

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

I. ROLL CALL

Planning Commissioners

Present:

George Billups

Reese Peck

Jack Fraley

Rich Krapf

Joe Poole III

Chris Henderson

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Senior Planner

David German, Senior Planner

Michael Woolson, Senior Watershed Planner

Terry Costello, Development Management Assistant

Absent

Tony Obadal

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

3. MINUTES

A. September 10, 2008 Regular Meeting

Mr. Fraley asked if there were any additions or corrections to the minutes.

Mr. Peck had a correction to his comments concerning the James City Service Authority and service outside the PSA.

Mr. Henderson made a motion to approve the minutes with the correction.

Mr. Krapf seconded the motion.

In a unanimous voice vote the minutes were approved. (6-0)

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee

Mr. Krapf gave the DRC report and stated the Committee had met on September 24, 2008 to review four cases. The first case discussed was case number C-0029-2008, Stonehouse Land Bay 14, which was to review plans for the land bay prior to submission of development plans. The DRC accepted the conceptual plan and agency comments by a vote of 4-0.

The Committee discussed case number SP-0108-2008, Williamsburg Dodge Showroom Amendment, which was a plan to enclose the open-air canopy area at the front of the existing dealership. The applicant requested a DRC review the project for consistency with the current master plan for the site. By a vote of 4-0, the DRC approved the showroom modification proposal, subject to the applicant satisfactorily addressing any outstanding agency comments received after submission of the site plan.

Kingsmill Resort submitted a site plan to construct a miniature golf course on land adjacent to the Kingsmill Tennis Center. This case number was SP-0070-2008, and was brought to the DRC due to unresolved issues between the applicant and the adjacent property owners. The DRC approved the site plan by a vote of 4-0, subject to inclusion of supplemental landscaping, fencing, lighting, and other conditions suggested by DRC members.

The Zoning Ordinance required DRC review of case number SP-0011-2008, Chestnut Grove, because the plan proposes a group of buildings which contain a total floor area that exceeds 30,000 square feet. The site plan was previously submitted to the County but was not recommended for approval due to environmental concerns. The revised plan addressed these concerns and was recommended for preliminary approval by the DRC by a vote of 4-0 subject to satisfactorily addressing any outstanding agency comments.

Mr. Poole made a motion to approve the report.

Mr. Henderson seconded the motion.

In a unanimous voice vote the report was approved (6-0).

B. Policy Committee

Mr. Peck stated there was no meeting since the last Planning Commission meeting. There is a meeting scheduled for Wednesday, October 8, 2008 at 7:00 p.m. in Building A in the Government Complex. The topic that will be discussed will be the Capital Improvements Program.

C. Comprehensive Plan Update

Mr. Krapf gave the report on behalf of the Community Participation Team (CPT). The last meeting took place on September 25, 2008 completing an eleven month effort. He stated the CPT felt the second round of Community Conversation meetings went well. This is evidenced by the fact that there was an 80% return rate on the questionnaires that were returned at the first three meetings. Mr. Krapf stated that videos of the meetings have started to become available on JCC TV48. Viewers will also have the opportunity to submit their questionnaire via the Comprehensive Plan website as they watch. The CPT approved summaries of the outreach and communication efforts as well as an executive summary of the public input received to date. The CPT also documented the pros and cons of their involvement in the process and suggestions for ways that the next CPT can improve. Overall, they reached out to a large number of citizens through mailings, TV, radio, newspaper ads, and e-mail blasts and have heard comments from

close to 2,000 individuals and many organizations. Mr. Krapf encouraged citizens to stay involved and that comments will continue to be accepted via the website. He also stated that Mr. Vaughn Poller will continue on to the Steering Committee as the CPT liaison to carry public input into the development and policy phases of the Plan.

Mr. Fraley named the members that have been selected to the Steering Committee. They are: Joe Poole, Jack Fraley, George Billups, Chris Henderson, Mary Jones, Tom Tingle, Mark Wenger, Julie Leverenz, Jim Nickols, Bill Porter and Vaughn Poller. The meetings will start Monday October 6, 2008 at 4:00 p.m. in the worksession and board rooms in Building F.

Mr. Murphy stated the Steering Committee meetings will be televised.

5. PUBLIC HEARINGS

A. SUP-0015-2008 Franciscan Brethren of St. Philip Group Home and Day Care

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the November 5, 2008 Planning Commission meeting.

Mr. Fraley continued the public hearing to November 5, 2008.

B. SUP-0016-2008 Walgreens at Norge

Mr. Jose Ribeiro stated that Mr. Chris Basic of AES Consulting Engineers has applied on behalf of KTP Development for a special use permit to allow the construction of a Walgreens store located at 7521 Richmond Road. A special use permit is necessary for this project, as the floor area of the proposed commercial building surpasses 10,000 square feet. The property is zoned M-1, Limited Business/Industrial and designated by the Comprehensive Plan as mixed use. Mr. Ribeiro stated that according to the application, the store is to be located at the northwestern corner of the site formerly known as the Candle Factory. The thirteen acre parcel would be subdivided to create a smaller, two acre parcel to support the Walgreens operation. Mr. Ribeiro stated that all agencies have reviewed this proposal and have no objections. Staff finds the application to be in accordance with the Zoning Ordinance and the Comprehensive Plan. Staff recommended that the Planning Commission recommend approval of this proposal with the conditions attached. Staff also recommended that the Commission approve the landscape modifications that were presented.

Mr. Henderson asked if there was a calculation of the impervious area existing currently and the amount proposed.

Mr. Ribeiro answered currently the impervious coverage at the site is 51% and once the site is developed it will be 60%.

Mr. Geddy spoke on behalf of Tribek Properties, the contract purchaser and developer of the property. Tribek is based in Charlotte, N.C. and has developed forty nine Walgreen stores in the southeast area, including those in Gloucester, York County, Newport News and Hampton.

He showed the existing building and the location of the site. He displayed the master plan with the landscaping overlay and the increased buffer. Mr. Geddy stated the goal of the designers was to keep the interconnectivity with the rest of the site. He stated the buffer is designed to be three times as large as what is currently at the site. This does eliminate a row of parking. Mr. Geddy asked the client to send a prototype of a Walgreens store. He showed the new drawings based on feedback from staff and the Commissioners. He called out the LID features and the rainwater system that becomes important for irrigation. Mr. Geddy stated that although there is a slight increase in impervious coverage, there is a vast improvement in the water quality leaving the site. All of the traffic improvements mentioned in the traffic study are included in the SUP conditions. He urged the Planning Commission to recommend approval to the Board of Supervisors.

Mr. Krapf noted the site and water quality improvements. He expressed his concerns about the architecture of the building. He felt that the outside appearance does not quite match the rural character of the northern end of the County where this is located. Mr. Krapf presented a picture of a Walgreens that is located in Richmond, Va. He felt that the less formal appearance and the peak elements for the roofline are closer to the character of the upper end of the County. He proposed that the applicant work with the DRC on the architectural part of the project so that the project is not delayed.

Mr. Geddy stated that the applicant is willing to continue to revise the architecture of the building, although Walgreens will need to ultimately approve the change.

Mr. Krapf asked if the applicant would entertain the idea of green roof technology.

Mr. Billups asked if the Richmond, Va. store was a newly remodeled building or a new building altogether.

Mr. Krapf answered he did not know.

Mr. Billups asked about the pros and cons of new development on economic development.

Mr. Geddy stated he did not know how many employees Walgreens may employ. He stated that most likely in terms of tax revenue would be a more valuable building so it would be assessed higher than the building currently out there. He stated Walgreens has been very successful and it may make the rest of the Candle Factory site more attractive to businesses.

Mr. Poole supports this redevelopment project but did express his concerns about the architecture of the building. He understands that the applicant is willing to work with the Commission and can appreciate that.

Mr. Geddy answered that pictures were taken from other buildings in the area, and designs were done that would mirror some of these.

Mr. Henderson asked about the location of the dumpster and its proximity to the parking

and the entrance. He asked if further consideration had been given to having the dumpster area toward the back of the property to remove it from the store front and any areas that might be accessible to pedestrians. Mr. Henderson also suggested another location may be more advantageous if one of the goals was to promote connectivity and cross shopping.

Mr. Geddy stated that the applicant would be agreeable to reviewing other options.

Mr. Arch Marston of AES Consulting stated; however, that the design is a standard prototype because of the way supplies are delivered. He stated that the proposed trash compacter will be entirely enclosed and primarily used for paper products. His understanding is that smell should not be an issue. Mr. Marston stated he was not sure if it is feasible to change due to the building layout but that it would be reviewed for possible consideration.

Mr. Chris Basic of AES stated that the architects will be consulted but the current location may be necessary due to the overall interior footprint.

Mr. Henderson asked if it was considered to have the access point to the adjoining parcel relocated so that additional shop space could be immediately adjacent to the Walgreens to promote interconnectivity. He stated one of the goals of the Comprehensive Plan is to promote pedestrian activities.

Mr. Henderson asked staff about signage and the typical types that are used at Walgreens. He was referring to the neon signs that are displayed inside the building. He asked if the Sign Ordinance would apply to these signs because it is visible from the right of way, and whether it count towards the square footage.

Mr. Murphy answered that the sign inside the structure would be allowed and not counted against any limitations.

Mr. Ribeiro stated in regards to Mr. Henderson's concerns about the dumpster, that there is a condition in the application that requires that all dumpsters, heating and cooling equipment, visible from any street or adjoining property, to be screened from view. This can be done with landscaping or fencing.

Mr. Fraley asked if there were any comments from the public.

Mr. Calvin Taylor, who is a local business person and resides at 7521 Richmond Road, expressed his concerns about the existing restaurant that is located at this site. He asked if there were assistance given to this business being that they have to relocate to another location within the adjacent area.

Mr. Geddy stated he did not know if any assistance was being given to the business owner, and that KTP is the owner of the property. KTP would be the entity dealing with the tenant. He stated he would be more than willing to inquire as to whether there was any assistance given.

Mr. Fraley asked if there was a role that staff could play in facilitating this discussion.

Mr. Murphy answered that staff would be willing to discuss any issues but ultimately it is a business decision.

Mr. Henderson stated he felt this was a contractual issue between the landlord and tenant.

Mr. Fraley asked Mr. Geddy how the applicant was going to work through the architectural issues that were addressed by other Commissioners. He stated Mr. Krapf mentioned DRC review. He asked from the applicant's viewpoint how would they like to proceed.

Mr. Geddy answered that as soon as the applicant can get some clear direction, the more beneficial it is for them, and this information can be passed on to the architect to request revisions.

Mr. Fraley suggested that the Chairman of the DRC, Mr. Krapf, could request a special meeting so that the application would not be hindered and the case could move forward.

Mr. Geddy stated their goal would be to have an agreed upon set of elevations that the Board of Supervisors could act upon.

Mr. Krapf stated he would communicate with Mr. Geddy and the DRC Committee, and determine a meeting date that would be accommodating to all involved.

Mr. Geddy stated he envisioned that the DRC would not take formal action on these revisions, but they would agree to them.

Mr. Fraley stated he would leave that decision to Mr. Krapf and Mr. Murphy.

Mr. Fraley did ask how the issues raised by Mr. Henderson concerning the dumpster would be addressed.

Mr. Geddy stated one issue that was addressed was that the dumpster would be enclosed and shown on the site plan. He stated in terms of revising the entire structure and connecting the buildings, he did not think this was feasible.

Mr. Henderson stated that being the case, being that the primary traffic movement off of Richmond Road is going to be in the new access road, he asked the applicant to pay particular attention to the connectivity at the rear of the property. He felt that what the design might do is force people to drive around the side and front of Walgreens in order to access the rest of the buildings. He just wanted to make sure the connectivity at the rear of the property is functional.

Mr. Billups expressed his concerns over the situation of the tenant having to vacate the premises. He asked what the role or responsibility of the County was to assist small businesses in these situations.

Mr. Kinsman believed that the County would always try to encourage businesses to grow and exist, but he could not think of a condition that could be attached legally to this application that the Commission could impose that would address this situation. He stated from a business standpoint, the tenant could work with the Office of Economic Development in moving from one location to another.

Mr. Kinsman also stated that there is a condition in the application that commits the applicant to a certain elevation. He suggested that if the Commission wants to modify the elevation that the condition attached to the special use permit be modified.

Mr. Geddy suggested that the condition be left as is, and that the type and height that will be decided upon will be added prior to the Board of Supervisors meeting.

Mr. Kinsman stated that if the application is approved as written, then the condition is approved with the elevations that some Commissioners had concerns with. He stated that the condition could read that the applicant work with the DRC to agree upon another elevation.

Mr. Poole suggested that prior to site plan approval the Planning Director in consultation with the DRC shall approve final elevations.

Mr. Kinsman suggested some language be inserted that the architecture be reflected of the character in the Norge area.

Mr. Geddy stated that he was thinking the elevations would be approved prior to the Board of Supervisors meeting. He stated then the condition could remain as is.

Mr. Kinsman suggested adding to the condition the requirement of the applicant meeting with the DRC prior to the Board of Supervisors meeting to review new elevations and the type of architecture the building will have.

Mr. Geddy stated the applicant needs to have a clear understanding of what the architecture needs to be prior to the Board of Supervisors meeting. His thought was that prior to the Board meeting, the applicant will meet with the DRC and to produce a set of elevations that are agreed upon.

Mr. Fraley asked Mr. Geddy when the applicant plans to present this case to the Board of Supervisors.

Mr. Geddy answered the plan was to present it at the first meeting in November.

Mr. Fraley suggested possibly deferring the case until the November meeting so that the Commission would be able to review the elevations and architecture. He also wanted to make sure that this would not delay the project from moving forward.

Mr. Geddy suggested working with a smaller committee, the DRC, to agree on elevations

that would be appropriate.

Mr. Kinsman suggested dropping the date stated in the condition, and state that elevations need to be in agreement with the applicant and the DRC.

Mr. Krapf agreed.

Mr. Poole agreed also and stated that there were a number of important items about the case that should move it forward.

Mr. Fraley cautioned about writing conditions.

Mr. Krapf understood Mr. Fraley's concerns but felt that in the past, conditions have been modified and this change was not a substantial one.

Mr. Fraley stated he would defer to Mr. Kinsman.

Mr. Geddy stated that there have been times where conditions have changed between the Planning Commission meeting and the Board of Supervisor's meeting. He suggested adding to the condition that the applicant would work with the DRC.

Mr. Kinsman suggested leaving the condition as is, stating a certain elevation, and then adding a statement that it could be amended with the concurrence of the DRC.

Mr. Peck stated he did not know how comfortable he was with adding to that condition. He stated the main issue was the architecture and it fitting in with the character of the Norge area. He thought that even if the applicant presented this case at the next Planning Commission meeting, they could still be on schedule to present at the November Board of Supervisor's meeting.

Mr. Billups stated he did not feel that the changes suggested were substantial enough to have the applicant come back before the Planning Commission in November. He recommended that a vote be taken either to approve or deny.

Mr. Henderson stated he was in favor of the changes going before the DRC before the case is presented to the Board of Supervisors. He believes the DRC will make the right decision for that part of the County.

Mr. Krapf stated that at the next Planning Commission meeting there will be a DRC report that will address this case, so if there are any concerns that the Commissioners who are not on the DRC have, it can be addressed then.

Mr. Poole made a motion to approve the application with the understanding that the applicant will submit and work with the DRC to ensure the elevations match the character of the Norge area and adding those revisions to condition #2 as Mr. Kinsman stated.

Mr. Krapf seconded the motion.

Mr. Fraley closed the public hearing.

Mr. Poole added that this is an important redevelopment opportunity in a vital commercial area. He stated the Zoning Ordinance and Comprehensive Plan supports this type of business. He stated we want to be mindful of keeping existing businesses even though this type of event is a landlord tenant issue.

Mr. Fraley stated he believed this was a very good project and that is was good for the area and the County. He applauded the redevelopment efforts that the applicant has taken.

Mr. Murphy clarified that the motion includes that the applicant would need the DRC to agree on the design on the building as opposed to consulting with the DRC prior to consideration by the Board of Supervisors.

Mr. Poole stated the applicant had agreed to consult with the DRC, and that is the spirit of what he was thinking when making his motion.

Mr. Billups asked Mr. Krapf what his original intent was when he brought up the notion of DRC review.

Mr. Krapf wanted the applicant to seek the agreement of the DRC when designing the architectural elevations.

Mr. Poole amended his motion to reflect the applicant needed to seek the agreement of the DRC.

In a roll call the motion was approved. (6-0) AYE: Krapf, Peck, Poole, Henderson, Billups, Fraley. (Absent: Obadal)

C. SUP-0017-2008 Burlington Woods Subdivision SUP Renewal

Mr. David German stated that Mr. Vernon Geddy has applied for a renewal of an expired Special Use Permit, SUP-0035-2004, to allow for the continued development and construction of the Burlington Woods Subdivision, located at 3931 Longhill Road. The now-expired SUP was originally approved by the Board of Supervisors in conjunction with a Rezoning on the property (Z-0016-2004), for the purpose of developing a 26-lot single-family detached home subdivision, to be known as Burlington Woods. The SUP was necessary to exceed the density allowed by-right in the R-2 zoning district. The rezoning and Special Use Permit needed to create the new development were originally approved by the Board of Supervisors in May 2005. The SUP included conditions, one of which specified that the SUP would expire if construction on the project had not commenced within three years of the date of approval of the SUP. Mr. German stated that when this requirement was not met in May of this year, the SUP expired, necessitating that the developer come back before the Board to request a replacement Special Use Permit. The developer was not seeking to change or amend the project in any way, but merely to obtain a

replacement SUP to allow the project's continued development.

Mr. German stated that the development plans for the project are near to receiving final approval. All reviewing agencies have approved the construction drawings for the subdivision, and work has now commenced on completing the development plats. Because the SUP expired simply because unexpected events occurred during the development process, staff recommended that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Fraley asked Mr. Murphy to comment on some information that was printed in the newspaper concerning the work being done on the subdivision.

Mr. Murphy was not familiar with what was stated in the newspaper. He stated that staff did not stop the clearing and grading that was being done, as there is no real specific violation that would provide a reason to do so. He further stated that plats will not be able to be recorded that allow for the density that was approved in the original SUP unless the Board of Supervisors renews the SUP. Mr. Murphy said plats would be able to be recorded with a density of one unit per acre which would be permitted by right. There is an approved grading and clearing plan, and there is a rezoning in place. Mr. Murphy did advise the applicant and the applicant's attorney that work was being continued at their risk.

Mr. Peck asked how many cases have there been in the past where the Special Use Permit has expired. He also asked whether it was a standard provision that if work has not commenced within thirty six months that the SUP expires.

Mr. Murphy stated there have been several SUP's that have expired for a variety of reasons. He also stated that thirty six months or twenty four months was a typical time frame for a sunset provision. This particular development proceeded at a pace where it was necessary to come back before the Commission and Board to renew the SUP.

Mr. Peck asked if this was the standard operating procedure to come back before the Commission and Board of Supervisors.

Mr. Murphy stated yes. He stated it does not preclude consideration of other items nor should it preclude consideration of items that have been reviewed thus far by the Commission and the Board, and consideration of investment into the project, not just by the applicant, but also by the County.

Mr. Henderson asked if there were provisions in the Code for a renewal of an SUP.

Mr. Kinsman answered that there was not but that the existing SUP was rendered void after the time period expired.

Mr. Henderson stated that in essence the prior action has been set aside and this is a new application.

Mr. Kinsman answered that is correct.

Mr. Henderson asked if there were any sensitive environmental areas that might be located on the property.

Mr. Woolson displayed the map showing topography and location of the subdivision. He stated that there were some conditions for the sanitary sewer line for the project that required that the applicant acquire an offsite easement, which, in turn, required a Chesapeake Bay Board action to allow for the connection of the sewer line through a Resource Protected Area (RPA). He stated there are no further constraints on the site.

Mr. Henderson asked about slope impacts at the rear of the property.

Mr. Woolson stated that the impacts do not approach the 25% threshold identified in the Chesapeake Bay Ordinance.

Mr. Henderson asked if the buffers under the original rezoning include resource protection areas, or if they were simply perimeter buffers.

Mr. Woolson stated the buffers were perimeter buffers, but that they are also acting as stormwater management facilities in certain areas. He stated the stormwater management plan was developed as a bioretention plan requiring replanting in those areas that were open space per the landscape plan. He further stated that a wet pond is located at the rear of the property that collects all of the drainage at the outfall.

Mr. Henderson asked if the trees depicted on the master plan are actual existing hardwoods. He asked if the trees noted were specimen hardwood trees, and whether the trees are in a protected area such as RPA.

Mr. Woolson stated he did not have a specific answer about the trees being depicted on the master plan, but that none of them were located in an RPA area.

Mr. Henderson asked about the access management program that has been developed by VDOT that calls for jurisdictions to limit access to primary roads. He asked if there was any consideration during the initial rezoning or SUP hearing process held for the Burlington Woods project.

Mr. Murphy stated that he believed it was not a consideration back in 2005. He pointed out that standards regarding connectivity between a proposed subdivision and future subdivisions have not been finalized by VDOT. He stated that VDOT has finalized some standards with respect to access management, but believed that they would cover proposed entrances on a collector or primary road, and where those entrances should be placed.

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy spoke on behalf of Burlington Woods. He stated that the special use

permit had expired but plans continued to be processed, land disturbing permits issued, loans closed on, and construction activities were underway. He stated that the applicant has been diligently working on this case, but had some unexpected design and environmental constraints, and had to go before the Development Review Committee. Mr. Geddy stated that this is not a situation where the applicant is trying to change anything that they have already committed to. The only request here is to renew the special use permit to allow the applicant to continue to finish the subdivision under the approved construction drawings. Mr. Geddy stated there is considerable investment on the part of the applicant in this project.

There being no further public comments, Mr. Fraley closed the public hearing.

Mr. Henderson asked what the minimum lot size would be under the current rezoning and SUP.

Mr. Murphy stated that the minimum lot size in the R-2 zoning district, which is what the property was rezoned, is 10,000 square feet and a 75 foot lot width.

Mr. Henderson asked if the frontage was known.

Mr. German stated that typically the lot frontage is between 75 and 80 feet.

Mr. Billups made a motion to approve this application.

Mr. Billups felt that some notification should be given to applicants or developers keeping them apprised of deadlines as well as keeping staff apprised of the stage of development that the project is in. He was thinking of the rationale of bringing these cases back to the Commission and the Board of Supervisors if there were no changes. The only thing requested in this case was renewal.

Mr. Fraley asked Mr. Kinsman to comment on the legal foundation of why this case needs to come back to the Commission and the Board of Supervisors.

Mr. Kinsman answered that this SUP was rendered void when condition #1 was not met. This condition stated that construction needed to commence within thirty six months from the issuance of the SUP.

Mr. Billups stated that he was referring to the process and the proper notification that the SUP was expiring. He acknowledged that his comments suggested an overall process change, and did not necessarily apply to the case at hand.

Mr. Kinsman stated that to his knowledge, staff does not notify applicants when applications are expiring.

Mr. Murphy stated that staff is currently developing a process where applicants would be notified.

Mr. Henderson expressed his concerns about being consistent with sunset clauses. He referred to a case last month of where a sunset clause was suggested for a nonconforming use, and the time frame suggested was twelve months. He stated that if there is a policy, it needs to be applied consistently. Mr. Henderson agreed there should be administrative discretion but at the same time circumstances and conditions change and this allows an opportunity to review the application under new regulations.

Mr. Krapf stated that it appears that a valid rezoning has been approved and preliminary work has been done at the site. He stated it appeared that the applicant acted in good faith to comply with everything, but was faced with unanticipated issues. He restated the motion to approve the case.

Mr. Fraley indicated that a motion had already been made to approve the case, and that he was looking for a second to the motion.

Mr. Poole seconded the motion.

In a roll call vote the motion was approved. (6-0) AYE: Krapf, Peck, Poole, Henderson, Billups, Fraley. (Obadal absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated the Steering Committee begins their meetings on October 6, 2008 at 4:00 p.m. He also stated that he has formally been asked by Mr. Henderson and Mr. Peck to hold a special meeting in October to discuss the criteria and suitability of incorporating Greensprings West and Governor's Land subdivisions into the Primary Service Area (PSA). He stated that it was asked that staff provide information on amending areas in the PSA and for staff to make a formal presentation on this to the full Commission. Mr. Murphy did state that adjustments to the PSA will come under the purview of the Steering Committee, the Planning Commission and the Board of Supervisors. He stated staff does not have any objections to bringing this forward if the Commission wishes to do so. He did ask that if the Commission was interested in a separate discussion that it be scheduled in November. Mr. Murphy stated staff would need time to prepare and adjust staff workload for the upcoming Comprehensive Plan.

Mr. Fraley stated that under the by-laws two Commissioners can request a special meeting. He asked Mr. Peck to elaborate.

Mr. Peck stated there has been some confusion among the public and what has been written in the press concerning what the PSA is, what constitutes service levels, density levels, and use levels of land that is in the PSA. He stated it is one of the primary tools for regulating growth in the County. He feels that it is important that some clarity be provided. Mr. Peck stated that guidance is needed when determining what services should be provided outside the PSA. He stated that he had no problem with the November date as long as the discussion took place prior to the Board of Supervisor's discussion in January.

Mr. Henderson stated that the timeliness is important being there are two projects that are

currently underway that are initiating well installations that the Commission may have the opportunity to interact with if the Commission is better able to understand the issues. He felt that this topic had risen to a level that required a special meeting.

Mr. Poole asked about the Board of Supervisor's worksession in January that was mentioned. He believes that the Steering Committee will eventually have a discussion concerning this topic. He questioned the necessity of having a special meeting before the January worksession.

Mr. Peck stated he felt this discussion was important in light of this topic being mischaracterized in the newspaper. He also stated another reason he felt it was important was that when he was reading the Comprehensive Plan, it referred to the water master plan that is supposed to guide the water policies and CIP, he discovered that that water master plan has not been updated since 1998. Mr. Peck stated he felt that there was ambiguity of what the PSA is and is not. He felt that one of the primary functions of the Commission is an educational function.

Mr. Murphy stated there was a general consensus among the Board members that a discussion would occur probably in a worksession format in the early part of the year. The idea that was mentioned from the Board of Directors of the JCSA was the possibility of extending service to a couple of subdivisions. Some Board members did discuss what might be a result of the update to the Comprehensive Plan.

Mr. Fraley stated it was his understanding that this would be discussed at a worksession in January. He stated the Board of Directors requested the JCSA to present some information as to the cost of maintaining these well systems outside the PSA. He stated he believed the JCSA stated it costs approximately \$100,000 a year to maintain these systems.

Mr. Billups expressed his concerns about the far reaching impact. He stated that you may start with Greensprings West and Governor's Land, but what are the effects in other areas. He felt that this may cause concern for future developments.

Mr. Peck stated he does not agree with the current policy of extending service outside the PSA. He expressed his reservations on whether public systems should be built outside the PSA. He would like to see water discussions focus on that issue and not necessarily the PSA, which is a separate issue altogether.

Mr. Poole asked if whether the focus of the meeting requested by Mr. Henderson and Mr. Peck is to bring those two subdivisions into the PSA.

Mr. Peck stated that it was to develop and explain the criteria that were applied in those two circumstances. He would like to provide tools to the Steering Committee for this discussion.

Mr. Poole expressed his concerns about the time that might be required of staff and the Commissioners, and that this might divert work that has been done by the CPT, and work that will be done by the Steering Committee. He felt that this might be better addressed through the

Comprehensive Plan update.

Mr. Krapf stated he would welcome the opportunity to learn more about these issues and discuss these issues. He would approach it from more of an educational standpoint. He is not; however, from a philosophical point of view, ready to approve any extensions of the PSA.

Mr. Fraley stated he would welcome the chance to meet and discuss this topic. He would look at it as an opportunity to get some advance work done for the Steering Committee.

Mr. Henderson stated that the meeting was requested so that a better understanding could be developed so that a better plan may be created to move forward. He felt that also the newest members on the Commission might benefit from this discussion.

Mr. Poole reiterated that he thought this would be best handled through the Comprehensive Plan process. He expressed his concerns about staff being overloaded and pulled in many directions at this time. He also did not want to take away from the main focus which is the Comprehensive Plan update.

Mr. Peck stated he did not feel like it would take a lot of staff time and suggested it may take an afternoon.

Mr. Henderson stated he believed it may take more time to gather the information requested.

Mr. Peck stated he was flexible with the timing of the meeting, as long as it could be done by the end of the year.

Mr. Murphy stated he will meet with his staff and see how this meeting will fit in with the schedule of the Steering Committee.

Mr. Fraley did request that if Mr. Murphy felt that his staff could not accommodate this request that he be candid and say so. He also expressed concerns about staff being pulled in different directions.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Henderson stated that he and Mr. Peck attended the first component of the Virginia Certified Planning Commissioner's Program. He stated they have nine weeks of intense instruction along with two more days of the program. He did mention that after attending this he thought it might be beneficial at some point to revisit the bylaws and make sure that they are current and up to date.

Mr. Poole stated that there was a discussion for the Commission to review the bylaws in January or February.

Mr. Fraley stated that Mr. Henderson will be the Planning Commissioner that will be

attending the Board of Supervisor's meetings in November.

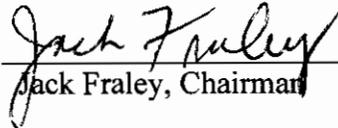
Mr. Peck stated that information has been distributed concerning the Capital Improvements Program. He has not received any comments. He also stated that the Policy Committee will be meeting on October 8, 2008 at 7 p.m. to discuss this topic.

Mr. Fraley stated that all comments need to be received by Mr. Peck by Friday.

Mr. Billups stated that the CPEAV will be having their annual conference this month in Williamsburg.

8. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Acting Secretary