

**A G E N D A**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 14, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. May 10, 2018 Meeting Minutes

**D. OLD BUSINESS**

**E. NEW BUSINESS**

1. Planning Commission Legislative Application Deferral Policy

**F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/14/2018  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: May 10, 2018 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
☐	May 10, 2018 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	6/7/2018 - 11:49 AM

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 10, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

Jack Haldeman, Chair  
Tim O'Connor  
Julia Leverenz  
Rich Krapf  
Heath Richardson

Staff:

Paul Holt, Planning Director  
Ellen Cook, Principal Planner  
Tammy Rosario, Principal Planner  
Roberta Sulouff, Senior Planner  
Alex Baruch, Planner  
Tom Leininger, Community Development Assistant

**C. MINUTES**

1. April 12, 2018 Meeting Minutes

Ms. Julia Leverenz made a motion to Approve the April 12, 2018 meeting minutes.

The motion passed 5-0.

**D. OLD BUSINESS**

1. ZO-0002-2018 and SO-0002-2018. Zoning and Subdivision Ordinance Amendments for Bicycle and Pedestrian Accommodations - Stage III, Continued

Mr. Jack Haldeman opened the discussion.

Ms. Roberta Sulouff stated that staff presented the draft language at the April Policy Committee. She presented the revised draft language. She stated that staff added bicycle accommodations as a requirement for interconnectivity. She stated that staff considered the different options for construction standards. She stated that staff recommended that the current sidewalk and multi-use path widths remain five and eight feet, respectively. She stated that staff recommended that the construction standards for multi-use paths be linked the Parks and Recreation Greenways Master Plan. She stated that staff recommended the Virginia Department of Transportation (VDOT) construction standards applied to sidewalks. She

stated that staff recommended that the Committee recommend approval of the draft language to the Planning Commission (PC).

Mr. Haldeman asked how specific the construction standards are in the Parks and Recreation Greenways Master Plan.

Ms. Sulouff stated that the Master Plan does not have standards for sidewalks, just for multi-use paths. She stated that VDOT has specific construction standards for sidewalks.

Mr. Rich Krapf stated that the draft Ordinance was direct and straight forward.

Ms. Julia Leverenz asked if the construction standards were a clear subset within the VDOT standards overall.

Ms. Sulouff stated that the construction standards were a subset and that Stormwater and Resource Protection staff already referenced those standards in their current inspections.

Mr. Tim O'Connor asked if the specific material was determined to define "paved".

Ms. Sulouff stated that VDOT construction standards specify that sidewalks be poured concrete or solid pavers. She stated that the Parks and Recreation Greenways Master Plan specifies materials for paving mixed-use paths such as asphalt.

Mr. Haldeman asked if there were any further questions.

There were none.

Mr. Krapf made a motion to move the draft language to the PC.

The motion passed 5-0.

## **E. NEW BUSINESS**

1. ZO-0004-2018 and SO-0004-2018. Amendments to the Zoning and Subdivision Ordinances to Delete References to Fees

Mr. Haldeman opened the discussion.

Mr. Paul Holt presented the amendments to the Zoning and Subdivision Ordinance to delete references to fees. He stated that there was a 5% fee increase added to the adopted budget for technology. He stated that the Board of Supervisors (BOS) adopted the new appendix to add to the County Code.

Mr. Heath Richardson asked if the amendments will go to the BOS in June.

Mr. Holt stated that the fee amendments will go to the June PC and the June BOS. He stated that the advertising will go out for both meetings.

Ms. Leverenz stated that there were a few grammatical issues that she noticed.

Mr. Holt stated that the amendments to the draft language will be incorporated. Mr. Holt stated that there is no new policy being developed. He stated that these amendments will decrease the number of steps going forward for future fee changes.

Mr. Richardson made a motion to recommend the amendments to the Zoning and Subdivision Ordinance regarding fees to the PC.

The motion passed 5-0.

2. Upcoming Joint Planning Commission and Board of Supervisors Work Session

Mr. Haldeman opened the discussion.

Ms. Tammy Rosario stated that both the Pocahontas Trail Corridor Study and the Joint Land Use Study are coming to a close. She presented a summary of the Joint Land Use Study process and recommendations. She stated that the Joint Land Use Study consultant would present more information at the joint work session.

Mr. Holt stated that there was an open conversation between the localities and Fort Eustis. He stated that Fort Eustis has about 20,000 personnel. He stated that there could be a possibility of an overlay for parcels near the base.

Mr. Richardson stated that he was in favor of a future military overlay.

Ms. Rosario and Mr. Alex Baruch presented an update on the Pocahontas Trail Corridor Study.

Ms. Rosario stated that the cost of the project was estimated using VDOT's construction standards.

Mr. Holt stated that the consultant followed the centerline of the right-of-way to impact the least amount of citizen property.

Ms. Rosario stated that the consultant not only looked at the current traffic amounts, but also the future growth of the area.

Mr. Baruch stated that the total cost of underground utilities is about \$5 million.

Mr. Holt stated that the funding that is being applied for now is for 2026 funding. He stated that a phasing approach would be the best route because of the funding amounts available.

Ms. Rosario stated that the Smart Scale funding applications are due by August 1.

Mr. Baruch presented a video from the consultant regarding the Pocahontas Trail Corridor Study.

Mr. Haldeman asked about the outdoor vending machines along Community Character Corridors.

Mr. Holt stated that Zoning Ordinance amendments would need to be made. He stated that the enforcement of the amendments would be difficult. He stated that often the site plan would not show where a vending machine is located. He stated that an amendment would only apply to new machines and not current machines.

Mr. Richardson asked if the Primary Service Area (PSA) will see any changes.

Mr. Holt stated that in FY19 there will be a study to find the true cost to adjusting the PSA.

Mr. Haldeman asked if there were any questions.

There were none.

**F. ADJOURNMENT**

Mr. Krapf made a motion to Adjourn. The motion passed 5-0.

Mr. Haldeman adjourned the meeting at approximately 5:30 p.m.

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Mr Jack Haldeman, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 6/14/2018

TO: The Policy Committee

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Commission Legislative Application Deferral Policy

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Draft Planning Commission Deferral Policy for Legislative Applications	Exhibit
☐	BOS Legislative Application Deferral Policy, adopted September 25, 2012	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	6/8/2018 - 2:12 PM

## MEMORANDUM

DATE: June 14, 2018  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Director of Community Development and Planning  
SUBJECT: Legislative Application Deferral Policy

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During the Planning Commission and Board of Supervisors joint work session on May 22, 2018, Mr. William C. Porter, Interim County Administrator, addressed the Commission and the Board on the topic of legislative applications.

Following that conversation, the Board of Supervisors asked the Planning Commission to consider developing a legislative application deferral policy.

To initiate the discussion, a draft policy based on the Board's currently adopted policy on the same topic, is attached.

PDH/md  
LegAppDefPolicy-mem

Attachments:

1. Draft Planning Commission Deferral Policy for Legislative Applications
2. BOS Legislative Application Deferral Policy, adopted September 25, 2012



## RESOLUTION

### PLANNING COMMISSION LEGISLATIVE APPLICATION DEFERRAL POLICY

WHEREAS, at the joint work session on May 22, 2018, the Board of Supervisors (the “Board”) requested the Planning Commission (the “Commission”) develop a legislative application deferral policy to address circumstances where an applicant requests deferral of an application after it has been advertised for a public hearing; and

WHEREAS, § 15.2-2285 of the Code of Virginia states that no zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations and that failure of the commission to report 100 days after the first meeting of the commission shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period; and

WHEREAS, the Policy Committee reviewed and discussed this policy on June 14, 2018 and \_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications (“applications”) that have been reviewed by all applicable reviewing agencies and are deemed complete, as determined by the Director of Planning or his designee (the “Director”), shall be advertised for a public hearing at the first available meeting by the Planning Commission (the “Commission”). Prior to advertising, an applicant may submit one or more written requests to the Director requesting a deferral for a period of time that does not exceed 100 days. Prior to advertising for any public hearing, the Director may consider a longer deferral period in consideration of the factors in #4, below, which shall not be exclusive. At the end of the deferral period, the application shall be placed on the Commission’s agenda with an advertised public hearing. The applicant may withdraw the application under § 15.2-2285(B) at any time.
2. Once an application has been placed on the Commission’s agenda with an advertised public hearing, the applicant may submit one or more written requests to the Director for postponement of consideration by the Commission. The Commission shall not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing. Such written requests shall include a statement explaining the reasons for the postponement request.
3. The Commission shall determine whether to grant a postponement following a public hearing on the matter. If the Commission grants a postponement, the application will be scheduled for a Commission meeting requested by the applicant and approved by the Commission and the applicant shall be required to pay a fee to reimburse the County for expenses associated with postponing consideration of the application, which may include the costs of re-advertising. If the Commission does not grant the postponement request, the Commission may either approve or deny the application at that meeting, or may continue the public hearing to the next regularly scheduled

meeting of the Commission and either approve or deny the application at that meeting. The applicant may withdraw the application under § 15.2-2285(B) at any time.

4. In considering a postponement, the Commission may consider the following factors, which shall not be exclusive:
  - The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to a vote by the Commission.
  - Substantive issues are raised by the County or a reviewing agency that must be addressed prior to a vote by the Commission.
  - Delays have occurred with County or external reviewing agency comments that affect the application.
  - Errors in legally required advertising are discovered and must be rectified.
  - Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
  - The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

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Heath Richardson  
Chair, Planning Commission

ATTEST:

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Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

## RESOLUTION

### LEGISLATIVE APPLICATION DEFERRAL POLICY

WHEREAS, at its meeting on January 10, 2012, the Board of Supervisors (the "Board") requested a legislative application deferral policy to address circumstances where an applicant requests that an application not be advertised for Board consideration following action by the Planning Commission (the "Commission") or requests an indefinite deferral by the Board; and

WHEREAS, the Board held a work session on May 22, 2012 to review deferral procedures and criteria and suggested modifications to the draft policy.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications ("applications") that have received action from the Planning Commission (the "Commission") shall be placed on the agenda for the first Board meeting the month following action by the Commission. An applicant may submit a written request to the County Administrator or his designee (the "Administrator") for a one-month administrative deferral. In this circumstance, the Administrator shall determine whether to grant the deferral in accordance with the criteria expressed herein. If the administrator approves the deferral request, the application shall not be advertised and will instead be scheduled for the first Board meeting on the second month following action by the Commission.
2. All applications shall be placed on a Board agenda with an advertised public hearing, either as a request for further deferral or consideration of approval, no more than three (3) months following action by the Commission. The applicant may withdraw the application at any time.
3. An applicant may request a deferral for a period not to exceed three (3) months. In this circumstance, the application will be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
4. An applicant may request two additional deferrals from the Board that shall, in total, be valid for no more than twelve (12) months from the date the application was placed on a Commission agenda for action. In this circumstance, the application shall be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board

and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.

5. The Administrator and/or the Board may grant a deferral as noted above for one or more of the following reasons:

- The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to the Board hearing.
- Substantive issues are raised by a County or external reviewing agency that must be addressed prior to the Board hearing.
- Delays have occurred with County or external reviewing agency comments that affect the application.
- Errors in legally required advertising are discovered and must be rectified.
- Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
- The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

  
 John J. McGlennon  
 Chairman, Board of Supervisors

ATTEST:

  
 Robert C. Middaugh  
 Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	<u>X</u>	—	—	—
JONES	<u>X</u>	—	—	—
KENNEDY	—	—	—	<u>X</u>
ICENHOUR	<u>X</u>	—	—	—
KALE	<u>X</u>	—	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of September, 2012.