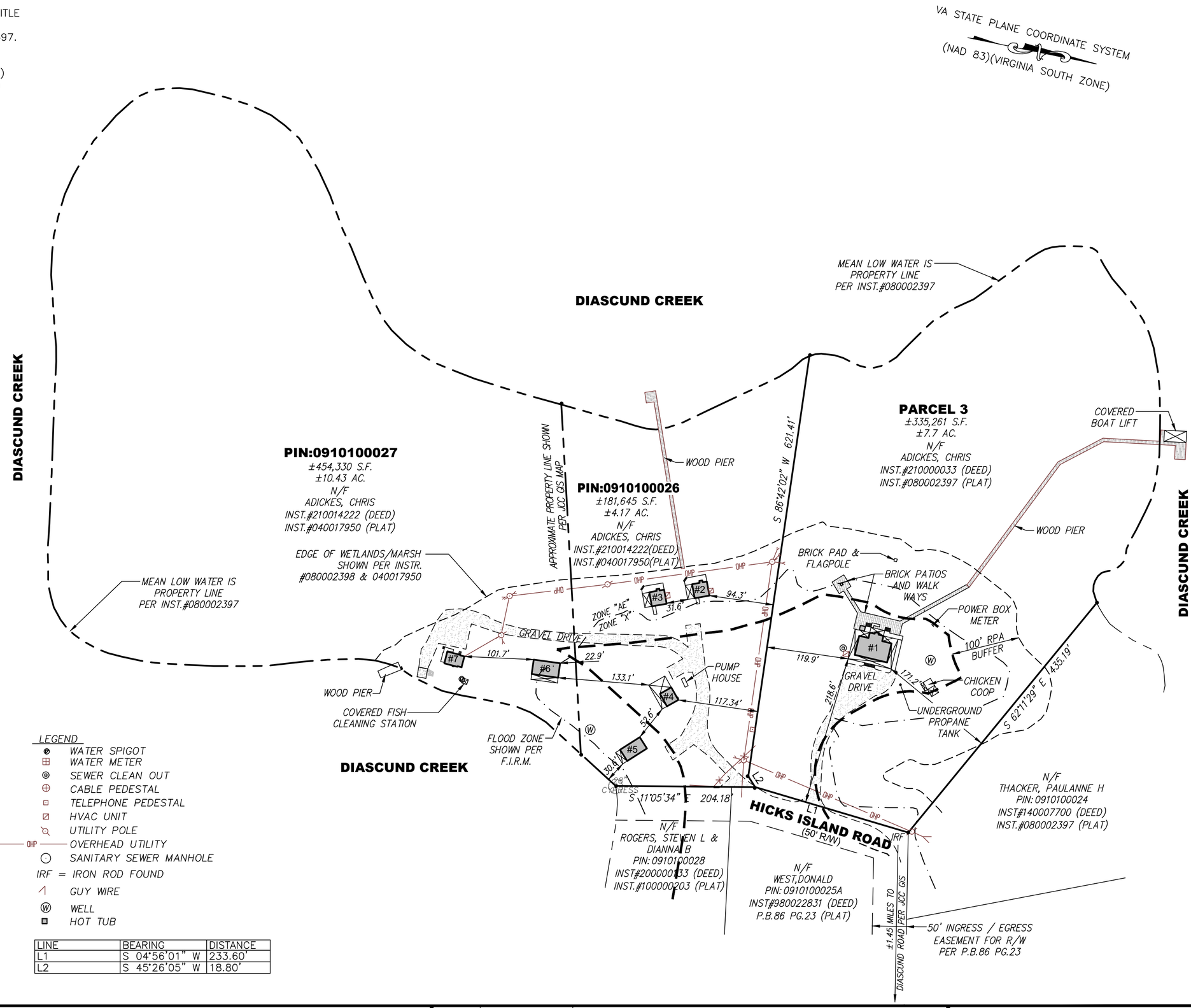
8401 HICKS ISLAND ROAD
JAMES CITY COUNTY, VIRGINIA
PARCEL ID: 0910100024A
TOTAL AREA: 20,709 S.F. / 0.475 AC.
ZONING DISTRICT: A1 GENERAL AGRICULTURE

8400 HICKS ISLAND ROAD
JAMES CITY COUNTY, VIRGINIA
PARCEL ID: 0910100026
TOTAL AREA: 181,645 S.F. / 4.17 AC.
ZONING DISTRICT: A1 GENERAL AGRICULTURE

8390 HICKS ISLAND ROAD
JAMES CITY COUNTY, VIRGINIA
PARCEL ID: 0910100027
TOTAL AREA: 454,330 S.F. / 10.43 AC.
ZONING DISTRICT: A1 GENERAL AGRICULTURE

BUILDING NOTES

1. #8401, TWO STORY FRAME W/ WOOD DECK AND RAMP; FFE:12.68
2. #8400, ONE STORY FRAME W/SCREEN PORCH AND DECK
3. #8400, ONE STORY FRAME W/ SCREEN PORCH AND DECK
4. #8400, ONE STORY CONC. BLOCK W/COVERED PORCH
5. #8400, ONE STORY FRAME–UNDER CONSTRUCTION
6. #8390, ONE STORY FRAME–UNDER CONSTRUCTION
7. #8390, ONE STORY FRAME WITH WOOD DECK AND RAMP



LINE	BEARING	DISTANCE
L1	S 04°56'01" W	233.60'
L2	S 45°26'05" W	18.80'

COMMONWEALTH OF VIRGINIA
MATTHEW H. CONNOLLY
Lic. No. 2053
8/3/2022
LAND SURVEYOR

DATE: 8/3/2022
DRAWN BY: AEQ
PROJECT No. 22–212
FILE NAME: 22–212.DWG
REFERENCES:
INST.#080002397
INST.#040017950

EXHIBIT OF
PIN:0910100024A, PIN:0910100026,
& PIN:0910100027
FOR
EVANS CONSTRUCTION, INC.
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE

LRI
LANDTECH RESOURCES, INC.
ENGINEERING & SURVEYING CONSULTANTS
205 Bulifants Blvd., Suite E, Williamsburg, VA 23188
Ph: (757) 565–1677 Fax: (757) 565–0782
web: landtechresources.com

SUP-22-0021

SUP-22-0021, 8401 Hicks Island Rd, Tourist Home

0910100024A

Legal Acreage: 7.7

Owner: Chris Adickes

Zoning: A1 General Agricultural

Subdivision: Acreage Lots – Powhatan

Comprehensive Plan 2045 Designation: Rural Lands

PSA: Outside

Details from applicant:

At this time the current application is for the main house only #1 on the attached file. The reasoning behind this is it is a unincumbered parcel with only one dwelling. We do plan to apply for the other 2-7 under a separate SUP Application. These dwellings will be part of a much larger project. Our plan is to mirror a wonderful project we have seen in Waco, TX (https://www.liveoaklake.com). See the attached documents. Our goal is to restore Hicks Island to the beautiful oasis that it once was and very well can be in James City County. Please let us know how to move the #1 house further as we prepare the documents necessary for the remainder of the project.

The proposed use is for a short-term rental located at 8401 Hicks Island Road. Under section 24-2 of the James City County Zoning Ordinance. We are respectfully applying for the Special Use defined as a "tourist home" ....." any individual (s) or group of same individuals who, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another, obtain accommodations"

LIVE OAK LAKE
Cedar Brook
Forest Edge
Shadow Bend
Lakeside East
White Rock
Maintenance Area
Waters Edge Commons
Lakeside South
Lakeside North

Approved Minutes of the December 7, 2022
Planning Commission Regular Meeting

SUP-22-0021. 8401 Hicks Island Road Tourist Home

Ms. Terry Costello, Senior Planner, stated that Mr. Stuart Evans of Evans Construction has applied for an SUP to allow for the short-term rental of a four-bedroom single-family home at 8401 Hicks Island Road. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map and is located outside the Primary Service Area. Ms. Costello stated that the property is served by private well and private sewer. Ms. Costello stated that this SUP would allow for short-term rentals throughout the year. Ms. Costello noted that no changes to the footprint of the home are proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking, that the applicant has stated that he will obtain the proper licensing and inspections.

Ms. Costello stated that staff finds that the proposed use will not negatively impact surrounding property or development, nor is it expected to negatively impact levels of service for roads and other public services.

Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Therefore, staff is unable to recommend approval of this application.

Ms. Costello stated that should the Planning Commission recommend approval of this application; staff has included proposed conditions for consideration.

Mr. Haldeman inquired if there were any comments from adjacent property owners.

Ms. Costello stated that there were no comments.

Dr. Rose requested more detail on why staff found the proposal not consistent with the Comprehensive Plan.

Ms. Costello stated that the parcel is internal to an existing neighborhood and not on a major road.

Mr. Krapf asked for confirmation that the property owner would reside on the property.

Ms. Costello stated that the applicant owns several properties in the neighborhood and would reside on one of them.

Mr. Haldeman inquired if there had been tree clearing in the wetlands and Resource Protection Area (RPA) on the parcel.

Ms. Costello confirmed.

Mr. Haldeman inquired about mitigation.

Ms. Costello stated that the Stormwater and Resource Protection Division (SRP) is working with the applicant on mitigating any violations or damage.

Mr. Haldeman inquired if anything had been constructed in the RPA.

Mr. Polster noted that a dock and walkway had been built in the RPA.

Ms. Costello stated that the dock and walkway would need to be removed.

Ms. Null inquired which parcel the applicant would reside on.

Ms. Costello pointed out the parcel on the map.

Mr. Polster called for disclosures by the Commission.

There were no disclosures.

Mr. Polster opened the Public Hearing.

Mr. Stuart Evans, 1700 Old Williamsburg Road, applicant's representative, addressed the Commission in Support of the application.

Mr. Steve Rogers, 8408 Hicks Island Road, addressed the Commission in support of the application.

As no one else wished to speak, Mr. Polster closed the Public Hearing.
Mr. Polster opened the floor for discussion.

Mr. Krapf noted that because the proposal does not meet at least two of the recommended performance standards along with the fact that SUPs run in perpetuity, he is no inclined to support the application.

Mr. Haldeman noted that the property owner will not be residing on the property. Mr. Haldeman stated that the recommended conditions are to ensure the residential character of the neighborhood. Mr. Haldeman stated that he would not support the application.

Mr. Rodgers stated that he is not as concerned about the criteria that are not met because of the remote location and configuration of the parcel. Mr. Rodgers stated that he would support the application.

Mr. Polster stated that his greatest concern is that the property owner has stated that they will expand short-term rentals to the other parcels and that approving this application will set a precedent for those future applications.

Mr. Polster inquired where the applicant would reside if the other properties were approved for sort-term rental.

Mr. Evans stated that there is a cabin on one of the other parcels that will not be rented and that is where the applicant will reside.

Mr. Polster noted that the applicant's narrative states that the plan is to replicate a sort-term rental development that he has seen in another state.

Mr. Evans confirmed that intent.

Mr. Polster stated that he is not inclined to support the application.

Ms. Null stated that she has concerns about the complaints files with SRP.

Mr. Krapf made a motion to not recommend approval of the application.

On a roll call vote, the Commission voted not to recommend approval of SUP-22-0021. 8401 Hicks Island Road Tourist Home. (5-1)

AGENDA ITEM NO. G.5.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Suzanne Yeats, Planner

SUBJECT: SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	2. Location Map	Backup Material
🗋	3. Applicant Narrative	Backup Material
🗋	4. 2023 Master Plan	Backup Material
🗋	5. Resolution_Adoption of the Shaping Our Shores Master Plan	Backup Material
🗋	6. SUP-0014-2009 Resolution	Backup Material
🗋	7. 2020 Master Plan	Backup Material
🗋	8. Traffic Memorandum Revised October 29, 2021	Backup Material
🗋	9. Resolution_15.2-2232 Consistency Determination	Backup Material
🗋	10. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 5:15 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 5:17 PM
Publication Management	Daniel, Martha	Approved	4/24/2023 - 8:18 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:09 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:57 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:00 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

SUMMARY FACTS

Applicant:	Mr. Alister Perkinson, Parks Administrator, Parks & Recreation Department
Landowner:	James City County
Proposal:	A request to amend Case No. Special Use Permit (SUP)-0014-2009 and Master Plan "Figure 4-2: Master Plan - Chickahominy Riverfront Park," to include, but not limited to, removing camping and RV camping areas and adding a long-term RV and boat storage area and a future James City Service Authority (JCSA) water treatment plant area on the eastern side of the park; realigning internal roadways and removing a second entrance on Route 5; and adding and relocating rowing and boat launch facilities. The proposed SUP amendment is designed to ensure consistency with the updated Park Master Plan.
Location:	1350 John Tyler Highway
Tax Map/Parcel No.:	3430100002
Property Acreage:	+/- 139.42 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Community Character Conservation, Open Space, or Recreation
Primary Service Area:	Outside
Staff Contact:	Suzanne Yeats, Planner

PUBLIC HEARING DATES

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

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.
2. Staff finds the proposal consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
3. On July 28, 2020, the Board of Supervisors adopted a resolution in support of the 2020 *Shaping Our Shores* Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park. Staff finds the current SUP application consistent with the Board adopted resolution.
4. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP, subject to the proposed conditions.

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.

PLANNING COMMISSION RECOMMENDATION

At its April 5, 2023, meeting, the Planning Commission voted to recommend approval of this application by a vote of 5-0 (Mr. Rodgers and Dr. Rose absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PLANNING AND ZONING HISTORY

- On June 9, 2009, the Board of Supervisors adopted a resolution in support of the 2009 *Shaping Our Shores* Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park (Attachment No. 5). The *Shaping Our Shores* Master Plan included both Master Plan drawings and a narrative report document with background information and guidance.

- On November 10, 2009, the Board of Supervisors approved Case No. SUP-0014-2009 (Attachment No. 6) for the Chickahominy Riverfront Park. This allowed the development of the site as a recreational complex.

- On June 20, 2018, staff presented to the Development Review Committee (DRC) Conceptual Plan C-0038-2018 and sought a review for a proposal for an additional boathouse and RV and boat storage. The proposal included an RV and boat storage approximately 56,000 square feet (1.29 acres) capable of storing up to 50 large RVs and/or boats. A motion was made to approve the proposal which subsequently passed 5-0.

- On November 20, 2019, staff presented to the DRC Site Plan amendment SP-19-0101 and sought a review requiring the DRC approval due to the removal of trees as required by the SUP conditions. A motion was made to approve the proposal which subsequently passed 4-0.

- On July 28, 2020, the Board of Supervisors adopted a resolution in support of the 2020 *Shaping Our Shores* Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park (Attachment No. 7).

PROJECT DESCRIPTION

Mr. Alister Perkinson, Parks Administrator for the Parks & Recreation Department, has submitted a request to amend Case No. SUP-0014-2009 to formally update the Park's SUP to match the updated Master Plan titled "Chickahominy Riverfront Park March 2023" (Attachment No. 4). Note that there are some pertinent differences between improvements made to the park from years 2009 through 2020 versus improvements made to the 2020 Master Plan and additional revisions made to the proposed 2023 Master Plan. Below lists the improvements and/or adjustments made during each Master Plan revision:

<u>Improvements to Chickahominy Riverfront Park since 2009</u>:

- *Resurfacing the pool;*
- *Paving and improvements to the recreation vehicle loop;*
- *Replacing the water main;*
- *Removal of a smaller pool;*
- *Addition of the splash pad; and*
- *Addition of the William & Mary Boathouse.*

Master Plan Chickahominy Riverfront Park Sept. 2020 (additions to or removal of proposed improvements):

- *Add the proposed JCSA Water Treatment Plant (V);*
- *Relocate long-term RV and boat storage to eastern side of the park (R);*
- *Removal of second entrance (southeast quadrant);*
- *Addition of camper amenities to include propane filling station (Y), laundry rooms (B), picnic and outdoor recreation area (S), bath houses (B,) and a relocated pump-out station (W); and*
- *Addition of second rowing building due to increased interest and growth of the sport (C).*

Master Plan Chickahominy Riverfront Park March 2023 (additions to or removal of proposed improvements):

- *Relocated RV/boat storage to the west of the pond (R);*
- *Realign internal roadways to match current conditions throughout the park;*
- *Identified a future drainfield site that would serve the pool and picnic shelter area (D1);*
- *Change verbiage for location "I" to: pool, splash pad, and concessions; and*
- *Prominently identify the 150-foot right-of-way buffer (Green strip).*

Traffic Analysis

A Traffic Analysis was prepared by the Timmons Group dated July 31, 2021, and revised on October 29, 2021, for the Chickahominy Riverfront Park Master Plan update (Attachment No. 8). Based on the analysis, the following conclusions and recommendations were offered:

1. No improvements are required at the site entrance to Chickahominy Riverfront Park from a capacity or queuing standpoint. Under existing and future traffic conditions, all movements operate at Level of Service B or better with no queuing concerns.
2. A right-turn taper on westbound John Tyler Highway is warranted under existing conditions at the site entrance. Modifying the striping will meet the need here.
3. Should traffic along John Tyler Highway increase at 2% per year, a right-turn lane on westbound John Tyler Highway will be warranted at the site entrance.

A left-turn lane on eastbound John Tyler Highway is not warranted at the site entrance under existing or future traffic conditions.

These recommendations for traffic improvements are included in the proposed SUP conditions (Attachment No. 1).

SURROUNDING ZONING AND DEVELOPMENT

- North of the project site is Gordon Creek including land zoned A-1, General Agricultural.
- East of the project site includes vacant or single-family residential properties which are zoned A-1, General Agricultural.
- South of the project site includes vacant or single-family residential properties which are zoned A-1, General Agricultural.
- West of the project lies the Chickahominy River.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	Mitigated	• Condition No. 7: Within 12 months of adoption of this SUP, the westbound right-turn lane on John Tyler Highway at the Property entrance shall be restriped to a right-turn taper, as approved by the Virginia Department of Transportation (VDOT). • Condition No. 8: A Traffic Impact Study shall be submitted to the County within five (5) years of adoption of this SUP, or at such earlier time as required by VDOT. The Traffic Impact Study shall determine the need for a right-turn lane on westbound John Tyler Highway at the Property entrance. The Director of Planning may delay this requirement beyond five (5)-years if there is a traffic growth rate of less than 2% per annum, as determined by the Director of Planning. • Staff finds that traffic impacts from this proposal are mitigated.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	• Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, multiuse paths are required along John Tyler Highway; this requirement has been fulfilled.
Public Safety	No Mitigation Required	• Fire Station 3 on John Tyler Highway serves this area of the County, approximately 7.8 miles from the proposed Facility.
Public Schools	No Mitigation Required	• N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	• N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	• Staff finds that this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	Mitigated	• Staff finds that this project does not generate impacts that require mitigation.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the Skiffes Creek Watershed and Skiffes Creek Reservoir.	Mitigated	• Condition No. 2: A soil feasibility study to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to any new development on the Property. • Condition No. 6: Development of areas within the Property shall adhere to approved master Stormwater Management Plan SWM-23-0003 ("SWM Plan"). Material deviations from the SWM Plan must be approved by the Director of Stormwater and Resource Protection. All development of the Property must adhere to the SWM Plan.
Cultural/Historic	Mitigated	• Staff finds that this project does not generate impacts that require mitigation.
Nearby and Surrounding Properties	Mitigated	• Condition No. 4: All outdoor speakers used on the Property shall by oriented generally towards the interior of the Property and away from exterior property lines.
Community Character	Mitigated	• Condition No. 3: A 150-foot buffer as designated on the Master Plan shall be maintained. This buffer shall remain undisturbed with the exception of additional landscaping, breaks for roadways, pedestrian connections, utilities, walking, hiking, and biking trails, and other uses shown on the Master Plan or as approved by the Director of Planning. • Condition No. 5: Tree clearing on the Property shall be limited to the minimum necessary to accommodate the Project as determined by the Director of Planning or his designee.
Covenants and Restrictions	No Mitigation Required	• The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN

In the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Comprehensive Plan Land Use Map, the Chickahominy Riverfront Park is designated as Community Character Conservation, Open Space, or Recreation (CCOR). The 2045 Comprehensive Plan states that properties designated CCOR contribute to the rural, historic, or scenic character of the County and include areas used for recreation, historical or cultural resources, or open space. Staff finds that the proposed improvements to Chickahominy Riverfront Park are consistent with these designations.

John Tyler Highway is listed as Wooded in the 2045 Comprehensive Plan Land Use Map. Staff finds that the 150-foot right-of-way buffer and the location of most proposed improvements within the park away from the right-of-way will help preserve the character of this corridor.

Surrounding Comprehensive Plan designations include Rural Lands to the north, east, and south. The Chickahominy River lies to the west.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia states, in part, that no public park facility be allowed unless the Planning Commission finds the location of the park "substantially" consistent with the adopted Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Comprehensive Plan Land Use Map, the Chickahominy Riverfront Park is designated as CCOR. Also, staff finds this proposal consistent with the Comprehensive Plan since the Park will serve the County and region as a whole and because it is a public facility (i.e., owned and operated by James City County). The Planning Commission determined this use to be consistent with the adopted Comprehensive Plan and its resolution is included as Attachment No. 9.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP, subject to the proposed conditions.

SY/md
SUP23-4CRPMPAmd

Attachments:
1. Resolution
2. Location Map
3. 2023 SUP Master Plan
4. Applicant Narrative
5. Resolution: Adoption of the *Shaping Our Shores* Master Plan
6. SUP-0014-2009 Resolution
7. 2020 Board of Supervisors Adopted Master Plan
8. Traffic Memorandum Revised October 29, 2021
9. Adopted Resolution for Consistency with the Adopted Comprehensive Plan
10. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-23-0004. CHICKAHOMINY RIVERFRONT PARK

SPECIAL USE PERMIT AND MASTER PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit process; and

WHEREAS, Mr. Alister Perkinson of James City County Parks & Recreation, has applied for a request to amend Case No. SUP-0014-2009 and Master Plan map to relocate the RV/boat and storage to the west of the pond, realign internal roadways to match current conditions, identify a future drainfield site that would serve the pool and picnic shelter area, change verbiage for location "I" to: "Pool, Splash Pad, and Concessions", and prominently identify the 150-foot right-of-way buffer located at 1350 John Tyler Highway, and further identified as James City County Real Estate Tax Map Parcel No. 3430100002 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 5, 2023, recommended approval of Case No. SUP-23-0004 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0004; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0004 as described herein with the following conditions:

1. *Master Plan*. This Special Use Permit (the "SUP") shall be valid for the Chickahominy Riverfront Park facility (the "Project"). The Project is located at 1350 John Tyler Highway, and further identified as James City County Real Estate Tax Map No. 3430100002 (collectively, the "Property"). Development of the Property shall be completed in accordance with the "Chickahominy Riverfront Park Master Plan March 2023" dated March 2023 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance.

2. *Soil Studies*. A soil feasibility study to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to any new development on the Property.

3. *Right-of-Way Buffer*. A 150-foot buffer as designated on the Master Plan shall be maintained. This buffer shall remain undisturbed with the exception of additional landscaping, breaks for roadways, pedestrian connections, utilities, walking, hiking, and biking trails, and other uses shown on the Master Plan or as approved by the Director of Planning.

4. *Outdoor Speakers*. All outdoor speakers used on the Property shall be oriented generally towards the interior of the Property and away from exterior property lines.

5. *Tree Clearing*. Tree clearing on the Property shall be limited to the minimum necessary to accommodate the Project as determined by the Director of Planning or his designee.

6. *Master Stormwater Management Plan*. Development of areas within the Property shall adhere to approved master Stormwater Management Plan SWM-23-0003 ("SWM Plan"). Material deviations from the SWM Plan must be approved by the Director of Stormwater and Resource Protection. All development of the Property must adhere to the SWM Plan.

7. *Road Improvements*. Within 12 months of adoption of this SUP, the westbound right-turn lane on John Tyler Highway at the Property entrance shall be restriped to a right-turn taper, as approved by the Virginia Department of Transportation (VDOT).

8. *Traffic Impact Study*. A Traffic Impact Study shall be submitted to the County within five (5) years of adoption of this SUP, or at such earlier time as required by VDOT. The Traffic Impact Study shall determine the need for a right-turn lane on westbound John Tyler Highway at the Property entrance. The Director of Planning may delay this requirement beyond five (5)-years if there is a traffic growth rate of less than 2% per annum, as determined by the Director of Planning.

9. *Severability*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-0014-2009.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

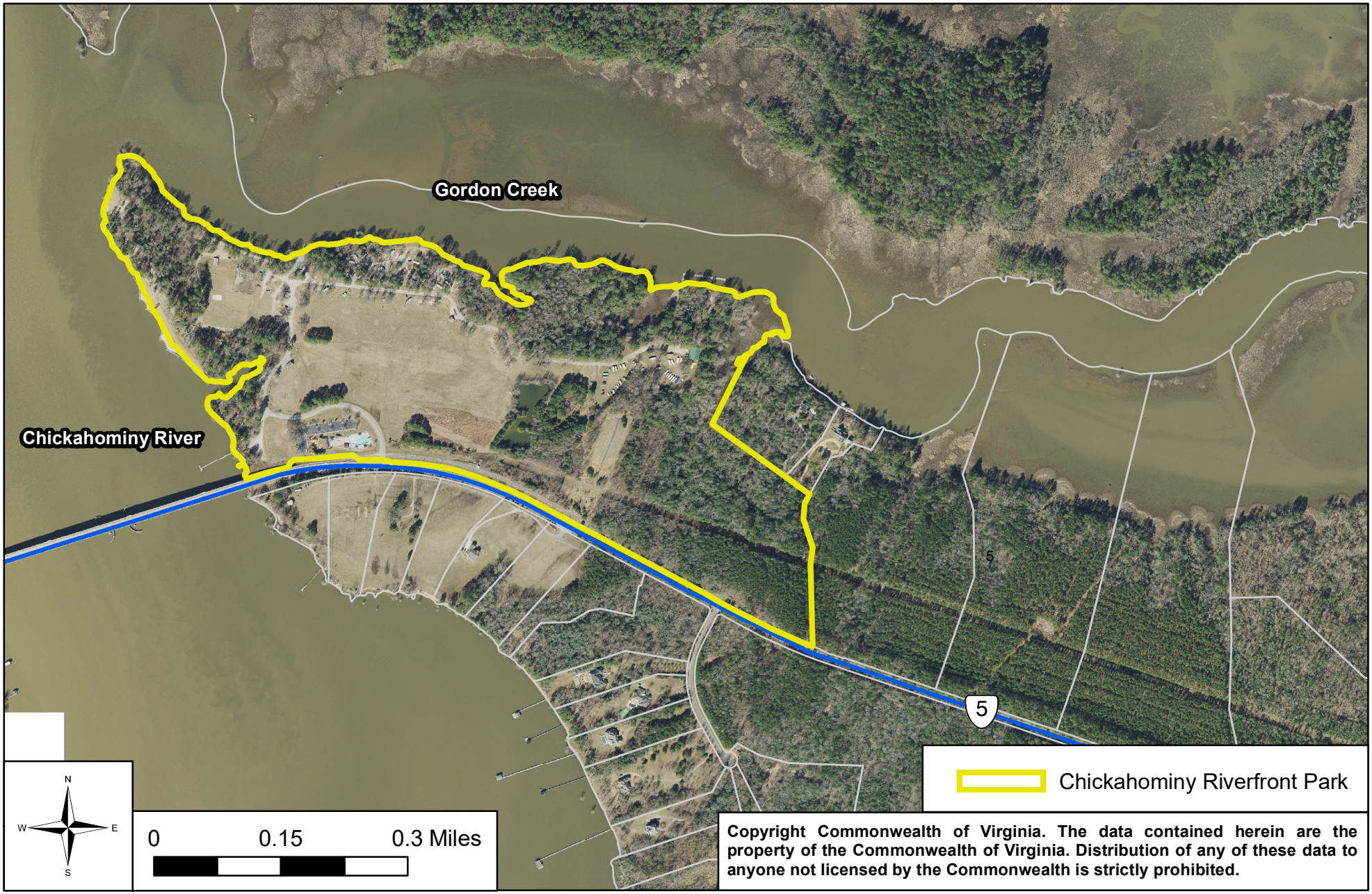
_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

SUP23-4CRPMPAmd-res

JCC SUP-23-0004
1350 John Tyler Highway
Chickahominy Riverfront Park Master Plan Amendment



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Chickahominy Riverfront Park (CRP)

Since the original "Shaping our Shores" Master Plan was approved in 2009, several facility improvements have been made at Chickahominy Riverfront Park. These include resurfacing the pool, paving and improvements to the recreation vehicle loop, replacing the water main, removal of smaller pool, addition of the splash pad and the addition of the William & Mary Boathouse. The general concepts that appeared on the 2009 map were kept in the new version with minimal relocations.

In an update to the plan in 2020, the following additions and changes were made:

- Add the proposed JCSA Water Treatment Plant (V);
- Relocate long-term RV and boat Storage to eastern side of the park (R);
- Removal of second entrance (southeast quadrant);
- Addition of camper amenities to include propane filling station (Y), laundry rooms (B), picnic and outdoor recreation area (S), bath houses (B) and a relocated pump-out station (W); and
- Addition of second rowing building due to growth of the sport (C).

These changes were adopted by the James City County Board of Supervisors at their July 28, 2020, meeting. Additional minor changes made to the map in January 2023 are as follows:

- Relocated RV/Boat storage "R" to the location where it is proposed to be built (R);
- Re-align some roadways to match current conditions throughout the park;
- Identified a future drain field site that would serve the pool and picnic shelter area (D1);
- Change text for "I" to: Pool, Splash Pad, and Concessions; and
- Identified the 150 foot Right-of-Way Buffer (Green strip).

JCC Parks & Recreation Long Range Plan: These changes were adopted by the James City County Board of Supervisors at their January 25, 2022, meeting.

Park Included in SUP	Adopted 5 year CIP (FY23-27)	5-8 Years (FY28-30)	8+ Years (FY31+)
Chickahominy Riverfront Park	RV/Boat Storage ® Multi-use Trail (A)	Community Rowing Facilities/Paddlecraft Launch (C, H), Upgraded Bathhouse Facilities (B), Campground Improvements (A), Connector Road	Campground Store (M) Field Games (O) Picnic Pavilions (J)
Upper County Park	Paved Multi-use Trail (G) Splash Pad (A2)	Tennis/Pickleball Courts (N)	Community Gym (H) Archery Range (L)
Jamestown Beach Event Park	Boat Storage (C)	Maintenance Building (J) Performance Venue/Restrooms (N, R) Entrance re-alignment	Camping (Y)
Warhill Sports Complex	Softball/Baseball Complex (B)	Multipurpose Field Complex (F), Connector Road (E),	Baseball/Softball Stadium Complex (D2) Tennis/Pickleball Courts (H)

SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment

Property Information:

PIN: 3430100002

James City County
1350 John Tyler Highway
Williamsburg, VA 23185

PSA: Outside

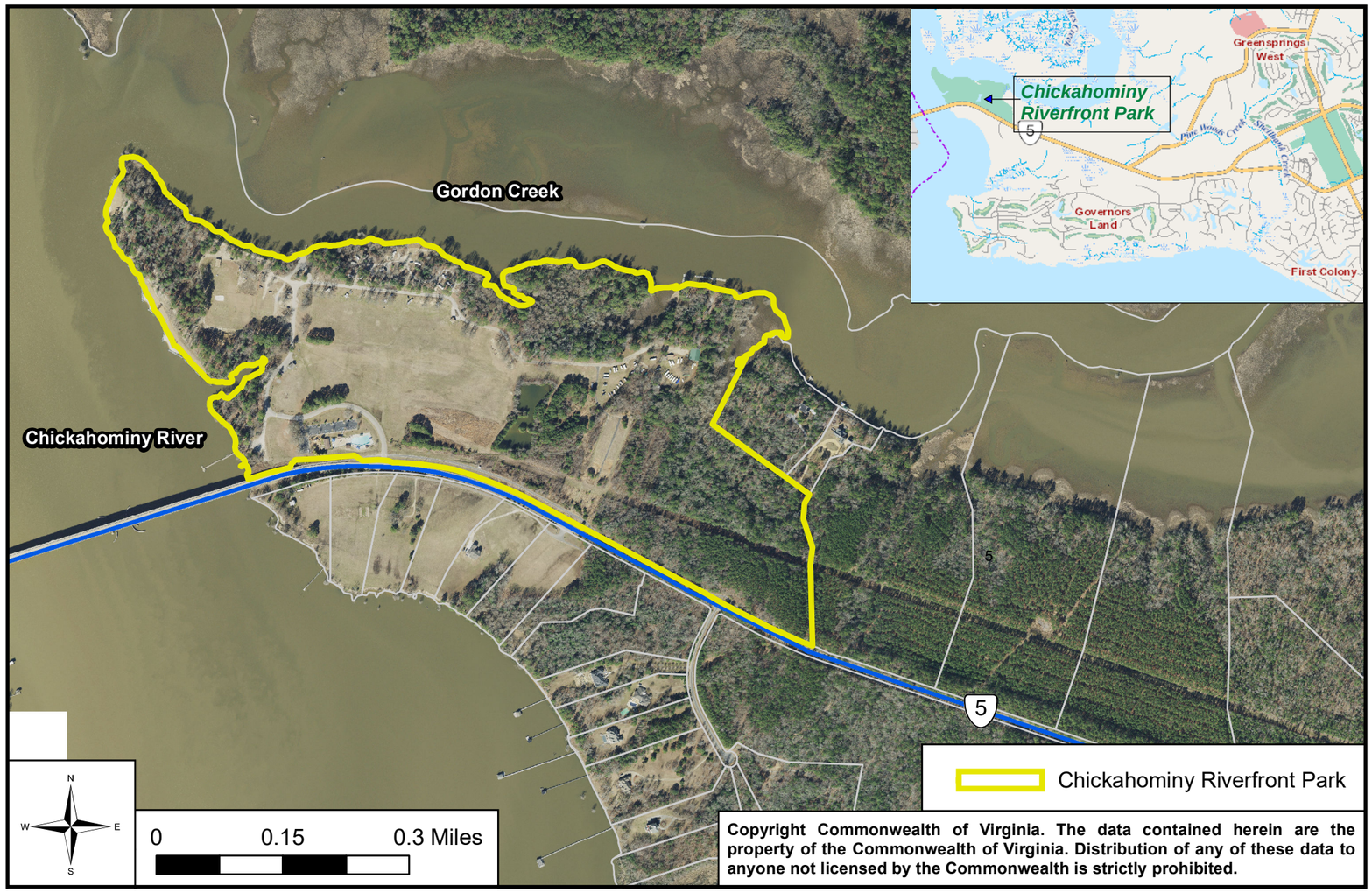
Zoning: PL Public Lands

2045 Comp Plan: Open Space or Recreation

Parcel Acreage: 139.42

Sheet Index:

1. Cover Page
2. Master Plan



General Notes:

1. Site is subject to conditions associate with SUP-0014-2009.

2. Property does contain a Resource Protected Area.

3. This part of this property appears to contain easements.

4. Portions of the property are located in the 1% annual special flood hazard area based on the FEMA FIRM 51095C0113D, effective 12/16/2015.

Master Plan

Chickahominy Riverfront Park

March 2023

GORDON CREEK

CHICKAHOMINY RIVER

JOHN TYLER HIGHWAY

Intake

Concentrate Discharge

Pump Station

Multi-Use Paved Trail

Bath House / Laundry

Picnic & Outdoor Education Area

Field Games / Putt-Putt

Propane Tank and Sales

Campground Store and Check-In

Picnic Pavillion

Parking / Open Space

Playground

Splash Pad

Pool

Bike Repair Station

Water Treatment Facility

RV Waste Disposal

Water Well Pump House

Camping

Kayak/Canoe/Rowing Launch Area

Community Rowing Facilities

RV/Boat Storage

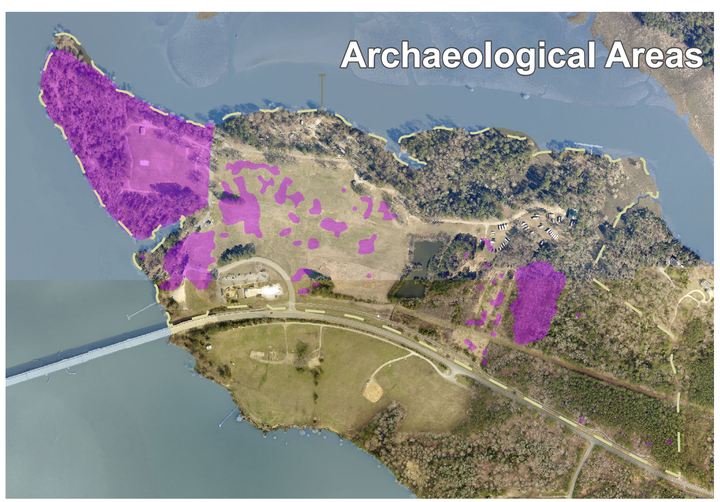
Label	Feature
A	Camping - RV, Primitive & Cabins
A1	Primitive Camping - Hike, Bike & Paddle in Only
B	Bath House / Laundry / Dumpster
C	Community Rowing Facilities
D	RV Waste Disposal
D1	Future Drain Field
E	Open Space / Event Area
F	Fixed Wood Docks / Dinghy / Moorings
G	Existing Playground
H	Kayak/Canoe/Rowing Launch Area
I	Pool, Splash Pad, and Concessions
J	Picnic Pavillions
K	Stabilize Shore and Create Overlooks
L	Walking Trail
M	Campground Store and Check-In
N	Existing Boat Ramp
O	Field Games / Putt-Putt
P	Parking
P1	Boat Trailer Parking
Q	Fishing Pier
R	RV/Boat Storage
S	Picnic & Outdoor Education Area
T	Maintenance Facility
U	Bank Grading / Buffer Restoration
V	Water Treatment Facility
W	Water Well Pump House
X	Bioretention Basins
Y	Propane Tank Fill Site
Z	Bike Repair Station

- Gate
- Flood Plain
- RPA Lines
- Contours
- Water Treatment Easement
- Property Line
- Water Treatment Facility
- Trail
- Virginia Capital Trail
- Colonial Pipeline
- 150 Feet ROW Buffer

N W E S

0 160 320 640 Ft

Archaeological Areas



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RESOLUTION

ADOPTION OF THE SHAPING OUR SHORES MASTER PLAN FOR JAMESTOWN BEACH

CAMPGROUND, JAMESTOWN YACHT BASIN, AND CHICKAHOMINY RIVERFRONT PARK

WHEREAS, Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park were purchased by James City County to enhance the lives of its citizens by preserving greenspace, protecting environmental and cultural resources, and providing increased waterfront access and recreational opportunities; and

WHEREAS, these three sites required the development of a long-range conceptual plan to identify future uses, and the Shaping Our Shores Master Plan was developed in response to this need through a process that emphasized community input; and

WHEREAS, the recommended uses in the Shaping Our Shores Master Plan were developed to be feasible given the existing site constraints, match the community's vision, provide maximum benefits to the citizens, and offset operational and maintenance costs by developing appropriate and reasonable revenue-generating opportunities; and

WHEREAS, the Master Plan is a high-level planning document of a broad conceptual nature that is intended to guide and assist citizens, staff, commissions, and the Board of Supervisors in making future land use, planning, funding, maintenance, management, and administrative decisions about the three sites.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Shaping Our Shores Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park.

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	NAY
KENNEDY	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2009.

SOSMasPl_res

RESOLUTION

CASE NO. SUP-0014-2009. CHICKAHOMINY RIVERFRONT PARK – RV LOOP AND MASTER PLAN

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Aaron Small of AES Consulting Engineers, on behalf of James City County Parks and Recreation, has applied for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation; and

WHEREAS, the property is located on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3430100002; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2009, recommended approval of this application by a vote of 6-1; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0014-2009 as described herein with the following conditions:

1. **Master Plan.** This SUP shall permit a public community recreation facility and accessory uses thereto, including, but not limited to, tent sites, cabins, recreational vehicle (RV) camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the "Property"). Improvements to the site shall generally be located as shown on the document entitled "Figure 4-2: Master Plan-Chickahominy Riverfront Park," (the "Master Plan") prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date-stamped October 14, 2009, with only changes thereto that the Development Review Committee (DRC) determines to be generally consistent with the Master Plan and Shaping Our Shores report.

2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans ("Redevelopment") for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or

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does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.

3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning and the DRC.

4. **Lighting.** Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.

5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally toward the interior of the property and away from exterior property lines.

6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as 'eligible' for inclusion on the National Register of Historic Places and/or 'unknown (further work needed)' on pages 109-112 of the report titled "Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy Riverfront Park, James City County, Virginia" by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.

7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee and the DRC.

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8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.

9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with any increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.

10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.

11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of November, 2009.

SUP_0014_09_res

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Master Plan

Chickahominy Riverfront Park

Sept 2020

GORDON CREEK

CHICKAHOMINY RIVER

JOHN TYLER HIGHWAY

Intake

Concentrate Discharge

Pump Station

Multi-Use Paved Trail

Bath House / Laundry

Picnic & Outdoor Education Area

Field Games / Putt-Putt

Propane Tank and Sales

Campground Store and Check-In

Picnic Pavillion

Playground

Splash Pad

Pool

Parking / Open Space

Bike Repair Station

Camping

Kayak/Canoe/Rowing Launch Area

RV Waste Disposal

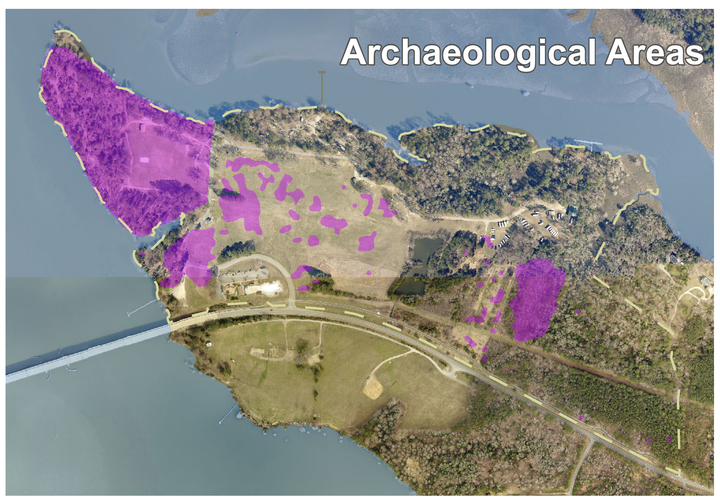
Community Rowing Facilities

Water Well Pump House

Water Treatment Facility

RV/Boat Storage

Archaeological Areas



Label	Feature
A	Camping - RV, Primitive & Cabins
A1	Primitive Camping - Hike, Bike & Paddle in Only
B	Bath House / Laundry / Dumpster
C	Community Rowing Facilities
D	RV Waste Disposal
E	Open Space / Event Area
F	Fixed Wood Docks / Dinghy / Moorings
G	Existing Playground
H	Kayak/Canoe/Rowing Launch Area
I	Pool Shelter and Play Area
J	Picnic Pavillions
K	Stabilize Shore and Create Overlooks
L	Walking Trail
M	Campground Store and Check-In
N	Existing Boat Ramp
O	Field Games / Putt-Putt
P	Parking
P1	Boat Trailer Parking
Q	Fishing Pier
R	RV/Boat Storage
S	Picnic & Outdoor Education Area
T	Maintenance Facility
U	Bank Grading / Buffer Restoration
V	Water Treatment Facility
W	Water Well Pump House
X	Bioretention Basins
Y	Propane Tank Fill Site
Z	Bike Repair Station

- Gate
- Flood Plain
- RPA Lines
- Contours
- Water Treatment Easement
- Property Line
- Water Treatment Facility
- Trail
- Virginia Capital Trail
- Colonial Pipeline

N W E S

0 160 320 640 Ft

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1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

To: Tom Leininger, James City County
From: Steve Schmidt, PE, PTOE
RE: Chickahominy Riverfront Park Traffic Analysis
Date: July 31, 2021
Revised October 29, 2021
Copy: Scott Dunn AICP, PTP (TG), Megan Lowther (TG)

As requested, Timmons Group has prepared a revised traffic assessment for the proposed Chickahominy Riverfront Park Master Plan Update in James City County, Virginia. The site is located along the north side of John Tyler Highway (Route 5) just east of the Chickahominy River Bridge as shown on Figure 1 (all figures are located at the end of this memorandum).

The initial assessment was submitted to VDOT on July 31, 2021 and has been revised based on VDOT comments regarding the site trip distribution.

The 140-acre park currently offers swimming, camping, boat launches, fishing docks and river access (among others) with access provided via one entrance on John Tyler Highway as shown on Figure 2.

The proposed Master Plan will improve the park with incremental increases in the number of camping spaces, parking spaces, boat launches, etc. It is not anticipated the additional uses will be a significantly increase the vehicular traffic to/from the park. For the purposes of this analysis, full buildout of the park was assumed to be 2026.

This assessment analyzes the existing and future traffic to the park to determine if any improvements are required at the site entrance.

Existing Conditions

John Tyler Highway is a two-lane, undivided minor arterial with a posted speed limit of 55 mph. According to the 2019 VDOT count book, John Tyler Highway services 3,600 vehicles per day in the vicinity of the site. A paved multiuse path runs parallel to John Tyler Highway.

John Tyler Highway serves as a major east-west connector and runs from Richmond to Williamsburg.

The existing roadway geometry at the site entrance is shown on Figure 3.

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Existing Traffic Volumes

Existing PM and Saturday peak hour traffic counts were conducted on Thursday April 15, 2021 between 4-6 PM (PM peak hour) and Saturday, April 17, 2021 between 12-2 PM (SAT peak hour). The counts included heavy vehicles by movement, pedestrian, and bicycle counts and are included in Appendix A.

The existing PM and SAT peak hour counts indicate the PM peak hour occurs from 4:45 PM – 5:45 PM and the SAT peak hour occurs from 12:15 PM – 1:15 PM.

Due to the change in traffic patterns associated with the ongoing pandemic, the counts were compared to 2019 VDOT AADT counts to determine the adjustment factor necessary to bring the 2021 counts to expected levels. After comparison it was determined that the volumes on John Tyler Highway are **10% lower** than the expected 2021 volumes. Therefore, the existing traffic counts were increased by 10% along John Tyler Highway.

Given the nature of the park, the traffic volumes differ from month to month based on the season. The County provided historic entrance counts for the park which indicate the peak month (July) experiences 92% more traffic than the month the count was completed (April). Therefore, the traffic counts into and out of the park entrance were increased by 92% to accommodate the peak traffic month.

The total adjusted 2021 Existing Volumes are shown on Figure 4.

2026 Future Traffic Volumes

As noted above, the Master Plan upgrades to the park are not expected to significantly increase the traffic into and out of the park.

However, it is anticipated that traffic on John Tyler Highway will experience growth during that timeframe. In order to account for the increase in traffic, the existing counts shown on Figure 4 were grown by an annual 2% growth rate for the five (5) year period for project buildout. This growth was applied to all movements to represent a conservative (or worst case) analysis.

The 2% annual growth rate was compounded annually over the five (5) year period and was applied to all movements from the existing traffic counts.

Further, at the request of VDOT, it was assumed that 5% of the entering PM peak hour traffic would make an eastbound left turn into the site. This results in 4 left turns in the PM peak hour.

The resulting 2026 future traffic volumes are shown on Figure 5.

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Operational and Queuing Analysis

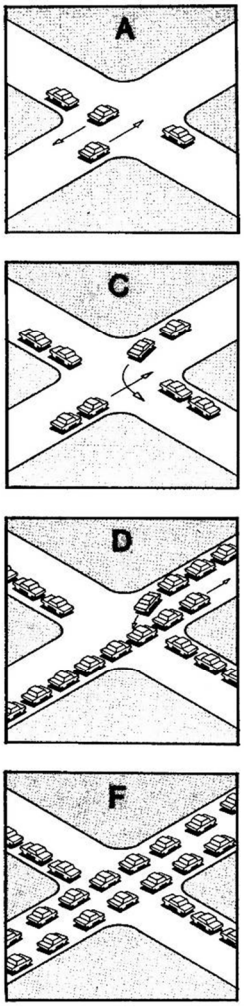
An operational and queuing analysis was completed for the site entrance under existing and future traffic conditions.

Capacity analysis allows traffic engineers to determine the impacts of traffic on the surrounding roadway network. The Transportation Research Board's (TRB) Highway Capacity Manual (HCM) methodologies govern how the capacity analyses are conducted and how the results are interpreted. There are six letter grades of Levels of Service (LOS) from A to F, with LOS A representing the best operating conditions and LOS F the worst operating conditions. Table 1 shows in detail how each of these levels of service are interpreted.

Table 1: Level of Service Definitions

Level of Service	Roadway Segments or Controlled Access Highways	Intersections
A	Free flow, low traffic density.	No vehicle waits longer than one signal indication.
B	Delay is not unreasonable, stable traffic flow.	On a rare occasion motorists wait through more than one signal indication.
C	Stable condition, movements somewhat restricted due to higher volumes, but not objectionable for motorists.	Intermittently drivers wait through more than one signal indication, and occasionally backups may develop behind left turning vehicles, traffic flow still stable and acceptable.
D	Movements more restricted, queues and delays may occur during short peaks, but lower demands occur often enough to permit clearing, thus preventing excessive backups.	Delays at intersections may become extensive with some, especially left-turning vehicles waiting two or more signal indications, but enough cycles with lower demand occur to permit periodic clearance, thus preventing excessive backups.
E	Actual capacity of the roadway invloves delay to all motorists due to congestion.	Very long queues may create lengthly delays, especially for left-turning vehicles.
F	Forced flow with demand volumes greater than capacity resulting in complete congestion. Volumes drop to zero in extreme cases.	Backups from locations downstream restrict or prevent movement of vehicles out of approach creating a storage ares during part or all of an hour.

SOURCE: *"A Policy on Design of Design of Urban Highways and Arterial Streets"* - AASHTO, 1973 based upon material published in *"Highway Capacity Manual"*, National Academy of Sciences, 1965.



For signalized and unsignalized intersections, level of service is defined in terms of **delay**, a measure of driver discomfort, frustration, fuel consumption and lost travel time. Table 2 summarizes the delay associated with each LOS category:

Table 2: Signalized and Unsignalized Intersection Level of Service Criteria

Signalized Intersections		Unsignalized Intersections	
Level of Service	Control Delay per Vehicle (sec/veh)	Level of Service	Average Control Delay (sec/veh)
A	≤ 10	A	0 to 10
B	> 10 to ≤ 20	B	> 10 to ≤ 15
C	> 20 to ≤ 35	C	> 15 to ≤ 25
D	> 35 to ≤ 55	D	> 25 to ≤ 35
E	> 55 to ≤ 80	E	> 35 to ≤ 50
F	> 80	F	> 50

Source: Exhibit 16-2 and Exhibit 17-2 from TRB's "Highway Capacity Manual 2000"

Operational Analysis for 2021 Existing Traffic Volumes

Table 3 summarizes the 2021 existing intersection LOS, delay, 95th percentile queue lengths (Synchro), and maximum queue lengths (SimTraffic) based on the adjusted 2021 existing peak hour traffic volumes shown on Figure 4 and the existing lane geometry shown on Figure 3. The corresponding analysis worksheets are included in Appendix B.

Table 3: 2021 Existing Conditions Level of Service and Queues

Intersection and Type of Control	Movement and Approach	Effective Turn Lane Storage (ft)	PM Peak Hour				Saturday Peak Hour			
			Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)	Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)
1. John Tyler Highway (E-W) at	SB Left-Right		11.6	B	13	61	12.5	B	10	60
Park Entrance (S)	*NB Approach*		*11.6*	*B*	--	--	*12.5*	*B*	--	--
Unsignalized	EB Left-Thru		0.0	A	0	0	7.8	A	3	54
	EB Approach		*0.0*	*A*	--	--	*0.1*	*A*	--	--
	WB Thru-Right		†	†	0	0	†	†	--	--
	WB Approach		†	†	--	--	†	†	--	--

[1] *Overall intersection LOS and delay reported for signalized intersections and roundabouts only.*

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

As shown on Table 3, under 2021 existing conditions, traffic entering the site operates a LOS A during both the PM and Saturday peak hours. Traffic exiting the site operates at a LOS B during both the PM and Saturday peak hours. There are no queuing concerns at the site entrance.

Operational Analysis for 2026 Future Volume Conditions

Table 4 summarizes the 2026 future intersection LOS, delay, 95th percentile queue lengths (Synchro), and maximum queue lengths (SimTraffic) based on the 2026 future peak hour traffic volumes shown on Figure 5 and the existing lane geometry shown on Figure 3. The corresponding analysis worksheets are included in Appendix C.

Table 4: 2026 Total Future Conditions Level of Service and Queues

Intersection and Type of Control	Movement and Approach	Effective Turn Lane Storage (ft)	PM Peak Hour				Saturday Peak Hour			
			Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)	Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)
1. John Tyler Highway (E-W) at	SB Left-Right		12.4	B	15	63	13.3	B	13	63
Park Entrance (S)	*NB Approach*		*12.4*	*B*	--	--	*13.3*	*B*	--	--
Unsignalized	EB Left-Thru		7.9	A	0	22	7.8	A	3	57
	EB Approach		*0.3*	*A*	--	--	*0.1*	*A*	--	--
	WB Thru-Right		†	†	0	0	†	†	--	--
	WB Approach		†	†	--	--	†	†	--	--

[1] *Overall intersection LOS and delay reported for signalized intersections and roundabouts only.*

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

As shown on Table 4, under 2026 future conditions, traffic entering the site will continue to operate at a LOS A during both the PM and Saturday peak hours. Traffic exiting the site will continue to operate at a LOS B during both the PM and Saturday peak hours. There will be no queuing concerns at the site entrance.

No improvements are required from a capacity/queueing standpoint to accommodate the site traffic in 2021 or 2026.

Turn Lane Warrant Analysis

Turn lane warrant analyses were completed for the site entrance under 2021 existing and 2026 future traffic conditions.

The analyses were completed using Figure 4 (2021 Existing Volumes) and Figure 5 (2026 Future Traffic Volumes) and the appropriate left and right turn lane nomographs from Appendix F of the VDOT *Road Design Manual*.

The analyses are shown on Figures 6-10 and indicate the following:

2021 Existing Conditions

- A westbound right turn taper only **is** warranted under 2021 existing traffic conditions. There is existing pavement at the site entrance that can accommodate the taper with restriping.

- An eastbound left turn lane **is not** warranted under 2021 existing traffic conditions.

2026 Future Conditions

Should traffic increase at 2%/year over the next 5 years and 5% of the entering PM peak hour traffic make an eastbound left turn into the site,

- A full westbound right turn lane and taper **will be** warranted under 2026 future traffic conditions. Widening along John Tyler Highway will be required to construct the turn lane.

- An eastbound left turn lane **will not be** warranted under 2026 future traffic conditions.

A sensitivity analysis was completed to determine at what level of traffic a left turn lane would be required at the site entrance. As shown on Figure 11, Saturday peak hour traffic would need to increase by 35% (above the existing peak month traffic) for a left turn lane to be warranted.

Conclusions

Based on the analysis, the following conclusions are offered:

1. No improvements are required at the site entrance to Chickahominy Riverfront Park from a capacity or queuing standpoint. Under existing and future traffic conditions, all movements operate at LOS B or better with no queuing concerns.

2. A right turn taper on westbound John Tyler Highway is warranted under existing conditions at the site entrance.

3. Should traffic along John Tyler Highway increase at 2%/year, a right turn lane on westbound John Tyler Highway will be warranted at the site entrance.

4. A left turn lane on eastbound John Tyler Highway is not warranted at the site entrance under existing or future traffic conditions.

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Site Location
Chickahominy Riverfront Park
James City County, Virginia

Figure
1

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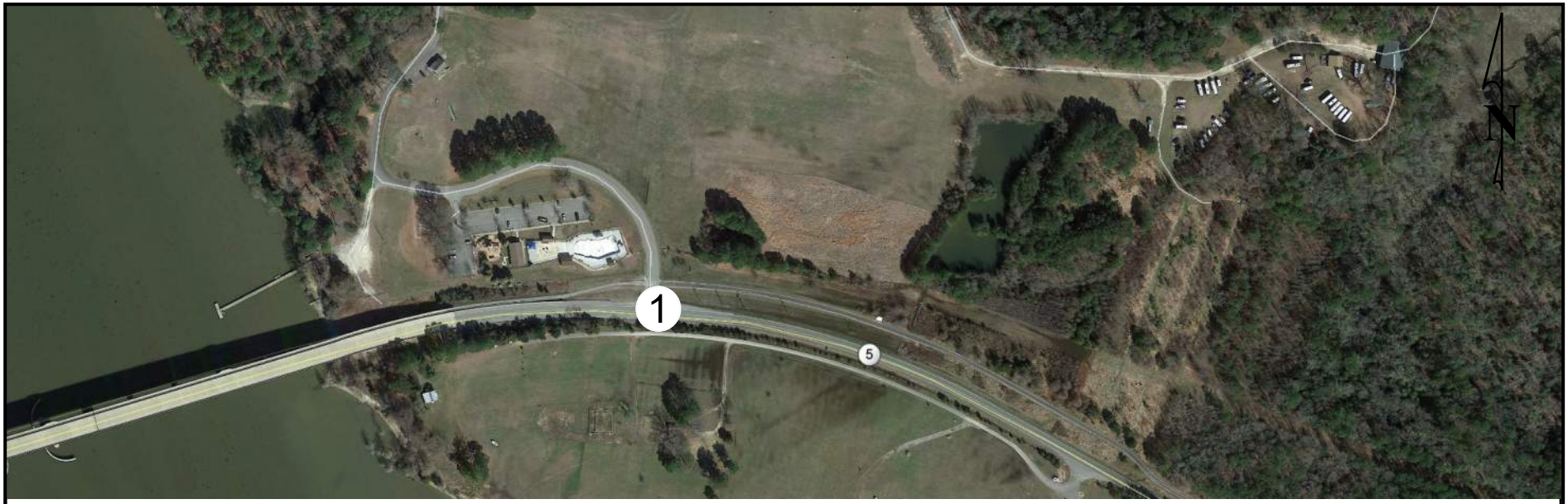
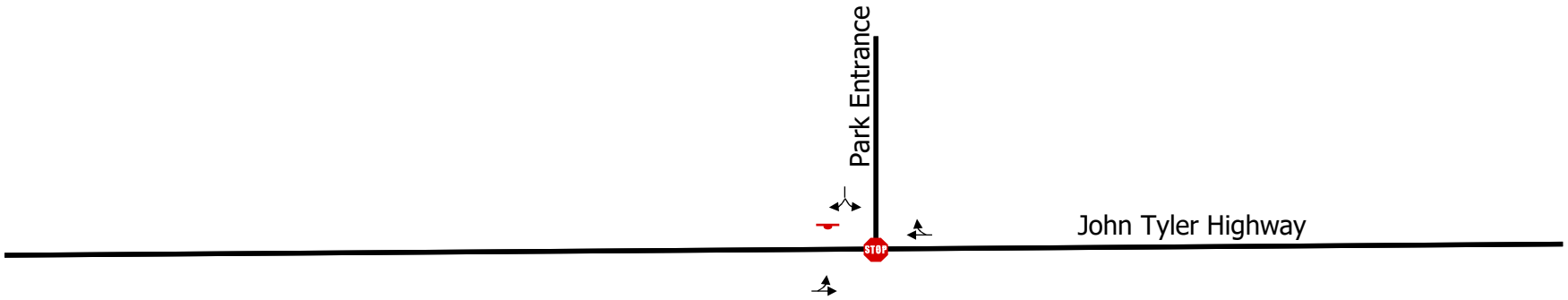
Study Intersection
Chickahominy Riverfront Park
James City Count, Virginia

Figure
2





LEGEND:
- Existing Road
- Lane Configuration
- Stop Controlled Intersection
- Stop Sign Location

NOT TO SCALE

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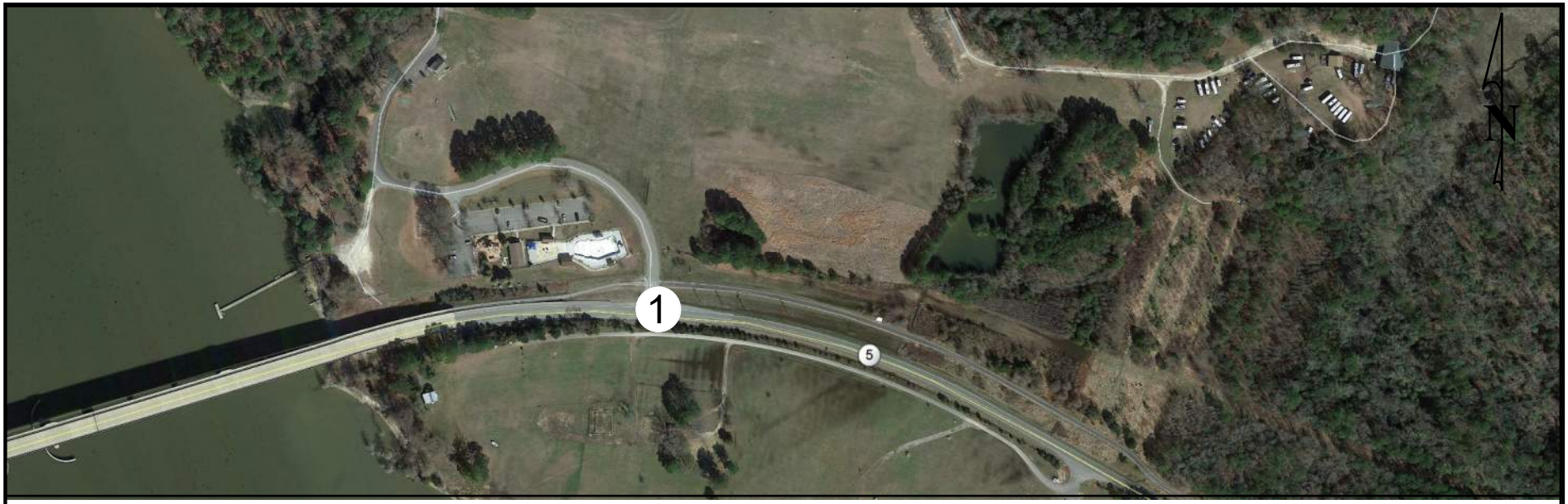
Existing Geometry
Chickahominy Riverfront Park
James City Count, Virginia

Figure 3



Peak Hours:
Weekday PM: 4:45 – 5:45 PM
Saturday: 12:15 – 1:15 PM

Park Entrance

(2) [8]
(84) [50]

(79) [46]
(177) [182]

John Tyler Highway

STOP

[23] (0)
[217] (125)

LEGEND:
- Existing Road
- Lane Configuration
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volume
- [00] Sat Peak Hour Volume

NOT TO SCALE

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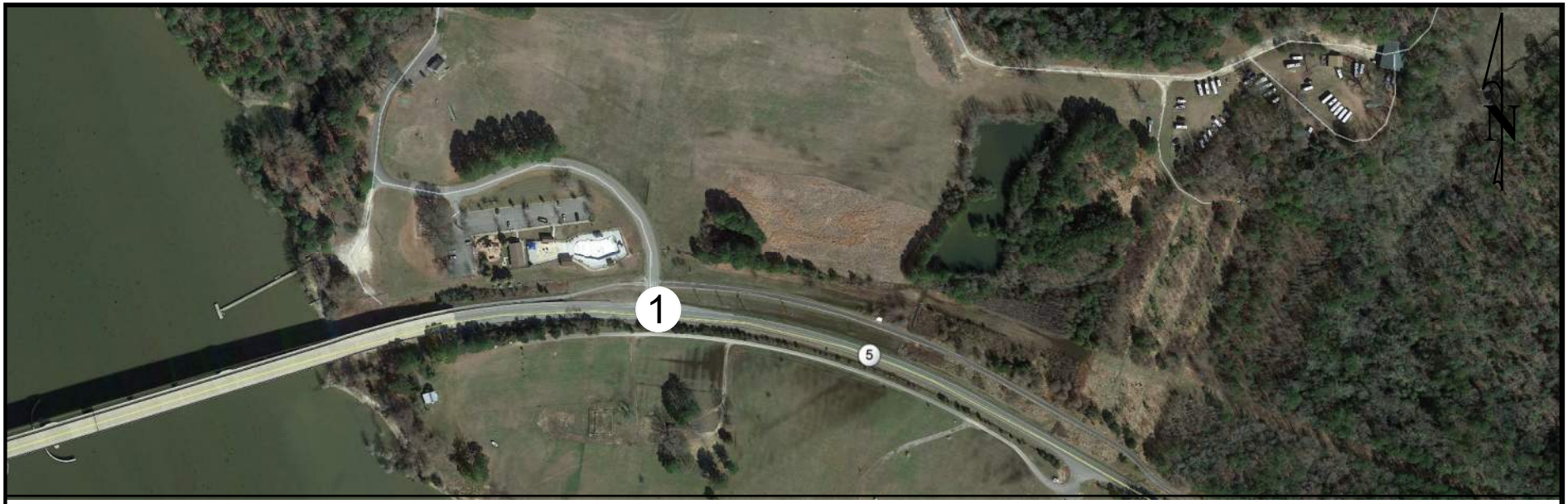
2021 Existing Peak Hour Volumes – Adjusted
Chickahominy Riverfront Park
James City County, Virginia

Figure
4



Peak Hours:
Weekday PM: 4:45 – 5:45 PM
Saturday: 12:15 – 1:15 PM

Park Entrance

(2) [9]
(93) [55]

(87) [51]
(195) [201]

John Tyler Highway

STOP

[25] (4)
[240] (138)

LEGEND:
- Existing Road
- Lane Configuration
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volume
- [00] Sat Peak Hour Volume

NOT TO SCALE

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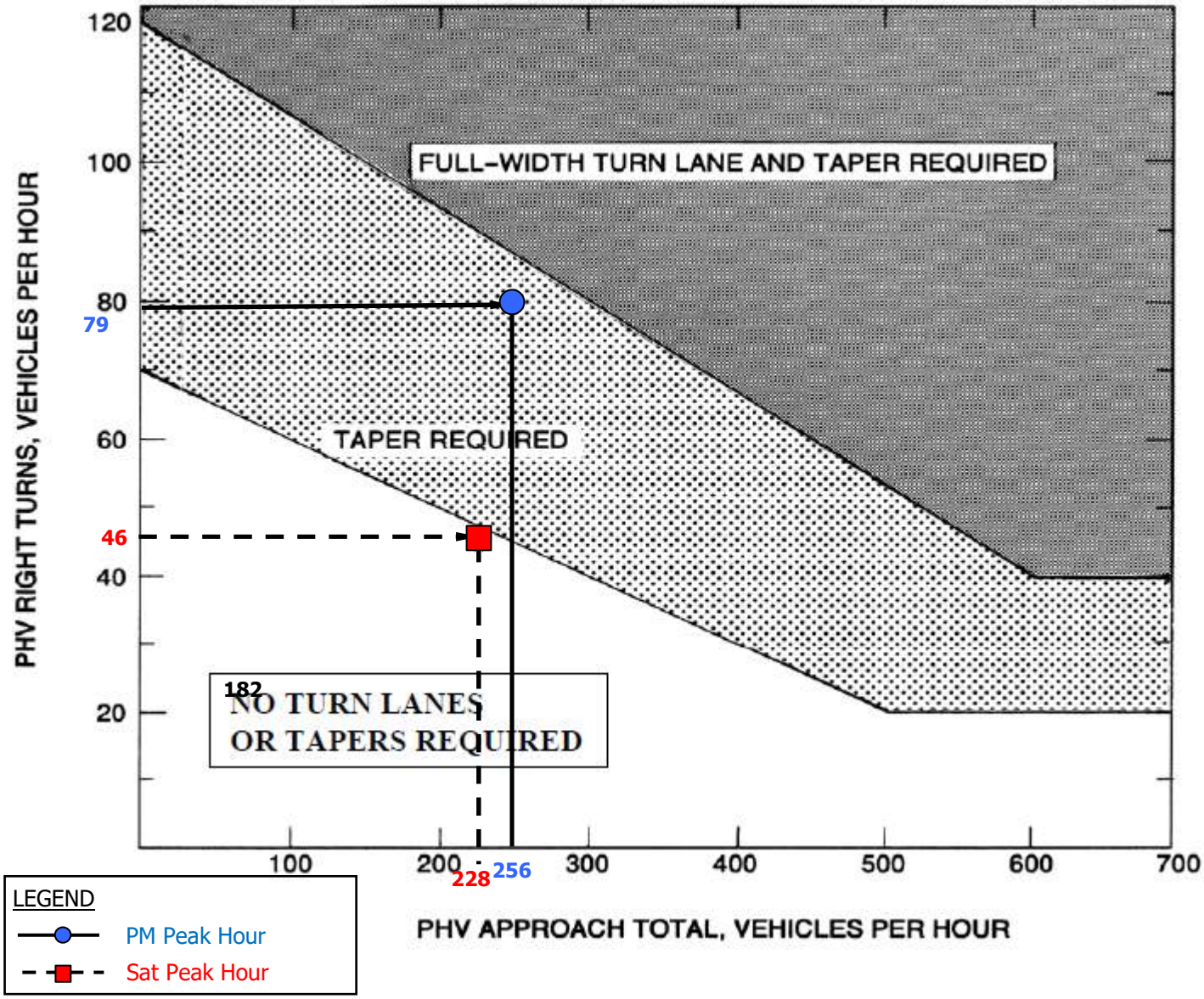
2026 Future Peak Hour Volumes – Adjusted
Chickahominy Riverfront Park
James City County, Virginia

Figure 5

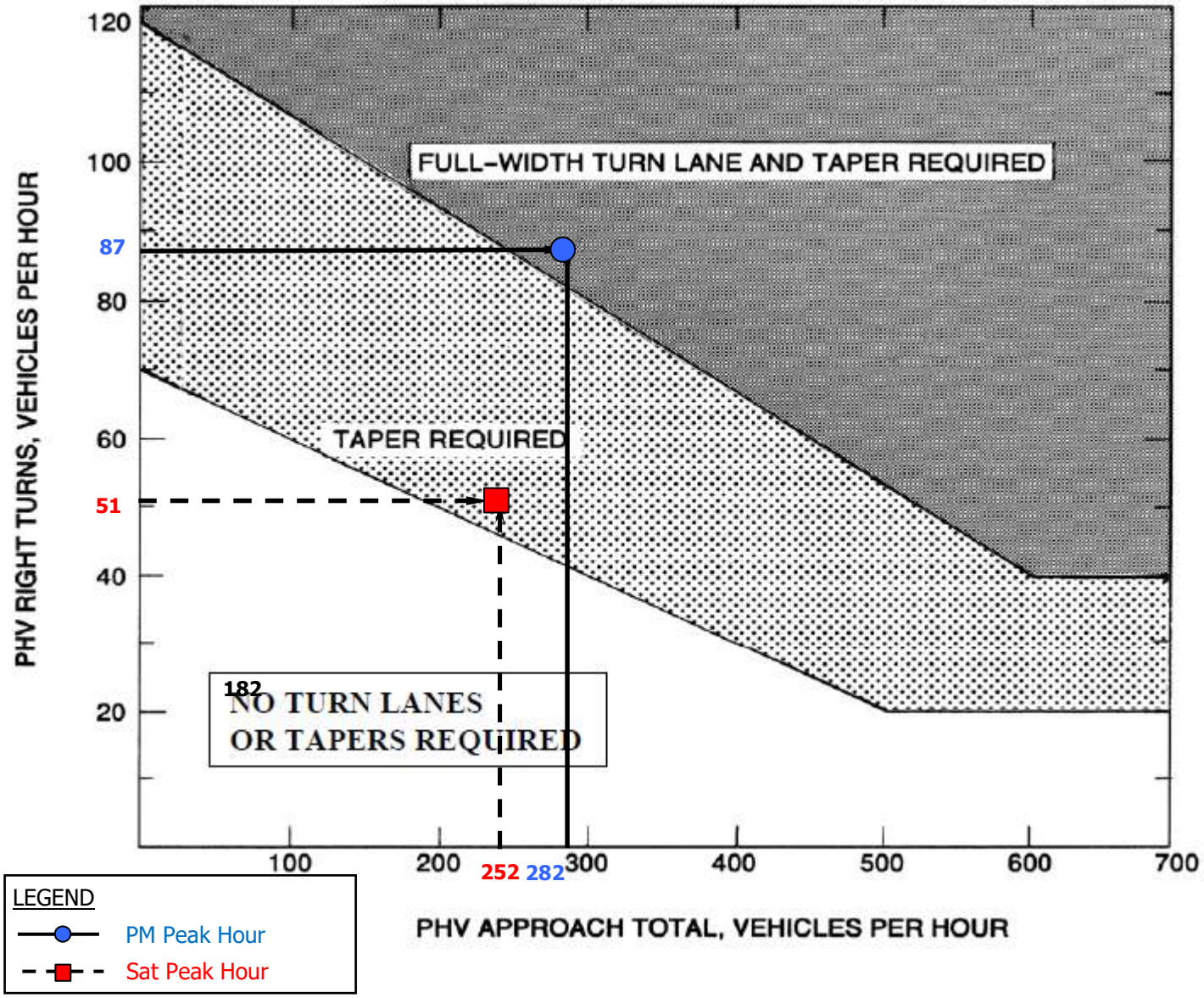
GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Westbound Right Turn Lane Taper Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Right-Turn Lane Guideline VA Route 5/Park Entrance Westbound Right 2021 Existing Traffic Volumes (Peak Month) Chickahominy Riverfront Park	Figure 6

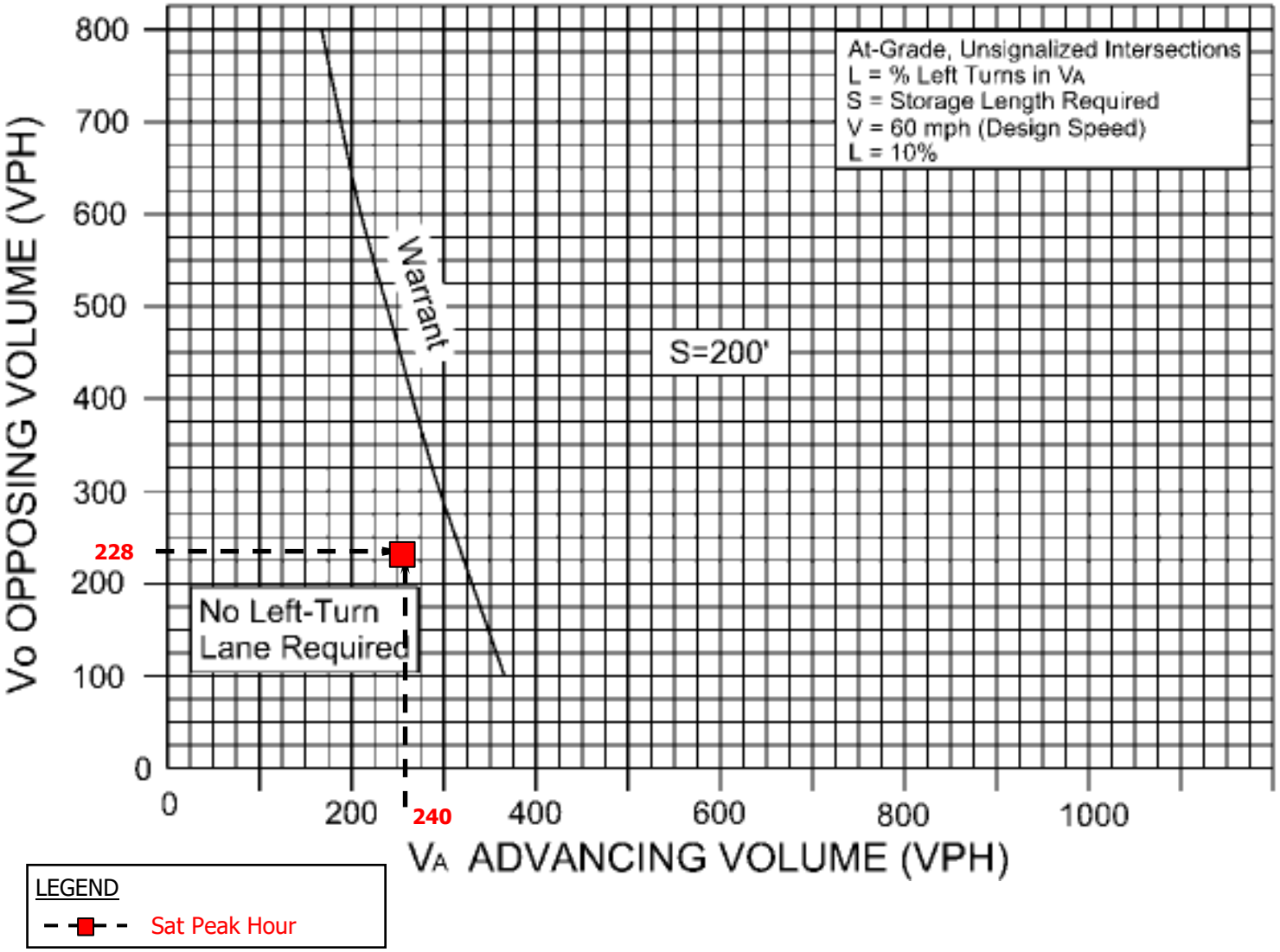
GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Westbound Right Turn Lane Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Right-Turn Lane Guideline VA Route 5/Park Entrance Westbound Right 2026 Future Traffic Volumes (Peak Month) Chickahominy Riverfront Park	Figure 7

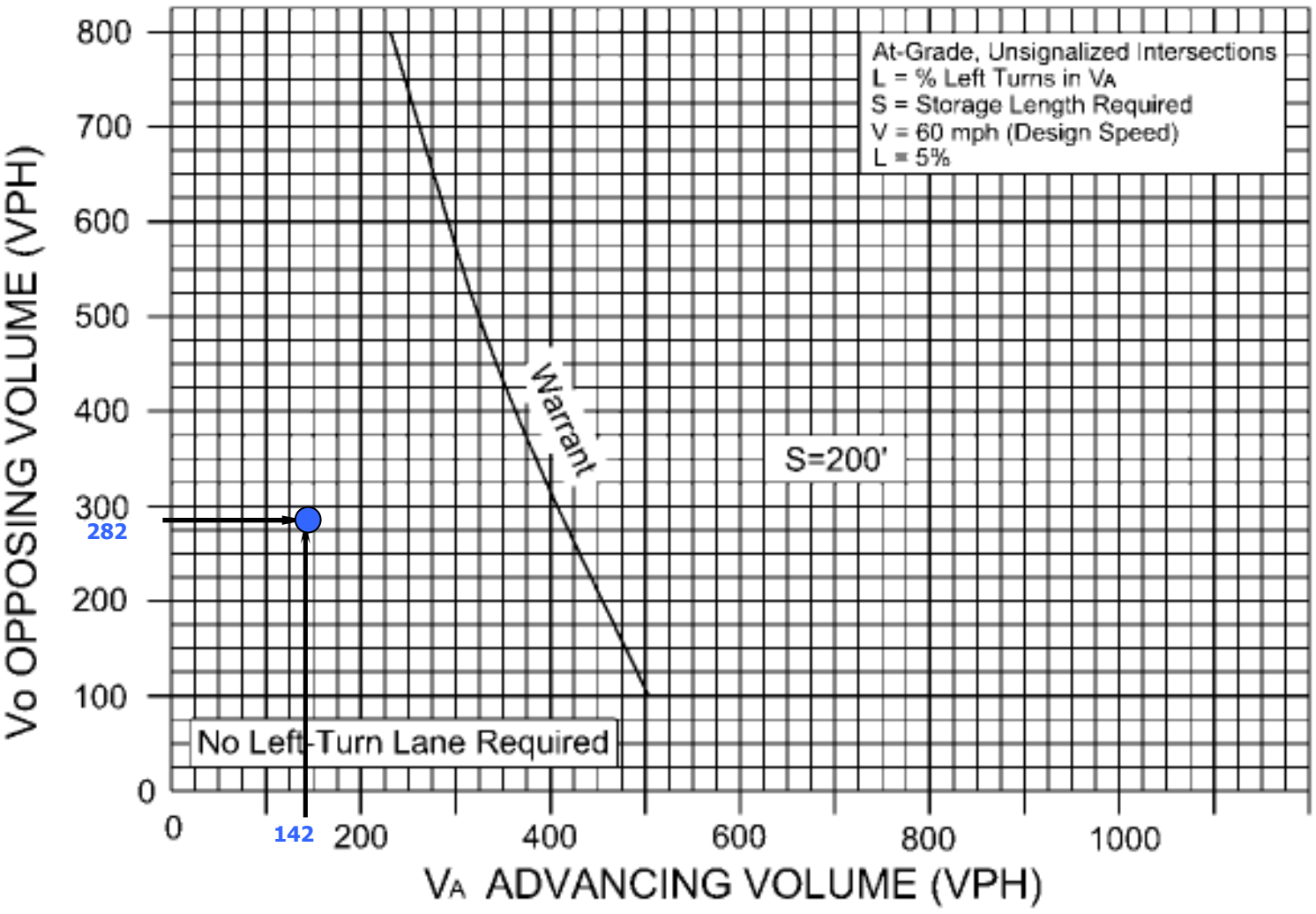
WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-18 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant – Sat Peak Hour VA Route 5/Park Entrance Eastbound Left 2021 Existing Traffic Volumes (Peak Month) Chickahominy Riverfront Park	Figure 8

WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-17 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Eastbound Left Turn Lane Not Warranted

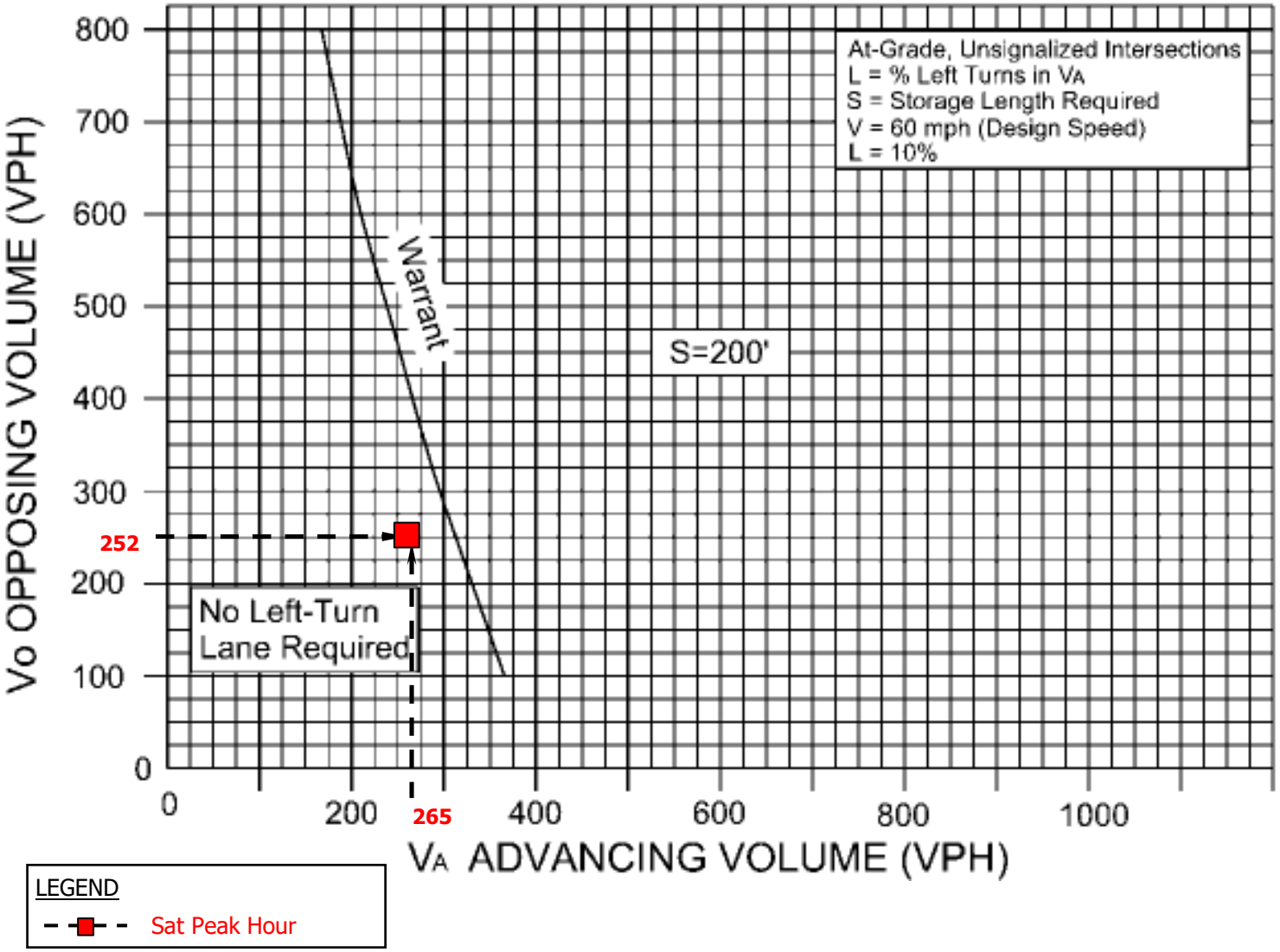
LEGEND
PM Peak Hour

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

Left-Turn Lane Warrant – PM Peak Hour
VA Route 5/Park Entrance Eastbound Left
2026 Future Traffic Volumes (Peak Month)
Chickahominy Riverfront Park

Figure 9

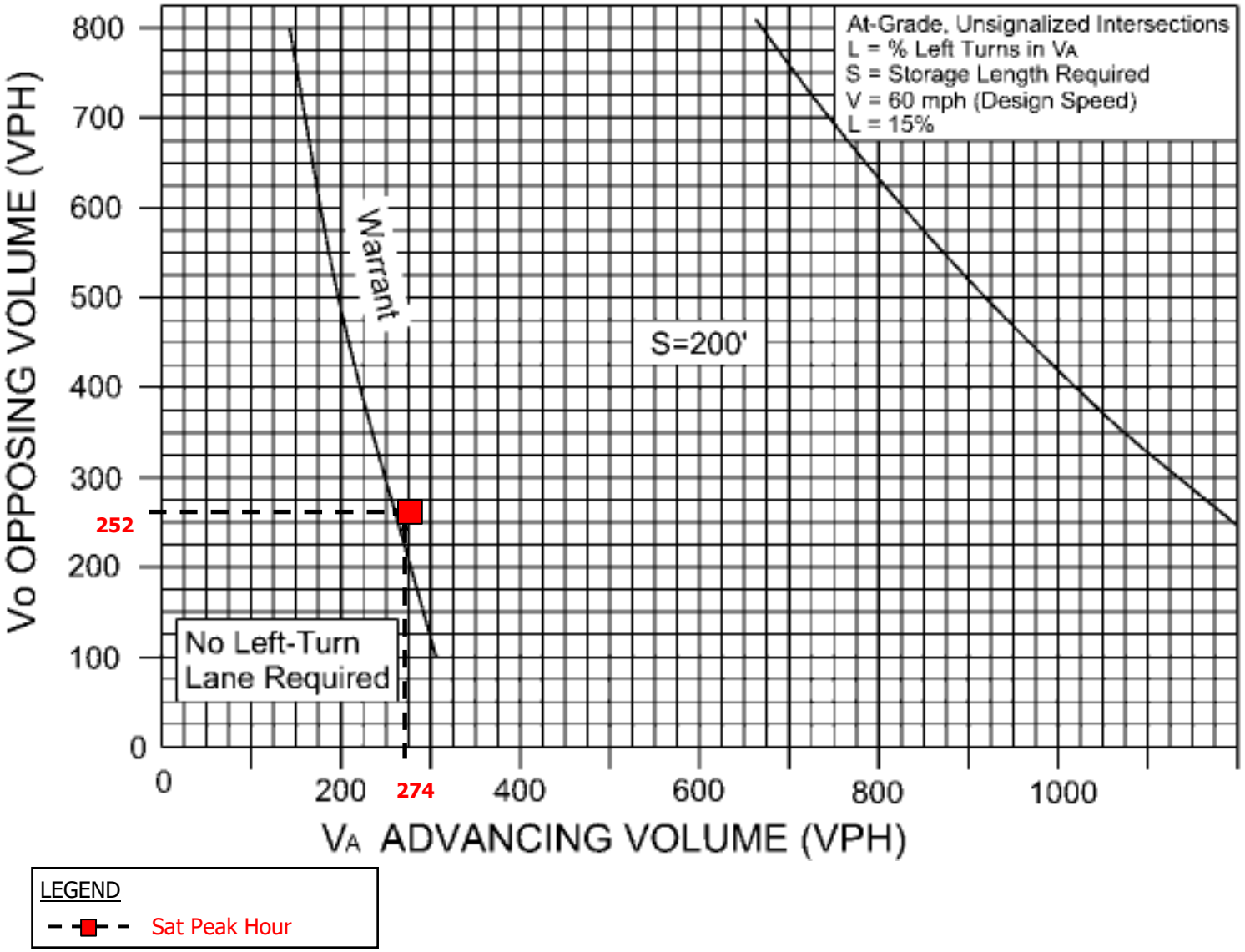
WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-18 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant – Sat Peak Hour VA Route 5/Park Entrance Eastbound Left 2026 Future Traffic Volumes (Peak Month) Chickahominy Riverfront Park	Figure 10

WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-19 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant – Sat Peak Hour VA Route 5/Park Entrance Eastbound Left 2026 Future Traffic Volumes (35% Increase) Chickahominy Riverfront Park	Figure 11

APPENDIX A

Traffic Count Data

Peggy Malone & Associates
(888) 247-8602

File Name : Chickahominy Riverfront Park & John Tyler Highway SAT
Site Code :
Start Date : 4/17/2021
Page No : 1

Groups Printed- Cars

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	1	3	19	23	7	46	0	53	35	2	0	37	113
12:15 PM	2	3	16	21	2	44	0	46	42	3	0	45	112
12:30 PM	0	5	12	17	9	42	0	51	46	2	0	48	116
12:45 PM	2	4	21	27	6	34	0	40	61	1	0	62	129
Total	5	15	68	88	24	166	0	190	184	8	0	192	470
01:00 PM	0	13	11	24	6	39	0	45	42	6	0	48	117
01:15 PM	4	7	13	24	12	37	0	49	32	2	0	34	107
01:30 PM	3	10	12	25	8	24	0	32	52	10	0	62	119
01:45 PM	0	10	21	31	8	28	0	36	47	2	0	49	116
Total	7	40	57	104	34	128	0	162	173	20	0	193	459
Grand Total	12	55	125	192	58	294	0	352	357	28	0	385	929
Apprch %	6.2	28.6	65.1		16.5	83.5	0		92.7	7.3	0		
Total %	1.3	5.9	13.5	20.7	6.2	31.6	0	37.9	38.4	3	0	41.4	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 12:45 PM										
12:45 PM	2	4	6	6	34	40	**61**	1	**62**	**108**
01:00 PM	0	**13**	**13**	6	**39**	45	42	6	48	106
01:15 PM	**4**	7	11	**12**	37	**49**	32	2	34	94
01:30 PM	3	10	13	8	24	32	52	**10**	62	107
Total Volume	9	34	43	32	134	166	187	19	206	415
% App. Total	20.9	79.1		19.3	80.7		90.8	9.2		
PHF	.563	.654	.827	.667	.859	.847	.766	.475	.831	.961

Peggy Malone & Associates
(888) 247-8602

File Name : Chickahominy Riverfront Park & John Tyler Highway SAT
Site Code :
Start Date : 4/17/2021

Groups Printed- Trucks

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	3	0	3	2	0	0	2	5
12:15 PM	0	0	0	0	0	2	0	2	1	0	0	1	3
12:30 PM	0	1	0	1	1	2	0	3	3	0	0	3	7
12:45 PM	0	0	0	0	0	1	0	1	2	0	0	2	3
Total	0	1	0	1	1	8	0	9	8	0	0	8	18
01:00 PM	0	0	0	0	0	1	0	1	0	0	0	0	1
01:15 PM	0	0	0	0	1	1	0	2	2	0	0	2	4
01:30 PM	0	1	0	1	0	0	0	0	0	0	0	0	1
01:45 PM	0	1	0	1	0	1	0	1	1	0	0	1	3
Total	0	2	0	2	1	3	0	4	3	0	0	3	9
Grand Total	0	3	0	3	2	11	0	13	11	0	0	11	27
Apprch %	0	100	0		15.4	84.6	0		100	0	0		
Total %	0	11.1	0	11.1	7.4	40.7	0	48.1	40.7	0	0	40.7	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 12:00 PM										
12:00 PM	0	0	0	0	**3**	**3**	2	0	2	5
12:15 PM	0	0	0	0	2	2	1	0	1	3
12:30 PM	0	**1**	**1**	**1**	2	3	**3**	0	**3**	**7**
12:45 PM	0	0	0	0	1	1	2	0	2	3
Total Volume	0	1	1	1	8	9	8	0	8	18
% App. Total	0	100		11.1	88.9		100	0		
PHF	.000	.250	.250	.250	.667	.750	.667	.000	.667	.643

Peggy Malone & Associates
(888) 247-8602

File Name : Chickahominy Riverfront Park & John Tyler Highway SAT
Site Code :
Start Date : 4/17/2021
Page No : 1

Groups Printed- Combined

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	1	3	19	23	7	49	0	56	37	2	0	39	118
12:15 PM	2	3	16	21	2	46	0	48	43	3	0	46	115
12:30 PM	0	6	12	18	10	44	0	54	49	2	0	51	123
12:45 PM	2	4	21	27	6	35	0	41	63	1	0	64	132
Total	5	16	68	89	25	174	0	199	192	8	0	200	488
01:00 PM	0	13	11	24	6	40	0	46	42	6	0	48	118
01:15 PM	4	7	13	24	13	38	0	51	34	2	0	36	111
01:30 PM	3	11	12	26	8	24	0	32	52	10	0	62	120
01:45 PM	0	11	21	32	8	29	0	37	48	2	0	50	119
Total	7	42	57	106	35	131	0	166	176	20	0	196	468
Grand Total	12	58	125	195	60	305	0	365	368	28	0	396	956
Apprch %	6.2	29.7	64.1		16.4	83.6	0		92.9	7.1	0		
Total %	1.3	6.1	13.1	20.4	6.3	31.9	0	38.2	38.5	2.9	0	41.4	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 12:15 PM										
12:15 PM	**2**	3	5	2	**46**	48	43	3	46	99
12:30 PM	0	6	6	**10**	44	**54**	49	2	51	**111**
12:45 PM	2	4	6	6	35	41	**63**	1	**64**	111
01:00 PM	0	**13**	**13**	6	40	46	42	**6**	48	107
Total Volume	4	26	30	24	165	189	197	12	209	428
% App. Total	13.3	86.7		12.7	87.3		94.3	5.7		
PHF	.500	.500	.577	.600	.897	.875	.782	.500	.816	.964

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File Name : Chickahominy Riverfront Park & John Tyler Highway
Site Code :
Start Date : 4/15/2021
Page No : 1

Groups Printed- Cars

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	1	2	8	11	1	31	0	32	33	0	0	33	76
04:15 PM	0	3	1	4	3	33	0	36	28	0	0	28	68
04:30 PM	0	1	4	5	3	39	0	42	28	0	0	28	75
04:45 PM	0	5	4	9	5	38	0	43	28	0	0	28	80
Total	1	11	17	29	12	141	0	153	117	0	0	117	299
05:00 PM	0	3	5	8	4	35	0	39	31	0	0	31	78
05:15 PM	1	4	2	7	28	36	0	64	28	0	0	28	99
05:30 PM	0	32	5	37	4	48	0	52	27	0	0	27	116
05:45 PM	2	3	7	12	4	18	0	22	24	1	0	25	59
Total	3	42	19	64	40	137	0	177	110	1	0	111	352
Grand Total	4	53	36	93	52	278	0	330	227	1	0	228	651
Apprch %	4.3	57	38.7		15.8	84.2	0		99.6	0.4	0		
Total %	0.6	8.1	5.5	14.3	8	42.7	0	50.7	34.9	0.2	0	35	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:45 PM										
04:45 PM	0	5	5	5	38	43	28	0	28	76
05:00 PM	0	3	3	4	35	39	**31**	0	**31**	73
05:15 PM	**1**	4	5	**28**	36	**64**	28	0	28	97
05:30 PM	0	**32**	**32**	4	**48**	52	27	0	27	**111**
Total Volume	1	44	45	41	157	198	114	0	114	357
% App. Total	2.2	97.8		20.7	79.3		100	0		
PHF	.250	.344	.352	.366	.818	.773	.919	.000	.919	.804

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File Name : Chickahominy Riverfront Park & John Tyler Highway
Site Code :
Start Date : 4/15/2021

Groups Printed- Trucks

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	0	0	0	0	0	3	0	3	0	0	0	0	3
04:15 PM	0	0	0	0	0	3	0	3	2	0	0	2	5
04:30 PM	0	0	0	0	0	1	0	1	0	0	0	0	1
04:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	7	0	7	2	0	0	2	9
05:00 PM	0	0	0	0	0	1	0	1	0	0	0	0	1
05:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
05:30 PM	0	0	0	0	0	3	0	3	0	0	0	0	3
05:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	4	0	4	0	0	0	0	4
Grand Total	0	0	0	0	0	11	0	11	2	0	0	2	13
Apprch %	0	0	0		0	100	0		100	0	0		
Total %	0	0	0	0	0	84.6	0	84.6	15.4	0	0	15.4	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:00 PM										
04:00 PM	0	0	0	0	**3**	**3**	0	0	0	3
04:15 PM	0	0	0	0	3	3	**2**	0	**2**	**5**
04:30 PM	0	0	0	0	1	1	0	0	0	1
04:45 PM	0	0	0	0	0	0	0	0	0	0
Total Volume	0	0	0	0	7	7	2	0	2	9
% App. Total	0	0		0	100		100	0		
PHF	.000	.000	.000	.000	.583	.583	.250	.000	.250	.450

Peggy Malone & Associates
(888) 247-8602

File Name : Chickahominy Riverfront Park & John Tyler Highway
Site Code :
Start Date : 4/15/2021
Page No : 1

Groups Printed- Combined

	Chickahominy Riverfront Park Southbound				John Tyler Hwy Westbound				John Tyler Hwy Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	1	2	8	11	1	34	0	35	33	0	0	33	79
04:15 PM	0	3	1	4	3	36	0	39	30	0	0	30	73
04:30 PM	0	1	4	5	3	40	0	43	28	0	0	28	76
04:45 PM	0	5	4	9	5	38	0	43	28	0	0	28	80
Total	1	11	17	29	12	148	0	160	119	0	0	119	308
05:00 PM	0	3	5	8	4	36	0	40	31	0	0	31	79
05:15 PM	1	4	2	7	28	36	0	64	28	0	0	28	99
05:30 PM	0	32	5	37	4	51	0	55	27	0	0	27	119
05:45 PM	2	3	7	12	4	18	0	22	24	1	0	25	59
Total	3	42	19	64	40	141	0	181	110	1	0	111	356
Grand Total	4	53	36	93	52	289	0	341	229	1	0	230	664
Apprch %	4.3	57	38.7		15.2	84.8	0		99.6	0.4	0		
Total %	0.6	8	5.4	14	7.8	43.5	0	51.4	34.5	0.2	0	34.6	

	Chickahominy Riverfront Park Southbound			John Tyler Hwy Westbound			John Tyler Hwy Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1										
Peak Hour for Entire Intersection Begins at 04:45 PM										
04:45 PM	0	5	5	5	38	43	28	0	28	76
05:00 PM	0	3	3	4	36	40	**31**	0	**31**	74
05:15 PM	**1**	4	5	**28**	36	**64**	28	0	28	97
05:30 PM	0	**32**	**32**	4	**51**	55	27	0	27	**114**
Total Volume	1	44	45	41	161	202	114	0	114	361
% App. Total	2.2	97.8		20.3	79.7		100	0		
PHF	.250	.344	.352	.366	.789	.789	.919	.000	.919	.792

APPENDIX B

2021 Existing Conditions Analysis Reports

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	125	177	79	84	2
Future Vol, veh/h	0	125	177	79	84	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	79	92	92	92	92	92
Heavy Vehicles, %	0	0	2	0	0	0
Mvmt Flow	0	136	192	86	91	2

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	278	0	-	0	371	235
Stage 1	-	-	-	-	235	-
Stage 2	-	-	-	-	136	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1296	-	-	-	634	809
Stage 1	-	-	-	-	809	-
Stage 2	-	-	-	-	895	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1296	-	-	-	634	809
Mov Cap-2 Maneuver	-	-	-	-	634	-
Stage 1	-	-	-	-	809	-
Stage 2	-	-	-	-	895	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	11.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1296	-	-	-	637
HCM Lane V/C Ratio	-	-	-	-	0.147
HCM Control Delay (s)	0	-	-	-	11.6
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.5

Intersection: 3:

Movement	SB
Directions Served	LR
Maximum Queue (ft)	61
Average Queue (ft)	33
95th Queue (ft)	53
Link Distance (ft)	387
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	23	217	182	46	50	8
Future Vol, veh/h	23	217	182	46	50	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	2	0	0	0
Mvmt Flow	25	236	198	50	54	9

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	248	0	-	0	509	223
Stage 1	-	-	-	-	223	-
Stage 2	-	-	-	-	286	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1330	-	-	-	528	822
Stage 1	-	-	-	-	819	-
Stage 2	-	-	-	-	767	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1330	-	-	-	516	822
Mov Cap-2 Maneuver	-	-	-	-	516	-
Stage 1	-	-	-	-	801	-
Stage 2	-	-	-	-	767	-

Approach	EB	WB	SB
HCM Control Delay, s	0.7	0	12.5
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1330	-	-	-	544
HCM Lane V/C Ratio	0.019	-	-	-	0.116
HCM Control Delay (s)	7.8	0	-	-	12.5
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.4

Intersection: 3: Jamestown Road

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	54	60
Average Queue (ft)	6	29
95th Queue (ft)	29	52
Link Distance (ft)	894	387
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

APPENDIX C

Future Traffic Conditions Analysis Reports

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	4	139	197	88	94	2
Future Vol, veh/h	4	139	197	88	94	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	79	92	92	92	92	92
Heavy Vehicles, %	0	0	2	0	0	0
Mvmt Flow	5	151	214	96	102	2

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	310	0	-	0	423	262
Stage 1	-	-	-	-	262	-
Stage 2	-	-	-	-	161	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1262	-	-	-	591	782
Stage 1	-	-	-	-	786	-
Stage 2	-	-	-	-	873	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1262	-	-	-	589	782
Mov Cap-2 Maneuver	-	-	-	-	589	-
Stage 1	-	-	-	-	783	-
Stage 2	-	-	-	-	873	-

Approach	EB	WB	SB
HCM Control Delay, s	0.3	0	12.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1262	-	-	-	592
HCM Lane V/C Ratio	0.004	-	-	-	0.176
HCM Control Delay (s)	7.9	0	-	-	12.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.6

Intersection: 3:

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	22	63
Average Queue (ft)	1	34
95th Queue (ft)	13	56
Link Distance (ft)	894	387
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	26	242	203	51	56	9
Future Vol, veh/h	26	242	203	51	56	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	2	0	0	0
Mvmt Flow	28	263	221	55	61	10

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	276	0	-	0	568	249
Stage 1	-	-	-	-	249	-
Stage 2	-	-	-	-	319	-
Critical Hdwy	4.1	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1299	-	-	-	488	795
Stage 1	-	-	-	-	797	-
Stage 2	-	-	-	-	741	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1299	-	-	-	476	795
Mov Cap-2 Maneuver	-	-	-	-	476	-
Stage 1	-	-	-	-	777	-
Stage 2	-	-	-	-	741	-

Approach	EB	WB	SB
HCM Control Delay, s	0.8	0	13.3
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1299	-	-	-	504
HCM Lane V/C Ratio	0.022	-	-	-	0.14
HCM Control Delay (s)	7.8	0	-	-	13.3
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.5

Intersection: 3: Jamestown Road

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	57	2	63
Average Queue (ft)	6	0	30
95th Queue (ft)	31	2	54
Link Distance (ft)	894	798	387
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 0

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-23-0004.

CHICKAHOMINY RIVERFRONT PARK MASTER PLAN AMENDMENT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a park or other public area, public building or public structure, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, James City County, Virginia (the "Owner"), owns properties located at 1350 John Tyler Highway, and further identified as James City County Real Estate Tax Map Parcel No. 3430100002 (the "Property"), which is zoned PL, Public Lands; and

WHEREAS, Mr. Alister Perkinson of the James City County Parks & Recreation Department, on behalf of the Owner, has applied for a Special Use Permit amendment to remove camping and RV camping areas and adding a long-term RV and boat storage area and a future James City Service Authority water treatment plant area on the eastern side of the park; realigning internal roadways and removing a second entrance on Route 5; and adding and relocating rowing and boat launch facilities and other minor revisions on the Properties as shown on a plan titled "Chickahominy Riverfront Park Master Plan March 2023", dated March 2023; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-23-0004.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character and extent of the park or other public areas, public buildings or public structures shown in Case No. SUP-23-0004 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Frank Polster
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2023.

SUP23-4_CRPkMPAmd-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment

Ms. Suzanne Yeats, Planner, stated that Mr. Alister Perkinson, Parks Administrator, James City County Parks and Recreation, has submitted a request to amend SUP-0014-2009 to formally update the adopted master plan for Chickahominy Riverfront Park Board dated September 2020. Ms. Yeats stated that Furthermore, this SUP application includes an updated Master Plan for Chickahominy Riverfront Park, dated January 2023.

Ms. Yeats stated that the subject property is located at 1350 John Tyler Highway, zoned Public Lands, designated as Community Character Conservation, Open Space, or Recreation on the 2045 Comprehensive Plan, and located outside the Primary Service Area (PSA).

Ms. Yeats stated that by formally amending this Special Use Permit (SUP) and adopting the revised master plan, staff finds the proposed conditions will mitigate impacts to surrounding properties and development. Ms. Yeats stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Yeats stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman inquired if there would be a facility for launching kayaks.

Ms. Yeats stated that there would be two.

Mr. Haldeman inquired about the parcel set aside for a water treatment facility.

Mr. John Carnifax, Director of Parks and Recreation, stated that there are no immediate plans for the County to provide water; however, the site has been identified to comply with the Department of Environmental Quality requirements in the event it is needed in the future.

Mr. Polster opened the Public Hearing.

Mr. Chris Henderson, 101 Keystone, addressed the Commission with suggestions on the application.

As no one further wished to speak, Mr. Polster closed the Public Hearing.

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

Ms. Null inquired about the camping spaces being removed.

Mr. Carnifax stated that no campsites are being removed; however, some have been relocated to other areas in the park. Mr. Carnifax stated that some campsites will be improved and bee glamping sites. Mr. Carnifax further stated, in response to the public comments, that consideration has been given to adding dry stack storage; however, finding a location within the park where the visual impacts can be mitigated has been an issue.

Mr. Haldeman inquired about the surface for the propose parking area.

Mr. Carnifax stated that it would be a gravel surface.

Mr. Polster noted that during the Capital Improvements Program Review, the Policy Committee recommended that projects should be combined where feasible to achieve cost savings. Mr. Polster further noted that during the DRC review, it was recommended that the bike trail be rerouted where it comes off the Judith Stewart Dresser Memorial Bridge to go into the park and come out at the park exit to improve safety.

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

Mr. Holt noted that the Commission would need to make a finding regarding Comprehensive Plan Consistency in each of the Park SUP cases.

Mr. O'Connor made a motion to find the facilities consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to find SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment consistent with the Comprehensive Plan. (5-0)

On a roll call vote, the Commission voted to recommend approval of SUP-23-0004. Chickahominy Riverfront Park Master Plan Amendment. (5-0)

AGENDA ITEM NO. G.6.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Ben Loppacker, Planner

SUBJECT: SUP-23-0005. Jamestown Beach Event Park Master Plan Amendment

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	2. Location Map	Backup Material
🗋	3. 2020 Master Plan	Backup Material
🗋	4. Applicant Narrative	Backup Material
🗋	5. SUP-0010-2015 Resolution	Backup Material
🗋	6. Traffic Memorandum	Backup Material
🗋	7. Shaping Our Shores 2009 Resolution	Backup Material
🗋	8.2009 Master Plan	Backup Material
🗋	9. Adopted Resolution for Consistency with the adopted Comprehensive Plan	Backup Material
🗋	10. Unapproved Minutes of the April 5, 2023 Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 5:15 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 5:18 PM
Publication Management	Daniel, Martha	Approved	4/24/2023 - 8:41 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:09 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:57 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:01 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

SPECIAL USE PERMIT-23-0005. 2205 Jamestown Road. Jamestown Beach Event Park SUP and Master Plan Amendment
Staff Report for the May 9, 2023, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Alister Perkinson, Parks Administrator, Parks & Recreation Department
Landowner:	James City County
Proposal:	A request to amend the Special Use Permit (SUP) Case No. SUP-0010-2015 and Master Plan to include, but not limited to, adding long-term boat storage and a running center, and changes to roadways including realigning the park entrance to create a new intersection with Jamestown Road and the Colonial Parkway. The proposed SUP amendment is designed to ensure consistency with the currently adopted 2020 Park Master Plan.
Location:	2205 Jamestown Road
Tax Map/Parcel No.:	4630100005
Property Acreage:	± 94.75 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Community Character Conservation, Open Space, or Recreation
Primary Service Area:	Inside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: April 5, 2023, 6:00 p.m.

Board of Supervisors: May 9, 2023, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal continues to be compatible with surrounding zoning and development.

2. The proposal is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

3. At its July 28, 2020, meeting, the Board of Supervisors approved the Master Plan for Jamestown Beach Event Park. Staff finds the current SUP application consistent with the Board adopted Master Plan for the Park.

4. The proposed conditions mitigate traffic impacts to Jamestown Road.

5. 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 Board of Supervisors approve this SUP application, subject to the proposed conditions.

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.

PLANNING COMMISSION RECOMMENDATION

At its April 5, 2023, meeting, the Planning Commission voted to recommend approval of this application by a vote of 5-0 (Mr. Rodgers and Dr. Rose absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PLANNING AND ZONING HISTORY

- On March 12, 2013, the Board approved Case No. SUP-0017-2012, allowing for the operation of the Park by the County and the adoption of the original Master Plan for the Park.

- On March 8, 2016, the Board approved Case No. SUP-0010-2015, amending the original Master Plan and resolution from 2013. This is the most recent SUP associated with this property.

- On July 28, 2020, the Board of Supervisors approved the Master Plan for Jamestown Beach Event Park.

PROJECT DESCRIPTION

Mr. Alister Perkinson, Parks Administrator for the Parks & Recreation Department, has submitted a request to amend Case No. SUP-0010-2015 to formally update the Park's SUP to ensure consistency with the currently adopted park Master Plan titled "Jamestown Beach Event Park July 2020" that was adopted by the Board of Supervisors at its July 28, 2020, meeting (Attachment No. 4).

Since the original *Shaping our Shores* Master Plan was approved in 2009, improvements have been made to the Park, which include removing the concrete rubble that littered the shoreline, the creation of three beach areas and the installation of shoreline grasses; upgrades to the parking and entrance way, creating an accessible paved walkway and construction of a restroom; lastly, a paddlecraft launch site was created.

In 2020, the Parks & Recreation Department updated the Master Plan included the following changes were made:

- Relocate the fishing pier off the Virginia Department of Transportation (VDOT) property to far end of the beach;

- Add additional restrooms and parking for events and beach patrons;

- Addition of event tent for use with the Amblers House;

- Realign the park entrance along Jamestown Road to intersect with the road leading to the Marina;

- Addition of a public/private Running Center to support community racing, events, and provide workspaces for Parks & Recreation staff;

- Close the section of Greensprings Road that runs in front of the park and align it to meet Jamestown Road; and

- Addition of long-term boat storage to support revenue development and the Marina.

Traffic Analysis

A Traffic Impact Analysis was prepared by the Timmons Group dated March 17, 2022, and revised on May 16, 2022, for the proposed Jamestown Beach Event Park Master Plan update (Attachment No. 6). Based on the analysis, the following conclusions and recommendations were offered:

1. The proposed Master Plan development will not require any improvements to the existing site entrance along Jamestown Road.

2. With any renovations to the Amblers House, a westbound right-turn taper will be warranted at the site entrance.

3. Any use in the Amblers House that generates 60 or more inbound Saturday peak hour trips will warrant a westbound full width right-turn lane and taper.

4. A left-turn lane will not be warranted under any proposed circumstances.

5. Under existing and future conditions, all movements of the intersection of Jamestown Road and the Park entrance operate at Level of Service B or better in both the PM and Saturday peaks.

These recommendations for traffic improvements are included in the proposed SUP conditions (Attachment No. 1).

SURROUNDING ZONING AND DEVELOPMENT

- The parcel is located on Jamestown Road near the Jamestown-Surry Ferry. Surrounding zoning includes R-8, Rural Residential, to the north and east, B-1, General Business, to the southeast and PL, Public Lands to the southwest.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	Mitigated	- See Condition No. 6 regarding mitigation of vehicular traffic on Jamestown Road entering the Park.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Pedestrian/bicycle accommodations are required on the north side of Jamestown Road from the Park entrance to Greensprings Road. Mitigation will come at the site plan stage.
Public Safety	No Mitigation Required	- Fire Station 5 on Monticello Avenue serves this area of the County and is approximately 3.4 miles from Jamestown Beach Event Park. - Staff finds this SUP does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	Mitigated	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the James River Watershed.	Mitigated	- 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 site improvements be made in the future, those improvements would be subject to additional environmental review at that time. The Stormwater and Resource Protection Division has also added Condition No. 3 requiring a Master Stormwater Management Plan.
Cultural/Historic	Mitigated	- Staff finds that this project does not generate impacts that require mitigation.
Nearby and Surrounding Properties	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Community Character	No Mitigation Required	- Jamestown Road is in a Community Character Corridor (CCC); however, the Master Plan does not propose any amenities within the 150-foot buffer along the Jamestown Road rights-of-way. This parcel is located within a Community Character Area.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN

The 2045 Comprehensive Plan Land Use Map designates the Jamestown Beach Event Park as Community Character Conservation, Open Space or Recreation (CCOR). The 2045 Comprehensive Plan states that properties designated CCOR contribute to the rural, historic, or scenic character of the County and include areas used for recreation, historical or cultural resources, or open space. Staff finds that the proposed improvements to Jamestown Beach Event Park are consistent with these designations.

Jamestown Road is listed as Wooded and Urban and Suburban CCCs while Greensprings Road is considered an Open/Agricultural Corridor in the 2045 Comprehensive Plan Land Use Map. The proposed improvements will not be visible from these rights-of-way.

Surrounding Comprehensive Plan designations include Low-Density Residential to the northwest and northeast; CCOR to the north and south; and Mixed Use Jamestown Ferry Approach designation to the east, and south. The James River lies to the southwest.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia states, in part, that no public park facility be allowed unless the Board of Supervisors finds the location of the park "substantially" consistent with the adopted Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Comprehensive Plan Land Use Map, the Upper County Park is designated as CCOR. Also, staff finds this proposal consistent with the Comprehensive Plan since the Park will serve the County and region as a whole and because it is a public facility (i.e., owned and operated by James City County). The Planning Commission determined this use to be consistent with the adopted Comprehensive Plan and its resolution is included as Attachment No. 9.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application, subject to the proposed conditions.

BL/ap
SUP23-5_JBEPkMPlnAmd

Attachments:
1. Proposed SUP Conditions
2. Location Map
3. 2020 Master Plan
4. Applicant Narrative
5. SUP-0010-2015 Resolution
6. Traffic Memorandum
7. *Shaping Our Shores* 2009 Resolution
8. 2009 Master Plan
9. Adopted Resolution for Consistency with the Adopted Comprehensive Plan
10. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-23-0005. JAMESTOWN BEACH EVENT PARK

SPECIAL USE PERMIT AND MASTER PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Alister Perkinson of James City County Parks & Recreation, has applied for a request to amend Case No. SUP-0010-2015 and Master Plan Map to include, adding long-term boat storage and a running center, and changes to roadways including realigning the park entrance to create a new intersection with Jamestown Road and the Colonial Parkway, located at 2205 Jamestown Road and further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 5, 2023, recommended approval of Case No. SUP-23-0005 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0005; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0005 as described herein with the following conditions:

1. *Master Plan*. This SUP shall be valid for the Jamestown Beach Event Park facility (the "Project"). The Project is located at 2205 Jamestown Road and further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the "Property"). Development of the Property shall be completed in accordance with the "Jamestown Beach Event Park Master Plan July 2020," dated July 2020 (the "Master Plan"), with any deviations considered per Section 24-23 (a)(2) of the Zoning Ordinance.

2. *Master Stormwater Management Plan.* The applicant shall submit a Master Stormwater Management ("SWM") Plan for review and approval by the Director of Stormwater and Resource Protection Division or designee within 18 months of adoption of this SUP. Material deviations from the approved SWM must be approved by the Director of Stormwater and Resource Protection. All development of the Property must adhere to the approved SWM Plan.

3. *Amblers House*. The Amblers House accessory structures identified on the Master Plan shall not be demolished. No material improvements or alterations shall be permitted to the Amblers House unless approved by the Director of Planning.

4. *Public Utilities*. The applicant shall install connections to public water and sewer infrastructure prior to the development of any permanent structures or facilities as determined by the Director of Planning.

5. *Traffic Impact Study*. A Traffic Impact Study shall be submitted to the County within five (5) years of adoption of this SUP, or at such earlier time if required by the Virginia Department of Transportation. The Director of Planning may delay this requirement until such time as the Amblers House Restoration, labeled "W" on the revised Master Plan has been completed which may delay this requirement beyond five (5) years.

6. *Tree Clearing*. Tree clearing on the Property shall be limited to the minimum necessary to accommodate the Project as determined by the Director of Planning or his designee.

7. *Outdoor Speakers*. All outdoor speakers used on the Property shall be oriented generally towards the interior of the Property and away from exterior property lines.

8. *Severance Clause*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-0010-2015.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

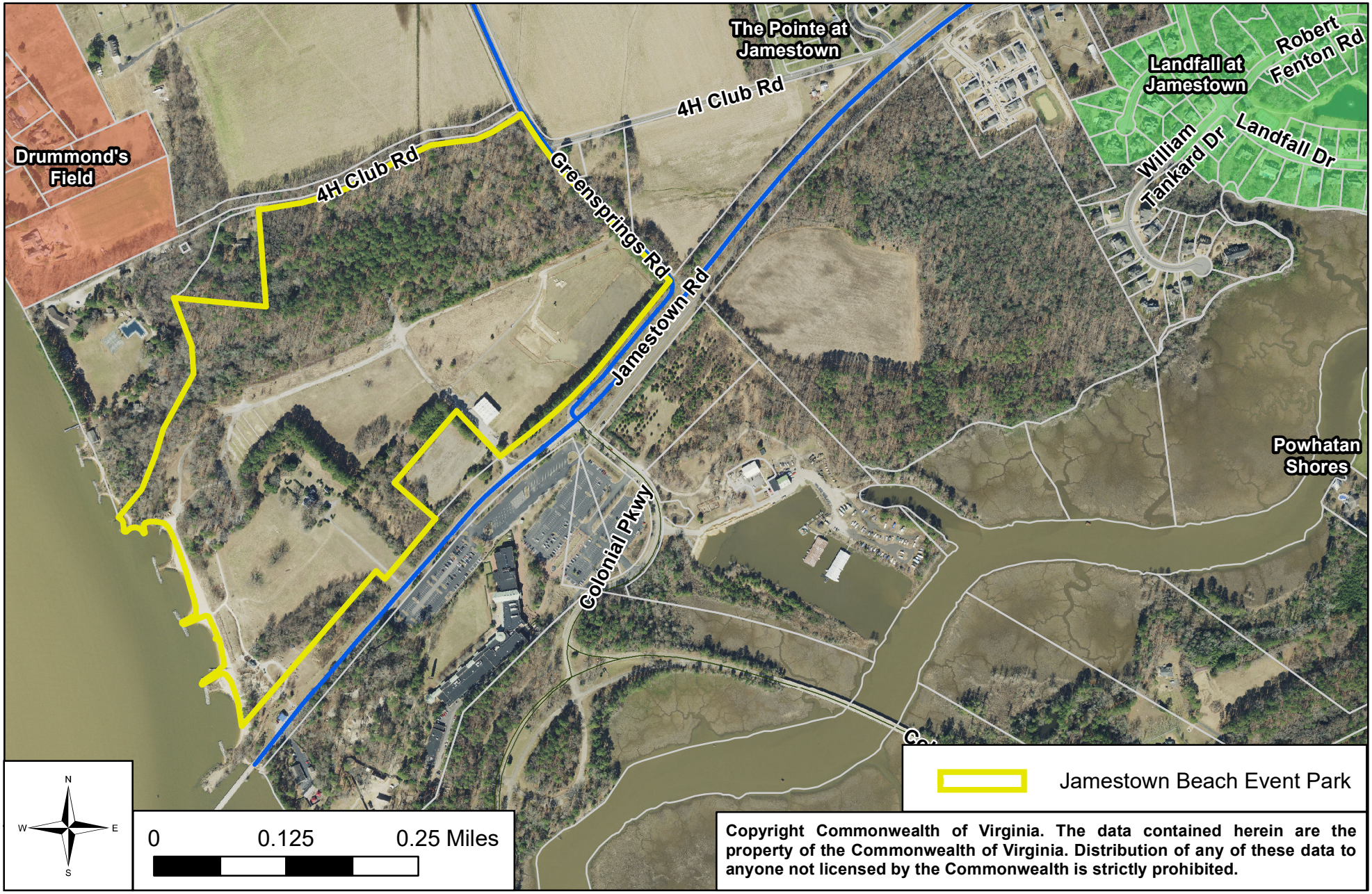
_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

SUP23-5_JBEPkMPlnAmd-res

JCC SUP-23-0005
2205 Jamestown Road
Jamestown Beach Event Park Amendment



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SUP-23-0005. Jamestown Beach Event Park Master Plan Amendment

Property Information:

PIN: 4630100005

James City County
2205 Jamestown Road
Williamsburg, VA 23185

PSA: Inside

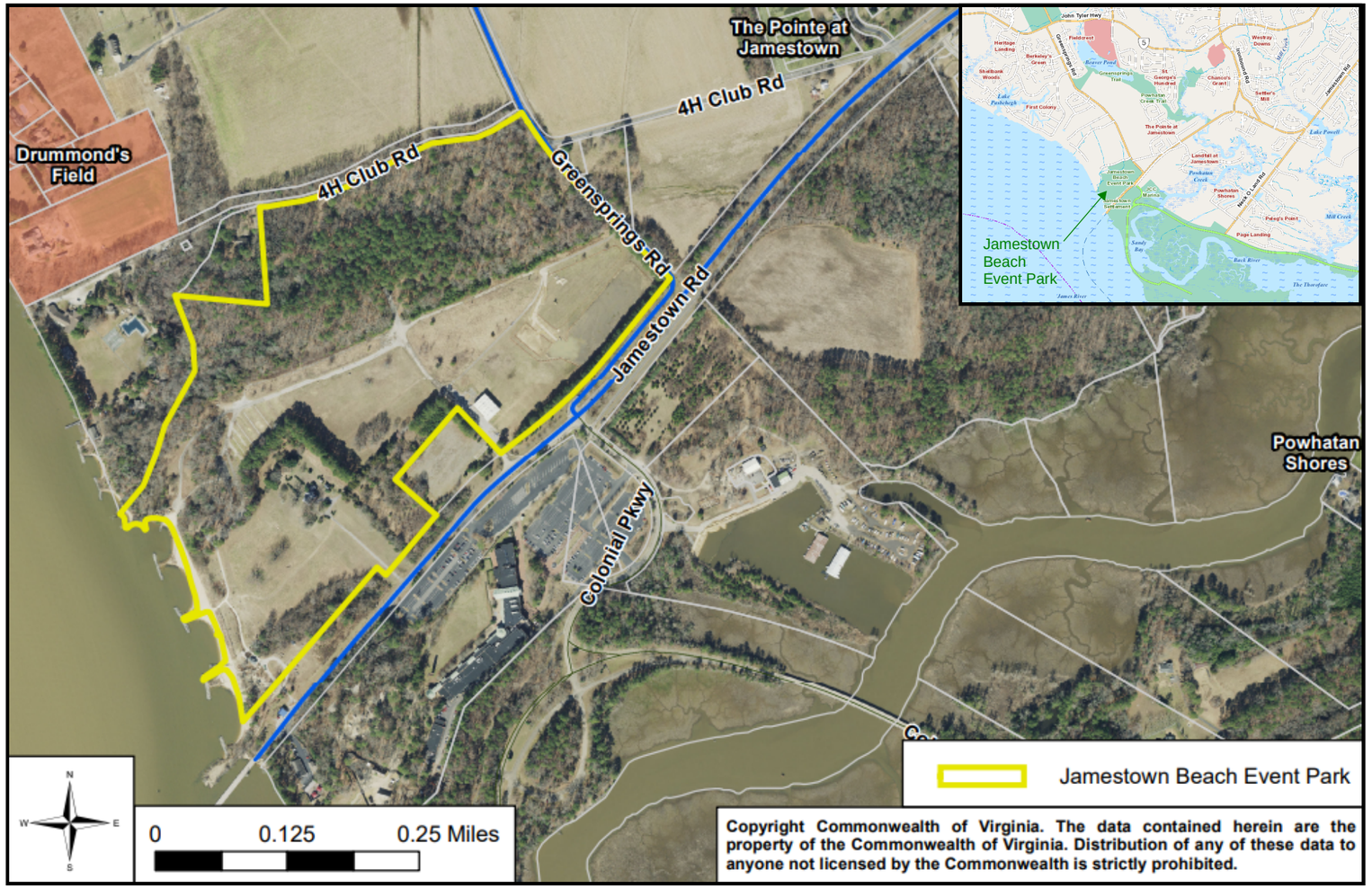
Zoning: PL Public Lands

2045 Comp Plan: Open Space or Recreation

Parcel Acreage: 94.75

Sheet Index:

1. Cover Page
2. Master Plan



General Notes:

1. This proposal amends SUP-0010-2015.

2. Property does contain a Resource Protected Area.

3. This property is located within an easement.

4. Portions of the property located in a special flood hazard area based on Flood Insurance Rate Map 51095C0181D, effective 12/16/2015.

Master Plan

Jamestown Beach Event Park

July 2020

JAMES RIVER

JAMESTOWN ROAD

VDOT ACQUISITION

JYF

JYF Parking Lot

Greensprings Road

Beach Access / Picnic Area

Amblers House Restored

Restroom/ Concessions

Performance Venue and Restrooms

Camping

Boat Storage

Maintenance Building

Running Green

Running Center and Outdoor Restrooms

New Entrance

New Roadway

Label	Feature
A	New Entrance
B	Bioretention Basins
C	Boat Storage
D	Beach Parking
E	Dredge Material from Marina
F	Event Tents
G	Amblers House Events, Parking & Overflow
H	Formal Gardens
I	Great Lawn
J	Maintenance Building, Storage Facility & Recreation Facility
K	New Roadway
L	Overflow Parking Lot
M	Parking Booth
N	Performance Venue
O	Pier / Fishing
P	Playground
Q	Preserved Viewshed
R	Restroom
R1	Restroom / Concessions
S	Running Center and Outdoor Restrooms
T	Second Entrance
U	Beach Access / Picnic Area
V	Parking
W	Amblers House Restored
X	Dumpster Pad
Y	RV / Cabin Camping
Z	Paddle Craft Launch

- Flood Plain
- RPA Lines
- Gate
- Property Line
- Grant VLCF
- CELCP Area
- Trail / Path
- Contours

0 130 260 520 Feet

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Jamestown Beach Event Park (JBEP)

Since the original "Shaping our Shores" Master Plan was approved in 2009, several grants have been obtained to make improvements to the beach. A $100,000 Chesapeake Bay Trust grant was awarded to assist with removing the concrete rubble that littered the shoreline, the creation of three beach areas and the installation of shoreline grasses. A $152,049 grant from the Land and Water Conservation Funds was received to upgrade the parking and entrance way, create an accessible paved walkway and to construct the restroom building. A $147,499 grant was also awarded to upgrade the water and sewer system for the bathroom. Lastly, a paddle craft launch site was created.

In an update to the plan in 2020, the following changes were made:

- Relocate fishing pier off VDOT property to far end of beach;
- Add additional restrooms and parking for events and beach patrons;
- Addition of event tent for use with the Amblers House;
- Re-align the park entrance along Jamestown Road to intersect with the road leading to the Marina;
- Close the section of Greensprings Road that runs in front of the park – align it to meet Jamestown Road; and
- Addition of long-term boat storage to support revenue development and the Marina;
- Addition of a public/private Running Center to support community racing, events and provide workspaces for Parks & Recreation staff.

These changes were adopted by the James City County Board of Supervisors at their July 28, 2020 meeting.

Park Included in SUP	Adopted 5 year CIP (FY23-27)	5-8 Years (FY28-30)	8+ Years (FY31+)
Chickahominy Riverfront Park	RV/Boat Storage ® Multi-use Trail (A)	Community Rowing Facilities/Paddlecraft Launch (C, H), Upgraded Bathhouse Facilities (B), Campground Improvements (A), Connector Road	Campground Store (M) Field Games (O) Picnic Pavilions (J)
Upper County Park	Paved Multi-use Trail (G) Splash Pad (A2)	Tennis/Pickleball Courts (N)	Community Gym (H) Archery Range (L)
Jamestown Beach Event Park	Boat Storage (C)	Maintenance Building (J) Performance Venue/Restrooms (N, R) Entrance re-alignment	Camping (Y)
Warhill Sports Complex	Softball/Baseball Complex (B)	Multipurpose Field Complex (F), Connector Road (E),	Baseball/Softball Stadium Complex (D2) Tennis/Pickleball Courts (H)

RESOLUTION

CASE NO. SUP-0010-2015. JAMESTOWN BEACH SPECIAL USE PERMIT AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific Land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the Board of Supervisors approved SUP-0017-2012, Jamestown Beach, which permitted community recreation facilities in a PL, Public Lands District on property located at 2205 Jamestown Road, which can be further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the "Property"); and

WHEREAS, Ms. Nancy Ellis of James City County Parks and Recreation has applied to amend SUP-0017-2012 and restate the conditions; and

WHEREAS, the Board of Supervisors endorsed the Shaping Our Shores Master Plan by resolution on June 9, 2009, as a high-level planning document for the Property; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 3, 2016, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2035 Comprehensive Plan Land Use Map designation for the Property and the considerations in Section 24-9 of the James City County Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP 0010-2015 as described herein with the following amended and restated conditions:

1. **Master Plan.** This SUP shall permit a public community recreation facility and accessory uses thereto, including but not limited to restoration of the Vermillion House, event tents, interpretive areas, beach access and parking, special event areas, maintenance areas, concession stands, cabins, tent camping, a ropes course and performance venue on property located at 2205 Jamestown Road, and further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the "Property"). Uses and layout of the Property shall generally be located as shown on the document entitled "Figure 2-2: Master Plan - Jamestown Beach Campground," prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) (the "Master Plan") and as described in the *Shaping Our Shores* Master Plan report adopted by the Board of Supervisors on June 9, 2009 (the "SOS Report"), with only changes thereto that the director of planning determines are generally consistent with the Master Plan and the SOS Report.
2. **Archaeology.** Additional archaeological studies shall be submitted to the Director of Planning or his designee for review and approval prior to the commencement of any land disturbing activity on the Property in any area that is identified as "potentially eligible" or "eligible" for inclusion on the National Register of Historic Places and/or "unknown (further work needed)" in the reports titled "Phase I Cultural Resource Survey of the James City County Campground and Yacht Basin Marina, James City County, Virginia" by Archaeological and Cultural Solutions, Inc. dated February 2009,

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and "Phase II Investigations of Archaeological Sites 44JC0101 and 44JC121 2, James City County Campground and Yacht Basin Marina, James City County, Virginia" by Archaeological and Cultural Solutions, Inc. dated July 2009. If an additional Phase II study is necessary for any site, such study shall be approved by the director of planning or his designee and a treatment plan for said sites shall be submitted to and approved by the director of planning or his designee for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the director of planning or his designee prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. **Tree Clearing.** Tree clearing on the Property shall be limited to the minimum necessary to accommodate the proposed infrastructure improvements; recreational uses shown on the Master Plan; and related driveways, entrance improvements and facilities as determined by the Director of Planning or his designee.
4. **Master Stormwater Management Plan.** The applicant shall complete a Master Stormwater Management Plan for the Property prior to final development plan approval for the next significant development phase of the Property for which a conceptual plan has not been received by the adoption date of this resolution. The Master Stormwater Management Plan shall be in accordance with the SOS Report and James City County's Sustainable Building Policy as adopted by a Board of Supervisors resolution on March 23, 2010.
5. **Vermillion House.** The Vermillion House and associated dependencies identified within the SOS Report shall remain on the Property and shall not be demolished. No changes shall be permitted to these structures with the exception of alterations, maintenance and/or modernizations that will not jeopardize their eligibility for future nomination to the National Register of Historic Places.
6. **Water Conservation Guidelines.** The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval and subsequently for enforcing these standards. Water conservation measures addressed by the guidelines shall include, but not be limited to, limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize use of public water resources.
7. **Public Utilities.** The applicant shall install connections to public water and sewer infrastructure for restrooms and other amenities on the Property prior to the development of any permanent structures or facilities related to uses not currently developed as shown on the Master Plan that would be expected to generate higher park visitation rates, including but not limited to, the campground area, rental cabins,

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restoration of the Vermillion House and performance venue. Infrastructure improvements such as electrical connections, parking lots, facilities to allow for the collection of beach access parking fees and other facilities as approved by the director of planning shall not be considered to be permanent structures for the purposes of this condition and shall not trigger the requirement to connect to public water and sewer. Special events subject to permitting under the County Code shall also not be considered to trigger the requirement to connect to public water and sewer.

8. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the issuance of SUP 0010-2015 as described above supersedes and replaces SUP-0017-2012 in its entirety.

Michael J. Hipple
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	✓		
LARSON	✓		
ONIZUK	✓		
SADLER		✓	
HIPPLE	✓		

ATTEST:

Bryan J. Hill
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of March, 2016.

SUP10-2015JtownBeach-res

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To: Tom Leininger, James City County
From: Steve Schmidt, PE, PTOE
RE: Jamestown Beach Event Park Traffic Analysis
Date: March 17, 2022
Revised May 16, 2022
Copy: Scott Dunn AICP, PTP (TG), Megan Lowther (TG)

Timmons Group has prepared a revised traffic assessment for the proposed Jamestown Beach Event Park Master Plan Update in James City County, Virginia. The original assessment was submitted on March 17, 2022 and VDOT issued comments on April 15, 2022. A copy of the response to those comments is included in Appendix A.

The site is located along the north side of Jamestown Road (Route 31) and east of the James River as shown on Figure 1 (all figures are located at the end of this memorandum).

The approximately 95-acre park currently offers swimming, fishing, riverfront access, and trails (among other uses) with access to the site provided via one entrance on Jamestown Road as shown on Figure 2.

The proposed Master Plan will include park improvements (camping, boat launch, performance venue, etc.) as well as renovating the 3,900 S.F. historic Ambler House into a yet to be determined use.

For purposes of this analysis, full buildout of the master plan was assumed to be complete in 2027.

This assessment analyzes the existing and future traffic to the park to determine if any improvements are required at the site entrance and at what point the improvements are needed.

Existing Conditions

Jamestown Road (Route 31) is a two-lane, undivided minor arterial with a posted speed limit of 25 mph. According to the 2019 VDOT count book, Jamestown Road services 7,200 vehicles per day in the vicinity of the site.

Jamestown Road serves as a major east-west roadway connecting Williamsburg to the east with Surry to the west (via the Jamestown-Scotland Ferry).

The existing roadway geometry at the site entrance is shown on Figure 3.

Existing Traffic Volumes

Existing PM and Saturday peak hour traffic counts were conducted on Thursday April 15, 2021 between 4-6 PM (PM peak hour) and Saturday, April 17, 2021 between 12-2 PM (SAT peak hour). The counts included heavy vehicles by movement, pedestrian, and bicycle counts and are included in Appendix B.

The existing PM and SAT peak hour counts are shown on Figure 3 and indicate the PM peak hour occurs from 4:45 PM – 5:45 PM and the SAT peak hour occurs from 12:15 PM – 1:15 PM.

Due to the change in traffic patterns associated with the ongoing pandemic, the counts were compared to 2019 VDOT AADT counts to determine the adjustment factor necessary to bring the 2021 counts to expected levels. After comparison it was determined that the volumes on Jamestown Road are **10% lower** than the expected 2021 volumes. Therefore, the existing traffic counts were increased by 10% along Jamestown Road.

Given the nature of the park, the traffic volumes differ from month to month based on the season. The County provided historic entrance counts for the park which indicate the peak month (July) experiences 98% more traffic than the month the count was completed (April). Therefore, the traffic counts into and out of the park entrance were increased by 98% to accommodate the peak traffic month.

The total adjusted 2021 Existing Volumes are shown on Figure 4.

2027 Background Traffic Volumes

2027 Background traffic volumes were developed based on a 1% annual growth in existing traffic over the six (6) year period for project buildout.

The 1% annual growth rate was compounded annually over the six (6) year period and was applied to all movements from the existing traffic counts. The resulting 2027 background traffic volumes are shown on Figure 5.

2027 Future Traffic Volumes – Master Plan Development

As noted above, the Master Plan calls for park improvements (camping, boat launch, performance venue, etc.) as well as renovating the Ambler House into a yet to be determined use.

The County Parks and Recreation Department intends that any events at the performance venue will be irregular in nature and occur outside the peak hours of the adjacent streets and does not intend to host multi-day events at this time.

Any future renovation of the Ambler House will have to preserve the historic structure (3,900 S.F.) and fit within that structure. Potential uses include a sit-down restaurant or small brewery or similar. Higher trip generating uses (fast-food restaurant with drive-thru, gas station, or similar) will not be permitted as they would require a change in the structure.

The 2027 future analysis was completed in two steps with the first step assuming full buildout of the Master Plan but without renovations to the Ambler House. The first step was completed to determine if any improvements will be required with the Master Plan development.

The second step in the analysis was completed to determine the number of trips generated by the Ambler House renovations which will trigger the need for improvements.

The site-generated traffic volumes generated by the proposed Master Plan are shown in Table 1 and were estimated using the 11th edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

Table 1: Trip Generation for Jamestown Event Park – Master Plan Only

Buildout				Weekday[1]				Saturday[1]			
			Land Use	PM Peak Hour			Average	Sat Peak Hour			Average
Land Use	Size	Units	Code	In	Out	Total	Daily Trips	In	Out	Total	Daily Trips
Proposed Uses											
Public Park	95	Acres	411	6	4	10	74	15	12	27	186
Total New Trips				**6**	**4**	**10**	**74**	**15**	**12**	**27**	**186**

Notes: (1) Based on the Institute of Transportation Engineers Trip Generation, 11th Edition. Assumes General Urban/Suburban land use category.

As shown on Table 1, development of the Master Plan will generate 10 PM peak hour trips (6 in and 4 out) and 74 average daily trips on a weekday. On a Saturday, the Master Plan development will generate 27 peak hour trips (15 in and 12 out) and 186 average daily trips.

Based on the nature of the use, the existing travel patterns, and the surrounding roadway network, it was assumed that 2/3 of site traffic will be oriented to/from the east on Jamestown Road and the remaining 1/3 to/from the west on Jamestown Road.

The resulting site generated trips for the Master Plan development are shown on Figure 6.

The site generated trips shown on Figure 6 were added to the 2027 background traffic volumes shown on Figure 5 to yield to 2027 future traffic volumes which are shown on Figure 7.

Turn Lane Warrant Analyses

The turn lane warrant analyses for the eastbound left turn and westbound right turn into the site entrance from Jamestown Road was completed in stages as follows:

1. Will buildout of the Master Plan only require improvements at the site entrance;
2. Will the renovations to the Ambler House require improvements at the site entrance and if so, what level of development will trigger those improvements.

Master Plan Only

The turn lane warrant analyses for the Master Plan only development were completed using the volumes shown on Figure 7 and the appropriate nomographs from Appendix F of the VDOT Road Design Manual.

The results are shown in Figures 8 through 10 and indicate that with development of the Master Plan only **no improvements** are required. Figure 8 indicates that while the development of the Master Plan only does not require a right turn taper, any additional development (traffic) will warrant the taper.

With Renovations to Ambler House

As shown on Figure 8, any additional traffic generated to the site will warrant a right turn taper at the site entrance. The renovations to the Ambler House **will** require a right turn taper regardless of the nature of the use and the traffic generated by the renovation.

A sensitivity analysis was completed to determine the number of trips generated by the renovations which would require a full width right turn lane and taper. As shown in Figure 11, in the Saturday peak hour, an additional 40 westbound right turns (for a total of 91) will trigger the need for a full width right turn lane and taper.

As noted above, it was assumed that 2/3 of site traffic will make a right turn into the site. Therefore, any use that generates 60 inbound Saturday peak hour trips **will** warrant a full width right turn lane and taper.

The additional trips were then applied to the left turn lane warrant analysis as shown on Figure 12 and indicate that a left turn lane **will not** be warranted with the additional 60 inbound peak hour trips.

Given the size of the Ambler House (3,900 s.f.) and nature of the building (i.e., a house style structure with no drive-thru or gas pumps or similar) no amount of development will warrant a left turn lane.

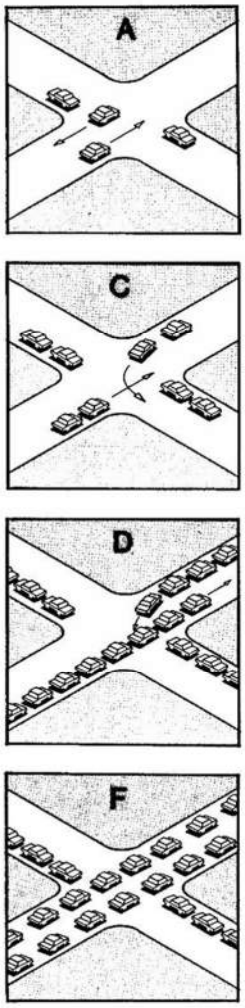
Operational and Queuing Analysis

Capacity analysis allows traffic engineers to determine the impacts of traffic on the surrounding roadway network. The Transportation Research Board's (TRB) Highway Capacity Manual (HCM) methodologies govern how the capacity analyses are conducted and how the results are interpreted. There are six letter grades of Levels of Service (LOS) from A to F, with LOS A representing the best operating conditions and LOS F the worst operating conditions. Table 2 shows in detail how each of these levels of service are interpreted.

Table 2: Level of Service Definitions

Level of Service	Roadway Segments or Controlled Access Highways	Intersections
A	Free flow, low traffic density.	No vehicle waits longer than one signal indication.
B	Delay is not unreasonable, stable traffic flow.	On a rare occasion motorists wait through more than one signal indication.
C	Stable condition, movements somewhat restricted due to higher volumes, but not objectionable for motorists.	Intermittently drivers wait through more than one signal indication, and occasionally backups may develop behind left turning vehicles, traffic flow still stable and acceptable.
D	Movements more restricted, queues and delays may occur during short peaks, but lower demands occur often enough to permit clearing, thus preventing excessive backups.	Delays at intersections may become extensive with some, especially left-turning vehicles waiting two or more signal indications, but enough cycles with lower demand occur to permit periodic clearance, thus preventing excessive backups.
E	Actual capacity of the roadway invloves delay to all motorists due to congestion.	Very long queues may create lengthly delays, especially for left-turning vehicles.
F	Forced flow with demand volumes greater than capacity resulting in complete congestion. Volumes drop to zero in extreme cases.	Backups from locations downstream restrict or prevent movement of vehicles out of approach creating a storage ares during part or all of an hour.

SOURCE: *"A Policy on Design of Design of Urban Highways and Arterial Streets"* - AASHTO, 1973 based upon material published in *"Highway Capacity Manual"*, National Academy of Sciences, 1965.



For signalized and unsignalized intersections, level of service is defined in terms of **delay**, a measure of driver discomfort, frustration, fuel consumption and lost travel time. Table 3 summarizes the delay associated with each LOS category:

Table 3: Signalized and Unsignalized Intersection Level of Service Criteria

Signalized Intersections		Unsignalized Intersections	
Level of Service	Control Delay per Vehicle (sec/veh)	Level of Service	Average Control Delay (sec/veh)
A	≤ 10	A	0 to 10
B	> 10 to ≤ 20	B	> 10 to ≤ 15
C	> 20 to ≤ 35	C	> 15 to ≤ 25
D	> 35 to ≤ 55	D	> 25 to ≤ 35
E	> 55 to ≤ 80	E	> 35 to ≤ 50
F	> 80	F	> 50

Source: Exhibit 16-2 and Exhibit 17-2 from TRB's "Highway Capacity Manual 2000"

Capacity analyses were performed to assess existing (2021), background (2027), and future (2027) operational conditions. The signalized and unsignalized intersections were analyzed using SYNCHRO Version 10 based on HCM 2000 methodologies, and VDOT TOSAM requirements with the following assumptions:

- Level terrain;
- 12-foot lane widths;
- No parking activity or bus stops;
- Existing peak hour factor as determined by the traffic counts (by intersection) for existing scenario;
- The higher of the existing peak hour factor as determined by traffic counts (by intersection) or a peak hour factor of 0.92 for all future scenarios; and
- Heavy vehicle percentage as determined by the traffic counts (by movement).

Operational Analysis for 2021 Existing Traffic Volumes

Table 4 summarizes the 2021 existing intersection LOS, delay, 95th percentile queue lengths (Synchro), and maximum queue lengths (SimTraffic) based on the adjusted 2021 existing peak hour traffic volumes shown on Figure 4 and the existing lane geometry shown on Figure 3. The corresponding analysis worksheets are included in Appendix C.

As shown in Table 4, the southbound approach operates at LOS B in both the PM and Saturday peaks with a maximum queue of 41 feet in the PM peak and 54 feet in the Saturday peak. The eastbound approach operates at LOS A in the Saturday peak with a maximum queue of 33 feet.

Table 4: 2021 Existing Conditions Level of Service and Queues

Intersection and Type of Control	Movement and Approach	Effective Turn Lane Storage (ft)	PM PEAK HOUR				SAT PEAK HOUR			
			Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)	Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)
1. Jamestown Road (E-W) at	SB Left-Right		11.3	B	4	41	12.6	B	11	54
Park Entrance (S)	*NB Approach*		*11.3*	*B*	--	--	*12.6*	*B*	--	--
Unsignalized	EB Left-Thru		†	†	0	0	0.9	*A*	1	33
	EB Approach		*†*	*†*	--	--	*0.9*	*A*	--	--
	WB Thru-Right		†	†	0	0	†	†	0	2
	WB Approach		*†*	*†*	--	--	*†*	*†*	--	--

[1] *Overall intersection LOS and delay reported for signalized intersections and roundabouts only.*

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

Operational Analysis for 2027 Background Volume Conditions

Table 5 summarizes the 2027 background intersection LOS, delay, 95th percentile queue lengths (Synchro), and maximum queue lengths (SimTraffic) based on the 2027 background peak hour traffic volumes shown on Figure 5 and the existing lane geometry shown on Figure 3. The corresponding analysis worksheets are included in Appendix D.

As shown in Table 5, the southbound approach continues to operate at LOS B in both the PM and Saturday peaks with a maximum queue of 41 feet in the PM peak and 57 feet in the Saturday peak. The eastbound approach operates at LOS A and has a maximum queue of 39 feet during the Saturday peak.

Table 5: 2027 Background Conditions Level of Service and Queues

Intersection and Type of Control	Movement and Approach	Effective Turn Lane Storage (ft)	PM PEAK HOUR				SAT PEAK HOUR			
			Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)	Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)
1. Jamestown Road (E-W) at	SB Left-Right		10.4	B	3	41	11.2	B	7	57
Park Entrance (S)	*NB Approach*		*10.4*	*B*	--	--	*11.2*	*B*	--	--
Unsignalized	EB Left-Thru		†	†	0	0	0.8	*A*	1	39
	EB Approach		*†*	*†*	--	--	*0.8*	*A*	--	--
	WB Thru-Right		†	†	0	0	†	†	--	
	WB Approach		*0.0*	*A*	--	--	*0.0*	*A*	--	--

[1] *Overall intersection LOS and delay reported for signalized intersections and roundabouts only.*

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

Operational Analysis for 2027 Future Volume Conditions – Master Plan Only

Table 6 summarizes the 2027 future intersection (with development of the Master Plan Only) LOS, delay, 95th percentile queue lengths (Synchro), and maximum queue lengths (SimTraffic) based on the 2027 future peak hour traffic volumes shown on Figure 7 and the existing lane geometry shown on Figure 3. The corresponding analysis worksheets are included in Appendix E.

As shown in Table 6, the existing intersection geometry can adequately accommodate the additional trips with development of the Master Plan.

The southbound approach will continue to operate at LOS B in the PM and Saturday peaks with a maximum queue in the PM peak of 45 feet and 52 feet in the Saturday peak. The eastbound approach will operate at LOS A with a maximum queue of 46 feet in the Saturday peak.

Table 6: 2027 Total Future Conditions Level of Service and Queues

Intersection and Type of Control	Movement and Approach	Effective Turn Lane Storage (ft)	PM PEAK HOUR				SAT PEAK HOUR			
			Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)	Delay [1] (sec/veh)	LOS [1]	SYNCHRO 95th Percentile Queue Length (ft)	SimTraffic Maximum Queue Length (ft)
1. Jamestown Road (E-W) at	SB Left-Right		10.4	B	3	45	11.4	B	9	52
Park Entrance (S)	*NB Approach*		*10.4*	*B*	--	--	*11.4*	*B*	--	--
Unsignalized	EB Left-Thru		0.1	*A*	0	0	1.1	*A*	1	46
	EB Approach		*0.1*	*A*	--	--	*1.1*	*A*	--	--
	WB Thru-Right		†	†	0	0	†	†	--	0
	WB Approach		*0.0*	*A*	--	--	*0.0*	*A*	--	--

[1] *Overall intersection LOS and delay reported for signalized intersections and roundabouts only.*

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

Conclusions

Based on the analysis, the following conclusions are offered:

- The proposed Master Plan development **will not** require any improvements to the existing site entrance along Jamestown Road.
- With any renovations to the Ambler House, a westbound right turn taper **will be** warranted at the site entrance.
- Any use in the Ambler House that generates 60 or more inbound Saturday peak hours trip **will warrant** a westbound full width right turn lane and taper.
- A left turn lane **will not** be warranted under any proposed circumstances.
- Under existing and future conditions, all movements of the intersection of Jamestown Road and the Park Entrance operate at LOS B or better in both the PM and Saturday peaks.

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Site Location
Jamestown Beach Event Park
James City County, Virginia

Figure
1

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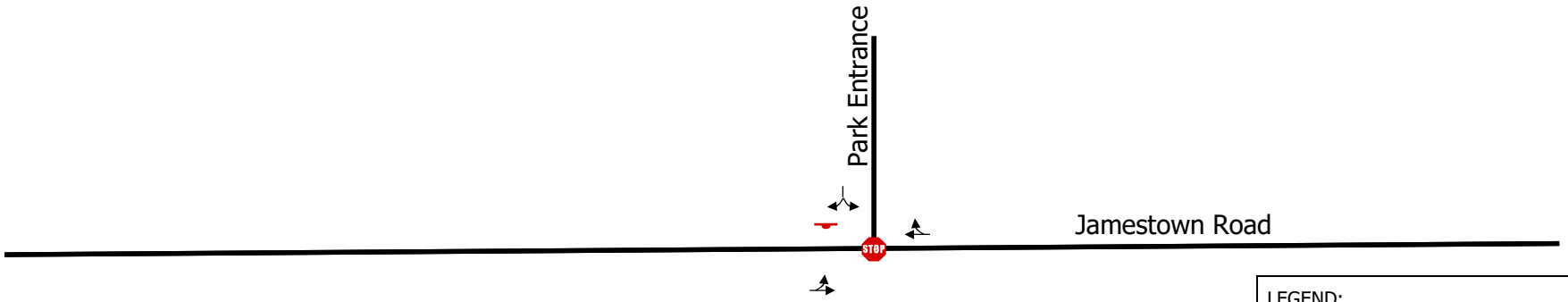
Study Intersection
Jamestown Beach Event Park
James City County, Virginia

Figure
2



LEGEND:

- Existing Road
- Lane Configuration
- Stop Controlled Intersection
- Stop Sign Location

NOT TO SCALE

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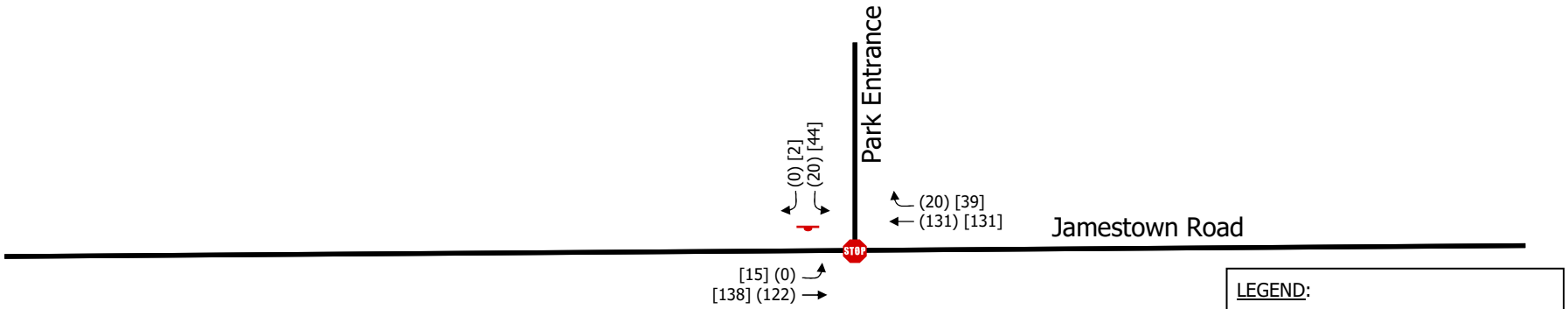
Existing Geometry
Jamestown Beach Event Park
James City County, Virginia

Figure 3



LEGEND:

- Existing Road
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volumes
- [00] Sat Peak Hour Volumes

NOT TO SCALE

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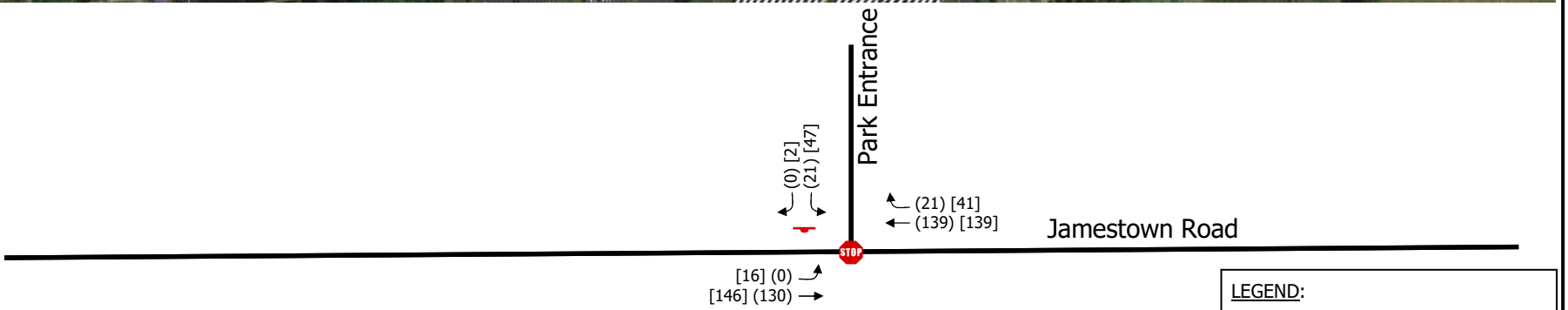
2021 Existing Volumes – Adjusted
Jamestown Beach Event Park
James City County, Virginia

Figure 4



LEGEND:

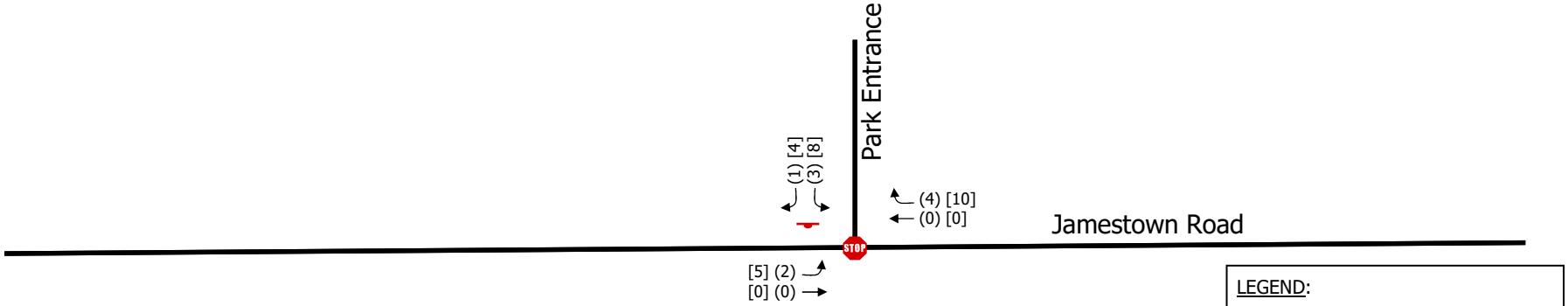
- Existing Road
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volumes
- [00] Sat Peak Hour Volumes

NOT TO SCALE

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

2027 Existing + Growth Volumes
Jamestown Beach Event Park
James City County, Virginia

Figure 5



LEGEND:

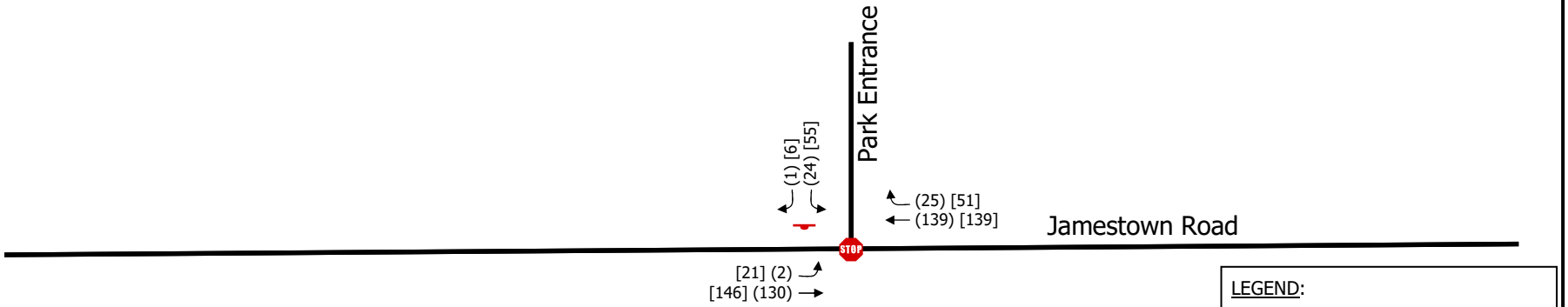
- Existing Road
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volumes
- [00] Sat Peak Hour Volumes

NOT TO SCALE

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

Site Generated Trips – Park Only (No Ambler House)
Jamestown Beach Event Park
James City County, Virginia

Figure 6



LEGEND:

- Existing Road
- Stop Controlled Intersection
- Stop Sign Location
- (00) PM Peak Hour Volumes
- [00] Sat Peak Hour Volumes

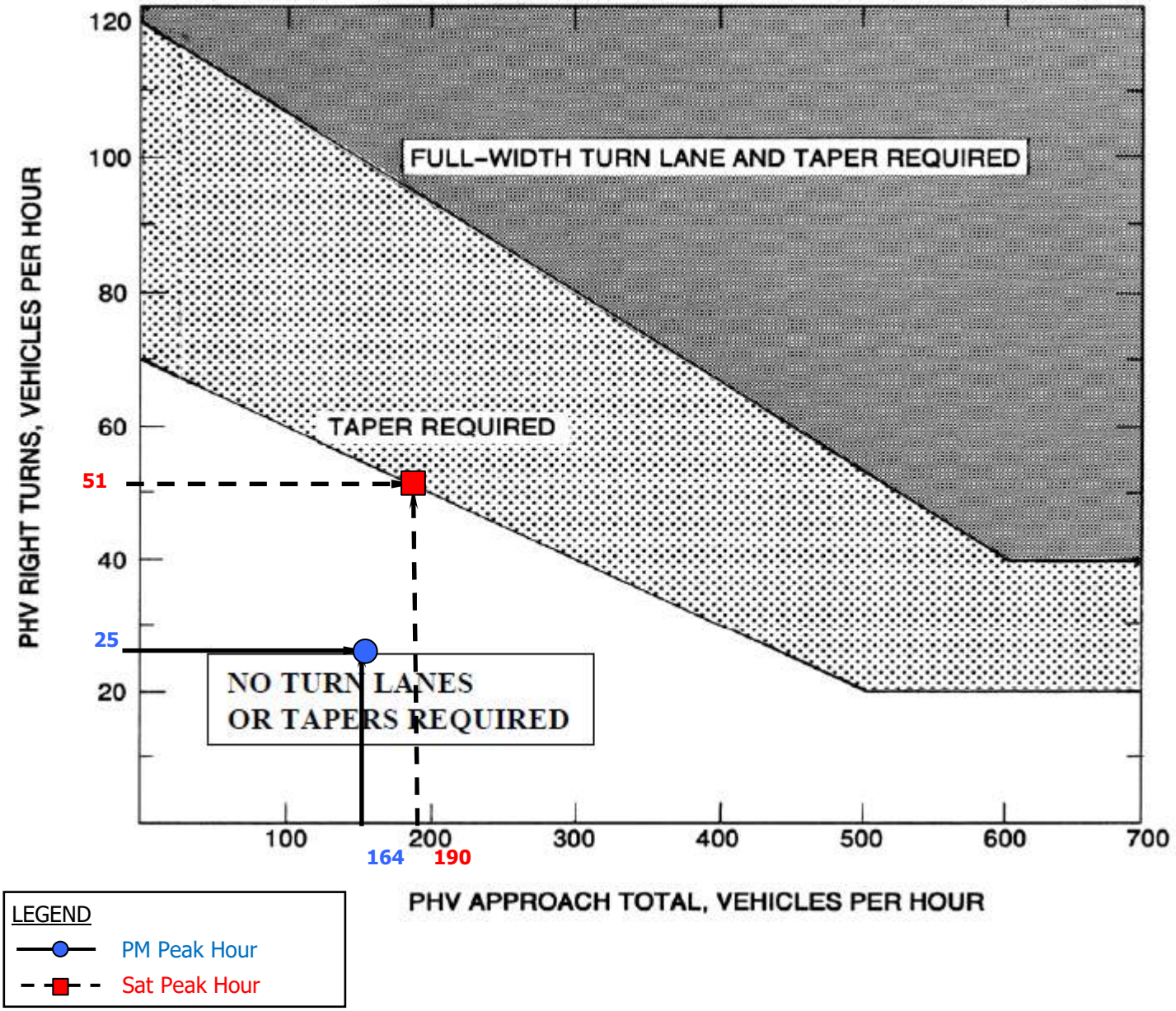
NOT TO SCALE

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

2027 Future Volumes – Park Only
Jamestown Beach Event Park
James City County, Virginia

Figure 7

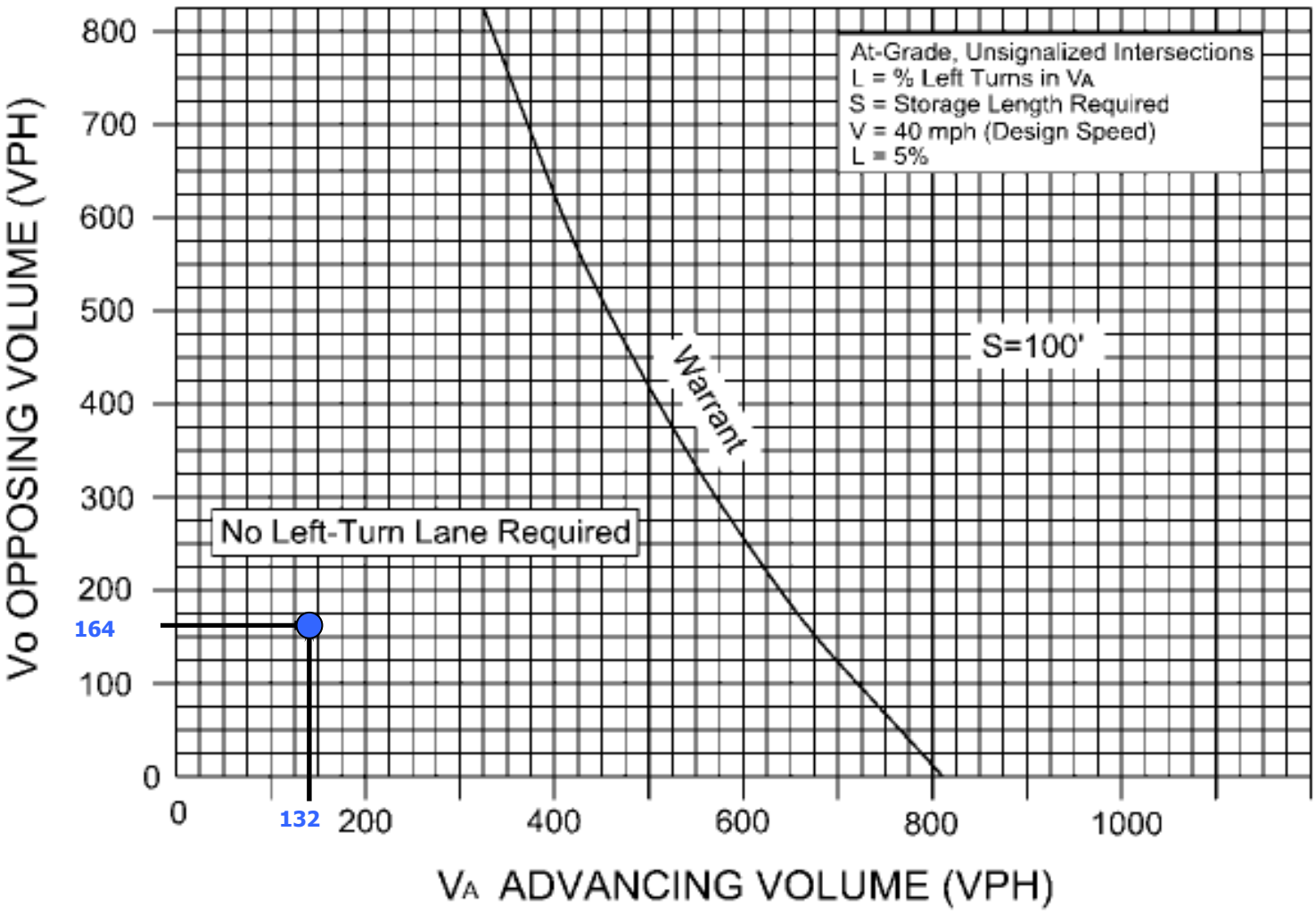
GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Westbound Right Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Right-Turn Lane Guideline Jamestown Road/Park Ent. Westbound Right 2027 Future Volumes – Park Only Jamestown Beach Event Park	Figure 8

WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-5 VDOT ROAD DESIGN MANUAL APPENDIX F

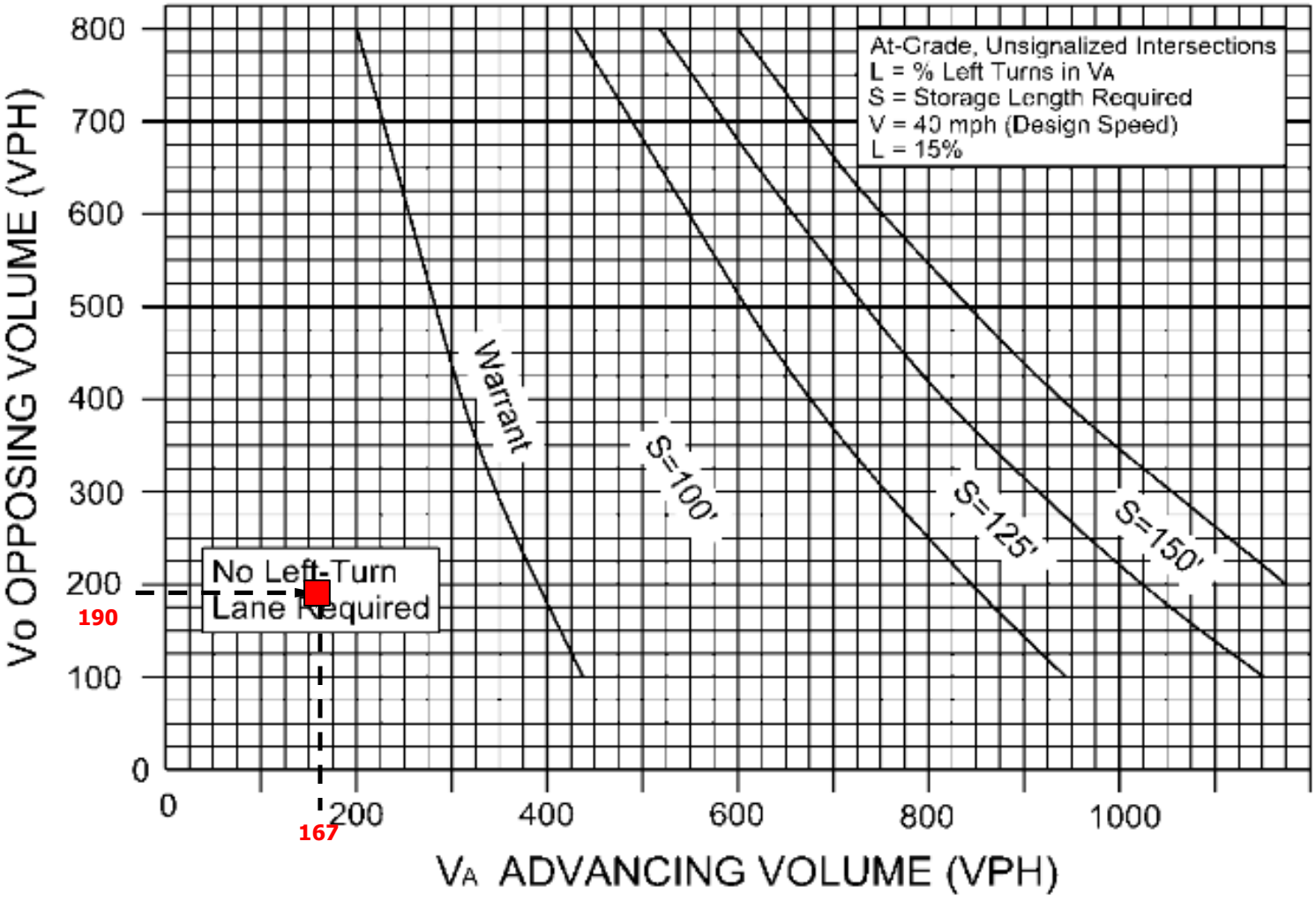


LEGEND
PM Peak Hour

Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant Jamestown Road/Park Ent. Eastbound Left 2027 Future Volumes – Park Only Jamestown Beach Event Park	Figure 9

WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-7 VDOT ROAD DESIGN MANUAL APPENDIX F



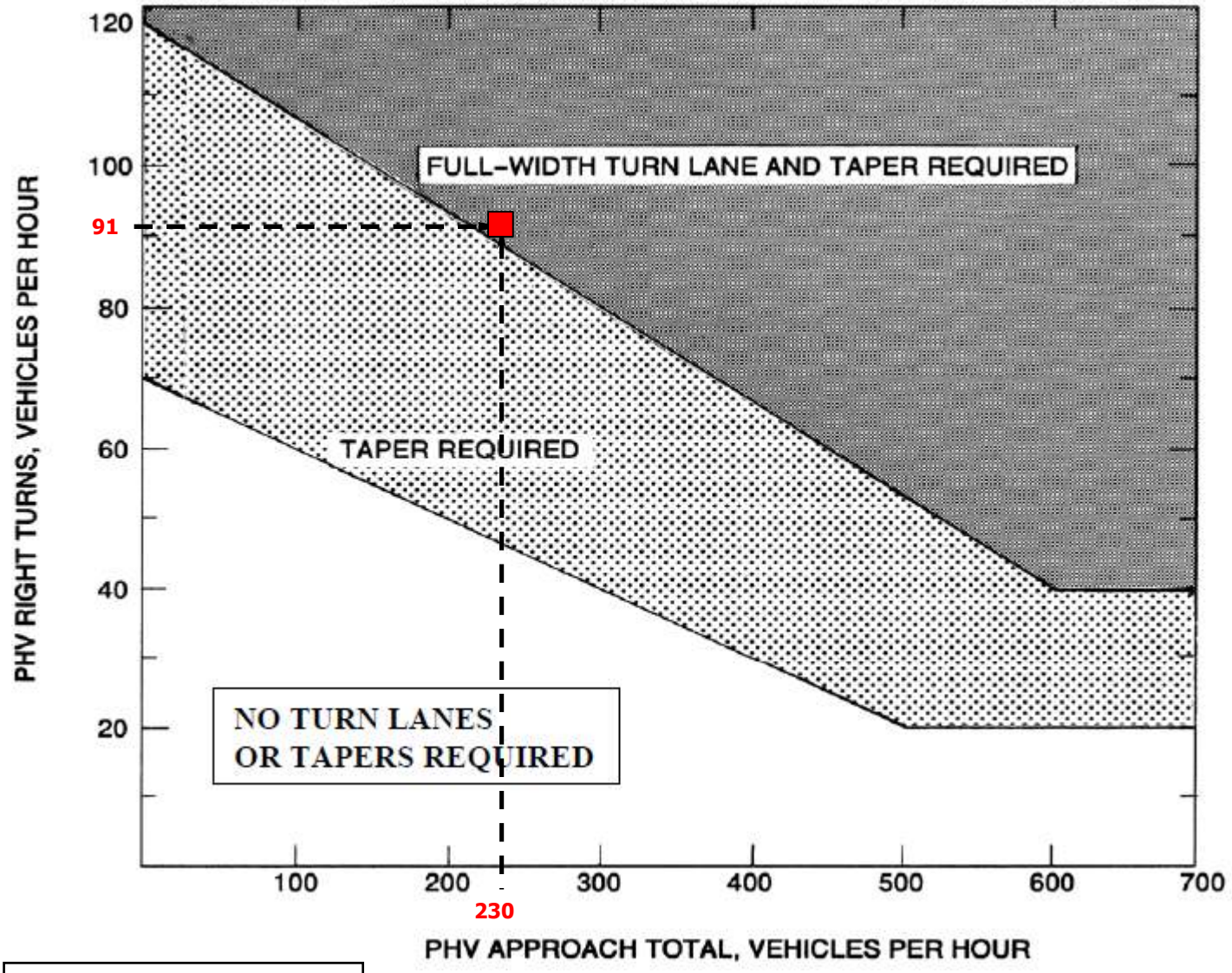
LEGEND

Sat Peak Hour

Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant Jamestown Road/Park Ent. Eastbound Left 2027 Future Volumes – Park Only Jamestown Beach Event Park	Figure 10

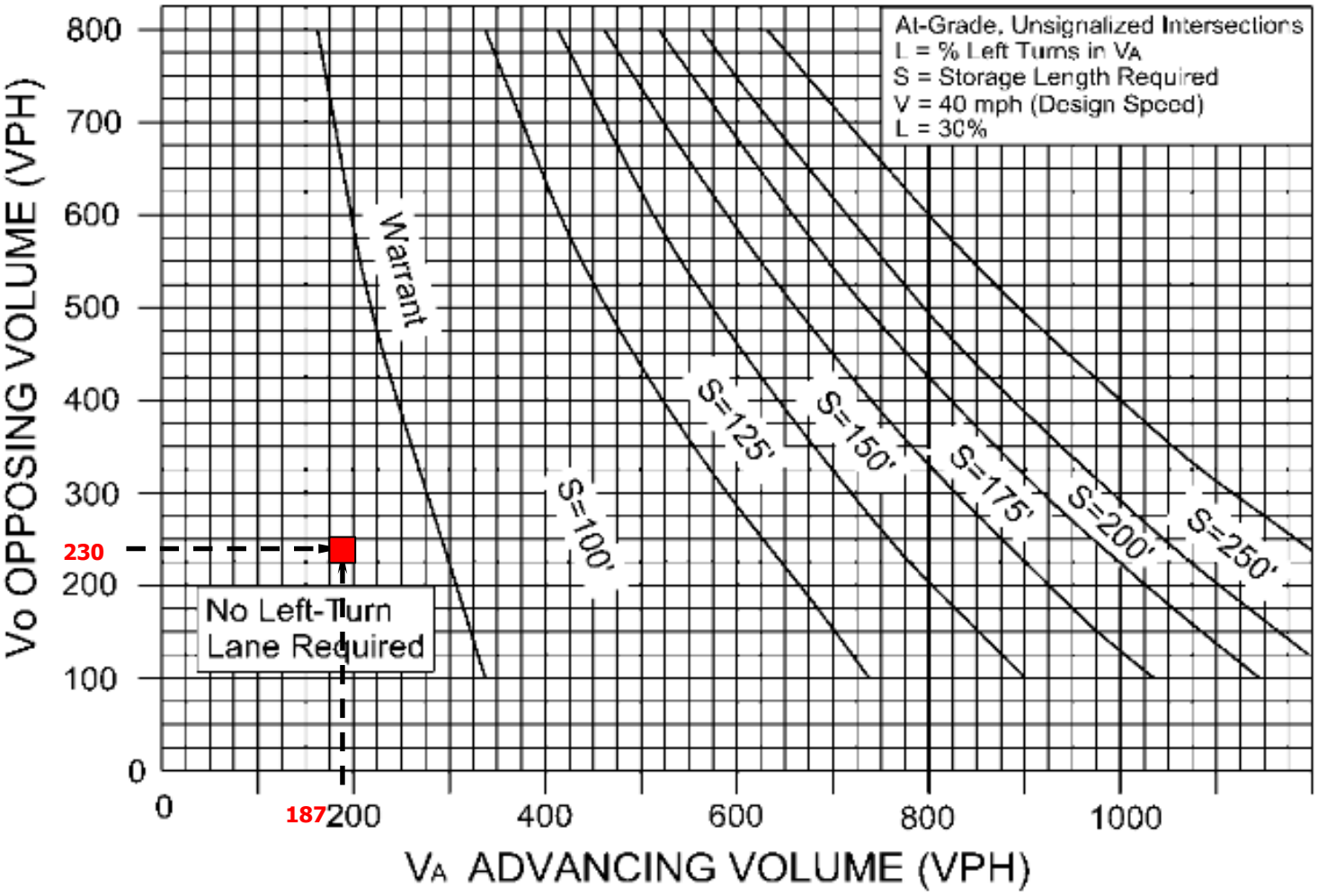
GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



Results:
Westbound Right Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Right-Turn Lane Guideline Jamestown Road/Park Ent. Westbound Right 2027 Future Volumes – With Ambler House Jamestown Beach Event Park	Figure 11

WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (60 MPH)
FIGURE 3-9 VDOT ROAD DESIGN MANUAL APPENDIX F



LEGEND
Sat Peak Hour

Results:
Eastbound Left Turn Lane Not Warranted

TIMMONS GROUP YOUR VISION ACHIEVED THROUGH OURS.	Left-Turn Lane Warrant Jamestown Road/Park Ent. Eastbound Left 2027 Future Volumes – With Ambler House Jamestown Beach Event Park	Figure 12

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

APPENDIX A

Response to Comments

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

To: Andrew Smith, PE (VDOT)
From: Steve Schmidt, PE, PTOE (Timmons Group)
RE: Jamestown Beach Event Park Response to VDOT Comments
Date: May 16, 2022

Timmons Group prepared a traffic assessment dated March 17, 2022 for the Jamestown Beach Event Park master plan update. The Virginia Department of Transportation (VDOT) issued comments on the assessment on April 15, 2022.

Timmons Group (TG) has reviewed VDOT's comments (**in bold below**) and prepared the responses below. As a result of the comments/responses, a revised traffic assessment has been prepared and is submitted with these responses.

Our responses to VDOT comments are as follows:

1. **The report describes the Master Plan for the park to include a "performance venue." Even small scale events that only feature local artists can be a significant traffic generator. If it is feasible that 15 or more events, or a single event lasting more than one day may occur, than a scenario of such event should be included in the analysis. Otherwise, there should be a stipulation that less than 15 events and no event lasting longer than one day shall occur at the park.**

   TG Response: The County Parks and Recreation Department intends that any events at the performance venue will be irregular in nature and occur outside the peak hours of the adjacent streets. Further, the County has not hosted a multi-day event in more than 15 years and does not intend to host multi-day events at this time.

   The text of the assessment has been updated to include a discussion on the intended uses for the performance venue.

2. **The report indicates that the future of the Amber House is yet to be determined. Since the use of the Amber House is unknown, TOSAM and the TIA Administrative Guidelines require that a "worst case" land use be analyzed.**

   TG Response: As detailed on page 2 and 3 of the assessment, a "worst case" analysis was assumed for the Ambler House in the form of the sensitivity analysis. Any redevelopment of the Ambler House will require a right turn taper regardless of the nature of the use and the traffic generated by the renovation.

Any use that generates more than 60 inbound trips during the Saturday peak hour will require improvements in the form of a full width turn lane and taper.

Given the size of the Ambler House (3,900 s.f.) and nature of the building (i.e. a house style structure with no drive-thru or gas pumps or similar) no amount of development will warrant a left turn lane.

Additional text has been added to the assessment to further discuss the nature of any redevelopment of the Ambler House.

3. **Table 4 reports the delay for southbound left and right turns is 11.3 seconds for existing conditions. Tables 5 and 6, for future no-build and build conditions, reports this delay to be 10.4 seconds. If this is accurate, and no error has been made in entering the traffic volumes and lane configuration, then the report should provide an explanation as to how the delay decreases when traffic increases.**

   TG Response: The analysis is correct, and no errors were made.

   In accordance with TOSAM, all existing scenarios were analyzed using existing peak hour factors whereas all future scenarios were analyzed using the higher of 0.92 or the existing peak hour factors.

   In this case, the existing peak hour factor of the intersection is 0.65 (PM) and 0.66 (Saturday). Therefore, a 0.92 peak hour factor was used in both the 2027 background and 2027 future traffic conditions.

   A higher (closer to 1.0) peak hour factor indicates a more even distribution of traffic across the peak hour (less bunching of traffic). Given the relatively low volume of turning traffic at the intersection, a more even distribution (given the higher peak hour factor) indicates most vehicles will arrive in singular fashion and will not have to wait for a vehicle in front to turn. This results in a decrease in delay per vehicle despite an increase in traffic.

   No changes were made to the text of the assessment as a result of this comment as the decrease in delay is a function of following VDOT TOSAM standards.

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APPENDIX B

Existing Traffic Counts

Peggy Malone & Associates
(888) 247-8602

File Name : Jamestown Beach Event & Jamestown Rd
Site Code :
Start Date : 4/15/2021
Page No : 1

Groups Printed- Cars

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	0	2	0	2	2	30	0	0	32	8	0	0	8	42
04:15 PM	0	0	0	0	5	21	0	0	26	36	0	0	36	62
04:30 PM	0	1	0	1	1	22	0	0	23	3	0	0	3	27
04:45 PM	0	7	0	7	1	35	0	0	36	49	0	0	49	92
Total	0	10	0	10	9	108	0	0	117	96	0	0	96	223
05:00 PM	0	0	0	0	1	29	0	0	30	9	0	0	9	39
05:15 PM	0	0	0	0	4	30	1	0	35	45	0	0	45	80
05:30 PM	0	1	0	1	2	22	0	0	24	5	0	0	5	30
05:45 PM	2	3	0	5	0	22	0	0	22	43	0	0	43	70
Total	2	4	0	6	7	103	1	0	111	102	0	0	102	219
06:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	2	14	0	16	16	211	1	0	228	198	0	0	198	442
Apprch %	12.5	87.5	0		7	92.5	0.4	0		100	0	0		
Total %	0.5	3.2	0	3.6	3.6	47.7	0.2	0	51.6	44.8	0	0	44.8	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 06:00 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 04:45 PM											
04:45 PM	0	**7**	**7**	1	**35**	0	**36**	**49**	0	**49**	**92**
05:00 PM	0	0	0	1	29	0	30	9	0	9	39
05:15 PM	0	0	0	**4**	30	**1**	35	45	0	45	80
05:30 PM	0	1	1	2	22	0	24	5	0	5	30
Total Volume	0	8	8	8	116	1	125	108	0	108	241
% App. Total	0	100		6.4	92.8	0.8		100	0		
PHF	.000	.286	.286	.500	.829	.250	.868	.551	.000	.551	.655

Peggy Malone & Associates
(888) 247-8602

File Name : Jamestown Beach Event & Jamestown Rd
Site Code :
Start Date : 4/15/2021
Page No : 1

Groups Printed- Trucks

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:45 PM	0	0	0	0	0	1	0	0	1	2	0	0	2	3
Total	0	0	0	0	0	1	0	0	1	2	0	0	2	3
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:15 PM	0	0	0	0	0	1	0	0	1	1	0	0	1	2
05:30 PM	0	0	0	0	0	1	0	0	1	0	0	0	0	1
05:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	2	0	0	2	1	0	0	1	3
06:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	0	0	0	0	0	3	0	0	3	3	0	0	3	6
Apprch %	0	0	0		0	100	0	0		100	0	0		
Total %	0	0	0	0	0	50	0	0	50	50	0	0	50	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 06:00 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 04:45 PM											
04:45 PM	0	0	0	0	**1**	0	**1**	**2**	0	**2**	**3**
05:00 PM	0	0	0	0	0	0	0	0	0	0	0
05:15 PM	0	0	0	0	1	0	1	1	0	1	2
05:30 PM	0	0	0	0	1	0	1	0	0	0	1
Total Volume	0	0	0	0	3	0	3	3	0	3	6
% App. Total	0	0		0	100	0		100	0		
PHF	.000	.000	.000	.000	.750	.000	.750	.375	.000	.375	.500

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(888) 247-8602

File Name : Jamestown Beach Event & Jamestown Rd
Site Code :
Start Date : 4/15/2021
Page No : 1

Groups Printed- Combined

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
04:00 PM	0	2	0	2	2	30	0	0	32	8	0	0	8	42
04:15 PM	0	0	0	0	5	21	0	0	26	36	0	0	36	62
04:30 PM	0	1	0	1	1	22	0	0	23	3	0	0	3	27
04:45 PM	0	7	0	7	1	36	0	0	37	51	0	0	51	95
Total	0	10	0	10	9	109	0	0	118	98	0	0	98	226
05:00 PM	0	0	0	0	1	29	0	0	30	9	0	0	9	39
05:15 PM	0	0	0	0	4	31	1	0	36	46	0	0	46	82
05:30 PM	0	1	0	1	2	23	0	0	25	5	0	0	5	31
05:45 PM	2	3	0	5	0	22	0	0	22	43	0	0	43	70
Total	2	4	0	6	7	105	1	0	113	103	0	0	103	222
06:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	2	14	0	16	16	214	1	0	231	201	0	0	201	448
Apprch %	12.5	87.5	0		6.9	92.6	0.4	0		100	0	0		
Total %	0.4	3.1	0	3.6	3.6	47.8	0.2	0	51.6	44.9	0	0	44.9	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 06:00 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 04:45 PM											
04:45 PM	0	**7**	**7**	1	**36**	0	**37**	**51**	0	**51**	**95**
05:00 PM	0	0	0	1	29	0	30	9	0	9	39
05:15 PM	0	0	0	**4**	31	**1**	36	46	0	46	82
05:30 PM	0	1	1	2	23	0	25	5	0	5	31
Total Volume	0	8	8	8	119	1	128	111	0	111	247
% App. Total	0	100		6.2	93	0.8		100	0		
PHF	.000	.286	.286	.500	.826	.250	.865	.544	.000	.544	.650

Peggy Malone & Associates
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File Name : Jamestown Beach Event & Jamestown Rd SAT
Site Code :
Start Date : 4/17/2021
Page No : 1

Groups Printed- Cars

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	1	3	0	4	4	30	0	0	34	3	0	0	3	41
12:15 PM	0	2	0	2	2	26	2	0	30	55	1	0	56	88
12:30 PM	0	2	0	2	2	18	0	0	20	3	2	0	5	27
12:45 PM	1	5	0	6	3	32	1	0	36	52	1	0	53	95
Total	2	12	0	14	11	106	3	0	120	113	4	0	117	251
01:00 PM	0	3	0	3	6	29	0	0	35	3	3	0	6	44
01:15 PM	0	5	0	5	3	30	1	0	34	66	1	0	67	106
01:30 PM	0	5	0	5	4	25	0	2	31	4	1	0	5	41
01:45 PM	0	3	0	3	6	36	2	0	44	5	0	0	5	52
Total	0	16	0	16	19	120	3	2	144	78	5	0	83	243
Grand Total	2	28	0	30	30	226	6	2	264	191	9	0	200	494
Apprch %	6.7	93.3	0		11.4	85.6	2.3	0.8		95.5	4.5	0		
Total %	0.4	5.7	0	6.1	6.1	45.7	1.2	0.4	53.4	38.7	1.8	0	40.5	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 12:45 PM											
12:45 PM	**1**	**5**	**6**	3	**32**	**1**	**36**	52	1	53	95
01:00 PM	0	3	3	**6**	29	0	35	3	**3**	6	44
01:15 PM	0	5	5	3	30	1	34	**66**	1	**67**	**106**
01:30 PM	0	5	5	4	25	0	29	4	1	5	39
Total Volume	1	18	19	16	116	2	134	125	6	131	284
% App. Total	5.3	94.7		11.9	86.6	1.5		95.4	4.6		
PHF	.250	.900	.792	.667	.906	.500	.931	.473	.500	.489	.670

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File Name : Jamestown Beach Event & Jamestown Rd SAT
Site Code :
Start Date : 4/17/2021
Page No : 1

Groups Printed- Trucks

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	2	0	0	2	2
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	1	0	0	1	0	0	0	0	1
Total	0	0	0	0	0	1	0	0	1	2	0	0	2	3
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	2	0	0	2	0	0	0	0	2
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	1	0	0	1	0	0	0	0	1
Total	0	0	0	0	0	3	0	0	3	0	0	0	0	3
Grand Total	0	0	0	0	0	4	0	0	4	2	0	0	2	6
Apprch %	0	0	0		0	100	0	0		100	0	0		
Total %	0	0	0	0	0	66.7	0	0	66.7	33.3	0	0	33.3	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 12:00 PM											
12:00 PM	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	**2**	0	**2**	**2**
12:30 PM	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	**1**	0	**1**	0	0	0	1
Total Volume	0	0	0	0	1	0	1	2	0	2	3
% App. Total	0	0		0	100	0		100	0		
PHF	.000	.000	.000	.000	.250	.000	.250	.250	.000	.250	.375

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(888) 247-8602

File Name : Jamestown Beach Event & Jamestown Rd SAT
Site Code :
Start Date : 4/17/2021
Page No : 1

Groups Printed- Combined

	Jamestown Beach Event Southbound				Jamestown Rd Westbound					Jamestown Rd Eastbound				
Start Time	Right	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Thru	Left	Peds	App. Total	Int. Total
12:00 PM	1	3	0	4	4	30	0	0	34	3	0	0	3	41
12:15 PM	0	2	0	2	2	26	2	0	30	57	1	0	58	90
12:30 PM	0	2	0	2	2	18	0	0	20	3	2	0	5	27
12:45 PM	1	5	0	6	3	33	1	0	37	52	1	0	53	96
Total	2	12	0	14	11	107	3	0	121	115	4	0	119	254
01:00 PM	0	3	0	3	6	29	0	0	35	3	3	0	6	44
01:15 PM	0	5	0	5	3	32	1	0	36	66	1	0	67	108
01:30 PM	0	5	0	5	4	25	0	2	31	4	1	0	5	41
01:45 PM	0	3	0	3	6	37	2	0	45	5	0	0	5	53
Total	0	16	0	16	19	123	3	2	147	78	5	0	83	246
Grand Total	2	28	0	30	30	230	6	2	268	193	9	0	202	500
Apprch %	6.7	93.3	0		11.2	85.8	2.2	0.7		95.5	4.5	0		
Total %	0.4	5.6	0	6	6	46	1.2	0.4	53.6	38.6	1.8	0	40.4	

	Jamestown Beach Event Southbound			Jamestown Rd Westbound				Jamestown Rd Eastbound			
Start Time	Right	Left	App. Total	Right	Thru	Left	App. Total	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 01:45 PM - Peak 1 of 1											
Peak Hour for Entire Intersection Begins at 12:45 PM											
12:45 PM	**1**	**5**	**6**	3	**33**	**1**	**37**	52	1	53	96
01:00 PM	0	3	3	**6**	29	0	35	3	**3**	6	44
01:15 PM	0	5	5	3	32	1	36	**66**	1	**67**	**108**
01:30 PM	0	5	5	4	25	0	29	4	1	5	39
Total Volume	1	18	19	16	119	2	137	125	6	131	287
% App. Total	5.3	94.7		11.7	86.9	1.5		95.4	4.6		
PHF	.250	.900	.792	.667	.902	.500	.926	.473	.500	.489	.664

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APPENDIX C

2021 Existing Conditions

Analysis Reports

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	0	122	131	20	20	0
Future Volume (Veh/h)	0	122	131	20	20	0
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.79	0.65	0.65	0.65	0.65	0.65
Hourly flow rate (vph)	0	188	202	31	31	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	233				406	218
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	233				406	218
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	100				95	100
cM capacity (veh/h)	1346				605	827

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	188	233	31
Volume Left	0	0	31
Volume Right	0	31	0
cSH	1346	1700	605
Volume to Capacity	0.00	0.14	0.05
Queue Length 95th (ft)	0	0	4
Control Delay (s)	0.0	0.0	11.3
Lane LOS			B
Approach Delay (s)	0.0	0.0	11.3
Approach LOS			B

Intersection Summary			
Average Delay		0.8	
Intersection Capacity Utilization		18.1%	ICU Level of Service A
Analysis Period (min)		15	

Intersection: 3:

Movement	SB
Directions Served	LR
Maximum Queue (ft)	41
Average Queue (ft)	16
95th Queue (ft)	42
Link Distance (ft)	387
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	15	138	131	39	44	2
Future Volume (Veh/h)	15	138	131	39	44	2
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.66	0.66	0.66	0.66	0.66	0.66
Hourly flow rate (vph)	23	209	198	59	67	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	257				482	228
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	257				482	228
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	98				88	100
cM capacity (veh/h)	1320				537	817

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	232	257	70
Volume Left	23	0	67
Volume Right	0	59	3
cSH	1320	1700	545
Volume to Capacity	0.02	0.15	0.13
Queue Length 95th (ft)	1	0	11
Control Delay (s)	0.9	0.0	12.6
Lane LOS	A		B
Approach Delay (s)	0.9	0.0	12.6
Approach LOS			B

Intersection Summary			
Average Delay	2.0		
Intersection Capacity Utilization	29.8%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection: 3: Jamestown Road

Movement	EB	WB	SB
Directions Served	LT	TR	LR
Maximum Queue (ft)	33	2	54
Average Queue (ft)	3	0	25
95th Queue (ft)	18	2	50
Link Distance (ft)	894	798	387
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 0

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APPENDIX D

2027 Background Traffic

Conditions Analysis Reports

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	0	130	139	21	21	0
Future Volume (Veh/h)	0	130	139	21	21	0
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	141	151	23	23	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	174				304	162
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	174				304	162
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	100				97	100
cM capacity (veh/h)	1415				692	888

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	141	174	23
Volume Left	0	0	23
Volume Right	0	23	0
cSH	1415	1700	692
Volume to Capacity	0.00	0.10	0.03
Queue Length 95th (ft)	0	0	3
Control Delay (s)	0.0	0.0	10.4
Lane LOS			B
Approach Delay (s)	0.0	0.0	10.4
Approach LOS			B

Intersection Summary			
Average Delay		0.7	
Intersection Capacity Utilization		18.6%	ICU Level of Service A
Analysis Period (min)		15	

Intersection: 3:

Movement	SB
Directions Served	LR
Maximum Queue (ft)	41
Average Queue (ft)	16
95th Queue (ft)	42
Link Distance (ft)	387
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	16	146	139	41	47	2
Future Volume (Veh/h)	16	146	139	41	47	2
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	17	159	151	45	51	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	196				366	174
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	196				366	174
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				92	100
cM capacity (veh/h)	1389				630	875

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	176	196	53
Volume Left	17	0	51
Volume Right	0	45	2
cSH	1389	1700	636
Volume to Capacity	0.01	0.12	0.08
Queue Length 95th (ft)	1	0	7
Control Delay (s)	0.8	0.0	11.2
Lane LOS	A		B
Approach Delay (s)	0.8	0.0	11.2
Approach LOS			B

Intersection Summary			
Average Delay	1.7		
Intersection Capacity Utilization	31.0%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection: 3: Jamestown Road

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	39	57
Average Queue (ft)	5	26
95th Queue (ft)	24	49
Link Distance (ft)	894	387
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

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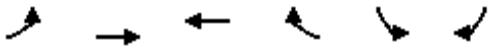
APPENDIX E

2027 Total Traffic Conditions

Analysis Reports



Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	2	130	139	25	24	1
Future Volume (Veh/h)	2	130	139	25	24	1
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	141	151	27	26	1
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	178				310	164
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	178				310	164
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	100				96	100
cM capacity (veh/h)	1410				686	885

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	143	178	27
Volume Left	2	0	26
Volume Right	0	27	1
cSH	1410	1700	692
Volume to Capacity	0.00	0.10	0.04
Queue Length 95th (ft)	0	0	3
Control Delay (s)	0.1	0.0	10.4
Lane LOS	A		B
Approach Delay (s)	0.1	0.0	10.4
Approach LOS			B

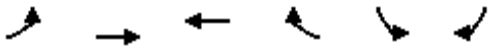
Intersection Summary			
Average Delay		0.9	
Intersection Capacity Utilization		18.8%	ICU Level of Service A
Analysis Period (min)		15	

Intersection: 3:

Movement	SB
Directions Served	LR
Maximum Queue (ft)	45
Average Queue (ft)	17
95th Queue (ft)	44
Link Distance (ft)	387
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0



Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	21	146	139	51	55	6
Future Volume (Veh/h)	21	146	139	51	55	6
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	23	159	151	55	60	7
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	206				384	178
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	206				384	178
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	98				90	99
cM capacity (veh/h)	1377				613	870

Direction, Lane #	EB 1	WB 1	SB 1
Volume Total	182	206	67
Volume Left	23	0	60
Volume Right	0	55	7
cSH	1377	1700	632
Volume to Capacity	0.02	0.12	0.11
Queue Length 95th (ft)	1	0	9
Control Delay (s)	1.1	0.0	11.4
Lane LOS	A		B
Approach Delay (s)	1.1	0.0	11.4
Approach LOS			B

Intersection Summary			
Average Delay	2.1		
Intersection Capacity Utilization	32.7%	ICU Level of Service	A
Analysis Period (min)	15		

Intersection: 3: Jamestown Road

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	46	52
Average Queue (ft)	6	28
95th Queue (ft)	28	50
Link Distance (ft)	894	387
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

TIMMONS GROUP

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RESOLUTION

ADOPTION OF THE SHAPING OUR SHORES MASTER PLAN FOR JAMESTOWN BEACH

CAMPGROUND, JAMESTOWN YACHT BASIN, AND CHICKAHOMINY RIVERFRONT PARK

WHEREAS, Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park were purchased by James City County to enhance the lives of its citizens by preserving greenspace, protecting environmental and cultural resources, and providing increased waterfront access and recreational opportunities; and

WHEREAS, these three sites required the development of a long-range conceptual plan to identify future uses, and the Shaping Our Shores Master Plan was developed in response to this need through a process that emphasized community input; and

WHEREAS, the recommended uses in the Shaping Our Shores Master Plan were developed to be feasible given the existing site constraints, match the community's vision, provide maximum benefits to the citizens, and offset operational and maintenance costs by developing appropriate and reasonable revenue-generating opportunities; and

WHEREAS, the Master Plan is a high-level planning document of a broad conceptual nature that is intended to guide and assist citizens, staff, commissions, and the Board of Supervisors in making future land use, planning, funding, maintenance, management, and administrative decisions about the three sites.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Shaping Our Shores Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin, and Chickahominy Riverfront Park.

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	NAY
KENNEDY	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2009.

SOSMasPl_res

Figure 2-2
Master Plan
Jamestown Beach Campground

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-23-0005.

JAMESTOWN BEACH EVENT PARK MASTER PLAN AMENDMENT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a park or other public area, public building or public structure, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, James City County, Virginia (the "Owner"), owns properties located at 2205 Jamestown Road, and further identified as James City County Real Estate Tax Map Parcel No. 4630100005 (the "Property"), which is zoned PL, Public Lands; and

WHEREAS, Mr. Alister Perkinson of the James City County Parks & Recreation Department, on behalf of the Owner, has applied for a Special Use Permit amendment to include adding long-term boat storage and a Running Center, and changes to roadways including re-aligning the park entrance to create a new intersection with Jamestown Road and the Colonial Parkway and other minor revisions on the Properties as shown on a plan titled "Jamestown Beach Event Park Master Plan July 2020," and dated July 2020; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-23-0005.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character and extent of the park or other public areas, public buildings or public structures shown in Case No. SUP-23-0005 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Frank Polster
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2023.

SUP23-5_JBEPkMPAmd-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

SUP-23-0005. Jamestown Beach Event Park Master Plan Amendment

Mr. Ben Loppacker, Planner, stated that Mr. Alister Perkinson, Parks Administrator, James City County Parks & Recreation, has submitted a request to amend SUP-0010-2015 to formally update the Jamestown Beach Event Park's Board adopted Master Plan, dated September 2020.

Mr. Loppacker stated that the subject property is located at 2205 Jamestown Road, zoned PL, Public Lands, classified as Community Character Conservation, Open Space, or Recreation on the 2045 Comprehensive Plan, and located inside the PSA.

Mr. Loppacker stated that by formally amending the SUP and adopting the revised Master Plan, staff finds the proposed conditions will mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Loppacker stated that to date, there have been no citizen comments regarding this case. Mr. Loppacker stated that taking all factors favorable into account, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster opened the Public Hearing.

Mr. Chris Henderson, 101 Keystone, addressed the Commission with suggestions on the application.

As no one further wished to speak, Mr. Polster closed the Public Hearing.

Mr. Krapf made a motion to find the facilities consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to find the public facilities consistent with the Comprehensive Plan. (5-0)

Ms. Null made a motion to recommend approval of the application with the proposed conditions.

On a roll call vote, the Commission voted to recommend approval SUP-23-0005. Jamestown Beach Event Park Master Plan Amendment. (5-0)

AGENDA ITEM NO. G.7.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Ben Loppacker, Planner

SUBJECT: SUP-23-0006. Upper County Park Master Plan Amendment

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	2. Location Map	Backup Material
🗋	3. 2023 Special Use Permit Master Plan	Backup Material
🗋	4. Applicant Narrative	Backup Material
🗋	5. 2021 BOS adopted Master Plan	Backup Material
🗋	6. SUP-0029-1994 Resolution	Backup Material
🗋	7. Adopted Resolution for Consistency with the adopted Comprehensive Plan	Backup Material
🗋	8. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 5:15 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 5:18 PM
Publication Management	Pobiak, Amanda	Approved	4/24/2023 - 8:09 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:58 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:01 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:18 PM

SUMMARY FACTS

Applicant:	Mr. Alister Perkinson, Parks Administrator, Parks & Recreation Department
Landowner:	James City County
Proposal:	A request to amend the Special Use Permit (SUP) Case No. SUP-0029-1994 and Master Plan for the Upper County Park to include, but not limited to, adding and reconfiguring multiuse trails, a pickleball/tennis court, an off-leash dog area; and a community gymnasium. The proposed SUP amendment is designed to ensure consistency with the updated Park Master Plan.
Location:	180 Leisure Road
Tax Map/Parcel No.:	1120100001
Property Acreage:	± 55.99 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Community Character Conservation, Open Space, or Recreation
Primary Service Area:	Outside
Staff Contact:	Ben Loppacker, Planner

PUBLIC HEARING DATES

Planning Commission: April 5, 2023, 6:00 p.m.

Board of Supervisors: May 9, 2023, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal will continue to be compatible with surrounding zoning and development.

2. The proposal is consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

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

4. The proposal will add needed park facilities for future development in the northern part of the County.

5. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this SUP application, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its April 5, 2023, meeting, the Planning Commission voted to recommend approval of this application by a vote of 5-0 (Mr. Rodgers and Dr. Rose absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PLANNING AND ZONING HISTORY

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

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

PROJECT DESCRIPTION

Mr. Alister Perkinson, Parks Administrator for the Parks & Recreation Department, has submitted a request to amend Case No. SUP-0029-1994 to formally update the Park's SUP to match the updated Master Plan titled "Upper County Park January 2023" (Attachment No. 4).

The Park opened in 1984, Upper County Park is one of the oldest County parks and primarily serves the residents at the upper end of the County. A 1993 Master Plan for the Park had become outdated and not reflective of current citizen needs. The Parks and Recreation Master Plan identified a lack of several park amenities in this region, notably hard surface trails, gymnasiums, recreation centers, and indoor pools. Current Park amenities include a 25-meter outdoor pool, toddler pool, basketball and sand volleyball courts, picnic shelters, a playground, multiuse/mountain biking trails, a primitive camping area, restrooms, and seasonal store/concessions. At its January 25, 2022, meeting, the Board of Supervisors approved "Master Plan Upper County Park April 2021" for Upper County Park with changes including, but not limited to, adding a 0.5-mile paved multiuse trail, replace the toddler pool with a splash pad/spray ground feature, add a community gym, pickleball/tennis courts, an off-leash dog area, archery range, park maintenance area, and increased parking (See Attachment No. 5).

Since then, the Parks & Recreation Department would like to propose a minor change to the Master Plan that would realign the 0.5-mile paved multiuse trail to more of the south going around the proposed community gym and along the parking area (See Attachment No. 4). Conditions for the SUP will also be modified to be consistent with the Master Plan.

SURROUNDING ZONING AND DEVELOPMENT

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

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	Mitigated	- See Condition No. 2 regarding a traffic study being needed prior to site plan approval for the community gym.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	- Pedestrian/bicycle accommodations are required on the south side of Leisure Road where it crosses into the parcel.
Public Safety	No Mitigation Required	- Fire Station 1 on Richmond Road serves this area of the County and is approximately 3.7 miles from Upper County Park. - Staff finds this SUP does not generate impacts that require mitigation to the County's Fire Department facilities or services.
Public Schools	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	- N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	- Staff finds this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	No Mitigation Required	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Watersheds, Streams, and Reservoirs Project is located in the Diascund Creek Watershed.	Mitigated	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. A Master Stormwater Management Plan will be required per Condition No. 3.
Cultural/Historic	No Mitigation Required	- The subject property has been previously disturbed.
Nearby and Surrounding Properties	Mitigated	- Staff finds this project does not generate impacts that require mitigation.
Community Character	No Mitigation Required	- Leisure Road is not a Community Character Corridor; therefore, no mitigation is required. This parcel is not located within a Community Character Area.
Covenants and Restrictions	No Mitigation Required	- The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

2045 COMPREHENSIVE PLAN

The 2045 Comprehensive Plan Land Use Map designates the Upper County Park as Community Character Conservation, Open Space or Recreation (CCOR). The 2045 Comprehensive Plan states that properties designated CCOR contribute to the rural, historic, or scenic character of the County and include areas used for recreation, historical or cultural resources, or open space. Staff finds that the proposed improvements to Upper County Park are consistent with these designations.

Properties to the north and west are designated EO and parcels to the east and south are designated Rural Lands.

FINDING OF CONSISTENCY

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

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve this SUP application, subject to the proposed conditions.

BL/ap
SUP23-6UpprCtyPrkMPlnAmd

Attachments:
1. Resolution
2. Location Map
3. 2023 SUP Master Plan
4. Applicant Narrative
5. 2021 Board of Supervisors Adopted Master Plan
6. SUP-0029-1994 Resolution
7. Adopted Resolution for Consistency with the Adopted Comprehensive Plan
8. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-23-0006. UPPER COUNTY PARK

SPECIAL USE PERMIT AND MASTER PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit process; and

WHEREAS, Mr. Alister Perkinson of James City County Parks & Recreation, has applied for a request to amend Case No. SUP-0029-1994 and Master Plan Map to include adding and reconfiguring multiuse trails, a pickleball/tennis court, an off-leash dog area, and a community gymnasium, located at 180 Leisure Road and further identified as James City County Real Estate Tax Map Parcel No. 1120100001 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 5, 2023, recommended approval of Case No. SUP-23-0006 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0006; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0006 as described herein with the following conditions:

1. *Master Plan*. This Special Use Permit (the "SUP") shall be valid for the Upper County Park facility (the "Project"). The Project is located at 180 Leisure Road and further identified as James City County Real Estate Tax Map Parcel No. 1120100001 (the "Property"). Development of the Property shall be completed in accordance with the "Upper County Park Master Plan January 2023," dated January 2023 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance.

2. *Traffic Impact Study*. A Traffic Impact Study shall be submitted to the County within five (5) years of the adoption of this SUP, or at such earlier time if required by the Virginia Department of Transportation. The Director of Planning may delay this requirement until such time as the Community Gym labeled "H" on the revised Master Plan has been completed.

3. *Master Stormwater Management Plan*. The applicant shall submit a Master Stormwater Management ("SWM") Plan for review and approval by the Director of Stormwater and Resource Protection Division or designee within 18 months of the adoption of this SUP. Material deviations from the approved SWM Plan must be approved by the Director of Stormwater and Resource Protection Division.

4. *Outdoor Speakers*. All outdoor speakers used on the Property shall be oriented generally towards the interior of the Property and away from exterior property lines.

5. *Severance Clause*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-0029-1994.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

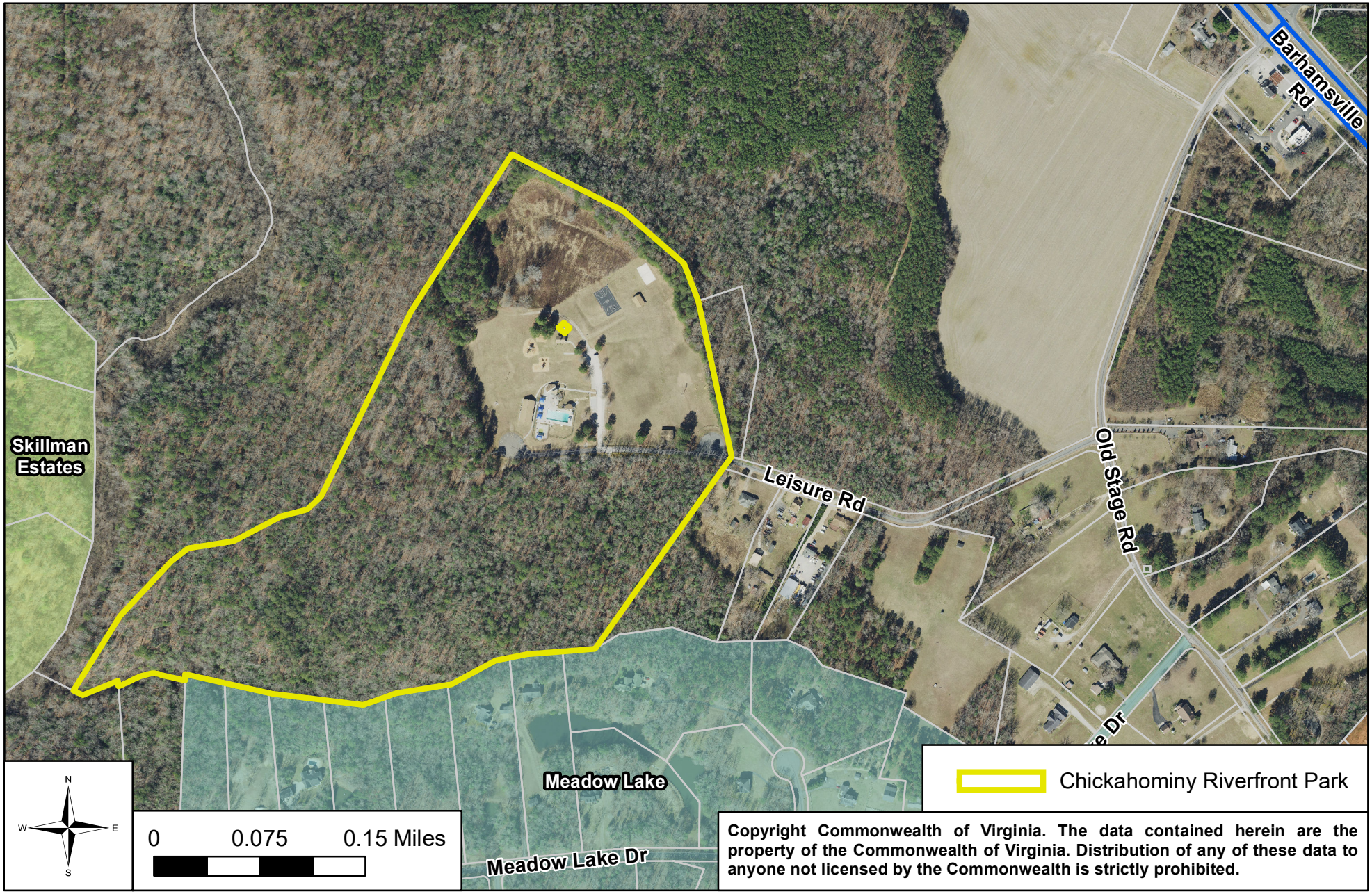
_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

SUP23-6UpprCtyPrkMPlnAmd-res

JCC SUP-23-0006
180 Leisure Road
Upper County Park Master Plan Amendment



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SUP-23-0006. Upper County Park
Master Plan Amendment

Property Information:

PIN: 1120100001

James City County
180 Leisure Road
Toano, VA 23168

PSA: Outside

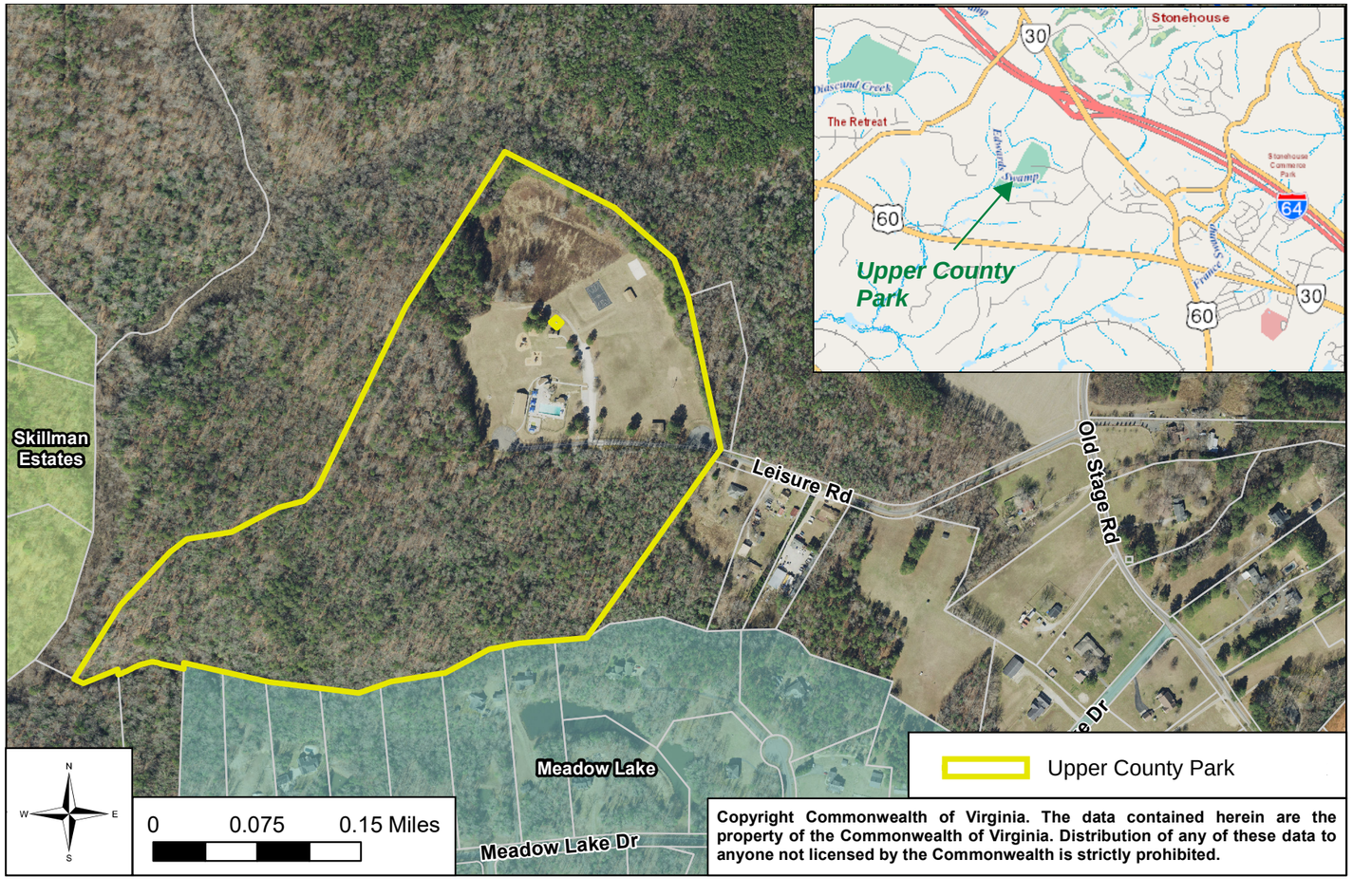
Zoning: PL Public Lands

2045 Comp Plan: Open Space or Recreation

Parcel Acreage: 55.99

Sheet Index:

1. Cover Page
2. Master Plan



General Notes:

1. This proposal amends SUP-0029-1994.

2. Property does contain a Resource Protected Area.

3. This property is not located within an easement.

4. Portions of the property are located in a special flood hazard area based on Flood Insurance Rate Map 51095C0037D, effective 12/16/2015.

Master Plan

Upper County Park

Jan 2023

James City County VIRGINIA Jamestown 1607

Code	Feature
A	Swimming Pool
A2	Splash Pad
B	Picnic Shelter
C	Playground
D	Sand Volleyball
E	Mountain Biking / Multiuse Trails
F	Youth Group Primitive Camping Area
G	Proposed Paved Multiuse Trail
H	Community Gym
I	Parking
J	Off Leash Area
K	Stormwater Management
L	Archery Range
M	Park Maintenance / Storage
N	Basketball / Pickleball / Tennis Courts

Property Line

Trail

N W E S

0 100 200 Feet

Upper County Park (UCP)

Opened in 1984, UCP is one of the oldest County parks. A 1993 Master Plan for the park had become outdated and not reflective of current citizen needs. The Parks and Recreation Master Plan classifies UCP as a community park, primarily serving residents at the upper end of the County. The Parks & Recreation Master Plan identified a lack of several park amenities in this region, notably hard surface trails, gymnasiums, recreation centers, and indoor pools. Current park amenities include a 25-meter outdoor pool, toddler pool, basketball and sand volleyball courts, picnic shelters, a playground, multiuse/mountain biking trails, a primitive camping area, restrooms, and seasonal store/concessions.

In an update to the plan in 2022, the following changes were made:

- Replacement of the toddler pool with a splash pad/spray ground feature;
- 0.5-mile paved multiuse trail;
- Community gymnasium with two full-sized indoor courts and fitness area;
- Pickleball/tennis court;
- Off-leash dog area;
- Archery range;
- Park maintenance/storage area; and
- Increased parking to support new amenities.

These changes were adopted by the James City County Board of Supervisors at their January 25, 2022 meeting. Additional minor changes made to the map in January 2023 are as follows:

- Re-alignment of 0.5-mile paved multiuse trail to match current design

Park Included in SUP	Adopted 5 year CIP (FY23-27)	5-8 Years (FY28-30)	8+ Years (FY31+)
Chickahominy Riverfront Park	RV/Boat Storage ® Multi-use Trail (A)	Community Rowing Facilities/Paddlecraft Launch (C, H), Upgraded Bathhouse Facilities (B), Campground Improvements (A), Connector Road	Campground Store (M) Field Games (O) Picnic Pavilions (J)
Upper County Park	Paved Multi-use Trail (G) Splash Pad (A2)	Tennis/Pickleball Courts (N)	Community Gym (H) Archery Range (L)
Jamestown Beach Event Park	Boat Storage (C)	Maintenance Building (J) Performance Venue/Restrooms (N, R) Entrance re-alignment	Camping (Y)
Warhill Sports Complex	Softball/Baseball Complex (B)	Multipurpose Field Complex (F), Connector Road (E),	Baseball/Softball Stadium Complex (D2) Tennis/Pickleball Courts (H)

Master Plan

Upper County Park

April 2021

James City County VIRGINIA Jamestown 1607

Code	Feature
A	Swimming Pool
A2	Splash Pad
B	Picnic Shelter
C	Playground
D	Sand Volleyball
E	Mountain Biking / Multiuse Trails
F	Youth Group Primitive Camping Area
G	Proposed Paved Multiuse Trail
H	Community Gym
I	Parking
J	Off Leash Area
K	Stormwater Management
L	Archery Range
M	Park Maintenance / Storage
N	Basketball / Pickleball / Tennis Courts

Property Line

Trail

N W E S

0 100 200 Feet

RESOLUTION

CASE NO. SUP-29-94. UPPER COUNTY PARK MASTER PLAN

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

WHEREAS, the Planning Commission of James City County, following its public hearing on November 8, 1994, voted 7-1 to recommend approval of Case No. SUP-29-94 to permit the construction of public recreation facilities as shown in the Upper County Park Master Plan in the A-1, General Agricultural District, on the property identified as Parcel Nos. (1-1) and (1-3) on James City County Real Estate Tax Map No. (11-2); and

WHEREAS, in accordance with Section 15.1-456 Code of Virginia, the James City County Planning Commission at its November 8, 1994, meeting, found the Upper County Park Master Plan to be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, finds that the facilities proposed in the Upper County Park Master Plan are consistent with the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-29-94, as described herein with the following conditions:

1. If construction has not commenced on the project within 18 months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as the acquisition of permits for, or the commencement of, clearing and excavation necessary for the installation of, any of the facilities appearing on the Master Plan for Upper County Park.

2. A traffic generation study shall be provided with any site plan for development beyond the pool renovation. It shall include a phasing plan of the proposal during the term of the project. The study shall assess the impact the proposed development will have on Leisure Road and Old Stage Road, and recommend any improvements to those roads in order that they may adequately serve the needs of the park and assure the safety of local citizens. Development of the park facilities shall not occur prior to projected road improvement needs as part of a phased implementation plan.

3. Proposed facilities shall be linked with a pedestrian trail network.

Perry M. DePue
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MAGOON	AYE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE

ATTEST:

David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 5th day of December, 1994.

SUP2994.res

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-23-0006.

UPPER COUNTY PARK MASTER PLAN AMENDMENT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a park or other public area, public building or public structure, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, James City County, Virginia (the "Owner"), owns properties located at 180 Leisure Road, and further identified as James City County Real Estate Tax Map Parcel No. 1120100001 (the "Property"), which is zoned PL, Public Lands; and

WHEREAS, Mr. Alister Perkinson of the James City County Parks & Recreation Department, on behalf of the Owner, has applied for a Special Use Permit amendment to include adding and reconfiguring multiuse trails, a pickleball/tennis court, an off-leash dog area; and a community gymnasium, and other minor revisions on the Properties as shown on a plan titled "Upper County Park Master Plan Jan. 2023," dated January 2023; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-23-0006.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character and extent of the park or other public areas, public buildings or public structures shown in Case No. SUP-23-0006 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Frank Polster
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2023.

SUP23-6_UCPkMPAmd-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

SUP-23-0006. Upper County Park Master Plan Amendment

Mr. Ben Loppacker, Planner, Mr. Alister Perkinson, Parks Administrator, James City County Parks and Recreation, has submitted a request to amend SUP-0029-1994 to formally update the adopted master plan for Upper County Park.

Mr. Loppacker stated that the subject property is located at 180 Leisure Road, zoned PL, Public Lands, classified as Community Character Conservation, Open Space, or Recreation on the 2045 Comprehensive Plan, and located outside the PSA.

Mr. Loppacker stated that in formally amending this SUP and adopting a revised master plan, staff finds the proposed conditions will mitigate impacts to surrounding properties and development. Mr. Loppacker further stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Loppacker stated that to date, there have been no citizen comments regarding this case. Mr. Loppacker stated that taking all factors favorable into account, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster opened the Public Hearing.

Mr. Chris Henderson, 101 Keystone, addressed the Commission with suggestions on the application.

As no one further wished to speak, Mr. Polster closed the Public Hearing.

Mr. Haldeman made a motion to find the facilities consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to the public facilities consistent with the Comprehensive Plan. (5-0)

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

On a roll call vote, the Commission voted to recommend approval of SUP-23-0006. Upper County Park Master Plan Amendment. (5-0)

AGENDA ITEM NO. G.8.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Suzanne Yeats, Planner

SUBJECT: SUP-23-0007. Warhill Sports Complex Master Plan Amendment

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ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	2. Location Map	Backup Material
🗋	3. Applicant Narrative	Backup Material
🗋	4. 2021 Master Plan	Backup Material
🗋	5. SUP-0014-2016_MP-0002-2016 Resolution	Backup Material
🗋	6. SUP-0004-1998_Z-0001-1998 Resolution	Backup Material
🗋	7. SUP-0017-2003_MP-0005-2003 Resolution	Backup Material
🗋	8. 2016 Master Plan	Backup Material
🗋	9. Citizen Correspondence	Backup Material
🗋	10. Resolution_15.2-2232 Consistency Determination	Backup Material
🗋	11. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/21/2023 - 5:16 PM
Development Management	Holt, Paul	Approved	4/21/2023 - 5:18 PM
Publication Management	Pobiak, Amanda	Approved	4/24/2023 - 8:48 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:58 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:02 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:19 PM

SUMMARY FACTS

Applicant:	Mr. Alister Perkinson Parks Administrator, Parks & Recreation Department
Landowner:	James City County
Proposal:	A request to amend the Special Use Permit (SUP), Case Nos. SUP-0014-2016/MP-0002-2016 (Attachment No. 5) and Master Plan, Case No. MP-0002-2016 (Attachment No. 6) for the Warhill Sports Complex to include, but not limited to, adding four multiuse fields, restrooms/concessions, stadium complex for softball and baseball, a connection to roads linking Longhill Road and Opportunity Way, lighted pickleball/tennis courts, additional parking to support amenities, existing private indoor pool facility, existing community garden, and existing General Services Grounds Maintenance facility. The proposed SUP amendment is designed to ensure consistency with the currently adopted park 2021 Master Plan.
Locations:	4900 Stadium Trail 5700 Warhill Trail 5720 Warhill Trail
Tax Map/Parcel Nos.:	3210100012 3210100012A 3210100012L
Property Acreage:	+/- 442.23 acres +/- 3.00 acres +/- 2.07 acres
Zoning:	PL, Public Lands
Comprehensive Plan:	Community Character Conservation, Open Space, or Recreation
Primary Service Area:	Inside
Staff Contact:	Suzanne Yeats, Planner

PUBLIC HEARING DATES

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

FACTORS FAVORABLE

1. The proposal is compatible with surrounding zoning and development.

2. Staff finds the proposal consistent with *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

3. At its January 25, 2022, meeting, the Board of Supervisors approved the September 2021 Master Plan update for the Warhill Sports Complex. Staff finds the current SUP application consistent with the Board's adopted Master Plan.

4. Impacts: See Impact Analysis on Pages 5-6.

FACTORS UNFAVORABLE

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

SUMMARY STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its April 5, 2023, meeting, the Planning Commission voted to recommend approval of this application by a vote of 5-0 (Mr. Rodgers and Dr. Rose absent).

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PLANNING AND ZONING HISTORY

- The Board of Supervisors approved Case Nos. SUP-0004-1998/Z-0001-1998 (Attachment No. 7) on April 28, 1998. This allowed development of the site as a recreational complex.

- The Board of Supervisors approved Case Nos. SUP-0017-2003/MP-0005-2003 (Attachment No. 8) for the amendment of the "Warhill Sports Complex 2004 Master Plan" on July 13, 2004. The amended Master Plan proposed a multipurpose field complex, an indoor sports facility, picnic areas, greenway access to Centerville Road, paved multiuse trails, a controlled secondary park access to Centerville Road, a BMX park, and unprogrammed open space.

- The Development Review Committee (DRC) approved a request for a Master Plan consistency (C-0008-2016) on February 24, 2016. This allowed the construction of two indoor swimming pools at the Williamsburg Indoor Sports Complex.

- The DRC approved a request for Master Plan consistency (C-0014-2016) for a community garden under the power lines on May 25, 2016.

- The Board of Supervisors approved Case Nos. SUP-0014-2016/MP-0002-2016 (Attachment No. 5) for the amendment of the "2016 Warhill Sports Complex Master Plan" dated September 19, 2016. The amended 2016 Master Plan (Attachment No. 6) proposed an addition of a running center building, a Williamsburg Area Transit Authority (WATA) bus transfer station, the relocation of a proposed indoor sports facility, and other minor revisions.

- At its January 25, 2022, meeting, the Board of Supervisors approved the September 2021 Master Plan update (Attachment No. 4) for the Warhill Sports Complex.

PROJECT DESCRIPTION

Mr. Alister Perkinson, Parks Administrator for the Parks & Recreation Department, has submitted a request to amend Case No. SUP-0014-2016 to formally update the Park's SUP to ensure consistency with the currently adopted park Master Plan titled "Warhill Sports Complex September 2021" that was adopted by the Board of Supervisors at its January 25, 2022, meeting (Attachment No. 4). The sports complex is used by a large variety of groups with the purpose of providing recreational services and facilities for James City County residents and visitors. Parks & Recreation staff held a meeting on February 18, 2021, with 22 community partner organizations in order to solicit

feedback and determine needs for Warhill Sports Complex's future development. Based on feedback received, Parks & Recreation Long Range Plan, revisions made to the Warhill Sports Complex Master Plan include additions to and elimination of proposed amenities listed below. There are some pertinent differences between eliminations made from the 2016 Master Plan and proposed additions in this most recent 2021 version. Below lists the improvements and/or adjustments made during each Master Plan revision:

Eliminated amenities from "2016 Warhill Sports Complex Master Plan" (the locations indicated below correspond to 2021 Master Plan):

- *One large field from the baseball complex to expand parking (A);*
- *Seven multipurpose rectangular fields (E,F);*
- *The proposed indoor sports facility (D2);*
- *BMX park (L) and Running Center (H); and*
- *Elimination of the WATA Bus Transfer Station from area (L).*

Existing or proposed improvements illustrated in "Master Plan Warhill Sports Complex Sept. 2021":

- *Synthetic turf field complex featuring two lighted softball/multiuse fields (B), two lighted large baseball/multiuse fields (B).*
- *Restrooms/concession (B);*
- *Stadium complex featuring one baseball and one softball field (D2);*
- *Redesigned connector road between the Longhill Road and Opportunity Way sides (E);*
- *Lighted pickleball/tennis courts (H);*
- *Additional parking provided to support amenities (A, H);*
- *Include the existing private indoor pool facility (G2);*
- *Include the existing community garden (I);*
- *Include the existing General Services grounds maintenance facility (O);and*
- *Additional four multi-purpose fields, adjustable orientation, lighted parking, restrooms/concessions (F).*

SURROUNDING ZONING AND DEVELOPMENT

Located west of Route 199, south of Centerville Road (Route 614), and north of Longhill Road (Route 612), and adjacent to Warhill and Lafayette High Schools. Surrounding zoning designations include:

- North to Southeast: R-2, General Residential (Villages of Westminster), R-8, Rural Residential (James City Service Authority, Virginia Electric and Power Company), and M-1, Limited Business/Industrial (Virginia Electric and Power Company).
- Southeast to South: R-8, Rural Residential (Christian Life Center of Virginia), R-2, General Residential (Season's Trace, Heron Run, Scott's Pond, Winter Park, Pheasant's Run, and Wood Duck Commons).

- South to Northwest: R-8, Rural Residential (Sheldon Properties and vacant parcels), R-4, Residential Planned Community (Mallard Hill and Longhill Gate), and PL, Public Land to the south (Lafayette High School).

- Northwest to North: PL, Public Land (Warhill High School and vacant parcel), R-8, Rural Residential (Camelot), A-1, General Agricultural (Residential), R-1, Limited Residential (Adam's Hunt).

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Transportation: Vehicular	Mitigated	• Condition No. 3: The southbound right-turn lane on Warhill Trail shall be lengthened to 125 feet prior to June 30, 2027. The Director of Planning may delay the required completion of the road improvement beyond June 30, 2027, if construction of the athletic fields labeled B, D2, and F on the revised Master Plan have not been completed prior to June 30, 2027. • Condition No. 4: Beginning on January 31, 2024, and every January 31 of each year thereafter, a Traffic Management Plan ("TMP") addressing the circulation and queueing of vehicles within the Project area shall be submitted to the Virginia Department of Transportation ("VDOT") and to the Director of Planning or his designee for their review and approval. The TMP shall address parking lot usage, signage, pavement markings and other vehicle control and directional devices, and manual traffic controls at the intersection of Warhill Trail and Longhill Road. The TMP shall be submitted until operation of the Longhill Road/Warhill Trail intersection is at a Level of Service "D" or better, as determined by VDOT and the Director of Planning. • Condition No. 5: A Traffic Impact Analysis (TIA) shall be submitted to the County within five (5) years of adoption of this SUP, or at such earlier time as required by VDOT. The Director of Planning may delay this requirement beyond five (5)-years if construction of the athletic fields labeled B, D2, and F on the Master Plan have not been completed within five years of adoption of this SUP. • Staff finds that traffic impacts from this proposal are mitigated with the proposed conditions.
Public Transportation: Bicycle/Pedestrian	No Mitigation Required	• Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, multiuse paths are required along Warhill Trail, Opportunity Way, and internal to the Warhill Sports Complex; this requirement has been fulfilled.
Public Safety	No Mitigation Required	• Fire Station 4 on Olde Towne Road serves this area of the County, approximately 2.5 miles from the proposed Facility.

Impacts/Potentially Unfavorable Conditions	**Status** *(No Mitigation Required/Mitigated/Not Fully Mitigated)*	**Considerations/Proposed Mitigation of Potentially Unfavorable Conditions**
Public Schools	No Mitigation Required	• N/A since no residential dwelling units are proposed.
Public Parks and Recreation	No Mitigation Required	• N/A since no residential dwelling units are proposed.
Public Libraries and Cultural Centers	No Mitigation Required	• Staff finds that this project does not generate impacts that require mitigation.
Groundwater and Drinking Water Resources	Mitigated	• Staff finds that this project does not generate impacts that require mitigation.
Watersheds, Streams, and Reservoirs Project is located in the Skiffes Creek Watershed and Skiffes Creek Reservoir.	Mitigated	• Condition No. 7: The applicant shall submit a Master Stormwater Management ("SWM") Plan for review and approval by the Director of Stormwater and Resource Protection within 18 months of adoption of this SUP. Material deviations from the SWM Plan must be approved by the Director of Stormwater and Resource Protection Division. All development of the Property must adhere to the approved SWM Plan.
Cultural/Historic	Mitigated	• Staff finds that this project does not generate impacts that require mitigation.
Nearby and Surrounding Properties	Mitigated	• Condition No. 6: All outdoor speakers used on the Properties shall by oriented generally towards the interior of the Properties and away from exterior property lines.
Community Character	Mitigated	• Condition No. 2: A minimum 150-foot buffer shall be maintained along the perimeter of the boundary lines of James City County Real Estate Tax Map No. 3210100012. This buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, community uses, and other uses shown on the Master Plan or as specifically approved by the Director of Planning.
Covenants and Restrictions	No Mitigation Required	• The applicant has verified that he is not aware of any covenants or restrictions on the property that prohibit the proposed use.

Per Case No. SUP-0014-2016/MP-0002-2016, Condition No. 7 (Attachment No. 5), the Director of Planning was given authority to delay requiring a TIA to be submitted beyond the five (5)-year time period if construction of the athletic fields labeled B, D2, and F on the 2016 Master Plan (Attachment No. 6) have not been completed within five years of issuance of said SUP amendment. Since 2017, the operational efforts utilized since adoption of the 2016 SUP to mitigate circulation and queuing have included:

- Signs to Route 199/Interstate 64 were installed inside the Warhill Sports Complex, directing traffic to use the Opportunity Way exit rather than using Warhill Trail and Longhill Road.
- "Do not block intersection" signs were installed along Warhill Trail at the intersections of Blue Bill Run and Beaver Run East.
- Off-duty Police Officers were hired to help direct traffic at the intersection of Longhill Road and Warhill Trail during weekends that the park hosted special events and tournaments.
- The service road that connects both entrances of the Warhill Sports Complex was opened for use during full park operating hours.
- The Warhill Sports Complex address was changed to 4900 Stadium Road to help direct more traffic (via GPS and smartphone apps) to the park entrance off Opportunity Way.
- To help reduce speeding vehicles inside the park, additional speed humps were added to the park's service road.
- Two James City County Police Officers were requested to help direct traffic at the intersection of Longhill Road and Warhill Trail on eight tournament weekends in 2022, which is consistent with the previous few years.

The Parks & Recreation Department is committed to using each of the measures listed above in 2023 and beyond until physical improvements or traffic control lights can be added to the Longhill Road/Warhill Trail intersection.

2045 COMPREHENSIVE PLAN

The 2045 Comprehensive Plan Land Use Map designates the Warhill Sports Complex as Community Character Conservation, Open Space or Recreation (CCOR). The 2045 Comprehensive Plan states that properties designated CCOR contribute to the rural, historic, or scenic character of the County and include areas used for recreation, historical or cultural resources, or open space. Staff finds that the proposed improvements to Warhill Sports Complex are consistent with these designations.

Longhill Road and Centerville Road are listed as Wooded and Urban and Suburban Community Character Corridors in the 2045 Comprehensive Plan Land Use Map. The proposed improvements will not be visible from these rights-of-way.

Warhill Sports Complex is primarily surrounded by Low-Density Residential. Areas to the northeast and to the south are designated as Federal, State, and County Land.

FINDING OF CONSISTENCY

Section 15.2-2232 of the Code of Virginia states, in part, that no public park facility be allowed unless the Planning Commission finds the location of the park "substantially" consistent with the adopted Comprehensive Plan. As previously stated, in the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* Comprehensive Plan Land Use Map, the Warhill Sports Complex is designated as CCOR. Also, staff finds this proposal consistent with

the Comprehensive Plan since the Park will serve the County and region as a whole and because it is a public facility (i.e., owned and operated by James City County). The Planning Commission determined this use to be consistent with the Comprehensive Plan and its resolution is included as Attachment No. 10.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the SUP, subject to the proposed conditions.

SY/ap
SUP23-7WrhllMPlnAmd

Attachments:
1. Resolution
2. Location Map
3. 2021 Master Plan
4. Applicant Narrative
5. SUP-0014-2016/MP-0002-2016 Resolution
6. 2016 Master Plan
7. SUP-0004-1998/Z-0001-1998 Resolution
8. SUP-0017-2003/MP-0005-2003 Resolution
9. Citizen Correspondence
10. Adopted Resolution for Consistency with the Adopted Comprehensive Plan
11. Unapproved Minutes of the April 5, 2023, Planning Commission Meeting

R E S O L U T I O N

CASE NO. SUP-23-0007. WARHILL SPORTS COMPLEX

SPECIAL USE PERMIT AND MASTER PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit process; and

WHEREAS, Mr. Alister Perkinson of James City County Parks & Recreation, has applied for a request to amend Case No. SUP-0014-2016 to ensure consistency with the currently adopted park Master Plan from 2021 showing the addition of four multiuse fields, restroom/concessions, stadium complex for softball and baseball, a connection to roads linking Longhill Road and Opportunity Way, lighted pickleball/tennis courts, additional parking to support amenities, existing private indoor pool facility, existing community garden, and existing General Services Grounds Maintenance facility located at 4900 Stadium Road, 5700 Warhill Trail, and 5720 Warhill Trail and further identified as James City County Real Estate Tax Map Parcel Nos. 3210100012, 3210100012A, and 3210100012L,respectively (collectively, the "Properties"); and

WHEREAS, the Planning Commission, following its public hearing on April 5, 2023, recommended approval of Case No. SUP-23-0007 by a vote of 5-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-23-0007; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-23-0007 as described herein with the following conditions:

1. *Master Plan and Use*. This Special Use Permit (the "SUP") shall be valid for the Warhill Sports Complex Community Recreation facility (the "Project"). The Project is located at 4900 Stadium Road, 5700 and 5720 Warhill Road and further identified as James City County Real Estate Tax Map Parcel Nos. 3210100012, 3210100012A, and 3210100012L, respectively (collectively, the "Properties"). Development of the Properties shall be completed in accordance with the "Warhill Sports Complex Master Plan September 2021," dated September 2021, (the "Master Plan"), with any deviations considered per Section 24-23 (a)(2) of the Zoning Ordinance.

2. *Buffer*. A minimum 150-foot buffer shall be maintained along the perimeter of the boundary lines of James City County Real Estate Tax Map Parcel No. 3210100012. This buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, community uses, and other uses shown on the Master Plan or as specifically approved by the Director of Planning.

3. *Road Improvements*. The southbound right-turn lane on Warhill Trail shall be lengthened to 125 feet prior to June 30, 2027. The Director of Planning shall have the authority to delay required in the completion of the road improvement beyond June 30, 2027, if construction of the athletic fields labeled B, D2, and F on the revised Master Plan have not been completed prior to June 30, 2027.

4. *Traffic Management Plan*. Beginning on January 31, 2024, and every January 31 of each year thereafter, a Traffic Management Plan ("TMP") addressing the circulation and queueing of vehicles within the Project area shall be submitted to the Virginia Department of Transportation ("VDOT") and to the Director of Planning or his designee for their review and approval. The TMP shall address parking lot usage, signage, pavement markings and other vehicle control and directional devices, and manual traffic controls at the intersection of Warhill Trail and Longhill Road. The TMP shall be submitted until operation of the Longhill Road/Warhill Trail intersection is at a Level of Service "D" or better, as determined by VDOT and the Director of Planning.

5. *Traffic Impact Analysis*. A Traffic Impact Analysis shall be submitted to the County within five (5) years of adoption of this SUP, or at such earlier time as required by VDOT. The Director of Planning may delay this requirement beyond five (5) years if construction of the athletic fields labeled B, D2, and F on the Master Plan have not been completed within five years of adoption of this SUP.

6. *Outdoor Speakers*. All outdoor speakers used on the Properties shall be oriented generally towards the interior of the Properties and away from exterior property lines.

7. *Master Stormwater Management Plan*. The applicant shall submit a Master Stormwater Management ("SWM") Plan for review and approval by the Director of Stormwater and Resource Protection Division within 18 months of adoption of this SUP. Material deviations from the SWM Plan must be approved by the Director of Stormwater and Resource Protection Division. All development of the Properties must adhere to the approved SWM Plan.

8. *Severance Clause*. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that the SUP conditions set forth herein shall supersede and replace all conditions set forth in Case No. SUP-23-0007.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

_____
Teresa J. Saeed
Deputy Clerk to the Board

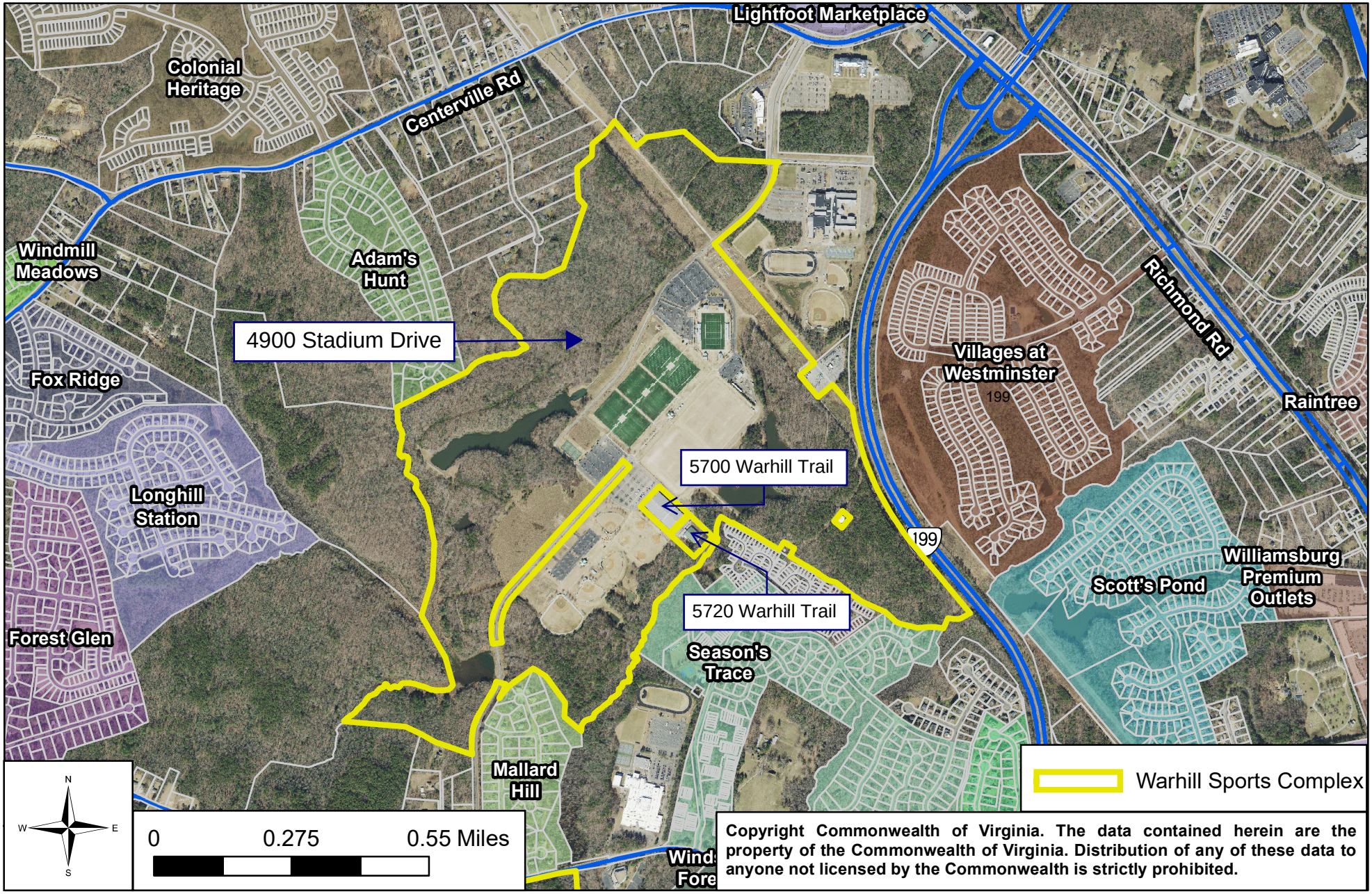
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

SUP23-7WrhllMPlnAmd-res

JCC SUP-23-0007

4900 Stadium Drive, 5700 Warhill Trail, & 5720 Warhill Trail

Warhill Sports Complex Master Plan Amendment



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Warhill Sports Complex (WSC)

Since the adoption of 2016 Warhill Sports Complex Master Plan, new features such as a private indoor pool facility and community garden have been added to the park. Additionally, some amenities originally featured on the park master plan have been represented at other park locations, such as the potential running center at Jamestown Beach Event Park. Since the sports complex is used by a large variety of groups, staff held a meeting with all 22-community partner organizations in order to solicit feedback and determine needs for the park's future development. Participants expressed the need for more lighted rectangular fields, more full-sized baseball fields, and softball fields to support the growing participation in senior softball.

In an update to the plan in 2022, the following changes and additions were made:

- Synthetic turf field complex featuring two lighted softball/multiuse fields (B), two lighted large baseball/multiuse fields (A);
- Restrooms/concession (B);
- Stadium complex featuring one baseball and one softball field (D2);
- Re-designed connector road between the Longhill Road and Opportunity Way sides (E);
- Lighted pickleball/tennis courts (H);
- Adding the existing private indoor pool facility (G2);
- Adding the existing community garden (I);
- Adding the existing General Services grounds maintenance facility (O);
- Additional parking provided to support amenities (A, H); and
- Four multipurpose fields, adjustable orientation, lighted parking, restrooms/concessions (F).

Eliminated amenities from 2016 Warhill Sports Complex Master Plan (the locations indicated below correspond to 2021 Master Plan):

- One large field from the baseball complex to expand parking (A);
- Seven multipurpose rectangle fields (E, F);
- The proposed indoor sports facility (D2);
- BMX park (L) and Running center (H); and
- Elimination of the WATA bus transfer station from area (L).

JCC Parks & Recreation Long Range Plan: These changes were adopted by the James City County Board of Supervisors at their January 25, 2022, meeting.

Park Included in SUP	Adopted 5 year CIP (FY23-27)	5-8 Years (FY28-30)	8+ Years (FY31+)
Chickahominy Riverfront Park	RV/Boat Storage ® Multi-use Trail (A)	Community Rowing Facilities/Paddlecraft Launch (C, H), Upgraded Bathhouse Facilities (B), Campground Improvements (A), Connector Road	Campground Store (M) Field Games (O) Picnic Pavilions (J)
Upper County Park	Paved Multi-use Trail (G) Splash Pad (A2)	Tennis/Pickleball Courts (N)	Community Gym (H) Archery Range (L)
Jamestown Beach Event Park	Boat Storage (C)	Maintenance Building (J) Performance Venue/Restrooms (N, R) Entrance re-alignment	Camping (Y)
Warhill Sports Complex	Softball/Baseball Complex (B)	Multipurpose Field Complex (F), Connector Road (E),	Baseball/Softball Stadium Complex (D2) Tennis/Pickleball Courts (H)

SUP-23-0007. Warhill Sports Complex Master Plan Amendment

Property Information:

PIN: 3210100012
3210100012A
3210100012A

James City County
4900 Stadium Trail
Williamsburg, VA 23185

5700 Warhill Trail
Williamsburg, VA 23185

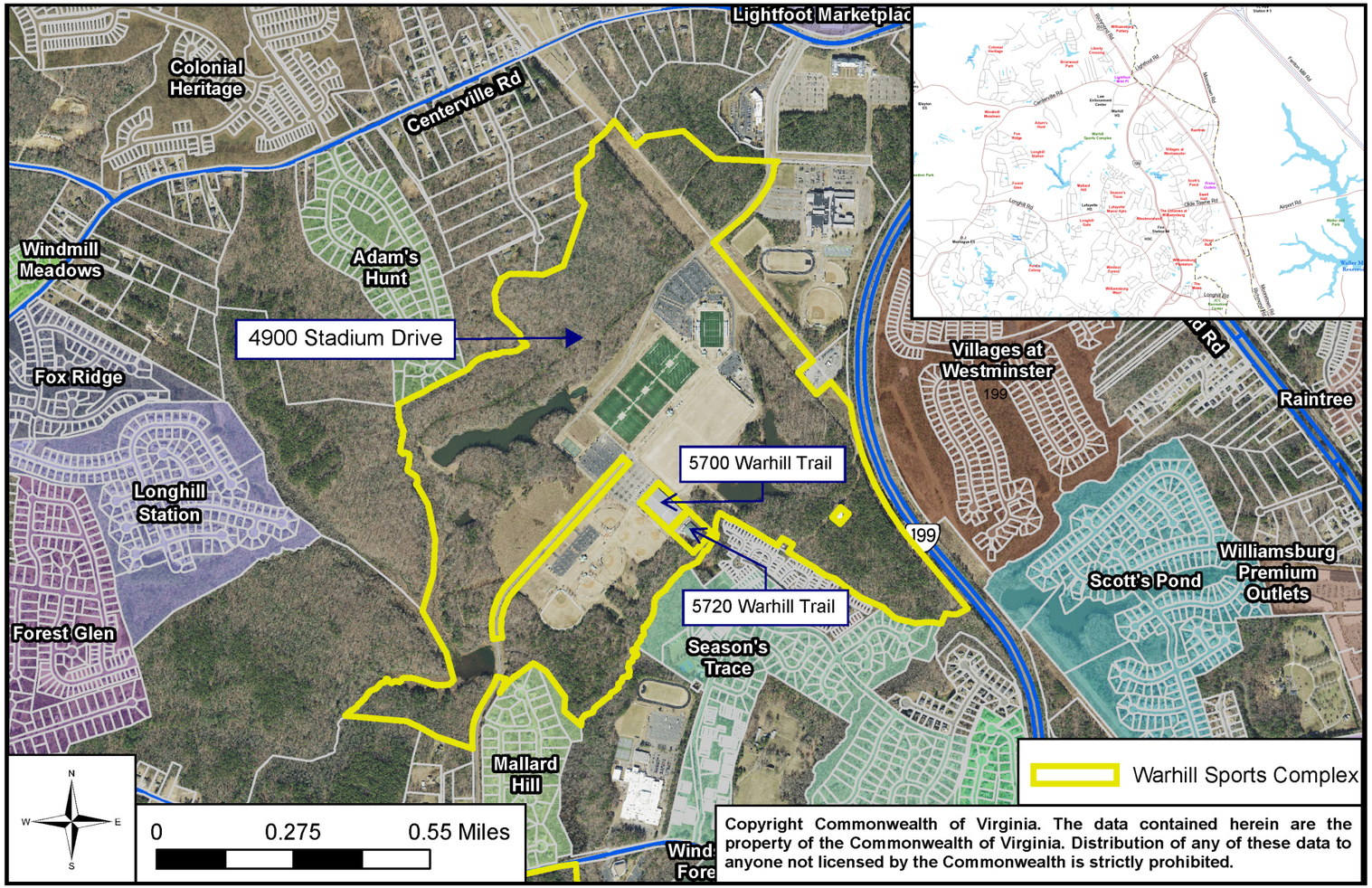
5720 Warhill Trail
Williamsburg, VA 23185

PSA: Inside

Zoning: PL Public Lands

2045 Comp Plan: Open Space or Recreation

Parcel Acreage: +/-442.23 Acres
+/-3.00 Acres
+/-2.07 Acres



Sheet Index:

1. Cover Page
2. Master Plan

General Notes:

1. This proposal amends SUP-0014-2016.

2. Property does contain a Resource Protected Area.

3. A portion of this property appears to contain at least one easements.

4. Portions of the property located in the 1% annual special flood hazard area based on Flood Insurance Rate Map 51095C0109D, effective 12/16/2015.

A- Baseball Complex
4 Baseball Fields, lighted
1 Multiuse Field for T-ball
Parking- 260-400 Spaces
Concession/Rest Room Building
B- Softball/Baseball Complex
2 Large synthetic turf baseball fields, 2 synthetic turf softball/multiuse fields, lighted
Parking- 260-400 Spaces
Concession/Rest Room Building
C- Multiuse field Complex
8 Grass Fields, adjustable orientation
6 Multiuse Fields with Synthetic Turf, lighted
Parking- 440 Spaces
Concession/Rest Room Building
D- Stadium Complex
Football, Soccer, lighted
600-1000 Stadium parking, some shared,
some available in the utility corridor
D2- Baseball/Softball Stadium Complex
Baseball, softball, lighted
Parking - 400-600 Spaces
E- Connector Road
F- Multipurpose Field Complex
4 Multipurpose Fields, adjustable orientation, lighted
Parking - 200 Spaces
Concession/Rest Room Building
G1- Existing WISC Building
G2 – Existing Indoor pool facility
H- Athletic Courts
Basketball, Pickleball, Tennis, lighted
Parking- 75 spaces
I- Community Garden
J1, J2, J3, J4, J5, J6 – Unprogrammed Open Space
K1- Multiuse Nature Trail
Soft surface, 3.5 Mile s around park perimeter
L- Paved Multiuse Trail in utility corridor
M- Paved Multiuse Trails
around Soccer Complex 1 mile and Baseball/Softball Complex- 1-mile

N3- Dominion Power Sub station
O - Grounds Maintenance Facility

Master Plan

Warhill Sports Complex
Sept 2021

James City County VIRGINIA Jamestown 1607

Property Lines
Trail
Water
Field
Trees
Grass
Athletic Courts
Pavement
Public Building

N
W E
S

0 300 600 1,200 Feet

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RESOLUTION

CASE NO. SUP-0014-2016/MP-0002-2016. WARHILL SPORTS COMPLEX

MASTER PLAN AND SUP AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, James City County (the "Owner") owns properties located at 5700 and 5720 Warhill Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 3210100012 and 3210100012A, respectively; and

WHEREAS, on behalf of the owner, Mr. John Carnifax, Director of the Parks & Recreation Department has applied for an SUP and Master Plan amendment to allow for the addition of a running center building, a Williamsburg Area Transit Authority (WATA) bus transfer station, the relocation of a proposed indoor sports facility and other minor revisions, as shown on the exhibit titled "2016 Warhill Sports Complex Master Plan" and dated September 19, 2016; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0014-2016/MP-0002-2016; and

WHEREAS, the Planning Commission, following its public hearing on November 2, 2016, recommended approval of this application by a vote of 6-1. At the same meeting, the Planning Commission approved a resolution finding the proposal consistent with the Comprehensive Plan by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0014-2016/MP-0002-2016, as described herein with the following conditions:

1. *Master Plan and Use:* This Special Use Permit (the "SUP") shall be valid for the Warhill Sports Complex Community Recreation facility (the "Project"). The Project is located at 5700 and 5720 Warhill Road, further identified as James City County Real Estate Tax Map Nos. 3210100012 and 3210100012A, respectively (the "Properties"). Development of the Properties shall be completed in accordance with the "2016 Warhill Sports Complex Master Plan," dated September 19, 2016, (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance.

2. *Archaeology:* A Phase I Archaeological Study for the Properties shall be submitted to the Director of Planning for review and approval prior to land disturbance for the Project. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or

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identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Properties and the clearing, grading or construction activities thereon. This condition shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

3. *Buffer:* A minimum 150-foot buffer shall be maintained along the exterior boundary lines of James City County Real Estate Tax Map No. 3210100012. This buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails and other uses specifically approved by the Development Review Committee.

4. *Road Improvements:* The southbound right-turn lane on Warhill Trail shall be lengthened to 125 feet prior to June 30, 2022. The Planning Director shall have the authority to delay requiring the completion of the road improvement beyond June 30, 2022, if construction of the athletic fields labeled "B", "E" and "F" on the revised Master Plan have not been completed prior to June 30, 2022.

5. Intersection Signage: Measures to prevent blocking of intersections during times of queuing on Warhill Trail Road, such as signage and/or paint markings on the pavement at the Warhill Trail intersection with Blue Bill Run and Beaver Run Roads, shall be installed within one year of the issuance of this SUP.

6. *Traffic Management Plan ("TMP"):* Beginning on January 31, 2017, and every January 31 of each year thereafter, a TMP addressing the circulation and queuing of vehicles within the Project area shall be submitted to the Virginia Department of Transportation (VDOT) and to the Director of Planning or his designee for his review and approval. The TMP shall consist of measures such as, but not limited to, parking lot usage, signage, pavement markings or other vehicle control/directional devices and manual traffic control (police officer or similar) at the intersection of Warhill Trail and Longhill Road. The TPM shall be submitted until such time as physical improvements to the intersection of Longhill Road/Warhill Trail, or other improvements, result in operation of the Longhill Road/Warhill Trail intersection at a Level of Service "D" or better, as approved by VDOT and the Director of Planning.

7. *Traffic Impact Study:* A traffic impact study shall be submitted to the County within five (5) years of the issuance of this SUP amendment, or at such time as the traffic study is required by VDOT. The Director of Planning shall have the authority to delay requiring the traffic study to be submitted beyond the five (5)-year time period if

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construction of the athletic fields labeled "B", "E" and "F" on the revised Master Plan have not been completed within five years of issuance of this SUP amendment.

8. *Outdoor Speakers:* All outdoor speakers used on the Properties shall be oriented generally towards the interior of the Properties and away from exterior property lines.

9. *Lighting:* A lighting plan shall be reviewed and approved by the Director of Planning or his designee for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no glare, is cast onto adjacent properties. "Glare" shall be defined as more than 0.1 foot candle at the boundary of the Properties or any direct view of the lighting source from the adjoining properties. All other lighting shall comply with Zoning Ordinance, Article II, Special Regulations, Division 7, Outdoor Lighting.

10. *Water Conservation Plan:* Prior to final development plan approval, water conservation standards shall be submitted to and approved by the James City Service Authority. The standards shall include, but not be limited to water conservation measures such as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

11. *Bus Transfer Station Access:* Access to the proposed bus transfer station by all fixed-route busses shall be limited to the intersection of Opportunity Way and Centerville Road. The intent of this condition is to ensure regular bus routes do not enter the Properties through the Warhill Trail/Longhill Road intersection entrance.

12. *Pedestrian Accommodation:* Within three (3) months from the date the bus transfer station starts to service the public, a raised crosswalk shall be provided by the Williamsburg Area Transit Authority (WATA) connecting the proposed bus transfer station to the existing pedestrian accommodation along Stadium Road. Prior to start of service WATA shall notify the Director of Planning of the date the bus transfer station starts to service the public.

13. *Severability:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Michael J. Hipple
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	✓		
LARSON	✓		
ONIZUK	✓		
SADLER	Absent		
HIPPLE	✓		

ATTEST:

Bryan J. Hill
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2016.

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RESOLUTION

CASE NO. SUP-4-98. JAMES CITY COUNTY -

DISTRICT SPORTS COMPLEX

WHEREAS, Bernard M. Farmer, on behalf of James City County, has applied for a special use permit to operate a public recreation facility; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. SUP-4-98; and

WHEREAS, this case is being approved concurrently with James City County Case No. Z-1-98;and

WHEREAS, under case No. Z-1-98, the property was rezoned from R-4, Residential Planned Community, with proffers, to R-8, Rural Residential; and

WHEREAS, the property is designated Federal, State, and County Land on the 1997 James City County Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission, per the requirements of §15.2-2232 of the Virginia State Code, found the application substantially in accordance with the adopted Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission recommended unanimous approval of this project; and

WHEREAS, the property is identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-4-98 with the following conditions:

1. All road improvements recommended by a traffic study approved by both the Virginia Department of Transportation and the Director of Planning shall be constructed concurrent with Phase I development of the District Park.

2. A lighting plan shall be reviewed and approved by the Director of Planning. This plan shall indicate that no glare, as determined by the Director of Planning, is cast onto adjacent properties. For all parking lot luminaries, mounted recessed fixtures shall be used with no lens, bulb or globe extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. This condition shall not apply to streetlights.

3. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.

4. Prior to the issuance of a land disturbing permit, an archaeological study, consistent with County policy, shall be submitted and approved by the Director of Planning.

5 Development of the site shall be generally in accordance with the conceptual plan, as endorsed or amended by the Board of Supervisors, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. A land disturbing permit shall be issued by the County for this project within three years from the date of approval of this special use permit or the permit shall become void.

7. A minimum 150-foot buffer shall be maintained along the property lines of the park site. The buffer may be increased by the Development Review Committee in areas where additional property line buffering is needed. The buffer shall remain generally undisturbed with the exception of breaks for roadway and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.

Jack D. Edwards
Chairman, Board of Supervisors

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 1998.

sup-4-98.res

RESOLUTION

CASE NOS. SUP-17-03 & MP-5-03. WARHILL SPORTS COMPLEX MASTER PLAN

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

WHEREAS, public recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the property is identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-17-03 and MP-5-03; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case Nos. SUP-17-03 and MP-5-03 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan 5-03 and the issuance of Special Use Permit No. 17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Warhill Sports Complex Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. Prior to issuance of a land-disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.

3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review Committee.

4. All road improvements recommended by a traffic study approved by both the Planning Director and the Virginia Department of Transportation (VDOT) shall be constructed prior to the facilities requiring the improvements being utilized.

5. A lighting plan shall be reviewed and approved by the Planning Director for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no

glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.

6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.

7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.

8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.

9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
BRADSHAW	AYE
HARRISON	ABSENT
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

sup-17-03_MP-5-03.res

2016 Warhill Sports Complex
Master Plan

A- Baseball Complex
- 5 Baseball Fields, lighted
- 1 Multiuse Field for T-ball
- Parking- 260-400 Spaces
- Concession/Rest Room Building

B- Softball Complex
- 4 Large Softball/Baseball Fields
- Parking- 260-400 Spaces
- Concession/Rest Room Building

C- Soccer Complex
- 8 Soccer Fields, adjustable orientation
- 6 Multiuse Fields with Synthetic Turf
- Parking- 440 Spaces
- Concession/Rest Room Building

D- Stadium Complex
- Football, Soccer, Track and Field, lighted
- 600-1000 Stadium parking, some shared, some available in the utility corridor (N1)

E- Sports Field Complex
- 2 Multi-purpose Practice Fields
- 1 Lighted Competition Field
- Bleachers for 500
- Concession/Rest Room Building

Parking - 160 Spaces

F- Multi-purpose Field Complex
- 8 Multi-purpose Fields, adjustable orientation, lighted
- Parking - 400 Spaces
- Concession/Rest Room Building

G1- Existing WISC Building

G2- Proposed Indoor Sports Facility

J1, J2, J3, J4, J5, J6
Unprogrammed Open Space

K1- Multiuse Nature Trail, soft surface, 3.5 Miles around park perimeter with connections to
- Lafayette High School, Seasons Trace, and other neighborhoods

L- Paved Multiuse Trail in utility corridor

M- Paved Multiuse Trails around Soccer Complex- 1 mile
- and Baseball/Softball Complex- 1-mile

N2- Unprogrammed Open Space capable of supporting additional stadium parking.

N3- Dominion Power Substation

Q- BMX Park

AA - Running Center, multi-purpose room, office space, restrooms, multiuse filed area

BB – Williambsburg Area Transport

1 inch = 972 feet

0 950 1,900 Feet

9/19/2016

Copyright James City County GIS Office 9/20/2016 M:\Departments\Parks_and_Rec\Warhill Sports\Master Plan\NewFields2016\warhill_master_plan_rec_facilities_2016.mxd by KAH

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.

Suzanne Yeats

From: Alister Perkinson
Sent: Wednesday, March 29, 2023 11:19 AM
To: pdoucett@gmail.com
Cc: Community Development; Parks and Recreation
Subject: RE: [External]Warhill Sports Complex Master Plan Amendment - Please don't

Mr. Doucette,

Thank you for reaching out in regards to the Warhill Sports Complex Master Plan. To allay your concerns, there is no plan to remove the WISC from the Warhill Sports Complex – we enjoy a fantastic public-private partnership with the WISC and look forward to working with them for years to come. This amendment is to a 2016 version of the park master plan, which included some *proposed* amenities that are being removed from the plan. One of those amenities was an indoor sports facility or gymnasium building that we are no longer proposing to be built at this site. That amenity and others that are being removed from the plan, including some additional athletic fields, a BMX park, and a running center, were never constructed and were removed from the park's conceptual master plan. These changes were adopted by the James City County Board of Supervisors in January of 2022 after a public input period in 2021, and the updated Master Plan can be found here. We are now in the process of applying for a Special Use Permit to implement the elements on this Master Plan, which will be the subject of the public hearing at next week's Planning Commission meeting.

I appreciate the concern and understand how this could have been misconstrued – please feel free to share this information with any others that you have spoken with that may be under a similar impression. Please feel free to reach out to me at this email address or over the phone at 757-259-5370.

Sincerely,

Alister Perkinson, CPRP
Parks Administrator

Parks & Recreation
Nationally Accredited Agency & Gold Medal Winner
5340 Palmer Lane, Suite 1A
Williamsburg, VA 23188
P: 757-259-5370
C: 757-207-0002
jamescitycountyva.gov

From: Paul Doucette <pdoucett@gmail.com>
Sent: Wednesday, March 29, 2023 10:10 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]Warhill Sports Complex Master Plan Amendment - Please don't

Dear JCC,

I am against the "SUP-23-0007 Warhill Sports Complex Master Plan Amendment"

I volunteer for Meals on Wheels (MOW). MOW uses part of the WISC to prepare their meals. This is a good space for MOW and for this reason I am against amending the Master Plan.

Respectfully,

Paul Doucette
4900 Falkirk Mews, Williamsburg, VA 23188

--
pdoucett@gmail.com

Suzanne Yeats

From: Alister Perkinson
Sent: Wednesday, March 29, 2023 3:20 PM
To: sak23188@gmail.com
Cc: Community Development; Parks and Recreation
Subject: RE: [External]Warhill Park

Ms. Kern,

Thank you for reaching out in regards to the Warhill Sports Complex Master Plan. At this point the amenities on the plan are only conceptual, and we do not have any detailed plans for the development of the tennis/pickleball courts shown on the map. I appreciate your input, however, and the hitting walls are certainly something that we can consider in the development of any new courts. Please feel free to reach out at this email or over the phone to discuss further or if you have any questions.

Thanks!

Alister Perkinson, CPRP
Parks Administrator

Parks & Recreation
Nationally Accredited Agency & Gold Medal Winner
5340 Palmer Lane, Suite 1A
Williamsburg, VA 23188
P: 757-259-5370
C: 757-207-0002
jamescitycountyva.gov

From: sak23188 <sak23188@gmail.com>
Sent: Wednesday, March 29, 2023 10:37 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External]Warhill Park

Please, please, please develop the tennis area at Warhill Park with multiple walls where a single player can practice hitting. Ideally, locate practice walls not on full courts. There are numerous users of hitting walls and fewer walls now than a few years ago.

The wall at Mid-County park was removed, the one at Kiwanis and the one at Warhill HS are on courts where someone practicing hitting needs to bear the wrathful stares of tennis partners thinking their presence means the lone practicing person needs to leave. I've felt bullied by groups of men who comment on my skills (or lack thereof) and crowd the court to force me to leave.

Thanks for great park services.
With deep appreciation,
Susan

Susan Kern

144 Pintail Trace

James City County Government
Public Information Officer Renee Dallman • 51 min ago

There are no plans to remove the WISC from the Warhill Sports Complex. In recent social media posts and publications, incorrect information has been circulated concerning the future of the facility. James City County enjoys a fantastic public-private partnership with the WISC and looks forward to working with them for years to come. See more...

Posted to **Subscribers of James City County Government**

4 Like 2 Comments Share

Filtered comments

Keeley S. • Seasons Trace

Thanks for the clarification.

40m Like Reply Share 1

Courtney M. • Longhill Station

This is great information. Is there a reason why it can't be explained as such in the notices that are sent regarding the public hearing? It would help clear up a lot of confusion and facilitate better understanding and interactions with the community.

8m Like Reply Share 1

Public Information Officer Renee Dallman Author • James City County Government

Courtney M. I will forward your message on to staff. Thanks!

Now Like Reply Share

RESOLUTION

VIRGINIA CODE § 15.2-2232 ACTION ON CASE NO. SUP-23-0007.

WARHILL SPORTS COMPLEX AMENDMENT

WHEREAS, in accordance with Section 15.2-2232 of the Code of Virginia, a park or other public area, public building or public structure, whether publicly or privately owned, shall not be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof; and

WHEREAS, James City County, Virginia (the "Owner"), owns properties located at 4900 Stadium Trail and 5700 and 5720 Warhill Trail, and further identified as James City County Real Estate Tax Map Parcel Nos. 3210100012, 3210100012A, and 3210100012A, respectively (the "Properties"), which are zoned PL, Public Lands; and

WHEREAS, Mr. Alister Perkinson of the James City County Parks & Recreation Department, on behalf of the Owner, has applied for a Special Use Permit amendment to include adding four multiuse fields, restrooms/concessions, stadium complex for softball and baseball, a connecting to roads linking Longhill Road and Opportunity Way, lighted pickleball/tennis courts, additional parking to support amenities, existing private indoor pool facility, existing community garden, and existing General Services grounds maintenance facility, and other minor revisions on the Properties as shown on a plan titled "Warhill Sports Complex Master Plan Sept. 2021," dated September 2021; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-9 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-23-0007.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, finds that the general or approximate location, character and extent of the park or other public areas, public buildings or public structures shown in Case No. SUP-23-0007 are substantially in accord with the adopted Comprehensive Plan and applicable parts thereof.

Frank Polster
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 5th day of April, 2023.

SUP23-7_WrhllSCAmd-res

Unapproved Minutes of the April 5, 2023
Planning Commission Regular Meeting

SUP-23-0007. Warhill Sports Complex Master Plan Amendment

Ms. Suzanne Yeats, Planner, stated that Mr. Alister Perkinson, James City County Parks and Recreation, has submitted a request to amend SUP-0014-2016, and MP-0002-2016, for the Warhill Sports Complex to formally adopt the Warhill Sports Complex Master Plan, dated September 2021, which was previously approved by the Board of Supervisors at its meeting on January 25, 2022.

Ms. Yeats stated that the subject properties are located at 4900 Stadium Trail, 5700 Warhill Trail, and 5720 Warhill Trail, zoned PL, Public Lands, classified as Community Character Conservation, Open Space, or Recreation on the 2045 Comprehensive Plan, and located inside the PSA.

Ms. Yeats stated that staff finds the proposed conditions will mitigate impacts to surrounding properties and development. Ms. Yeats further stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Yeats stated that to date, the feedback received from citizens included one phone call, one drop in, and two emails seeking clarification of the proposed changes. Ms. Yeats stated that taking all factors favorable into account, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster opened the Public Hearing.

Mr. Chris Henderson, 101 Keystone, addressed the Commission with suggestions on the application.

As no one further wished to speak, Mr. Polster closed the Public Hearing.

Mr. Krapf made a motion to find the facilities consistent with the Comprehensive Plan.

On a roll call vote, the Commission voted to find the public facilities consistent with the Comprehensive Plan. (5-0)

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

On a roll call vote, the Commission voted to recommend approval SUP-23-0007. Warhill Sports Complex Master Plan Amendment. (5-0)

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: FY2024 Budget Adoption & Resolution of Appropriation

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution
🗋	Errata Spreadsheet	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	4/21/2023 - 10:29 AM
Publication Management	Pobiak, Amanda	Approved	4/21/2023 - 11:12 AM
Legal Review	Kinsman, Adam	Approved	4/24/2023 - 10:13 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:56 AM
Board Secretary	Rinehimer, Bradley	Approved	5/2/2023 - 12:21 PM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:17 PM

M E M O R A N D U M

DATE: May 9, 2023

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: Fiscal Year 2024 Budget Appropriation

Attached is a resolution to appropriate the Fiscal Year (FY) 2024 budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at the budget meetings. The attached errata sheet details these changes.

Changes to the proposed FY 2024 budget include:

General Fund Expenditures:

Reclassification of Marketing & Communication Specialist to Planning Director:

Economic Development	*($76,860)*
Planning	*$76,860*

Reallocation of miscellaneous expenditures among functions:

Grounds Maintenance	*($18,500)*
Commonwealth's Attorney	*($43,160)*
Office of Elections	*$36,380*
Information Resources Management	*$19,300*
Contributions to Outside Agencies	*$5,980*

General Fund Revenues:

Adjustment to revenues for spay and neuter support received from Commonwealth:

Commonwealth	*$2,500*
Miscellaneous	*($2,500)*

SBM/md
FY24BdgApprop-mem

Attachment

R E S O L U T I O N

FISCAL YEAR 2024 BUDGET APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2023, and ending June 30, 2024, and to set tax rates on real estate, tangible personal property, and machinery and tools, and to provide certain revenue in support of those appropriations.

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

1. The following amounts are hereby appropriated in the Fiscal Year (FY) 2024 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES:	FY 2024
General Property Taxes	$159,615,000
Other Local Taxes	44,330,000
Licenses, Permits, and Fees	1,851,000
Fines and Forfeitures	192,500
Use of Money and Property	700,000
Commonwealth	15,928,600
Federal Government	8,500
Charges for Services	8,259,400
Miscellaneous	215,000
Total Revenues	$231,100,000
Use of Fund Balance - Transfer to Capital Projects	8,644,565
Total Revenues & Other Funding Sources	$239,744,565

GENERAL FUND EXPENDITURES:	FY 2024
General Administration	$ 4,821,620
Court Services	5,412,070
Public Safety	35,437,020
Financial Administration	6,394,500
Information Resources Management	5,865,510
Community Development	3,892,080
General Services	16,156,090
Parks and Recreation	8,437,220

Contribution to Williamsburg-James City County (WJCC) Schools - Operations	91,303,470
Contribution to WJCC Schools - Debt Service	14,298,800
Contribution to Williamsburg Regional Library	5,917,020
Contributions to Outside Entities	7,997,040
Transfers to Other Funds	22,467,560
Nondepartmental	2,700,000
Total Expenditures	$231,100,000
Use of Fund Balance - Transfer to Capital Projects	8,644,565
Total Expenditures & Other Funding Uses	$239,744,565

The appropriation for education includes $91,303,470 as a local contribution to the WJCC Schools operations, of which $91,253,820 represents the County's contribution directly to the Schools and $49,650 represents the County's payment of compensation to the School Board.

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES:

Real Estate on each $100 assessed value	$0.83
Tangible Personal Property on each $100 assessed value	$4.00
Machinery and tools on each $100 assessed value	$4.00
Boats, weighing 5 tons or more, on each $100 assessed value	$1.00
Boats, weighing less than 5 tons, on each $100 assessed value	$3.50

3. That the following amounts are hereby appropriated in other budgets in FY 2024 for the activities in the amounts as shown below:

CAPITAL PROJECTS FUND:

Revenues:

Transfer from General Fund	$2,629,000
1% Additional Sales Tax	6,500,000
Cigarette Tax	650,000
General Fund - Fund Balance	6,644,565
General Fund - Fund Balance (WJCCS Surplus)	2,000,000
Capital Projects - Fund Balance	500,000
Tourism Revenue	1,000,000
Proffers	500,000
Grants and Donations	173,635
City of Williamsburg	37,000
Bond Proceeds	74,902,150
Total Capital Projects Fund Revenues	$95,536,350

Expenditures:	
Schools	$37,483,750
General Services	38,542,000
County Administration	12,273,400
Williamsburg Regional Library	406,200
Public Safety	1,265,000
Parks and Recreation	4,218,000
Other	1,348,000
Total Capital Projects Fund Expenditures	$95,536,350
DEBT SERVICE FUND:	
Revenues:	
Transfer from General Fund - Schools	$14,298,800
Transfer from General Fund - Other	6,201,200
Debt Service - Fund Balance	1,965,080
Qualified School Construction Bonds	42,500
Total Debt Service Fund Revenues	$22,507,580
Expenditures:	
Total Debt Service Fund Expenditures	$22,507,580
TOURISM INVESTMENT FUND:	
Revenues:	$2,900,000
Expenditures:	$2,900,000
VIRGINIA PUBLIC ASSISTANCE FUND:	
Revenues:	$6,802,265
Expenditures:	$6,802,265
HOUSING & NEIGHBORHOOD DEVELOPMENT FUND:	
Revenues:	$3,681,770
Expenditures:	$3,681,770
COLONIAL COMMUNITY CORRECTIONS FUND:	
Revenues:	$1,458,949
Expenditures:	$1,458,949
SPECIAL PROJECTS/GRANTS FUND:	
Revenues:	$4,144,771
Expenditures:	$4,144,771

4. The County Administrator or his/her designee be authorized to adjust the appropriation for the 3/5 Room Tax dollar per dollar for any amount collected over or below the original appropriation amount.

5. The County Administrator or his/her designee be authorized to adjust the appropriation for the Additional $2 per Night Room Tax dollar per dollar for any amount collected over or below the original appropriation amount.

6. The County Administrator or his/her designee be authorized to adjust the appropriation for the Historic Triangle 1% Sales Tax dollar per dollar for any amount collected over or below the original appropriation amount.

7. The County Administrator or his/her designee be authorized to adjust the appropriation for the Cigarette Tax dollar per dollar for any amount collected over or below the original appropriation amount.

8. The County Administrator or his/her designee be authorized to adjust the appropriation for the Spay or Neuter funding from the Commonwealth dollar per dollar for any amount collected over or below the original appropriation amount.

9. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution when deemed in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.

10. The County Administrator be authorized to transfer up to $50,000 per occurrence from the Contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed $50,000. Total transfers for the year are not to exceed the amount budgeted for Contingency.

11. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:

    a) Insurance recoveries received for damage to any County property, including vehicles, for which County funds have been expended to make repairs or purchase a replacement; and

    b) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.

12. The County Administrator be authorized to adjust the appropriations for grants in the applicable fund (General Fund, Capital Projects Fund, Virginia Public Assistance Fund, Housing and Neighborhood Development Fund, Colonial Corrections Fund, and Special Projects Fund), as applicable if and when additional federal, state, and/or local funds become available or are reduced, not to exceed $50,000 for each individual grant, unless the terms of the grant or program require specific actions by the Board of Supervisors.

13. The County Administrator be authorized to adjust the appropriations for the Constitutional Officers (Commonwealth's Attorney, Clerk of Court, Sheriff, Treasurer, and Commissioner of the Revenue), as applicable if and when additional funding from the State Compensation Board becomes available or is reduced, not to exceed $50,000 by Constitutional Officer, to be expended in accordance with guidelines as established by the state government.

14. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.

15. All outstanding encumbrances, Capital Projects, Grants, and Special Projects in all County funds at June 30, 2023, shall be an amendment to the FY 2024 budget, and appropriated to the FY 2024 budget to the same department and account for which they were encumbered in the previous year.

16. The County Administrator or his/her designee be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

17. The County Administrator or his/her designee be authorized to appropriate a budget for Chesapeake Bay Mitigation in the Special Projects/Grants Fund dollar per dollar with funding received for this purpose.

18. The County Administrator or his/her designee be authorized to assign fund balance as necessary for uses consistent with the County's fiscal policies.

19. The County Administrator be authorized to transfer an amount up to $2,000,000 from Contingency to the WJCC Schools for the purpose of providing compensation adjustments to teachers in the event the state does not provide additional funding to WJCC Schools in the amount of $7,000,000.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

FY24BdgApprop-res

Adjustments to Proposed Budget for Adopted Budget - FY2024

General Fund

Revenues	
Beginning Balance	$ 231,100,000
Commonwealth	2,500
Miscellaneous	(2,500)
Total Revenues	**$ 231,100,000**
Expenditures	
Beginning Balance	$ 231,100,000
Economic Development	(76,860)
Planning	76,860
Grounds Maintenance	(18,500)
Commonwealth's Attorney	(43,160)
Office of Elections	36,380
Information Resources Management	19,300
Contributions to Outside Entities	5,980
Total Expenditures	**$ 231,100,000**

Capital Projects Fund

Revenues	
Beginning Balance	$ 95,536,350
Total Revenues	**$ 95,536,350**
Expenditures	
Beginning Balance	$ 95,536,350
Total Expenditures	**$ 95,536,350**

Debt Service Fund

Revenues	
Beginning Balance	$ 22,507,580
Total Revenues	**$ 22,507,580**
Expenditures	
Beginning Balance	$ 22,507,580
Total Expenditures	**$ 22,507,580**

Tourism Investment Fund

Revenues	
Beginning Balance	$ 2,900,000
Total Revenues	**$ 2,900,000**
Expenditures	
Beginning Balance	$ 2,900,000
Total Expenditures	**$ 2,900,000**

Virginia Public Assistance Fund

Revenues	
Beginning Balance	$ 6,802,265
Total Revenues	**$ 6,802,265**
Expenditures	
Beginning Balance	$ 6,802,265
Total Expenditures	**$ 6,802,265**

Housing & Neighborhood Development Fund

Revenues	
Beginning Balance	$ 3,681,770
Total Revenues	**$ 3,681,770**
Expenditures	
Beginning Balance	$ 3,681,770
Total Expenditures	**$ 3,681,770**

Colonial Community Corrections Fund

Revenues	
Beginning Balance	$ 1,458,949
Total Revenues	**$ 1,458,949**
Expenditures	
Beginning Balance	$ 1,458,949
Total Expenditures	**$ 1,458,949**

Special Projects/Grants Fund

Revenues	
Beginning Balance	$ 4,144,771
Total Revenues	**$ 4,144,771**
Expenditures	
Beginning Balance	$ 4,144,771
Total Expenditures	**$ 4,144,771**

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Vaughn Poller, Administrator Neighborhood Development

SUBJECT: Moses Lane - Community Development Block Grant Application

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ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution
🗋	Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	4/21/2023 - 2:28 PM
Development Management	Holt, Paul	Approved	4/25/2023 - 12:21 PM
Publication Management	Pobiak, Amanda	Approved	4/25/2023 - 1:14 PM
Legal Review	Kinsman, Adam	Approved	4/25/2023 - 1:17 PM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 10:56 AM
Board Secretary	Purse, Jason	Approved	5/2/2023 - 11:03 AM
Board Secretary	Saeed, Teresa	Approved	5/2/2023 - 2:17 PM

M E M O R A N D U M

DATE: May 9, 2023

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Administrator, Neighborhood Development

SUBJECT: Moses Lane - Community Development Block Grant Application

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Habitat for Humanity Peninsula and Greater Williamsburg constructed six new affordable homes at the end of Moses Lane in 2017. The parcels front on a part of the street that is not currently within the Virginia Department of Transportation (VDOT) system for maintenance. Further, the existing road access has degraded, leading to standing water and potholes. The new residents reached out inquiring if their end of Moses Lane could be improved. Furthermore, existing residents asked about removing the derelict structures in the community and housing rehabilitation for their homes.

In February 2021, the Board approved the appropriation of $50,000 of Virginia Department of Housing and Community Development (DHCD) Planning Grant funding that allowed County staff to study the needs of the Moses Lane community. Since that time, staff has procured an engineer to provide a Preliminary Engineering Report (PER). Staff has also engaged residents of the area regarding additional development concerns.

The PER found that the cost to improve all of Moses Lane up to current VDOT standards, to include stormwater improvements (including converting the existing ditch sections to curb & gutter), and installing sidewalk and streetlights, would cost approximately $2.5 million for a 2025 construction year.

For 2023, DHCD has made available $13,368,284 in funding for its statewide Community Development Block Grant (CDBG) program. As part of that funding availability, staff now proposes to apply for $1,562,236 in CDBG funding to construct a portion of the roadway and drainage improvements along Moses Lane that were identified as part of the Planning Grant project. Phases IA and IB improvements are envisioned to include improving the street to VDOT standards, regrading existing drainage ditches, removing all gravel and shared driveways, establishing new driveway aprons, installation of a VDOT T-turnaround at the end of the street and overlay of existing roadway. Funding for remaining improvements (i.e., conversion of the ditches to curb & gutter, sidewalk, and streetlights) would be sought at a future date under a separate application. In addition, the requested funding, if awarded, would provide funding needed to demolish three existing derelict structures, rehabilitate two existing structures that would provide housing for Low- to Moderate-Income (LMI) households, and create three new lots from the demolished structures, upon which housing would be constructed for LMI households.

The project area includes all properties fronting on Moses Lane including those currently fronting on the unimproved portion at the end of the road along with seven properties on Oak Drive.

DHCD does not state the amount a locality must contribute; however, the County contributions make the application request more competitive in the statewide selection process. The cost of all the activities is expected to be $1,863,818. For budget planning purposes, the local share is anticipated to be $10,000 of volunteer and in-kind services from Housing Partnerships, Inc., and $291,582 of program income from the County's Housing Development Fund.

As a requirement of the application process, public hearings were held on April 13, 2023, and April 20, 2023, regarding the proposed project and the use of CDBG funding.

Staff recommends approval of the attached resolution authorizing the submission of a CDBG application to undertake the Moses Lane Comprehensive Community Development Project.

AVP/md
CDBGApp-MosesLn-mem

Attachments:
1. Resolution
2. Location Map

R E S O L U T I O N

2023 MOSES LANE COMPREHENSIVE COMMUNITY DEVELOPMENT PROJECT -

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (CDBG); and

WHEREAS, in compliance with CDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, and flyers distributed throughout the neighborhood, and the hearings were held on April 13, 2023, and April 20, 2023, regarding this application; and

WHEREAS, James City County wishes to apply for $1,562,236 in CDBG funds to be used to undertake a road and housing rehabilitation project on Moses Lane; and

WHEREAS two Low- to Moderate-Income (LMI) households living in the neighborhood will receive Housing Rehabilitation; and

WHEREAS three lots suitable for developing affordable housing will be configured; and

WHEREAS two LMI households living in the neighborhood will receive Housing Rehabilitation; and

WHEREAS, James City County is expecting to make a local contribution of up to $291,582 in local funds; and

WHEREAS, Housing Partnerships, Inc. has committed to provide $10,000 in in-kind services; and

WHEREAS, the program is anticipated to benefit 42 persons in 24 households, of whom all are low or moderate income, by providing housing rehabilitation, which will meet the Housing and Community Development Act of 1974 Section 104(b) National Objective of providing benefits to persons of low and moderate incomes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, the County of James City, Virginia, hereby wishes to apply for $1,562,236 of CDBG funds for a 2023 Moses Lane Comprehensive Community Development Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit all appropriate documents.

_____
Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

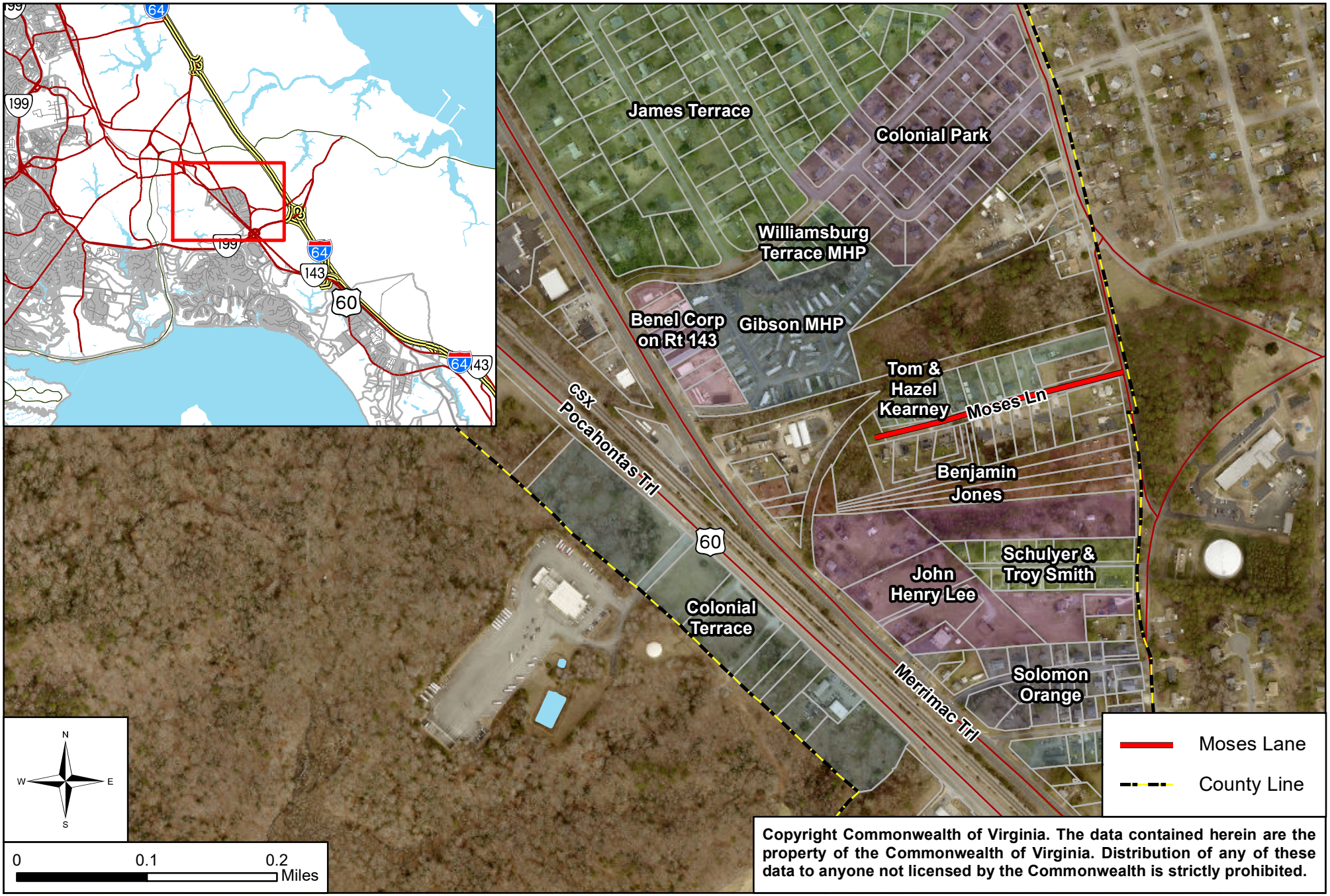
_____
Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
	AYE	NAY	ABSTAIN	ABSENT
SADLER	____	____	____	____
ICENHOUR	____	____	____	____
MCGLENNON	____	____	____	____
LARSON	____	____	____	____
HIPPLE	____	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2023.

CDBGApp-MosesLn-res

Moses Lane
Community Development Block Grant Application



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AGENDA ITEM NO. J.1.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Proclamation - Public Service Recognition Week

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	4/28/2023 - 1:56 PM

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE: 5/9/2023

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Adjourn until 1 pm on May 23, 2023 for the Business Meeting

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	4/28/2023 - 2:03 PM