

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF FEBRUARY, TWO-THOUSAND AND ELEVEN, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

I. ROLL CALL

Planning Commissioners

Present:

Rich Krapf  
Tim O'Connor  
Joe Poole III  
Jack Fraley  
Reese Peck  
Mike Maddocks  
Al Woods

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Adam Kinsman, Deputy County Attorney  
Chris Johnson, Principal Planner  
Jason Purse, Senior Planner  
Jose Ribeiro, Senior Planner  
Leanne Reidenbach, Senior Planner  
Terry Costello, Development Management Assistant

Mr. Reese Peck reconvened the January 5, 2011 meeting to order at 6:05 p.m.

2. CLOSED SESSION

Mr. Joe Poole moved that the Planning Commission enter into a closed meeting pursuant to Virginia Code Section 2.2-3711(A)(1)- Discussion of Respective Candidates for Appointment so that Planning Commissioners may consider appointments of Chair and Vice-Chair.

In a unanimous voice vote the motion was approved. (7-0)

The Planning Commission reconvened at 6:50 p.m. Mr. Peck read the resolution stating that the Planning Commission conducted its meeting consistent with the Virginia Freedom of Information Act. He moved to approve the resolution.

In a roll call vote the resolution was approved. (7-0)

The Planning Commission recessed at 6:55 p.m. and reconvened at 7:05 p.m.

3. ANNUAL ORGANIZATIONAL MEETING

A. Election of Officers

Mr. Adam Kinsman asked if there were nominations for the Chair of the Planning Commission for 2011.

Mr. Peck nominated Mr. Jack Fraley for Chair. There being no further nominations, Mr. Kinsman moved to close the nominations.

The Planning Commission elected Mr. Fraley as Chair with a voice vote. (7-0)

Mr. Fraley asked for nominations for Vice-Chair.

Mr. Poole nominated Mr. Tim O'Connor as Vice-Chair.

The Planning Commission elected Mr. O'Connor as Vice-Chair with a voice vote. (7-0)

B. Committee Appointments

Mr. Fraley stated the Development Review Committee (DRC) will consist of Mr. Poole, Mr. O'Connor, Mr. Rich Krapf, and Mr. Michael Maddocks, with Mr. Poole serving as Chair. The Policy Committee members will be Mr. Peck, Mr. Al Woods, Mr. O'Connor, and Mr. Fraley with Mr. Peck serving as Chair. Mr. Fraley stated that he will serve as the representative on the Regional Issues Committee.

4. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being no public comments, he closed the public comment period.

5. MINUTES

A. January 5, 2011 Regular Meeting

Mr. Poole moved to approve the minutes.

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

6. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated that the DRC met on January 26, 2011 to discuss three cases. The first case was C-0003-2011, Williamsburg Crossing Car Wash. This was a conceptual plan for a car wash on outparcels of the Williamsburg Crossing Shopping Center. The applicant requested DRC feedback in preparation for submitting a Special Use Permit application. The DRC suggested contacting the LaFontaine Home Owners Association and offering to make a presentation to the residents and contact the Zoning Division concerning directional signs. The Committee appreciated the attractive elevations, the interest in preserving mature trees, and the interest in mitigating noise and light impacts. The second case was C-0044-2010, Monticello Avenue Tire Center. This conceptual plan was for an eight-bay tire center. The applicant required the DRC's input regarding a required 50-foot undisturbed perimeter setback fronting Old News Road. The DRC feedback was positive toward modifying the setback requirement; however, the Committee did indicate that any favorable consideration would be limited to this

section of Old News Road due to its commercial character and would not be applicable to other parcels near residential areas. The third case was C-0038-2010, James City Community Church. The DRC reviewed this proposal for a church in Powhatan Secondary for consistency with the approved Master Plan. The DRC voted 4-0 to approve the site for a "house of worship" as shown on the applicant's conceptual plan.

Mr. Peck moved for approval of the DRC report for January 26, 2011.

In a roll call vote the motion was approved. (7-0)

B. Policy Committee

Mr. Fraley stated that the Committee met on January 5<sup>th</sup>, 6<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>. Topics included the Transfer of Development Rights (TDR) feasibility study, the FY2012 Capital Improvements Program, the 2010 Planning Commission Annual Report, wireless communication facilities, and cumulative impacts. Upcoming meetings include February 3<sup>rd</sup> and Feb 7<sup>th</sup> (Development Standards) and Feb 9<sup>th</sup> (Residential Zoning Districts). Meetings also scheduled are February 23<sup>rd</sup>, 24<sup>th</sup>, March 1<sup>st</sup>, and March 16<sup>th</sup>. Topics for these later meetings will be determined later. The meeting on February 23<sup>rd</sup> will begin at 7 p.m.; all others will begin at 6 p.m. These meetings will be held at the Government Complex in Building A. There is also a TDR forum scheduled for February 10<sup>th</sup> at 7 p.m. at Warhill High School.

C. Other Reports

Mr. Maddocks stated that he attended the last meeting of the Regional Issues Committee. The first topic was the Colonial Parkway. An overview was given of the Parkway along with issues concerning maintenance, especially in relation to the special materials that are present. The second topic was the 2012 regional comprehensive plan update with York County, the City of Williamsburg, and James City County.

7. PLANNING COMMISSION CONSIDERATIONS

A. 2010 Planning Commission Annual Report

Mr. Peck presented the report to the Commission. He stated that two items he wanted to accomplish during his time as chair of the Commission were transparency and accountability. He felt that this annual report was the first step in accomplishing this. Mr. Peck stated that this report has information relating to areas where growth is occurring, growth management data, and has an annual report card relating to the 2009 Comprehensive Plan. He gave a PowerPoint presentation highlighting these areas in the report. This presentation will be given to the Board of Supervisors.

Mr. Fraley thanked Mr. Peck for a great year and his leadership this year on the Planning Commission. He was a leader in modernizing the annual report and developing improvements in the Capital Improvements Program.

8. PUBLIC HEARINGS

A. Z-0002-2010 / MP-0001-2010 / SUP-0029-2010 The Williamsburg Pottery

Mr. Fraley stated staff has requested deferral until the March 2, 2011 Commission meeting. He continued the public hearing until March 2, 2011.

B. AFD-2-86-2-2010 Hankins Property Croaker AFD Addition

Mr. Fraley stated that the applicant has withdrawn this case for consideration. There is no further action needed at this time.

C. SUP-0031-2010 Chickahominy Road Manufactured Home

Mr. Jason Purse stated that Ms. Stephanie Deal has applied for a Special Use Permit to allow for the placement of a manufactured home at 3125 Chickahominy Road. Manufactured homes that are not located within the Primary Service Area (PSA) and are in the R-8, Rural Residential District require a Special Use Permit (SUP). The existing parcel has a cleared area near the middle of the property where the manufactured home will be placed. The proposed manufactured home would be roughly 28 feet by 76 feet and similar to the 2002 Henderson model manufactured home (see attachments for more detail). Staff finds the proposal, with the attached conditions, meets the administrative criteria for placement of a manufactured home and is consistent with the Rural Lands Land Use designation. Staff recommends the Planning Commission recommend approval of this application, with the attached conditions, to the Board of Supervisors.

Mr. Maddocks asked what the general concerns with manufactured homes in this area were and why they require a special use permit.

Mr. Purse answered that there were guidelines adopted in 1986. Some of these ensure that there are other manufactured homes in the area, that there is a certain distance from the right-of-way, and there is screening with adequate vegetation.

Mr. Fraley opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Krapf moved for approval of the special use permit.

In a roll call vote the motion was approved. (7-0)

D. SUP-0032-2010 D J Montague Elementary School Parking Lot Expansion

Mr. Jose Ribeiro stated that Bruce Abbott of AES has applied for a Special Use Permit to

allow for improvements to D.J. Montague School located at 5380 Centerville Road. Improvements include upgrading the drainage system around the playground area, construction of internal sidewalks, and the reconfiguration and expansion of the parking lot area capacity from 87 existing spaces to 140 proposed parking spaces, an increase of 53 parking spaces. This parcel is zoned PL, Public Land and designated Federal, State, and County Land. The proposal is before the Commission as a school requires a Special Use Permit in the Public Land District. Further, the school is a non conforming use, as it was built prior to PL rezoning in 2007. This SUP application would bring the entire site into conformance with the Zoning Ordinance. All agencies have reviewed and recommended approval of the SUP conditions. Staff finds that this proposal will have minimum impact on the environment, local traffic, and adjacent property. Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. O'Connor asked if anything was going to be done about the parking in the grassy areas not designated for parking that is currently taking place.

Mr. Ribeiro deferred the question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Alan Robertson of the Williamsburg James City County School Division spoke regarding the current parking situation. He stated that if school staff noticed a pattern of parking in non-designated areas, signs would be placed to prohibit the activity.

Mr. Dan Gentili of 3700 Mulberry Lane stated that he lives adjacent to the school. He expressed his concerns about the parking spaces becoming closer to his property. He asked for clarification as to where the new parking spaces would be located.

Mr. Ribeiro showed on the map the location of the new spaces and stated that the parking area would not be any closer to his property than what is currently there.

Mr. Robertson stated that most of the area that will be converted to parking is already being used as parking. There are two areas in the front that are gravel that they would like to pave. The plan is also to pave some of the areas where the trailers were located.

Mr. Poole asked if any trees in the buffered area between the school and Mulberry Place would be removed.

Mr. Bruce Abbott with AES Consulting Engineers stated that there will be some light clearing and there are buffers in place between the school and the residential area. The total area to be disturbed for this project is going to be 8/10 of an acre. The goal is to minimize the clearing as much as possible.

Mr. Fraley asked about the stormwater flow towards Ford's Colony. He expressed his concern about flooding in this area during a significant rain event.

Mr. Abbott stated that even though there will be more impervious cover, with the BMP installed, the velocity of the flow of water will be reduced. The outfall area will also be enhanced.

Mr. Fraley closed the public hearing.

Mr. Poole moved for approval of the application.

In a roll call vote the motion was approved. (7-0)

E. Review of the FY12 Capital Improvements Program (CIP)

Ms. Leanne Reidenbach stated that after a series of meetings to discuss and evaluate the Capital Improvement Program requests, the Policy Committee is forwarding its recommendation for the fiscal year 2012 CIP. Similar to previous years, all maintenance and repair projects were separated out and not ranked by the Policy Committee. FY12 is an exception year in the budget, meaning the Committee only evaluated projects approved for FY12 funding, any changes to these proposals, and any additional new projects that were submitted and that requested FY12 funds. The Committee also produced a series of five recommendations regarding funding for Stormwater Division projects. The Policy Committee recommends that the Planning Commission recommend approval of these Capital Improvement Program rankings and the five additional suggestions regarding Stormwater to the Board of Supervisors for their consideration in developing the County budget.

Mr. Fraley opened the public hearing.

There being no comments, he closed the public hearing.

Mr. Peck stated that he would like to draw attention to two things that he feels the County needs. One is a comprehensive County facilities plan and the other is a facility maintenance program. He feels that there is a need for fundamental change in how the County approaches capital improvements. Mr. Peck spoke about the stormwater bond issue and that he felt that staff should present a plan with priorities on what the Environmental Protection Agency (EPA) will be enforcing. He expressed his view of the importance of having a plan in place before spending any funds on projects. Mr. Peck also mentioned the school's plan to expand certain facilities and not to use other facilities that were already built. He stated that there is a water plan dealing with a CIP that was last done in 1997 and expired in 2005. Mr. Peck stated that the County entered into a \$25 million contract to purchase surface water before there was a discussion on financing. He stated that the financing options for the development of the chlorination system are not finalized as well. He felt that a message needs to be sent to the Board of Supervisors to step back and encourage a comprehensive facilities plan and facilities management plan, specifically for stormwater. Mr. Peck stated that he voted for the CIP ranking while on the Policy Committee but he will vote not to move forward tonight to send a message that a more comprehensive approach is needed.

Mr. Krapf asked if the ranking for the projects was the overall consensus of three-out-of-

the-four Policy Committee members. He asked if the Policy Committee members had any concerns with forwarding this list to the Board of Supervisors.

Mr. Fraley answered that the standard deviation from the different members of the Policy Committee were very narrow except on the stormwater projects. He notes that the ranking reflected an average of the scores of the four members.

Mr. Krapf moved to forward the Capital Improvement Program recommendation to the Board of Supervisors.

In a roll call vote the motion was approved. (6-1, Peck – no)

9. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that there will be a public forum on the Transfer of Development Rights feasibility study on Thursday February 10<sup>th</sup> at 7 p.m. at Warhill High School.

10. COMMISSION DISCUSSIONS AND REQUESTS

There was a discussion as to when a Planning Commission representative to the Board of Supervisors should attend their meetings.

Mr. Fraley encouraged Commissioners to contact the Chairman of the Board of Supervisors to see whether it is necessary to attend if there are no land use cases scheduled.

The Commission decided to continue with the method and order of how they vote on land use cases. They also decided to keep the same seating arrangements with the Chairman next to the Planning Director. The Commission also decided to keep the same format with regards to Planning Commission meetings.

Mr. Fraley stated that he emailed some information concerning the work session with the Board of Supervisors on February 22, 2011. He stated that staff will be making a presentation to the Board of Supervisors asking for guidance on the four priority items that were adopted by the Board, which include the economic opportunity district, commercial districts, cumulative impacts, and development standards. The Policy Committee has reviewed three out of the four priority items, with development standards scheduled to be reviewed the following week. Mr. Fraley provided the Commission with suggestions and guidance to staff from the Policy Committee.

Mr. Peck started the discussion on economic opportunity. He stated that development in this corridor is driven by transportation. He felt that this corridor needs to be developed with one vision and developed regionally with input from adjacent localities. He believes that discussions with York County are warranted before developing a time line.

Mr. Poole agreed with Mr. Peck's comments. He also felt that it was important to continue discussions with all Commission members concerning these four priority items, even

those that have already been reviewed by the Policy Committee. He asked if there was a reason why the work session scheduled for March was moved to February 22<sup>nd</sup>.

Mr. Murphy answered that the February 22<sup>nd</sup> was scheduled to discuss the four priorities identified by the Board of Supervisors and that there would be another work session in March to discuss the remaining items.

Mr. Fraley initiated the discussion on commercial districts. He stated that conditions that warrant DRC review were discussed. He stated that the changes would be that the DRC would no longer review subdivision cases with 50 lots or more, but that the DRC would act as an Appeals Committee, if someone wanted to appeal an administrative decision. There would also be increased emphasis on the enhanced conceptual plan process. Mr. Fraley stated that there was general agreement to raise the threshold required for a commercial special use permit from 10,000 to 20,000 square feet. There was information presented to the Policy Committee on what thresholds are used by other localities. There was also some discussion as to using trip generation as a trigger for additional review.

Mr. Poole stated that he can appreciate an applicant's desire not to have an additional meeting to attend. He felt that the DRC has been very accommodating to applicants to review plans in any phase of development. He understands that citizens and applicants desire predictability. He expressed his concerns over increasing thresholds for review especially in areas along Community Character Corridors.

Mr. Krapf agreed with Mr. Poole and also wanted to add Community Character Areas to the list where additional review is necessary. He would feel more comfortable if the threshold was lowered for commercial special use permits, that it might be restricted to certain areas. Mr. Krapf stated that he believed that the role of the DRC is changing, especially when it comes to reviewing conceptual plans. He felt that in sensitive areas, he would like to see more review as opposed to lesser review.

Mr. Krapf wanted to compliment the Policy Committee and staff for the modeling regarding cumulative impacts. He asked if there were discussions on how to account for changes in the schedule of a development as it is being built. For example, the plan initially might be on an aggressive schedule and the cumulative impact models take that into account. Then for some reason, the development changes its timeline. Meanwhile, there are other developments that are moving forward.

Mr. Fraley answered that there was discussion on how to address this.

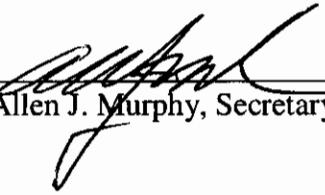
Ms. Reidenbach stated that the building timeline has not been fully incorporated into the models at this time. Right now it would just look at the group of approved projects and assume that they are built but does not account for estimates of when the units will be built out.

9. ADJOURNMENT

Mr. Poole moved for adjournment.

The meeting was adjourned at 8:23 p.m.

  
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Jack Fraley, Chairman

  
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Allen J. Murphy, Secretary