

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF NOVEMBER, TWO-THOUSAND AND TEN, 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:

Rich Krapf

Al Woods

Tim O'Connor

Reese Peck

Mike Maddocks

Jack Fraley

Joe Poole

Staff Present:

Allen Murphy, Director of Planning/

Assistant Development Manager

Adam Kinsman, Deputy County Attorney

Tammy Rosario, Principal Planner

Sarah Propst, Planner

Jennifer VanDyke, Administrative Services Coordinator

Kate Sipes, Senior Planner

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Jack Fowler, 109 Wilderness Lane, spoke on the health of James City County waterways. Mr. Fowler asked that the Planning Commissioners understand that improving and sustaining good water quality is a priority for the County and its citizens.

3. MINUTES

A. August 24, 2010- Public Forum

Mr. Joe Poole moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

B. September 1, 2010-Regular Meeting

Mr. Rich Krapf moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

C. September 27, 2010-Public Forum

Mr. Jack Fraley moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

D. October 6, 2010-Regular Meeting

Mr. Poole moved for approval of the minutes with corrections.

In a unanimous voice vote, the minutes were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated that the October meeting of the DRC was held on October 27<sup>th</sup> at 4:00 p.m. Mr. Fraley, Mr. Maddocks, Mr. Poole and Mr. Krapf were present. The DRC discussed SP-0085-2010, Weatherly at White Hall Soft Trail Site Plan Amendment. A site plan amendment was requested by the applicant to adjust the location of a soft trail in Waverly at White Hall. The DRC reviewed this amendment because proffer 18 specifies that the exact location of recreational facilities must be reviewed and approved by the DRC. The previously approved trail was designed to go between buildings 19 & 20. This amendment proposes to move the trail around the outside of building 20 for better pedestrian flow and less intrusion on the residents in these two end buildings. In a unanimously voice vote (4-0), the DRC approved the site plan amendment.

The DRC also discussed SUP-0026-2010, Tractor Supply Company at Norge Center Retail. A Special Use Permit (SUP) application has been submitted for construction of a 19,000 square foot retail building at 7508 Richmond Road (adjacent to Farm Fresh). The property is located on 3.4 acres, zoned B-1, General Business, and is designated Community Commercial in the 2009 Comprehensive Plan. The parcel also lies within the Norge Community Character Area and fronts along Richmond Road, a Community Character Corridor. The applicant first came before the DRC on September 29<sup>th</sup> requesting comments in advance of the SUP submission. At that time, suggestions were made concerning color schemes and architectural elevations. The applicant returned to the DRC with revised elevations for additional feedback, which was provided prior to consideration by the full Planning Commission.

The DRC discussed C-0032-2010, New Town, Town Center Parking. Twice a year, the DRC receives reports about off-site parking, shared parking and other issues that impact parking in New Town. Discussion at this meeting centered on a study to add a 15,330 square foot addition to Building 900 (occupied by Opus 9) at the end of Main Street. This space would be occupied by American Family Fitness and result in the loss of 60 parking spaces in Block 3. It would also result in an increased demand for 57 parking spaces during peak occupancy hours. The staff report for this proposal stated that New Town should be able to accommodate the changes in parking required by the building expansion. Reasons cited included the popularity of public bus and trolley services and the provision of strong pedestrian and bike linkages. In addition, the New Town Commercial Association has proposed to label the spaces on both sides of Main Street and 15 spaces along Ironbound Road as not for the use of American Family Fitness patrons.

The DRC reviewed a proposal to extend Main Street and the pavilion, adding 22 additional parking spaces. By a vote of 4-0, the DRC approved the shared parking plan with the stipulation that all involved parties come to agreement on how best to provide additional parking at the end of Main Street. The DRC also approved the next scheduled New Town shared parking review for April 2011.

Mr. Poole moved for approval of the report as presented.

In a unanimous voice vote, the minutes were approved (7-0).

#### B. Other Committee/Commission Reports

Mr. Fraley announced two Policy Committee meetings dates November 8<sup>th</sup> and November 22<sup>nd</sup> both at 6:00 p.m. in Building A. On November 8<sup>th</sup> an updated report will be presented by staff on the Ordinance Update as well as the draft annual Planning Commission Report. On November 22<sup>nd</sup> the Policy Committee will discuss the new Economic Opportunity (EO) district based on the EO designation from the 2009 Comprehensive Plan.

Mr. Mike Maddocks reported that last week the Regional Issues Committee met. A report was presented by Mr. Sandy Wanner regarding the Historic Triangle Collaborative effort. Also, a report from Mr. Marshall Warner was made on the Greater Williamsburg Chamber and Tourism Alliance regarding hotel stays.

### 5. PRESENTATION

#### A. Sustainability Audit

Ms. Tammy Rosario stated that the audit was a high priority item from the 2009 Comprehensive Plan as well as the Zoning and Subdivision Ordinance Update process. The audit includes more than 70 widely applicable strategies and almost 150 specific action recommendations for James City County. The audit provides an additional level of detail regarding options for achieving that general direction as well as offering new ideas. Staff will be considering the recommendations during the update process and incorporating them when feasible as well as reserving others for future endeavors. Staff is looking to receive feedback from the Commissioners regarding the report.

Mr. Brad Strader from LSL Planning reported on the audit. The audit is a study to ensure government is meeting the needs of the current generation, and ensuring resource needs have been met for the future.

Mr. Strader stated that in looking at the 2009 Comprehensive Plan there are many sound principles articulated that will become important tools to better ensure sustainability. During the audit process Mr. Strader's firm reviewed the current Zoning Ordinance, Subdivision Ordinance, and related policies to help guide changes during the Ordinance Update, implementing the 2009 Comprehensive Plan to achieve greater sustainability.

Mr. Strader elaborated on key sustainability principles and related suggestions. The 2009 Comprehensive Plan placed a high priority on preserving and creating a sense of place. During this process different design standards will be discussed and used as a tool to help create a sense of community for developed and undeveloped areas. In terms of redevelopment, several shopping centers in James City County, as in many other localities, require some assistance to ensure their longterm-viability. Possible incentives for the development community were discussed in the report which can be considered to achieve better viability of established shopping centers. For undeveloped areas, the County may want to consider methods to create modest density increases. The firm determined that the County may want to consider taller building standards in a couple of areas. The audit included looking at multi-modal transportation possibilities. Virginia has an aggressive Access Management program. Incorporating access management standards and reviewing parking standards during the process could benefit the County's sustainability efforts. The audit referenced VDOT standards for street and sidewalk connectivity. Environmental factors were also considered and are a key component to sustainability. Open space and cluster development are tools to consider for the sake of preservation. The Transfer of Development Rights (TDRs) and Purchase of Development Rights (PDRs) are other effective tools for preservation. Developing standards for landscape diversity and drought tolerant landscaping are important measures to consider. Methods for improving air quality were suggested, such as promoting multi-modal transportation and creating buffers around residential areas and minimizing the noise impact generated by the interstate. Finding ways to support alternative energy will benefit the entire community. He provided one example suggesting modest increases to height and density for buildings that are energy efficient.

Mr. Fraley stated that when he thinks of mixed use development he imagines vertical development. The County's mixed use standards are more similar to the industry's definition of multi-use. Recognizing and clarifying these differences would be helpful.

Mr. Fraley asked staff how the Board of Supervisors (BOS) will be informed of the Planning Commissioner's comments.

Ms. Rosario stated this evening's presentation is a means of disseminating information. The BOS can watch this evening's meeting or if it is more convenient, staff can forward the minutes from the meeting.

Mr. Fraley noted that the audit proposes incentives to encourage certain development. The other option is to create requirements within the ordinances. Mr. Strader was asked to comment on this.

Mr. Strader stated that making the determination of incentive verses requirement is one staff and the Commission will have to make. When making that determination, one should keep in mind those initiatives that are essential verses preferred. Mr. Fraley stated he sees using incentives to promote density in areas deemed appropriate.

Mr. Al Woods asked if there will be further opportunities for the Planning Commission to discuss the audit.

Ms. Rosario stated this is the first opportunity for staff to hear feedback from the Planning Commission. Moving forward through the Policy Committee, staff will be highlighting changes that have been recommended by the audit. Staff reporting on progress will provide future opportunities for discussing recommendations. There will not be a staff presentation at the BOS meeting. The information is being sent to the BOS through the broadcast of the Planning Commission meeting and the subsequent minutes. The presentation of the Sustainability Audit will be forwarded via email to the BOS.

Mr. Woods asked to confirm that there will be additional opportunities for the Planning Commission to consider the audit as the Policy Committee works through revision proposals.

Mr. Allen Murphy stated the audit will be used as a touchstone for staff, the Commission and BOS. The Planning Commissioners will have additional opportunities to provide feedback on the implementation of those chosen elements taken from the audit for use in the ordinances.

Mr. Mike Maddocks suggested that discussions can be shared via email.

Mr. Krapf stated he is interested in considering the implementation of a TDR program. Item # 15 talks about using the Primary Service Area (PSA) as a tool to limit development in rural areas and encourage growth in the growth boundary. Within the County, the PSA line has been modified to include chosen development. Mr. Krapf asked Mr. Strader, based on his experience, about his take on extending the PSA line in relation to a TDR program.

Mr. Strader stated the general sentiment in the planning community is to not move the PSA line. It is difficult to refrain from moving the line again if it has been moved before. Keeping the line intact, especially if the placement of the line is backed with good rationale, is important. Explicit criteria can be created to justify moving the line under extreme circumstances. A successful TDR program requires a tight receiving zone.

Mr. Woods stated he is interested in understanding how to encourage reuse of underutilized areas.

Mr. Strader stated that this is a challenge for many communities. Underutilized shopping centers remain while new shopping centers are erected. First and foremost, communicating with the land owner is imperative. The County could offer infrastructure improvements as an incentive to redevelop. Some communities have done market studies to indicate what the community needs are; this approach is especially useful for those shopping centers owned by a national corporation.

Mr. Poole stated that he is impressed with the principles and actions brought forward in the audit. The historical significance of James City County makes the area a very important cultural resource. It is also important to preserve the natural features and farmland in the community. Action 15, protecting the PSA line, is very important. Creating exceptions to the rule would require careful consideration. Promoting greater density and concentration within the PSA will ultimately protect the integrity of the line.

Mr. Poole stated the expedited review process is easier to accommodate in industrial and commercial areas. Mr. Poole stated development proposals of those areas that abut residential and commercial development have far more at stake. Giving up the legislative review process involving residential and commercial development or if the property is abutting residential and/or commercial areas is not a direction the County should take.

Mr. Strader returned to Mr. Woods' previous question concerning the promotion of redevelopment. To the land owner of the underutilized shopping center that has some income, the construction costs associated with redevelopment combined with the loss of income could deter the property owner. In many cases the land owner may not know that they can utilize a portion of the parking area for new construction. Many ordinances do not require as many parking spaces as they had several years ago, freeing up space for outparcels. This can be a lucrative means for the property owner wanting to redevelop, creating a transition and not cutting off income sources. Implementing a form-based code could benefit the development community by simplifying the review process. Balance needs to be achieved between the development community that does not favor legislative review and the community that wants to provide input during the approval process.

Mr. Poole stated that the James City County's citizenry has expressed certain expectations. These expectations need to be kept in mind as they work through the Ordinance Update process.

Mr. Strader stated that identifying those areas and elements that are most important will help.

Mr. Peck stated there are certain areas outside the PSA where water and sewer had been extended to allow higher density development, as well as for schools and parks. Presently, for those neighborhoods outside the PSA, the developer pays for the community system. The developer installs a water and sewer system built to service authority standards, and then turns it over to the service authority. This may not be the most efficient use of County resources.

Mr. Fraley stated a good reason to modify the PSA line would be for sustainability.

Mr. Strader stated criteria could be created to consider those cases that would add benefit to sustainability. Deviating from the PSA line is not advised.

Mr. Fraley stated that he would anticipate some negative feedback from the community if new efforts were made for infill development.

Mr. Strader stated the public may not be receptive, though as Planning Commissioners their job is to take into consideration the needs of all the community.

Mr. Fraley asked for more information on strategy #4 dealing with food. Mr. Fraley asked Mr. Strader if he had ever considered mapping farms to hospitals, college campuses, retirement communities, and other destinations that have a need for produce or other food items.

Mr. Strader stated in Kalamazoo, Michigan they have a program that promotes farms within 100 miles of the jurisdiction.

Mr. Fraley asked Mr. Strader if he had any insight as to why the Cluster Development Ordinance is rarely used by the development community.

Mr. Strader stated he is not familiar with the County's ordinance enough to speak on specifics. In many localities he has found that the ordinance governing cluster overlays are too complicated for developers.

Mr. Fraley asked Mr. Strader what measures he would recommend for tree preservation.

Mr. Strader stated there are two types of tree protection, woodlot protection and individual tree protection. There are many different methods for both. When considering how this should be regulated one should first identify the primary objective. Also, one should remain mindful of how much staff-time would be exhausted maintaining the proposed regulation. Creating incentives verses mandating preservation may be more advantageous.

## 6. PLANNING COMMISSION CONSIDERATIONS

### A. SUP-0018-2010, American Heritage RV Park Expansion

Ms. Kate Sipes stated that Mr. Vernon Geddy has applied on behalf of Mr. and Mrs. William Rhodes to expand the American Heritage RV Park from 95 to 327 camping sites. The parcel is zoned R-8, Rural Residential, and designated Economic Opportunity on the 2009 Comprehensive Plan. On September 1, 2010 the Planning Commission voted to recommend approval of the proposal to the Board of Supervisors (BOS). At the BOS meeting on October 12, 2010 a vote carried to defer the case until the November 9, 2010 meeting and have the Planning Commission review new information that has come to light since the last Planning Commission meeting. Following the September 1, 2010 Planning Commission meeting in response to concerns raised regarding the width of Maxton Lane, VDOT conducted further site visits and issued revised comments. VDOT's new recommendation includes trench widening to provide increased lane width on Maxton Lane. Previous to the November 9, 2010 BOS meeting VDOT had stated that no road improvements were needed. Condition number 17 has been added to address the off-site road improvements recommended by VDOT and adjacent property owners. During the BOS public hearing on October 12, 2010 concerns were also raised regarding the Economic Opportunity (EO) designation on the 2009 Comprehensive Plan. Condition numbers 15, 16 and 18 have been added to provide additional assurances that future master planning efforts and development of the property are not precluded by the expansion. Staff recommends that the Planning Commission recommend approval of the Special Use Permit (SUP) with the conditions provided.

Mr. Krapf stated that in January during the DRC conceptual plan review there was a great deal of time spent discussing the impact of the EO designation on the property. The EO designation is new to the County. A regional master plan for the larger area had been discussed. The development of the land in the EO designation is a long-range goal and the property owner

has stated that they will support such efforts.

Mr. Poole asked Ms. Sipes if the applicant has been supportive of the new conditions brought forward since the September 1, 2010 Planning Commission meeting.

Ms. Sipes stated that staff has been working closely with Mr. Geddy to draft the conditions and the applicant is supportive of the new conditions recommended in the report.

Mr. Poole asked Ms. Sipes if VDOT is comfortable with the new conditions.

Ms. Sipes stated that VDOT was supportive of the new conditions but added that it is uncommon to have off-site improvements conditioned by an SUP.

Mr. Woods asked Ms. Sipes to confirm the current zoning of the property and the changes in land use designation. Mr. Woods asked what changes in land use would the County want to achieve with the new EO designation.

Ms. Sipes stated that the camp ground is legally-nonconforming. It can continue to operate as-is, though an expansion would require SUP approval.

Mr. Woods asked what the nature of the conversation was during the DRC conceptual review.

Mr. Krapf stated that the development of this land would require a regional master plan of the area. The applicant's recommendation of approval granted by the DRC was hinged upon a willingness to participate in a master planning effort at a later time.

Mr. Woods asked staff to define the word participate as it is used in the proposed condition.

Ms. Sipes stated that participating would mean the property owner is not opposed to a change in use, and they would engage in discussions with the group of property owners.

Mr. Woods stated that he would like to better understand what conflict could arise with this understanding.

Mr. Fraley stated that the primary goal of the new land use designation was the creation of more desirable jobs for the area. Should such changes occur, the potential benefit of higher property value would provide incentive.

Mr. Woods asked for confirmation that the expansion of the camp grounds would not hinder the master planning efforts.

Mr. Murphy stated that the property owner is on record for having been informed of, and aware of the future EO master planning efforts and the intended expansion of Mooretown Road. The owner is also on record stating the expansion of the camp ground is seen as a transitional use

that would easily convert for purposes of future economic opportunity. Staff agrees with these factors and this forms the basis for staff's recommendation of approval.

Mr. Woods asked if it is common practice for a locality to create a new designation prior to fully understanding the required standards.

Mr. Murphy responded that proposed changes were often led by the Comprehensive Plan, with changes to the Zoning Ordinance following.

Mr. Peck stated that it was his understanding that the case was not returning to the Planning Commission to reopen the public hearing but to review the additional changes to the proposed plan.

Mr. Fraley moved for approval.

In a unanimous roll call vote, the Commission recommended approval with amended conditions (7-0).

#### 7. PUBLIC HEARING CASES

##### A. AFD-09-86-3-2010, News Road Gordon Creek Agricultural and Forestal District (AFD) Addition

Ms. Sarah Propst stated Mr. and Mrs. Jerry Nixon have applied to add 30.7 acres of land, to the existing Gordon Creek Agricultural and Forestal District (AFD). The parcel is in the PSA, is zoned A-1 and designated Low-Density Residential on the Comprehensive Plan Land Use Designation Map. If approved, the parcel will be added to the Gordon Creek AFD under the same conditions as the other parcels already enrolled. The parcel will be up for renewal October 2014. With this addition the total acreage of the Gordon Creek AFD would be 3,163 acres. On October 19, 2010 the AFD Advisory Committee voted (6-0) to recommend approval for the addition. Staff recommends that the Planning Commission recommend approval of the addition to the BOS.

Mr. Poole moved for approval of the recommendation to the addition of the Gordon Creek AFD.

In a unanimous roll call vote, the Commission recommended approval of the addition (7-0).

#### 8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

Mr. Fraley noted that on Monday night Mr. Murphy had attended and spoken at a James City County Concerned Citizens (J4C) meeting.

9. COMMISSION DISCUSSIONS AND REQUESTS

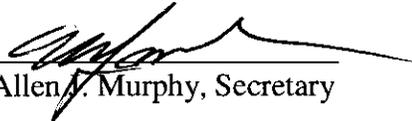
There were no further items for discussion.

10. ADJOURNMENT

Mr. Fraley moved to adjourn the meeting.

The meeting was adjourned at 8:35 p.m.

  
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Reese Peck, Chairman

  
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Allen J. Murphy, Secretary