

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF JUNE, TWO-THOUSAND AND SEVEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

George Billups
Mary Jones
Tony Obadal
Jack Fraley
Shereen Hughes
Rich Krapf
Jim Kennedy

Staff Present:

Marvin Sowers, Planning Director
Adam Kinsman, Assistant County Attorney
David German, Planner
Kathryn Sipes, Planner
Leanne Reidenbach, Planner
Michael Woolson, Environmental Engineer
Christy Parrish, Administrative Services
Coordinator
Luke Vinciguerra, Planner

Absent:

None

2. PUBLIC COMMENT

Mr. Kennedy opened the public comment period.

Hearing no requests the public comment period was closed.

3. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Ms. Jones presented the report stating that the DRC met on May 30, 2007 to consider S-101-03 Ford's Colony Section 35 that was denied due to inconsistency with the master plan. She also stated that SP-45-07 Rawls Byrd Parking Lot Expansion, SP-124-06 Weatherly at White Hall Design Guidelines and SP-27-07 Handel's Ice Cream and Yogurt were unanimously approved pending agency comments. Ms. Jones said SP-47-07 Nicewood Building Expansion was deferred to allow staff to respond to concerns from an adjacent property owner. The DRC will hold a special meeting June 8, 2007 at 9 a.m. in the conference room of building A in the government complex to review SP-143-06 White Hall Section 1 – Rochambeau Village.

Mr. Fraley motioned to approve the report.

Ms. Hughes seconded the motion.

In a unanimous voice vote, the DRC report was approved (7-0).

B. Policy Committee

Mr. Fraley presented the Policy Committee report stating that the Committee met on several occasions to consider the creation of a public land district. He stated that on May 22, 2007 the Committee approved the Public Land Ordinance that will be presented later in the meeting.

Mr. Obadal stated that after consulting with Mr. Kinsman his concerns have been addressed and that he is in support of the proposal.

4. PUBLIC HEARINGS

A. SUP-12-07 Verizon Co-location at Brick Bat Road

Mr. Sowers stated that the applicant has requested deferral of the application until the July meeting and stated Staff's concurrence.

Mr. Kennedy opened the public hearing.

Hearing no requests to speak the public hearing was continued until the July 11th meeting.

B. Z-10-06/MP-12-06/SUP-37-06 The Candle Factory

Mr. Kennedy stated that the applicant has requested deferral and that the public hearing is open.

Hearing no requests to speak the public hearing was continued until the July 11th meeting.

C. SUP-15-07 Precious Moments Playhouse Renewal

Mr. David German presented the staff report stating that Ms. Evangelina Crump has applied for a renewal of an existing Special Use Permit (SUP-0018-2004) which will expire on August 10, 2007. This SUP renewal would allow for the continued operation of a 30-child day care center, to be operated out of Ms. Crump's home, located at 103 Indigo Terrace. The property is also known as Parcel 3840200002, and is zoned R-2, General Residential. The parcel is designated as Low Density Residential in the Comprehensive Plan. Parcels so designated are primarily to be used for single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities, and

very limited commercial establishments. Staff recommended approval of the application and attached conditions.

Mr. Kennedy opened the public hearing.

Hearing no requests to speak the public hearing was closed.

Mr. Fraley motioned to approve the application.

Mr. Billups asked about the inconsistency between the SUP and the license concerning the hours of operation.

Mr. German stated that Department of Social Services has re-issued the license to be consistent with the SUP hours of 7 a.m. until 6 p.m. He stated that although the hours of operation are 7 a.m. until 5 p.m., there may be children on-site until 6 p.m. that are waiting to be picked up by their parents.

Mr. Fraley restated his motion for approval.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0).
AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

D. SUP-14-07 Anderson's Corner Animal Care Facility

Ms. Kathryn Sipes presented the staff report stating that Mr. Matthew Burton has applied for a Special Use Permit on the parcel located at 8391 Richmond Road, which is zoned A-1, General Agriculture. An SUP was previously approved for the construction of a veterinary hospital on this site; this application proposes an increase in the building square footage. The property can be further identified as JCC RE Parcel No.1240100001 and is designated as General Industrial by the JCC Comp Plan. Recommended uses for General Industrial land include industrial uses while secondary uses include office uses and a limited amount of commercial development to support the primary use. Staff recommended approval of the application and attached conditions.

Mr. Obadal asked about the effect on impervious surface cover should portions of the property be sold.

Ms. Sipes stated that if a subdivision application is submitted all proposed lots would be reviewed for consistency with Ordinance regulations including the Chesapeake Bay Ordinance requirement that no more than 60% of the lot contain impervious cover.

Mr. Obadal said his concern is that the project site would no longer meet the Ordinance requirement.

Ms. Sipes stated that any new smaller parcel containing the facility that would be created would be required to meet the impervious cover requirement.

Mr. Obadal said it would not need to cover the 60% for the original animal hospital site itself.

Mr. Sowers said this is not a unique situation where portions of property are subdivided for other developments. He stated Staff's opinion that any future subdivision would be adequately covered under current Ordinance requirements and that an additional condition is not necessary.

Mr. Obadal said an additional condition would not hurt. He said it would just make certain that impervious cover ratios would be maintained.

Ms. Jones said it is covered in the Ordinance so that subdivision can only be done with the assurance that it does not violate the Chesapeake Bay Ordinance. She stated that the additional condition would be redundant.

Mr. Sowers said Staff does not usually recommend conditions that are redundant with the Ordinance and that Staff feels that there is adequate protection. He also stated that if it is the Commission's desire Staff could draft a condition prior to Board of Supervisors' review of the case.

Ms. Hughes asked about a statement in the staff report allowing staff to recommend adjusting the building site during site plan review to allow single access should the remainder of the property be developed in the future. She asked in which direction it would be adjusted.

Ms. Sipes stated that given the narrow part of the parcel that has road frontage onto Richmond Road staff may want to consider talking to the applicant at the site plan stage about accommodating a possible future subdivision of the back parcel so that a single driveway access could be used as a shared driveway for both the animal care facility and to provide access to the rear of the lot.

Ms. Hughes stated that someone would have to bridge the RPA (Resource Protection Area) and wetlands.

Ms. Sipes stated this was identified as a possible solution that could be implemented at the site plan stage to ensure that future subdivision of the parcel is not prevented because of access issues.

Ms. Hughes said the driveway location is closer to an existing residential driveway than previously proposed. She asked if landscaping between the two driveways would create visibility issues for the adjacent property owner.

Ms. Sipes said Staff did not receive comments concerning visibility and deferred the question to the applicant. She also stated that the driveway was moved to align the entrance with White Hall across the street as required by a condition of the previous SUP.

Mr. Sowers said a perimeter buffer would be required and would be reviewed at site plan stage.

Ms. Hughes asked if visibility would be addressed.

Mr. Sowers said it would.

Mr. Billups asked if there is an agreement between White Hall and this property owner concerning the crossover.

Ms. Sipes said she does not know if there is a written agreement. She stated that VDOT (Virginia Department of Transportation) commented on both projects that alignment of the two entrances would provide better traffic circulation.

Mr. Sowers said he is not aware of a written agreement.

Mr. Billups asked if the location of the crossover would have to be considered as build-out occurred.

Mr. Sowers said the crossover still has to be designed. He stated that a subdivision plan in for White Hall is currently under review by VDOT and staff.

Mr. Billups asked about the primary and secondary uses and general industries referred to on the land use map.

Mr. Sowers stated that general industries are principally heavier industry such as manufacturing and secondary uses could include a retail component that would serve the employees such as a restaurant or office space for the manufacturing use.

Mr. Krapf stated his concerns about the number and size of mature trees that will be removed and the lack of a mandate for the use of low impact design (LID) features.

Ms. Sipes stated that she did share Mr. Krapf's concerns with the applicant.

Mr. Kennedy confirmed that the property is zoned A-1, General Agriculture and asked if timbering is allowed.

Ms. Sipes and Mr. Sowers answered yes.

Mr. Kennedy said the trees could be timbered.

Mr. Obadal asked if there will be an LID condition.

Mr. Sipes said the BMP (best management pond) that was previously proposed is an infiltration facility. She said she has discussed with Mr. Krapf the possibility of adding language requiring additional measures.

Mr. Obadal stated his thought that a condition was being prepared prior to tonight's meeting.

Ms. Sipes stated that although it is not part of Staff's recommendation, a condition with language concerning the use of LID has been prepared should the Commission desire to add it.

Mr. Obadal stated that he and Ms. Sipes had discussed the use of pervious concrete on the parking lot and driveway and the possible expense of that in comparison to the use of LID on the property. He stated his support of a condition requiring LID.

Mr. Krapf stated his thought that after the applicant and public spoke they could have a discussion on an LID condition.

Mr. Obadal indicated his agreement.

Mr. Kennedy opened the public hearing.

Mr. Dan De Young with DJG represented the applicant. He referred to graphics of the vegetation plan and preliminary site configuration and showed the trees that would be removed and those being preserved. Mr. De Young stated the applicant's agreement to the use of LID and additional landscaping. He also stated that they will consider visibility concerns and will select lower growing plantings in the driveway buffer area.

Mr. Obadal asked about the use of pervious concrete.

Mr. De Young stated his opinion that it would not be a good application of that product in this location due to the amount of leafy vegetation that can clog the pervious pavement and take root. In his opinion, a better application for that product is in larger areas with less debris. He stated there may be opportunities for other LID measures to be used and preferred the Commission not mandate a specific solution that may burden the owner by requiring a lot of maintenance.

Mr. Obadal stated that pervious concrete has gone through a series of improvements that may eliminate some of the applicant's concerns and objections and asked the applicant to look into it.

Mr. De Young agreed to look into it.

Mr. Kennedy asked if Mr. Krapf's concerns had been adequately addressed.

Mr. Krapf answered yes. He said Ms. Sipes has the proposed additional condition as well as an amendment to a previously approved condition.

Mr. De Young stated their agreement with the proposed additional condition and amended condition.

Mr. Billups asked if the applicant is experiencing difficulty with the transfer of the entrance from Route 60 to the new proposed entrance.

Mr. De Young stated he understood that VDOT asked for the entrance to be aligned with White Hall and that the request was not a problem.

Mr. Allen Owens, 8395 Richmond Road, stated his concern about his privacy, safety and the proximity of the proposed driveway to his driveway. He also stated his concern that the applicant did not approach the neighbors earlier in the process about the proposal.

Ms. Jones asked if Mr. Owens received notice of the public hearing from the County.

Mr. Owens said yes.

Ms. Hughes asked if Mr. Owens is aware that an SUP already exists permitting the facility.

Mr. Owens said yes. He said they understood it was a smaller facility.

Ms. Hughes asked if it was the expansion itself that concerned Mr. Owens.

Mr. Owens said his concern is also the traffic, and the new location of the driveway.

Ms. Hughes said the traffic is not expected to be greater than the original proposal. She said the internal space has been increased to keep more animals inside and the fenced area has been decreased so that it is farther away from the property boundaries.

Mr. Owens said he appreciated the landscaping between the driveway and Mr. De Young's offer to show them the landscaping plan.

Ms. Jones told Mr. Owens that Ms. Sipes would be happy to meet with him to discuss the specifics of the proposal.

Mr. Sowers stated that assuming the Board (Board of Supervisors) approves the case it will go through the County's site plan approval process. He said Ms. Owens will receive notice when the site plan is filed and they will have an opportunity to participate in that process as well.

Ms. Michelle Owens, 8395 Richmond Road, stated her concern that she had envisioned living in the county and raising her children without neighbors looking through their windows. She said she does not want the project and feels as though she is going to be living in an industrial zone. Mr. Owens stated that their house is for sale and asked that the final product be aesthetically pleasing for a future buyer.

Ms. Elizabeth McKenna, 123 Old Stage Road, stated her support for the application. She said there needs to be more choices for veterinary care.

Ms. Kendall McCaw, 123 Old Stage Road, stated her support for the application.

Ms. Meredith Averitt of Toano Animal Care stated her objection. She said she has a large, strong practice and this will bring competition less than a quarter mile down the street.

Mr. Rob Murphy, 113 Astrid Lane, stated that he and his father are the property owners. He stated that the project will be multi-phased with the first phase being 6,000-7,000 square feet. Mr. Murphy stated that it is not his goal to cause conflict with neighbors or colleagues. He said that the Stonehouse area is growing quite fast and that studies show a big demand for more veterinarians. He also stated that the exterior will look like a house, is compatible to surrounding uses, and will have fencing around the perimeter.

Mr. Obadal asked the reason for the expansion request so soon after approval of the original SUP.

Mr. Murphy stated that once a certain level of profit is reached they can expand the kennel and grooming facilities and office space. He stated that they are requesting approval for the future expansion in order to have peace of mind as they move forward.

Hearing no other requests; the public hearing was closed.

Mr. Krapf addressed Mr. and Mrs. Owens concerns and stated that growth does not come without a price and that there are various degrees of trade-off. He stated that the Commissioners' roles are to manage growth as best as they can consistent with the Comprehensive Plan. Mr. Krapf said the parcel is designated for general industries and can be a lot more invasive in terms of traffic and noise than what the applicant is proposing. He stated that he is in favor of the proposal with the two additions discussed previously.

Ms. Jones stated her agreement with Mr. Krapf and motioned for approval with the attached conditions.

Mr. Krapf seconded the motion.

Mr. Obadal asked for inclusion of the applicant's agreement to look into pervious pavement.

Mr. Kennedy said the applicant has addressed the issue and said he will look into it.

Ms. Jones said she does not want to add it as a condition.

Mr. Kennedy asked Ms. Sipes to ensure that Mr. Obadal's concerns are addressed.

Ms. Sipes stated that as the conditions are currently worded pervious pavement has the potential to be utilized and asked for confirmation from Mr. Woolson of the Environmental Division.

Mr. Woolson agreed.

Ms. Sipes confirmed that the motion included the amended conditions discussed by Mr. Krapf mentioned earlier.

Mr. Kennedy answered yes.

In a unanimous roll call vote the application and amended conditions were recommended for approval AYE: (7) Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy; NAY (0).

E. Z-3-07 3435 Old Stage Rezoning

Mr. Luke Vinciguerra presented the staff report stating that Mr. Todd Koob has applied to rezone a 1.23 acre parcel from B-1, General Business, to R-1, Limited Residential to build a home on the site. The property is located at 3435 Old Stage Road, is further identified as JCC RE Tax Map No. 1220100011A, and is designated Low Density Residential on the Comprehensive Plan. Parcels so designated are primarily to be used for single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities, and very limited commercial establishments. Mr. Vinciguerra recommended approval of the application and asked the Commission to consider whether cash proffers are warranted.

Mr. Fraley stated that regarding public utilities the staff reports states that the property can support a septic system adequate to support a single three bedroom house. He asked how that related to the implication of two residences.

Mr. Vinciguerra stated that as of now the applicant can only construct one house on the site. He stated that the applicant has an agreement with White Hall to connect to their sewer when the community is developed which would mean he can have smaller lot sizes and can create two lots for the construction of two houses.

Mr. Fraley asked about the process for the applicant to get approval to have two houses.

Mr. Vinciguerra stated that if the R-1 rezoning is approved the applicant can subdivide

by-right if the lot is large each.

Mr. Sowers added that this is an administrative process. He said the applicant would only have to apply for a minor subdivision and various utility and building permits.

Ms. Jones confirmed that the Commission is being asked to consider the rezoning not the subdivision in addition to being asked to provide guidance on the public impact.

Mr. Vinciguerra said that was correct. He stated that the Commission is being asked to consider the need for cash proffers.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was closed.

Mr. Billups stated his concern that the rezoning proposal is based on unforeseen projections concerning White Hall. He stated that it is the second SUP tonight dependent on alignment with White Hall. Mr. Billups said he is not sure the Commission should approve applications when they are not sure everything is in place at the time of approval. He also stated his concern about Staff contacting other property owners in the area saying he does not think it is good protocol to go around trying to get owners to apply for a zoning change.

Ms. Jones reminded the Commissioners that two months ago another parcel on Old Stage Road was rezoned from B-1 to R-1 and said Staff is moving along to change the overall zoning in that area from B-1. She stated her concerns about losing B-1 in James City County and also stated that in this case Staff is under the opinion that if the parcel is subdivided the public benefit is that it is a lower impact than other potential developments. Ms. Jones stated her support of the rezoning and recommended the applicant be required to pay school cash proffers if they chose to subdivide in the future for a second home.

Ms. Hughes concurred with Ms. Jones that if the applicant wishes to subdivide there should at least be a proffer towards schools. She stated that she does not consider the addition of another residence a public benefit consistent with a rezoning.

Mr. Fraley stated that the density for R-1 zoning is one unit per acre and asked what would permit the parcel to be subdivided through administrative review for the placement of two residences.

Mr. Sowers stated that the Comprehensive Plan says no more than one unit per acre without certain public benefits, while the Zoning Ordinance for R-1 requires a lower number of square feet per dwelling unit based on individual lot sizes. Mr. Sowers said the parcel under consideration has enough square footage to be subdivided.

Mr. Fraley said it seems like a back door method for increasing density.

Mr. Billups asked if the applicant must have enough square footage for a second septic line to be installed should the first line fail.

Mr. Sowers said that if they are relying on septic they must have enough space for a primary and a secondary drain field on each of the lots. He said this particular lot does not have enough space so they can only subdivide if they tie into public sewer which will become available when White Hall, directly behind the parcel, is developed.

Mr. Obadal asked when White Hall is expected to come on line.

Mr. Sowers said the development plan is currently under review and might be finished by the end of the year. He guessed construction might start late this year with residences being built sometime next summer.

Mr. Obadal asked how much property is normally needed with a septic system.

Ms. Hughes said she believes it is an acre. She said she believes that the intent of R-1 is larger lot sizes. She said an applicant can have lots smaller than an acre if they have the overall gross acreage.

Ms. Jones asked if Staff is requesting the Commission's recommendation regarding the subdivision in addition to the cash proffers or if the subdivision is a discussion for another time.

Mr. Fraley said it may be a discussion for another time but it affects his decision on the case. He asked Mr. Kinsman to comment on the matter.

Mr. Kinsman stated that for this particular District Section 24-234 states that all subdivisions shall have a maximum gross density of one unit per acre except for minor subdivision. Mr. Kinsman went on to say that Section 24-235 sets out the area requirements on a sliding scale depending on the type of public facilities. He said that generally the intent of the Comprehensive Plan for this Zoning District is to have larger lots sizes of generally a maximum gross density of one unit per acre; however, the Code does make exceptions for minor subdivisions.

Ms. Jones asked if Staff is in the position to deny a subdivision request.

Mr. Fraley said Staff cannot unreasonable withhold approval.

Mr. Kinsman stated that if they comply with all the components of the Zoning and Subdivision Ordinances then only administrative approval is required and cannot be withheld because the Commission's preference is to have one lot instead of two. Mr. Kinsman stated that the applicant could proffer that they would not further subdivide the lot which would eliminate the Commission's concern that there would be two houses on the lot rather than one.

Mr. Sowers added that the Commission could recommend cash proffers if the applicant is allowed to divide into two lots. He said they could also recommend to the Board a proffer that would prohibit further subdivision of the lot.

Mr. Billups confirmed that White Hall is zoned R-2 not R-1.

Mr. Sowers said it is R-2, Cluster.

Mr. Billups said his concern is not the potential for two houses. He stated that since it is dependant on White Hall's sewer system it should not be approved until the sewer system is available. Mr. Billups asked what constitutes a minor subdivision versus a major subdivision.

Mr. Kinsman explained that in the R-1 District a minor subdivision is a division of a tract into not more than five lots. He also stated that White Hall has been approved so some development will occur on that property and with that development there will be public water and sewer. Mr. Kinsman said the relationship between White Hall and this property is that if this property can connect to the White Hall public water and sewer system it can then take advantage of the reduced lot widths that are set forth in the Code that allows a minimum lot area of 15,000 square feet so that with public water and sewer they could get two lots. He stated that if they are not able to take advantage of the White Hall public system then the minimum lot size would then be 30,000 square feet so they could only have one lot.

Ms. Jones asked if the applicants for the Sheldon rezoning on this street intend to subdivide that parcel.

Mr. Sowers said there was no attempt to do so.

Mr. Billups asked if the Commission can legally approve two lots before public facilities are available.

Mr. Kinsman said the Commission will only be making a recommendation for the rezoning of the property from B-1 to R-1 not approving the number of dwellings units. He said it is Staff's intent only to give the Commission notice of the potential for there to be two dwellings on the parcel.

Mr. Billups asked what justification the applicant has to show for rezoning from B-1 to R-1.

Mr. Kinsman said the Commission will be basing its decision upon the findings Staff has presented including surrounding uses and the Comprehensive Plan as well as their thoughts on what could ultimately happen on the property.

Mr. Kennedy confirmed that any citizen has the right to apply to rezone any piece of property although that does not mean it's going to be approved.

Mr. Kinsman said that is correct.

Mr. Kennedy restated the facts of the request concerning the number of lots possible in relation to private and public water and sewer systems. He said any piece of property located within the PSA (Primary Service Area), as this site is, has the option to tie into public water and sewer. Mr. Kennedy stated that although there are long term possible ramifications he suggested not continuing to dwell too deeply into what ifs and look more at what is being presented.

Mr. Krapf stated that due to the neighboring properties being used for residential purposes and the precedent set with the Sheldon property rezoning he is inclined to support the application. He also stated that R-1 could be less invasive in some cases than B-1. Mr. Krapf stated his support for recommending to the Board a proffer eliminating the possibility to subdivide the parcel in the future.

Mr. Obadal stated his agreement to limit the parcel to one unit.

Mr. Kennedy said the Commission cannot approve a proffer condition limiting the number of units and can only advise the Board of their wishes since the proposal being presented does not include a limitation to one unit.

Mr. Fraley said the other discussion was to encourage the Board to pursue cash proffers if no restriction is placed on the number of units.

Mr. Kennedy said that would include contributions towards schools, water and such.

Mr. Fraley said he would be in favor of that as opposed to restricting the number of lots or units.

Mr. Kennedy asked if Mr. Obadal would also be in support of the proffer consideration.

Mr. Obadal said he is more inclined to placing a limit on the number of lots.

Mr. Billups said he can only see one unit on the lot until there is confirmation that White Hall will allow connection to their system. He said he will not vote for a change in zoning without more information.

Ms. Hughes stated her concern that if it is standard operating procedure in the County to grant someone the right to subdivide their property, is it right to place a condition on this applicant.

Hearing a request from the audience the public hearing was reopened.

Mr. Todd Koob, 8913 Oaklawn Way, stated that they are only asking to rezone. He said they are not asking for permission to subdivide or tie into water and sewer lines.

Mr. Billups asked if the purpose is to build two homes.

Mr. Koob indicated that that is correct if they are able to tie into the water and sewer lines.

Mr. Billups said his concern is having a second home on a 1.23 acre parcel. He said he does not support proffers if it is something the applicant is legally allowed to do if public water is available.

Mr. Kennedy asked if Mr. Billups is concerned about the septic system.

Mr. Billups said yes.

Mr. Kennedy stated that the applicant could not build more than one unit with a septic system. He said that even with the rezoning he is still only entitled to one unless he has water and sewer.

Mr. Bert Geddy, 3200 Rochambeau, stated that he granted the Service Authority an easement to run water and sewer to the White Hall development with the condition that Mr. Koob have the ability to connect when and if White Hall builds the system.

Mr. Kennedy said the Commission is not approving two parcels. He said they are approving one parcel with a rezoning predicated on the fact that the parcel does not have water or sewer. Mr. Kennedy said they are only entitled to one parcel until such time that water and sewer is run to the property and is connected.

Mr. Fraley added that subdivision approval would be an administrative decision.

The public hearing was closed.

Mr. Fraley stated his opinion that the case should be voted on without additional recommendations and motioned to approve the application as presented.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

F. ZO-4-07 Zoning Ordinance Amendment – Public Land Ordinance

Ms. Leanne Reidenbach presented the staff report stating that in response to an initiating resolution passed by the Board of Supervisors on April 24, 2007 staff has drafted an ordinance to create a public land district. She stated that the purpose of this district is to establish a special classification for all significant publicly owned land which is used for a public purpose. Ms. Reidenbach stated that a public land district will make the Zoning Ordinance more consistent with the Comprehensive Plan and more clearly identify on the Zoning Map the intended uses for the property. The current zoning of most public land allows for a wide range of uses on the given parcel but the creation of a public land district can permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan designation and surrounding land uses. The next step in the process would be for the Planning Commission, followed by the Board of Supervisors, to hold public hearings to consider rezoning appropriate parcels. On May 22, 2007 the Policy Committee voted 4-0 to recommend approval subject to resolution of an outstanding question by the County Attorney's office. Staff noted that these issues had been resolved prior to the public hearing. Staff recommended approval of the Ordinance.

Ms. Hughes stated that there are certain sections of the Ordinance that address the Community Character Corridor Buffer. She said there is not language about the buffer in terms of setbacks in the proposal and asked if that would still be in affect.

Ms. Reidenbach said yes and stated that those regulations fall under the Landscape Ordinance that applies to all parcels regardless of zoning classification.

Mr. Kennedy opened the public hearing.

Hearing no requests the public hearing was closed.

Ms. Jones motioned to approve the application.

Mr. Krapf seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Obadal, Fraley, Hughes, Billups, Jones, Krapf, Kennedy (7); NAY: (0).

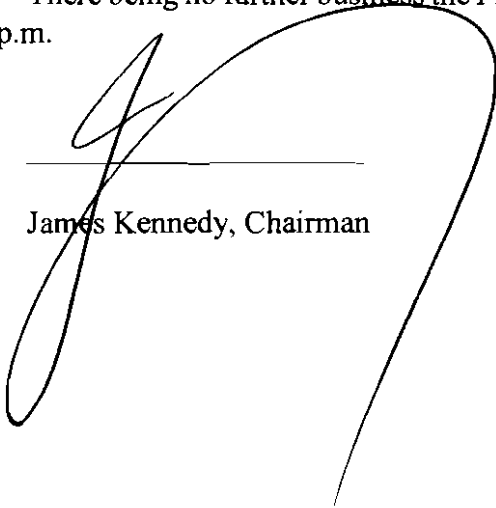
5. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report pointing out that the Commission's annual work session with the Board of Supervisors is scheduled for Tuesday, July 24 at 4 p.m. in the work session room. He explained that the Chairman via Staff normally collects items of interest from Commissioners by email or telephone which are then compiled into a draft agenda.

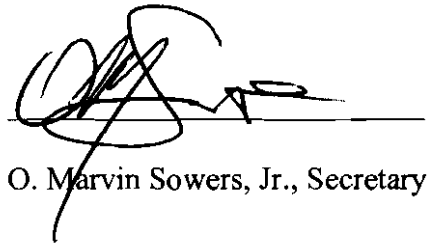
Mr. Kennedy stated that it is good idea for the Commission to come to a consensus on the main issues they would like to discuss beforehand due to the limitations on time.

6. ADJOURNMENT

There being no further business the Planning Commission meeting was adjourned at 8:45 p.m.



James Kennedy, Chairman



O. Marvin Sowers, Jr., Secretary