

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF NOVEMBER, 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.

1. ROLL CALL

Planning Commissioners

Present:

Tony Obadal

Reese Peck

Jack Fraley

Rich Krapf

Joe Poole III

Chris Henderson

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Kate Sipes, Senior Planner

Terry Costello, Development Management Assistant

Absent

George Billups

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Ms. Sara Kadec, of 3504 Hunter's Ridge, spoke as a representative of the James City County Concerned Citizen's Coalition. She expressed concerns over the way citizen input is received and acted upon by the Planning Commission and the Board of Supervisors. She did comment on the fact that the public is permitted to speak during the public comment period in the meetings. She stated in some instances those who carry out a project do not see to it that the public has sufficient briefings and a chance to comment as the Coalition felt was the case with the Business Climate Task Force. She stated that the public has had little information on the Rural Lands study, the Toano Design Guidelines and Streetscape Plan, and the Cool Counties Program. Ms. Kadec stated the Coalition has submitted studies that have required much time and effort from their volunteers. She stated the Coalition was pleased that many of the items that were listed as issues in the Flood Control Study were being addressed by the Storm Water Division. However, the Coalition feels that more should be done to ensure the safety of those who have been allowed to build in flood zones. The Coalition suggested the Planning Commission and Board of Supervisors consider a bond issue to cover the costs of the more serious obstructed areas, such as Jamestown 1607, Fieldcrest, and Peleg's Point.

She also mentioned the fact that citizens might want input as to what CIP projects are approved, delayed, or not approved. She stated that in the past the list of projects has not been made available in a timely manner so as to give the Coalition ample time to review. Ms. Kadec stated the Coalition requests the Planning Commission to develop a more effective means of gathering input from citizens for the CIP projects, present the County's position on a given project to the citizens, recommend that a priority be given to flood control and through an existing or new committee of the Commission explore a bond issue or other means to solve some

of the most pressing issues immediately.

Mr. Henderson stated the Policy Committee has looked into the CIP process to make improvements and to make it more transparent. He stated the Committee discussed ways to make the CIP process part of the Comprehensive Plan so that the overall objectives of the community can be woven into all of the documents. Mr. Henderson stated it was a hope as part of the Steering Committee process and as part of the discussion tonight that these will become working documents. He stated the work of the Coalition has been very helpful and useful in many areas.

3. MINUTES

A. OCTOBER 1, 2008 Regular Meeting

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

Mr. Krapf had a correction to a vote on a DRC case.

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

Mr. Obadal seconded the motion.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee

Mr. Krapf gave the DRC report and stated the Committee had met on October 29, 2008 to review two cases. The first case discussed was case number SP-0115-2008, King of Glory Church Site Plan Amendment, which was to review changes to a sidewalk. The DRC approved the site amendment, with a vote of 5-0, because it was determined that the sidewalk changes did not alter the basic concept or character of the master plan.

The Committee discussed case number S-0019-2007, Mason Park – Review of Design Guidelines, which was required by a proffer. By a vote of 5-0, the DRC concluded that the Design Guidelines for the 15 single family residences in this subdivision were consistent with the proffers, which address such elements as architecture, environmental features, and green building practices.

Mr. Henderson made a motion to accept the DRC report.

Mr. Obadal seconded the motion.

In a unanimous voice vote the motion was approved. (6-0) (Billups absent)

B. Policy Committee

Mr. Peck stated the Policy Committee met on October 8, 2008 to finalize the Committee's work on the CIP Program. He stated there were six issues that the Policy Committee wanted to discuss. The Committee discussed the scope of the CIP, the nature of the CIP projects and presentation, reviewed the timeline, discussed the role of the Comprehensive Plan, and the adequacy of the prioritization process. He discussed the Committee's idea of separating out maintenance projects from true capital improvements. Mr. Peck stated it might benefit the County to develop a capital maintenance program. He also discussed the time table and how it was important to have more time available to review projects and possibly be able to concentrate on the larger projects. He also expressed the need for more time so as to have ample time for public input. Mr. Peck also noted that there are some jurisdictions that have already started their public input process for the next budget year.

Mr. Peck then spoke on the necessity to tie this program into the Comprehensive Plan. He stated that several localities do require this. He stated the Committee felt this suggestion was timely since the Comprehensive Plan update is ongoing. He stated it was important to build a consensus on what the high priority projects are and, if there are fiscal constraints, then they need to be ranked. The Committee wanted to narrow the scope of the projects, allow more time to review these projects, and build a community consensus on what projects are more important to the County, and for the County's long term development. Mr. Peck stated that infrastructure development, which is one part of the CIP program, is the primary driver of growth in the community.

Mr. Henderson stated that the County maintains over \$120 million dollars in various escrow accounts, with approximately \$10 million dollars for partially funded projects. He stated the Committee discussed the need to look at that practice and determine whether or not it was in the best interest of James City County and its citizens, and if there was a better way to deploy that capital to make it more effective. Mr. Henderson stated the Policy Committee is proposing a fundamental change to the CIP process and develop a capital replacement program so that budgets can be prepared accordingly. He stated the Committee felt by making changes to the CIP process it will increase transparency with the citizens and there would be predictability regarding the uses and sources of funding within James City County for a five year period. The goal was to make the CIP process less political in nature and fully integrate it into the Comprehensive Plan. He stated the Committee would like to request from the Board of Supervisors the opportunity to work with staff to develop policies and procedures to implement this new vision.

Mr. John McDonald, Manager of Financial and Management Services, spoke on behalf of his department's involvement with the Policy Committee in making changes to the CIP process. He stated they were interested in expanding the process in having the Policy Committee review the projects in more detail and more comprehensively against the Comprehensive Plan. He stated they were interested in opening it up to greater public participation, particularly in months where there may not be budget deadlines. Mr. McDonald stated that departments have been requested to submit a six year CIP budget with the expectation that in FY10 the Policy Committee and the Planning Commission would consider the projects on an exception basis.

Then for FY11 – FY15, the projects would be reviewed under a new process should these new policies take effect.

Mr. Peck stated that this improvement is to be a tool for the Board of Supervisors, that ultimately it is the Board's decision as to what projects are approved or not approved.

Mr. Obadal wanted to commend the Policy Committee for all the work and ideas of changing the CIP process. He was troubled by the fact that when the Committee reviewed the list of projects, they were unable to determine the cost of the items. He thought it was important that before the Committee can set a priority, information concerning funds available must be made available, and the relationship of the project to the Comprehensive Plan. Mr. Obadal felt that the approach presented by Mr. Henderson and Mr. Peck was very important. He does have concerns with flexibility in that each year things change. He suggested that the revised process contain an annual review. Mr. Obadal expressed concerns that if this is in the Comprehensive Plan, will this commit the Commission to something that may be too intensive to complete. He thought maybe more discussion and modification may be in order. He did express concerns over reviewing projects comprehensively or on an individual basis.

Mr. Henderson clarified that the recommendation was to evaluate each project with a numeric ranking and then funding would be allocated based on that ranking. The public dialogue would then occur when different projects would compete for the same dollars available. He stated the Committee felt that the document would be constantly influenced by changes in the overall environment.

Mr. Peck added that the goal was to get staff involved in greater detail and have the Board of Supervisors, Steering Committee, and appropriate parties looking at solutions. He stated the Committee wanted to present the general framework, but more thought and discussion need to take place.

Mr. Obadal suggested having a work session. He thinks it would be important to get the Board of Supervisor's input at this initial stage with the understanding that this is only the beginning of the conversation.

Mr. Fraley stated that when the projects are presented to the Policy Committee, staff does a numerical rating with their relationship to the Comprehensive Plan.

Mr. Poole expressed his appreciation to Mr. Peck, Mr. Henderson, and the Policy Committee for all of their work on improving the CIP process. He asked whether the staff feels that these refinements can be implemented and not place an undue burden on their time. He also expressed his concerns about the process being flexible.

Mr. Peck stated that the Policy Committee met with staff and it was staff's suggestion that the changes were worth pursuing. He also stated that the changes suggested will take time to implement, and it will most likely be within two years. He stated it was important to get a consensus as to the direction the Planning Commission would like to take. Mr. Peck stated that the flexibility issue was addressed with the suggestion of an annual review of the Comprehensive

Plan. This would allow changes to be made without reviewing the entire Comprehensive Plan.

Mr. Fraley stated that Mr. McDonald has been an integral part of the Policy Committee's deliberations over changing the CIP process. He stated it was encouraging that steps were already being taken to make the process more efficient. He also stated that some departments in the County currently have a maintenance program for their assets. Mr. Fraley gave the example of the school system, where they have a planned maintenance program for all of their schools and facilities.

Mr. Krapf added that he felt two of the strongest elements that are proposed as part of the changes were the source of funding and the separation of capital investments versus capital maintenance. He explained the frustration of ranking projects without knowing the source of the funding or what the targets were.

Mr. Murphy stated that if the Commission endorses the framework presented, it was suggested to have a joint worksession with the Board of Supervisors in January 2009. The changes proposed to the CIP process have already been anticipated, and requests have been asked formally to County departments. He stated that staff felt the majority of the changes are workable, assuming that exceptions would be handled for FY10 being that is the second year of the two year budget. Mr. Murphy stated that this discussion will also take place at a Steering Committee meeting and how these changes will affect the Comprehensive Plan.

Mr. Obadal asked if there was a statute dealing with the CIP.

Mr. Kinsman answered that there is a statute stating that the Planning Commission, at the direction of the local governing body, develop a CIP plan. The statute is general in nature.

Mr. Fraley asked if it was the consensus of the Planning Commission to have a joint worksession with the Board of Supervisors. He suggested having another Policy Committee meeting before the joint work session.

Mr. Peck stated there would be no meeting in November, so the next meeting would be in December.

Mr. Obadal asked for a summary of the changes proposed.

Mr. Murphy stated staff would like to present a summary of the changes and what the expectations are.

Mr. Peck stated that at the December meeting of the Policy Committee, the bylaws will be reviewed. He stated the Policy Committee would review the bylaws as they pertain to the Policy Committee only.

Mr. Poole stated that he thought it would be beneficial to review the entire document. He stated it was suggested to review these at the January Planning Commission meeting.

C. Other Committee/Commission Reports

Mr. Fraley gave an update on the Steering Committee. He stated the Committee has had five meetings reviewing technical data dealing with transportation, demographics, and population needs. He stated that the youth section of the Comprehensive Plan will be expanded to include all citizens. Mr. Fraley stated the Committee, when reviewing different sections, will develop goals, strategies to attain these goals, and then actions to meet the strategies. He stated it was the intent of the Committee to make the actions more actionable. This would be done by having time frames associated with them and having actions that are measurable. Mr. Fraley stated that it was suggested to have an annual review of the Comprehensive Plan once adopted. He stated that modeling for transportation has been adopted which will enable cumulative impacts of development on the infrastructure to be measured. He stated the next meeting will be Monday, November 17th from 3:00 p.m. to 6:00 p.m. There has already been a request from the Williamsburg Chamber of Commerce to speak at that meeting. He stated that the public has spoken at the Steering Committee meetings on various subjects. Mr. Fraley stated the public may comment at the beginning and at the end of each meeting.

Mr. Fraley stated the Steering Committee will be meeting in the Board Room instead of the worksession room and meetings are televised.

Mr. Peck stated the importance of implementation once the Comprehensive Plan is updated. He explained the Enterprise Program that the County participates in. He stated the County can substantially benefit from this program being the County's eligibility will be only in effect for six more years.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – To amend the A-1, General Agriculture District to include the following use: sale and repair of yard goods.

Mr. Murphy stated staff received a request from a private citizen to establish a use in the A-1, General Agriculture, Zoning District that is currently not permitted. The request was to be able to sell and repair yard goods to include small equipment such as blowers, chippers and tillers. After discussion with staff, and the new business facilitator, Ms. Carla Brittle, it has been requested that the Policy Committee review the request for amending the ordinance. Mr. Murphy requested that the Planning Commission adopt the initiating resolution to begin the discussion.

Mr. Poole made the motion to approve the initiating resolution.

Mr. Krapf seconded the motion.

In a unanimous voice vote the motion was approved. (6-0) (Billups absent)

6. PUBLIC HEARING

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 December 3, 2008 Planning Commission meeting.

Mr. Fraley continued the public hearing to December 3, 2008.

B. Z-0002-2008 / SUP-0018-2008 Williamsburg Landing Expansion

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the December 3, 2008 Planning Commission meeting.

Mr. Fraley opened the public hearing and continued it to December 3, 2008.

C. Z-0003-2008 / MP-0003-2008 The Candle Factory

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the December 3, 2008 Planning Commission meeting.

Mr. Fraley continued the public hearing to December 3, 2008.

D. SUP-0019-2008 Former Stuckey's Site Amendment

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the December 3, 2008 Planning Commission meeting.

Mr. Fraley opened the public hearing and continued it to December 3, 2008.

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated the Walgreens application that was presented at a previous Planning Commission meeting has been withdrawn. Another drugstore and retail facility has submitted information for possible location there.

Mr. Obadal questioned the reason for the withdrawal.

Mr. Murphy was informed by the applicant's lawyer that it was not related to the special use process nor to any of staff's requests. He stated the applicant was pleased with the way the case went through the Planning Commission process and the special use permit process.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley mentioned that the DRC and Planning Commission schedules for 2009 were distributed in the Planning Commission packets. He asked that anyone with concerns about the dates forward them to himself and Mr. Murphy.

Mr. Krapf spoke on a meeting that he attended concerning the vision for commercial development in the Stonehouse area. He stated GS Stonehouse hosted a charette to discuss potential uses for commercial property located in the Stonehouse development. He stated that there is almost three million square feet of non-residential building space that could potentially be built in this area. Mr. Krapf said this could include commercial office, wholesale warehouse, and light industrial facilities. Participants included the GS Stonehouse Project team, Economic Development representatives from the County, William and Mary, Hampton Roads Economic Development Alliance, and the Virginia Economic Development Partnership. Also attending were Mr. Kennedy from the Board of Supervisors, Planning and Development Management staff, Mr. Wanner, County Administrator, and Senator Norment. Mr. Krapf said that there was much input from all parties that attended.

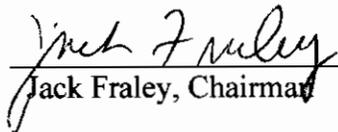
9. ADJOURNMENT

Mr. Fraley requested a motion to continue the meeting until 6:30 p.m. on December 3, 2008.

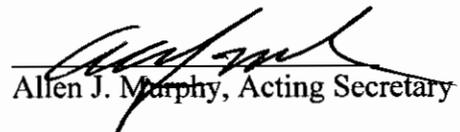
Mr. Poole made the motion to continue the meeting.

Mr. Henderson seconded the motion.

The meeting was adjourned at 8:21 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Acting Secretary