

A SPECIAL WORKSESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF AUGUST, TWO-THOUSAND AND NINE, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley
George Billups
Chris Henderson
Deborah Kratter
Rich Krapf

Absent:

Joe Poole, III
Reese Peck

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Tammy Rosario, Principal Planner
Luke Vinciguerra, Planner
Kate Sipes, Senior Planner
Ellen Cook, Senior Planner II
Jason Purse, Senior Planner
Dave German, Senior Planner
Steven Hicks, Manager of Development Management

2. MINUTES

Ms. Deborah Kratter made a motion to approve the minutes, with a second from Mr. Jack Fraley.

In a unanimous voice vote, the minutes were approved (5-0; Absent: Poole, Peck).

3. SECTIONS

A. Transportation and Land Use

Mr. Luke Vinciguerra stated that during the citizen outreach phase, citizens expressed a desire for many congested roads to be improved. Controlling development, bike lanes, and walking paths are increasingly important components in the transportation network. Staff also noted Virginia Department of Transportation (VDOT)'s recommendations for bike and pedestrian paths to reduce vehicular trips from new development. Funding for new road construction and widening arterial roads is limited. Staff updated the 2003 Comprehensive Plan text, adding a new section incorporating VDOT recommendations and 'complete streets' concepts. Staff revised the corridor vision section and proposed Goals, Strategies, and Actions (GSA's) as well. The complete streets concept is a roadway designed to accommodate pedestrians, bicyclists, motorists, and other transit. This concept also provides interconnectivity.

Ms. Ellen Cook stated that the main items in the Land Use section discuss growth management tools and action items on cumulative development tracking and submittal requirement and cash proffer guidelines. The Land Use section included a package of options

for preserving the rural economy and rural character. Also included were redevelopment incentive strategies, and reformatted land use designations descriptions to include the development standards. The Economic Opportunity (EO) designation was also created.

Ms. Cook introduced Mr. Vladimir Gavrilovic with Renaissance Planning Group (RPG).

Mr. Gavrilovic stated that RPG assisted staff with research of peer communities and best practices for both land use and transportation. RPG reviewed the Transportation GSA's and made recommendations. RPG did much more targeted research with the Land Use section, including analysis of recent legislation, such as Transfer of Development Rights.

Mr. Rich Krapf asked Mr. Gavrilovic if he would be prepared to answer questions on both Land Use and Transportation.

Mr. Gavrilovic stated he could, noting, however, that RPG concentrated on the Land Use section.

Ms. Kratter asked if the comments provided by RPG could be located within the Comprehensive Plan text.

Mr. Gavrilovic stated that Staff incorporated the appropriate suggestions within the text.

Mr. Chris Henderson asked Mr. Gavrilovic to describe the assumptions made to arrive at the various population projections provided for the by-right zoning and based upon the Comprehensive Plan designation, specifically what type of density (low, moderate, or high) was applied.

Mr. Gavrilovic stated that RPG did not create the population projections.

Mr. Jason Purse stated that the other consultant, URS, created the population projections.

Mr. Henderson asked Mr. Gavrilovic about the implementation of Transfer of Development Rights (TDR) in the County.

Mr. Gavrilovic stated that no Virginia locality has implemented TDR's yet. The legislation enabling TDR's is currently under legislative review. Greater incentives are being considered. TDR's have been used in Maryland with some success. If TDR's are the primary means for transferring density it tends to work well. Conversely, if TDR's are used concurrently with rezonings or more by-right density the incentive to transfer development rights is lessened and does not work well. Those areas where it has been implemented have tended to have both a strong market for higher density in the receiving areas and fairly low density in the sending areas to create the incentive.

Mr. Henderson asked if there is an identified price point where TDR's work best.

Mr. Gavrilovic stated that there was no direct correlation seen in the research. There are

figures on the sales prices of several localities' development rights in the RPG report. There is no research showing that TDR's are more effective at a certain price point. It is sensitive to density and the opportunities for getting density in the receiving areas.

Mr. Henderson asked, in a county like James City where there is a wide range of existing densities available with the existing zoning is the range an impediment to implementation.

Mr. Gavrilovic stated that if the density in a rural area (also a sending area) is one unit per two acres that would create a fairly marketable opportunity for a property owner to develop their land, rather than trading the development right to another area. In another scenario with a receiving area, if you have densities that were already fairly high, higher than the market demand, then there may not be an incentive to trade the density.

Mr. Krapf stated that a number of surveys taken for this Comprehensive Plan, as well as previous Comprehensive Plans, reflect citizens concerns with the pace of growth in the County. He asked for examples of localities using population triggers.

Mr. Gavrilovic stated that within Virginia, Chesapeake, Prince William, Chesterfield, and other localities require different level of service tests for many legislative case proposals.

Mr. Krapf stated that he is interested in hearing about those localities that have implemented tools to slow the pace of development.

Mr. Gavrilovic stated that utility extensions have been used as a means to manage fiscal impacts and growth. The proffer system is also a way to manage the cost of development.

Ms. Kratter asked if there is another locality in Virginia that uses cumulative impact models. The models would take into account the level of growth to be expected and, the outlook for the impact of that growth.

Mr. Gavrilovic stated that both traffic demand modeling and traffic modeling have been used. Presently, he does not know of any localities that use a method of modeling that integrates traffic models and is comprehensive enough to account for public services such as Fire and Rescue, Police, and Schools. Typically, different departments have different methodologies for determining the potential public service needs created by proposed development. Chesterfield County has a level of service analysis completed for all the different types of development impacts. Chesterfield County has created a standard for the level of service that must be met. It is very challenging to forecast the impact of an individual development on a level of service basis.

Ms. Kratter asked if there is another model that may be less time-exhausting than the one of Chesterfield County, and asked staff how they estimate the impact of a proposed development.

Mr. Jason Purse stated that with legislative cases staff evaluates the fiscal impact of a development by considering how much money it will generate versus the amount that it will cost. There is a public facilities test for schools as well as a cash proffers policy. A traffic impact

study is required for many cases. This would indicate the traffic impacts of the proposed development. Parks and Recreation has a Master Plan that is used to evaluate the recreational needs generated by a proposed new development. Monetary contributions are then considered to mitigate some of these impacts.

Ms. Kratter asked if there is an established system used to make these evaluations.

Mr. Purse stated that staff does not have a system that takes everything into account; making forecasts to encompass all of these needs would be a great challenge. The information is studied on a case-by-case basis.

Mr. Gavrilovic stated that the standard for this is departmental review. Each department has its own methodologies and its own models. For example, Fire and Rescue modeling studies impacts on response times, which is much different from a fiscal impact model. There is no integrated model that incorporates all impacts. Methods similar to the ones used by James City County are the ones most frequently used in other jurisdictions. The one problem with this method is that it does not keep track of those developments that are approved but not yet developed.

Ms. Kratter stated that she envisions a cumulative impact study that incorporates those approved developments that have yet to be constructed.

Ms. Cook stated that Staff is aware of citizen, Planning Commission and Steering Committee interest in cumulative impact studies. Staff did produce an Appendix to the Technical Report which had been forwarded to the Planning Commission members. The Appendix detailed some of the methods used to forecast development impacts. This was linked to the GSA's that were drafted for this Comprehensive Plan. It speaks to cumulative impact modeling as part of an effort to work towards a better standard of data compilation. It also talks about development of cash proffer guidelines for some of the impacts that the County does not currently have guidelines for. Several GSA's were added in relation to this concern.

Mr. Jack Fraley stated that the model Chesterfield County uses does take into account cumulative impacts for schools. In regards to traffic, if the level of service was less than "D", the proposed project would not move forward. James City County has begun studying impacts in respect to traffic. Progress has been made in the area of transportation. Schools are not looked at on a cumulative basis at this time. There was a recommendation that came from the Steering Committee regarding Rural Lands. The Steering Committee would like the Board of Supervisors (BOS) to consider methods that could be employed to greatly reduce the density in Rural Lands. The Rural Lands Technical Committee had come up with some options for reducing the density in Rural Lands.

Mr. Gavrilovic stated that one strong conclusion of the Rural Lands Committee was the idea of balancing the need for rural preservation with property rights considerations. A lot of the conclusions and recommendations from the Committee had that sense of balance. One positive outcome was the idea that the County could expand upon the range of options for rural land owners. Many different development options were explored including cluster overlays. The

proposed cluster overlay would allow down to three-quarter acre or one acre lots provided that it saves sixty percent or greater of the land preserved in permanent easement. For smaller properties, the option to get close to the current by-right density in the rural lands was evaluated. Smaller properties were seen as less appropriate or less valuable for rural preservation. While developing the rural preservation proposal the Committee reviewed the ordinances of different localities.

Mr. Fraley stated that the Committee considered a number of different options with an understanding of the complexity of the issues at hand. Mr. Fraley asked Ms. Tammy Rosario if she could recall the base density the committee had decided upon.

Ms. Rosario stated that there were a variety of options considered including a range from one unit per three acres, small lot clusters, one unit per twelve acres for conventional development, and an open space cluster design.

Mr. Fraley stated that the Rural Lands Committee got as far as drafting the Ordinance when the efforts of the committee were put on hold.

Ms. Rosario stated that there was an interest in having more discussion at the Board level.

Mr. Krapf stated that it seems evident that a parcel ranging from one to three acres is not enough for a Transfer of Development Rights (TDR). Mr. Krapf asked Mr. Gavrilovic what is the highest density sending area that he is aware of in regards to TDR's.

Mr. Gavrilovic stated that in Montgomery County, Maryland the TDR sending area is one to twenty or one to twenty five. Howard County is another successful community with a similar range.

Mr. Krapf stated that one Action Item listed in the Comprehensive Plan is to look at Rural Land density and to explore the TDR program. When the Ordinance was changed to reflect its current density in Rural Lands from a one acre requirement to a three acre requirement the citizens within the County responded with concern. If the County were to move to a requirement of twenty or twenty five acres the citizens would certainly respond to such a change.

Mr. Gavrilovic stated that in some communities that have begun TDR programs, as a compensatory measure the density is based upon the preexisting zoning.

Mr. Krapf stated that this then became the economic incentive to encourage TDR's.

Mr. Henderson asked if communities with TDR programs use that as the only means of creating a higher density. Once TDR's are in place a property owner would be precluded from creating a higher density without participating in the program.

Mr. Gavrilovic stated that he cannot speak for all communities participating in TDR programs, but as far as he knew, the only way to increase density within these communities is to purchase development rights.

Mr. George Billups asked if there is standard created by the State for localities considering expanding utility services.

Mr. Gavrilovic stated he is not aware of any universal standard.

Mr. Steven Hicks stated that possibly Mr. Larry Foster, of James City County Service Authority (JCSA) could speak about this at a later date. Mr. Hicks stated that he is not aware of any standard, but water availability is carefully considered when new development is proposed. The Primary Service Area (PSA) is used as a tool to manage growth, recognizing that there is a finite supply of water.

Mr. Krapf stated that there was a memo put out by RPG that stated if utilities were expanded upon for public facilities or health, welfare and safety then it made a minimal impact on land speculation and the value of land. If the utilities were sent beyond the PSA for commercial uses there was a greater occurrence of land speculation and, the price of land increased.

Mr. Krapf asked the Commission if there were any final comments on Transportation or the Land Use text.

Ms. Kratter quoted Transportation Action item 1.2.3: “we should recognize the importance of rail service as a viable transportation mode”. Ms. Kratter stated that it sounded vague and did not clearly illustrate the actions the County intends to take.

Ms. Rosario stated that some of the language chosen reflects that this is not entirely within James City County’s control. The County would have to depend upon assistance from the State as well as neighboring localities.

Ms. Kratter suggested placing the section regarding “we do recognize the importance” within the introduction of the Transportation section. The Action Item would then become what the County can do to participate.

Mr. Krapf stated that Mr. Sandy Wanner had presented a memo on this subject. In it was a request to look at the wording of all Actions to make sure that they were neither too limiting by requiring further action be taken nor too vague to nullify the opportunity for change.

Mr. Fraley stated that the population numbers were estimated at 118,000 for build-out by zoning designation. The build-out by 2003 Comprehensive Plan Land Use designation was estimated at 177,000. The build-out by the current draft of the Comprehensive Plan Land Use designation is 178,000-187,000 depending upon the Economic Opportunity (EO) designation as either a Commerce Park or a Transit Oriented Development. The Comprehensive Plan vision statement is to create a sustainable community. Mr. Fraley stated that the population projections provided do not reflect a population the community could sustain. Mr. Fraley stated that more information is needed regarding how this would impact public facilities. Mr. Fraley stated he did not think he could support the 2009 Comprehensive Plan unless it had a target population specified.

Ms. Kratter stated that she would like to review methods in which they could affect a decrease in the population growth potential.

Mr. Krapf stated that the build-out by year is another estimation that varies greatly. Build-out by current zoning is projected to happen in 2045 where as build-out by transit oriented option is at build-out by 2089.

Mr. Henderson stated that there should be a target population number. This would enable the County to more effectively plan ahead and place public facilities where they will be most needed.

Ms. Kratter stated that having a target population number will enable the County to plan best for the future.

Mr. Hicks stated that creating a target population number may or may not assist with the pace of growth.

Mr. Billups stated that the County should be coordinating with neighboring municipalities more.

Mr. Fraley stated that the County has already created a target population number with the current zoning designation.

Mr. Gavrilovic stated that the rate of population growth is particularly hard to control. Having a vision for build-out is important. Another consideration should be employment. From a fiscal stand point, a balance between jobs and housing is important.

Ms. Rosario stated that if staff were to undertake the goal of creating a target population number it would require a significant amount of research, as well as consensus on assumptions. This is not a figure that would be easily reached and would be beyond the scope of target in completing the Comprehensive Plan. In this Comprehensive Plan effort staff has taken a much longer view of population than ever before. This is a twenty year document. In this Comprehensive Plan the transportation modeling completed looks at build-out much more thoroughly than any previous years. Creating a target population number would require a significant amount of work, public dialogue, and decision making.

Ms. Kratter asked if there can be a coherent vision without a target population number.

Mr. Fraley stated that he recognizes the accomplishments made by this Comprehensive Plan in regards to looking ahead to the future. A commitment should be made sometime in the future to create a target population number.

Mr. Allen Murphy stated that there is unprecedented discussion on sustainability within this Comprehensive Plan. If we implement all the GSA's that have to do with comprehensive analysis, and we continue the trend of permitting development through legislative decisions to

reach what we believe a reasonable density, above and beyond a very low base density which is still a part of our zoning, those sustainability issues are going to be a part of every land use decision and they will evolve. As the County reaches certain acceptable thresholds based on adopted policies, if it implements this plan a lot of it will sort itself out. And there will be subsequent adjustments to the PSA as thresholds are reached.

Ms. Kratter stated that it sounds as if Mr. Murphy has assumed that 118,000 is a low population estimation. By implementing the GSA's the County is trying to get the best growth possible each time a new proposal comes to us.

Mr. Murphy stated that yes; there is an assumption that we have to grow. Enabling legislation assumes that the County must grow, but assumptions built into a projection of population based either on zoning or land use designation will not necessarily come about if that policy or the Ordinance changes along the way. As the County establishes and reaches certain thresholds, the BOS and Planning Commission will make changes.

Mr. Billups stated that the role of government is to look ahead to the future and develop a vision of what the community should look like.

Ms. Rosario stated that she does not want people to forget that the Community Participation Team (CPT) worked very hard at hearing from the public what they wanted the future of the County to look like. The Steering Committee looked at the compatibility of the Vision statement against how the community had responded. The Steering Committee worked hard at synthesizing each section of the plan into one goal which reflected the goals established by the citizens. The Comprehensive Plan has been written in a manner to fully incorporate the input provided by the citizens.

Mr. Henderson stated that some further specificity is needed. Without a bench mark you cannot measure the progress that has been made.

Ms. Rosario stated that from the staff's perspective it is not just about a number, it is about the quality of life at various points along the way. They cannot be measured by the number of people we have but how the different elements of the Comprehensive Plan are looking along the way - community character, environmental standards, and transportation network.

B. Land Use Applications

Mr. Jason Purse presented the four land use applications which Commission members had requested to discuss in advance:

LU-0040-2008, 1332 Jamestown Road

The owner wanted the parcel to be redesignated from Low Density Residential to Community Commercial. After much discussion the Steering Committee decided to redesignate it Neighborhood Commercial.

LU-0022-2008, 8491 Richmond Road

The parcel is 218 acres, split zoned between A-1 and B-1. The applicant wanted the parcel to be redesignated to Mixed Use as well as placed in the PSA. The Steering Committee voted to deny the application.

Hazelwood Holding Staff #10

The parcel is split zoned between B-1 and A-1. It was also split designated half of it designated Mixed Use and the other half was designated Rural Lands. Staff had recommended that part of the parcel would be outside of the PSA and designated Rural Lands and the other part would be designated Mixed Use and inside the PSA. The Steering Committee voted to approve staff's recommendation.

LU-0015-2008, 499 Jolly Pond Road

This parcel is part of the Colonial Heritage Subdivision. It is approximately 731 acres mostly designated Low Density Residential. The Deer Lake portion is outside of the PSA and had a Special Use Permit approved for a Residential Cluster of 50 lots. The applicant wanted 219 acres brought inside the PSA and redesignated Low Density Residential. The applicant has amended the request. The applicant now proposes 65 acres would be included in the Mixed Use area and, brought into the PSA. The rest would be designated Low Density Residential. The area where the Residential Cluster would be built would be the same 50 lots that had been previously approved and would be brought into the PSA. The remainder of 90 acres dedicated as part of a conservation easement and not in the PSA. There would be 130 acres inside the PSA, 65 acres would be included in the regular Colonial Heritage Master Plan and the remaining 65 would be a part of the 50 lot subdivision.

LU-0040-2008, 1332 Jamestown Road

Mr. Henderson stated that there is a developer looking at land across from Colony Square Shopping Center. There have been comments made by the public in regards to commercial development along the Jamestown Road frontage. It would be a good exercise to look at that area again to determine whether or not a Neighborhood Commercial designation might be more appropriate along a greater portion of the Jamestown Road frontage than that which we have currently designated.

Mr. Fraley stated he has concern about this corridor. It has been identified as a traffic issue. The citizens do not want Jamestown Road to be widened. If it is built out according to current zoning then it could be problematic. The whole corridor needs to be examined very closely. The County needs to work on this in a more proactive manner. The drugstore proposal on Jamestown Road has drawn a great number of citizens that felt strongly about not wanting further development on this corridor.

Ms. Cook stated that the Comprehensive Plan does address the issue in that a deliberate action had been taken to designate such parcels Low Density Residential in an attempt to moderate some of the traffic effects.

Mr. Murphy stated that staff originally wanted to keep the current designation as it

stands, which is Low Density Residential. With this designation it would require legislative action for the parcel to be used for commercial development. The Steering Committee had chosen to change the designation in an attempt to give the land owner some business designation.

Ms. Kratter asked if the Planning Commission should go back and redesignated the parcel consistent with staff's recommendation.

Mr. Fraley stated that this is an example of a parcel that is zoned and designated two different uses. The owner could build out the parcel by-right with the B-1 zoning. There should be greater consistency with the zoning and land use designation. Applicants want greater land use predictability and by having conflicting zoning and land use designation there is less predictability for applicants.

Mr. Murphy asked Mr. Fraley if he is proposing down-zoning the parcel.

Mr. Fraley stated he is.

Mr. Murphy stated that down-zoning is very controversial. The legality behind down-zoning is very complex. Over the course of history the BOS has been very reluctant to act in that manner as they had been advised by the County's Attorneys against it.

Mr. Fraley stated that we did do this with the Rural Lands.

Mr. Murphy stated that the density was adjusted. To his knowledge the County has never down-zoned a commercial designation.

Mr. Murphy stated that in this case the Steering Committee changed the land use designation to one of greater intensity. This would give the governing body less leverage to restrict the commercial usage of the property.

Ms. Kratter stated that by changing the designation, it favors the property owner's ability to use it in a commercial manner.

Mr. Murphy stated that the County would have less discretion if the property designation is changed to Neighborhood Commercial. Regardless of its Land Use designation, the property owner would still be capable of using the property in a by-right way, though more intense uses would have to be decided upon by the BOS.

Mr. Krapf asked if the Planning Commission would like to reconsider the Land Use designation for this parcel. Alternatively, would the Commission support a new Action in the GSAs that would address the entire corridor. The corridor could be identified for further review.

Ms. Kratter stated that she is in favor of resuming the Low Density Residential designation as well as identifying the entire corridor for further review.

Mr. Murphy stated that it seems the Steering Committee was attempting to rectify the

inconsistency seen between the B-1 zoning and the Low Density Residential Land Use designation.

Mr. Henderson stated that he feels the Neighborhood Commercial designation is appropriate for the property. He feels that it may be appropriate for more of this area to be designated Neighborhood Commercial, given the fact that there is this larger node of Community Commercial which is the highest commercial designation that we have in the Comprehensive Plan on the adjoining property and given that there is pressure currently for redevelopment along this corridor.

Ms. Kratter asked what the other nearby properties are zoned along the corridor.

Mr. Murphy stated that they are all zoned commercial. All properties are developed.

Mr. Henderson stated that redesignating the property Neighborhood Commercial, as endorsed by the Steering Committee, is highly appropriate.

Ms. Cook used the location map to clarify with Mr. Henderson the two properties under discussion.

Mr. Krapf stated that to expand the consideration would involve re-advertising and property notification.

Mr. Purse stated that the application received was only for the one parcel. Further advertising and notification would have to be done if other properties were to be considered.

Mr. Krapf stated that time-wise this precludes the Commission's ability to include this in the Comprehensive Plan.

Mr. Henderson stated that could be addressed as an Action.

Mr. Krapf stated that an Action could be included to address further review and changes from Community Commercial to Neighborhood Commercial further down Jamestown Road.

Mr. Billups stated that proffers would have to be considered if the corridor would include uses with higher intensity.

Mr. Krapf stated that this is just the Land Use designation and not the zoning. Mr. Krapf made a motion to create a new Action to encourage further looking into changing the designation of the Jamestown corridor from Community Commercial to Neighborhood Commercial.

In a voice vote, the Commission approved the motion for a new Action Item (4-1; Yes – Henderson, Fraley, Kratter, Krapf; No – Billups; Absent – Poole, Peck).

Mr. Murphy asked if this review is anticipated before the next Comprehensive Plan.

Mr. Fraley stated that his vision is to look over the whole corridor and create a Master Plan and was intended before the next Comprehensive Plan.

Ms. Kratter asked if it is totally impractical to redesignate the property at this time due to time constraints. In five years there could be a number of new development proposals.

Mr. Murphy stated that this area would benefit from some further analysis. Ultimately the shopping center will be redeveloped. Understanding what the County wants the development to look like would be of importance. If the area were redesignated to Neighborhood Commercial it would be a less intense use. This could impact redevelopment greatly, potentially affecting tax revenues.

Mr. Billups stated that he would like the corridor to largely remain the same.

Mr. Fraley stated that the Marywood development is a good example of a by-right development that had serious impacts on the surrounding area.

LU-0022-2008, 8491 Richmond Road

Mr. Fraley stated that he wanted to consider the next property for re-designation. The property is strategically located. The property should be seriously considered for a designation change under the new Economic Opportunity (EO) designation. One of the Actions within the Comprehensive Plan text is to support the Business Climate Task Force (BCTF). The BCTF identified the need for a 200 acre parcel along the I-64 corridor for future economic development.

Mr. Krapf stated that he is very comfortable with the decisions made by the Steering Committee. The whole EO concept is a very new idea and is tied to having a Regional Master Plan. The desirability of the Hill Pleasant property was its location adjacent to York County and its proximity to the City of Williamsburg. The other premise of the EO designation was once there was an approved Master Plan then the acreage would go into the PSA. The 600 acres associated with the Hill Pleasant Farm is a huge property designated as EO. The Stonehouse Commerce section just up the road from this property is being looked at for economic development as well.

Mr. Fraley stated that the term Regional Master Planning did not necessitate planning with any other jurisdiction. There is no property going into the PSA. It would only be moved inside the PSA as part of a Master Planning process.

Mr. Krapf stated that he is aware of the risk of more three acre by-right development but, he does not agree with redesignating the property as EO.

Mr. Henderson stated that there are two Planning Commission members absent this evening that may want to provide their input. The entire Commission should consider this proposal.

Mr. Krapf stated that he has no problem with having the entire Planning Commission weigh in on this.

Ms. Kratter stated that she wants to make sure that under no circumstances were they to create an opportunity for the property owner to develop a higher density residential neighborhood.

Mr. Fraley stated that the intention of the residential component within an EO designation is not a strict percentage. Each property has its own definition that regulates the percentage of residential units.

Hazelwood Holding Staff #10

Mr. Krapf asked Staff to reproduce the report that went along with this application.

Mr. Fraley stated that he is a proponent for PSA lines following logic. In this case the PSA line is illogical.

Mr. Purse pointed out the new PSA line that staff had proposed. There is an environmental feature that the new PSA would follow as well as a zoning line and a property line.

Mr. Fraley stated that the property owner wanted the PSA to be extended to Barnes Road. As it stands now it does not follow a property line.

Mr. Purse stated that there is property line that the PSA would follow.

Mr. Fraley stated that it is the same owner.

LU-0015-2008, 499 Jolly Pond Road

Mr. Fraley stated that this case illustrates a larger point where greater flexibility regarding public utility extensions outside the PSA would be beneficial.

Ms. Kratter asked if the applicant is proposing an expansion of the PSA. The applicant wants to do most of the development in an area that is outside of the PSA.

Mr. Fraley provided an illustration of an unapproved design. The applicant is permitted 50 units. Based on current zoning and the size of the lot, those 50 units might be arranged in the sort of design shown on the plan.

Mr. Fraley provided a different illustration of another unapproved design of the same area. The applicant has proposed to provide an exchange for having public utilities to have 90 additional acres placed in a Conservation Open Space. This provides added protection for the area around Deer Lake. The 50 units would be clustered in a lower area. The County would gain the additional area with the Conservation Open Space. The applicant is proposing the PSA line be moved. The applicant is capped at 2,000 units within Colonial Heritage subdivision. The clustered units could be Workforce Housing, if this is a benefit the County would like to see. If a

central well is put in place the County would assume ownership anyway. The utilities are already there across the street. More flexibility and consideration would provide an opportunity for some significant public benefit.

Mr. Krapf stated that he disagrees. Mr. Krapf stated that he is opposed to the proposal based on three reasons: the existing proposal does have some environmental proffers associated with it, this expands the PSA, and setting additional precedence in expanding the PSA could be problematic. Mr. Gavrilovic had written a memo illustrating the adverse affects of extending the PSA for uses outside of public, health, welfare and safety could create an environment conducive to land speculation and inflation of land prices.

Mr. Fraley stated that this case would not affect land speculation since the developer already has a plan for 50 approved units.

Mr. Krapf stated that it would set precedence.

Ms. Kratter stated that she supports Mr. Krapf's position.

Mr. Murphy stated that in this case the applicant has made some significant offers for the movement of the PSA line. They have done this for a purpose. Possibly the applicant has done this to meet the ultimate cap for Colonial Heritage. Given the zoning of the subdivision, that cap may not otherwise be met. These proposed units that would be built in the expansion of the PSA would not otherwise be built. Otherwise the County would not be given the significant offers made by the applicant.

Mr. Henderson stated that he proposes that this be presented to the full Planning Commission.

Mr. Billups stated that he can support the proposal. The right to have access to public facilities has certain legal considerations. Mr. Billups stated that this should be considered by the full Planning Commission.

BASF Property

Mr. Fraley stated that the current zoning for the BASF property is M-2, the Comprehensive Plan Land Use designation is General Industry. The manger of the BASF property wanted to request a Land Use designation change, but he was unable to get the application in before the deadline. Mr. Fraley was not at the Steering Committee meeting when this property was brought up for consideration. There was a secrecy agreement signed by the manger of the property disallowing him from it being brought forward during the time when applications were accepted. At the time the manager was in negotiations with a potential client. The other consideration regarding this property is that the Business Climate Task Force (BCTF) has suggested that the property be reserved for office and light-industrial uses. Within the Comprehensive Plan there is an Action stating that the County should support the BCTF. The applicant has made a request that the property be considered for Mixed Use. The property manager stated that he has received no interest in developing the property for General Industry. There has been interest in the property for Mixed Use.

Mr. Krapf stated that the Land Use application deadline had been extended by at least another four weeks. The owner could have taken advantage of submitting the application at two different times. At the time that this was brought up during the Steering Committee's review the consensus of the Committee was that allowing this one applicant in beyond the deadline would be setting a precedent with negative outcomes. Other applicants could come forward with similar issues that precluded them from submitting as well.

Ms. Cook noted that the property is zoned M-2, and is designated General Industry. The Office of Economic Development (OED) supports the property remaining General Industry.

Mr. Murphy stated that staff had received an email from the OED expressing their support for the property to remain designated General Industry, not Mixed Use with a possible residential component.

Mr. Fraley stated that with the Mixed Use or EO designation, the residential component is defined by the conditions established expressly written for the property.

Ms. Cook provided some background information, stating that in 1997 the property owners had requested a re-designation to Mixed Use. The Steering Committee, Planning Commission, and BOS retained the current designation of General Industry and the same had also occurred in 2003.

Mr. Fraley stated that currently there is a new attitude towards business.

Mr. Krapf stated that it would be inappropriate to consider the application on the grounds of it not having been submitted prior to the deadline.

Ms. Kratter stated that she does not favor any project that potentially increases residential development.

Mr. Billups stated that the County needs to consider what they want the area to look like in the future.

Ms. Kratter stated that possibly there could be an Action added to more fully review and discuss what the whole area should look like.

Mr. Krapf stated that he could support such an Action.

Mr. Fraley stated that staff is not going to have the ability to create numerous Sub-Area Master Plans.

Mr. Murphy stated that the Committee needs to make a determination regarding the Land Use designation.

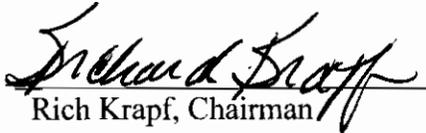
Mr. Krapf stated that the Planning Commission will refrain then from requested a new

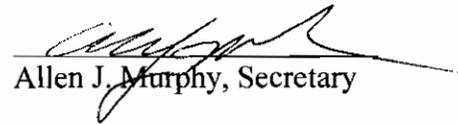
Sub-Area Master Plan.

4. ADJOURNMENT

Ms. Kratter moved to adjourn, with a second from Mr. Billups.

The meeting was adjourned at 8:30 p.m.


Rich Krapf, Chairman


Allen J. Murphy, Secretary