

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 8, 2022
5:00 PM

A. CALL TO ORDER

Mr. McGlennon called the meeting to order at approximately 5:10 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

James O. Icenhour, Jr., Jamestown District
Michael J. Hipple, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Vice Chairman, Stonehouse District - via phone
John J. McGlennon, Chairman, Roberts District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

Mr. McGlennon requested a motion to allow Ms. Sadler to participate electronically due to a medical issue that prevented her from attending.

A motion to allow Ms. Sadler to participate electronically was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. McGlennon welcomed Ms. Sadler to the meeting.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. McGlennon noted a change in the Pledge Leader. He further noted Gabby Cook, a resident of the Berkeley District, would lead the Board and citizens.

Ms. Larson noted Gabby was a student at Clara Byrd Baker Elementary School. She further noted some of Gabby's interests and welcomed Gabby's family as well as her principal and his wife.

1. Pledge Leader - Jackson Merchant, student at Clara Byrd Baker Elementary and resident of the Berkeley District

E. PUBLIC COMMENT

Mr. McGlennon noted while masks were not required to be worn by the public, due to the large audience in attendance, those with masks might consider wearing them. He further noted

ADOPTED

MAR 22 2022

Board of Supervisors
James City County, VA

those speaking could wear masks or not and sanitizing wipes were available at the podium.

I. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board regarding public safety and local roadways. He noted in the last five to eight years there was increased puddling on roadsides after rain. Mr. Swanenburg added the puddling was due to overgrown grass on the roads. He questioned if the Virginia Department of Transportation (VDOT) could help with the issue. Mr. Swanenburg noted Richmond Road and Forge Road were two roads with this particular issue.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

1. Z-21-0015. 6940 and 6950 Richmond Road Proffer Amendment

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Tom Leininger, Principal Planner, addressed the Board noting the specifics of the application. He noted the proffer amendment was to revise the timing of the required signal warrant analysis. He further noted the current proffers, adopted in 2006, required bonding of the traffic signal be made prior to the first building permit of the two properties. Mr. Leininger stated the proposed proffer would eliminate the need for an annual surety renewal and require a traffic signal warrant analysis prior to any final site plan approval for 6940 Richmond Road. He noted the requirements if a traffic signal was deemed necessary. Mr. Leininger further noted the Planning Commission voted 6-0 at its January 5, 2022, meeting to recommend approval of the application. He added staff recommended the Board's approval of the proposed proffer amendment application.

Mr. McGlennon recognized Mr. Frank Polster, Planning Commission representative.

Mr. Polster noted the application reflected the need to eliminate the annual surety renewal while ensuring a traffic signal warrant was required prior to the final site plan approval. He further noted no public speaker cards or Commissioner discussion, adding the Planning Commission voted 6-0 in favor of the application.

Mr. Hipple asked if the traffic signal study would be tied to the land. He noted future monitoring for the traffic study if the parcel was developed later and the process for ensuring the study was done.

Mr. Polster noted his understanding was the Special Use Permit (SUP) was on the parcel, but he deferred to staff.

Mr. Leininger noted this proffer amendment would go with the land. He further noted when an individual or group bought the land and submitted a site plan, it would trigger the proffer for a traffic signal analysis.

Mr. Hipple asked if this was a combination of both parcels or just connected to the one new piece of property.

Mr. Leininger noted it was the area of the car wash and any development on the vacant parcel.

Mr. Hipple asked about the arrangement if two separate owners were involved and there was development on the parcel next to the car wash, but the car wash owner declined to pay for the traffic light study.

Mr. Leininger noted the cost for the study would be a private discussion between the two property owners. He further noted staff would evaluate the amount of proposed traffic.

Mr. Hipple noted a potential issue between the neighboring owners could arise.

Mr. Leininger noted a shared main entrance existed with branches going to the car wash and the vacant parcel respectively.

Mr. Hipple asked if staff was concerned of any potential problems between the property owners.

Mr. Leininger noted deferment to the applicant, Mr. Doug Harbin, who may have more insight into the contractual arrangement between the owners.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board as the representative on behalf of the Harbins. He noted the proposed solution ensured the warrant analysis was done and installation of traffic lights if warranted while relieving the Harbins of the burden of maintaining the letter of credit outstanding indefinitely.

Mr. Hipple asked Mr. Geddy if he foresaw any potential conflict that could affect the County.

Mr. Geddy responded he did not think there were any that would affect the County. He noted the owner of the undeveloped piece would need to ensure the traffic study was done and possible light improvements made, but the cost would be a private matter.

Mr. McGlennon closed the Public Hearing as there were no additional speakers.

2. SUP-21-0017. 4007 Ironbound Road Convenience Store with Fuel

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Leininger addressed the Board noting the specifics of the application for a convenience store with fuel cells. He noted a convenience store which sold and dispensed fuel was a specially permitted use within the B-1 Zoning District. Mr. Leininger further noted a commercial Special Use Permit (SUP) was required for a convenience store which generated 100 or more peak hour trips. He cited the zoning history and the Traffic Impact Analysis details for the location. Mr. Leininger noted the New Town Design Review Board (DRB) reviewed the master plan and building elevations and approved the site design based on conceptual form on October 28, 2021. He further noted prior to site plan approval, the DRB would review the design elements again for consistency with adopted design guidelines. He stated the Planning Commission voted 6-0 in favor of the SUP's approval at its January 5, 2022, meeting. Mr. Leininger added staff recommended the Board's approval of the application subject to the proposed conditions. He noted the applicant was available for questions.

Mr. Polster addressed the Board noting the central discussion point among the Planning Commissioners focused on the impact of increased traffic on Monticello Avenue. He highlighted the traffic study findings of the projected peak trips from Monticello Avenue and Old Ironbound Road turn lanes. Mr. Polster noted one Commissioner felt there was a need for this type of business in the area and expressed appreciation of the applicant's coordination with neighboring businesses. He further noted receipt of letters from the storage facility owner, James City Service Authority, and Mount Pleasant Baptist Church in support of the project. Mr. Polster noted the Planning Commission's 6-0 vote in favor of this SUP and its recommendation for the Board's approval.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board as representative on behalf of the applicant, Mr. Mark Rinaldi. Mr. Geddy noted Mr. Jason Grimes of AES Consulting Engineers and Mr. Dexter Williams of DRW Consultants, LLC, the traffic consultant, were also in attendance. Mr. Geddy highlighted zoning and other key points for this property in a PowerPoint presentation. He noted this SUP would allow for a Wawa convenience store with fuel sales, which currently neither a convenience store nor fuel sales existed east of Route 199 in the New Town area. Mr. Geddy highlighted the fuel pump location and other key features in the PowerPoint presentation. He noted staff had indicated that traffic impacts had been the most significant consideration of this application. Mr. Geddy highlighted key points regarding the traffic study, adding a new, very conservative trip generation projection with higher peak trips had been implemented. He continued the presentation highlighting area road improvements on which staff, VDOT and Kimley-Horn, the County's traffic consultant, were in agreement. Mr. Geddy highlighted other proposal aspects including lighting, signage, speaker noise limits, stormwater management requirements, and other factors. He noted the project would generate significant tax dollars for the County.

Mr. McGlennon closed the Public Hearing as there were no speakers.

3. SUP-21-0024. 158 Saddletown Road, Partlow Family Subdivision

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Leininger addressed the Board noting the specifics of the application. He noted the SUP was required as the new parcel within the family subdivision was between one and three acres in the A-1 Zoning District. Mr. Leininger further noted staff recommended the Board's approval of the application with conditions. He added the applicant was present.

Mr. McGlennon noted this application did not go through the Planning Commission; therefore, Mr. Polster had no report.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing as there were no speakers.

4. Z-19-0006 and SUP-19-0005. Hazelwood Farms - The Enterprise Center

A motion to Approve the Ordinance and the resolution was made by Michael Hipple, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, Sadler

Nays: Icenhour, Jr, McGlennon

Mr. Thomas Wysong, Senior Planner II, addressed the Board noting Mr. Tim Trant of Kaufman & Canoles, P.C. had applied on behalf of the Hazelwood Farm property owners. He noted the application proposed to rezone approximately 328 acres from B-1, General Business and A-1, General Agricultural to EO, Economic Opportunity, to allow for up to 3,220,000 square feet of warehouse, industrial, and office use and up to 75,000 square feet of commercial use. Mr. Wysong further noted this rezoning request was accompanied by an SUP to allow for a variety of uses including fast food restaurants and machinery sales and service with major repair under cover. He stated staff had found multiple favorable factors for this application, adding the applicant had proposed proffers to mitigate impacts associated with this rezoning. Mr. Wysong noted staff found the development of the property was consistent with the recommended land use in the Comprehensive Plan. He further noted the Planning Commission voted 4-2 in favor of the application, subject to the proffer and SUP conditions, at its January 5, 2022, meeting. Mr. Wysong noted staff recommended the Board's approval of the application subject to the stated proffers and conditions. He added the applicant team was present.

Mr. Polster noted the bulk of public comment at the Planning Commission meeting addressed future traffic impact on Barhamsville Road, Old Stage Road, and Leisure Road. He further noted public comments had been heard for this SUP as well as the Hazelwood Farms Village Center and the community outreach. Mr. Polster highlighted the Level of Service for traffic. He noted two Commissioners' concern for buffering along Leisure Road which would screen the adjoining properties with removal of the residential components of the SUP. Mr. Polster further noted one Commissioner was concerned with the open-ended SUP uses and long-term impacts to upper County. He added one Commissioner felt this location could potentially limit development in other areas such as Anderson's Corner due to lower service needs. Mr. Polster noted a personal comment on the traffic impact issue, adding both Hazelwood Farm projections were not viewed in isolation by the Commissioners. He noted Stonehouse was included in the area around the Barhamsville Road and Interstate 64 (I-64) interchange, adding that four conceptual design reviews had been conducted over the past few months which would add 951 residential units to Stonehouse in the near future. Mr. Polster further noted a signal justification report for the Route 30 and Fieldstone Parkway intersection confirmed a traffic light would be necessary per the developer of Stonehouse Land Bay 5 in conjunction with the approved proffers. He added another of the three pending developments would also trigger a signal justification study to Route 30-westbound I-64 on and off ramps. Mr. Polster noted the signals could help with speed reduction and address citizen concerns. He further noted the removal of 250 residential units from the SUP was a significant consideration for the Commissioners. Mr. Polster stated the Planning Commission voted 4-2 in favor of the SUP and recommended the Board's approval.

Ms. Sadler asked Mr. Polster what the Foreign Trade Zone (FTZ) was and its relation to this application.

Mr. Polster noted James City County was included in the FTZ, a federal program. He further noted the Zone allowed raw materials to be brought in for processing. Mr. Polster added the raw materials were not taxed, but manufacturing and finished products with associated tool and machinery taxes would apply. He cited the example of the City of Norfolk port was the third largest coffee manufacturer on the eastern board. Mr. Polster noted La Tienda was another example. He further noted the potential use of textile manufacturing and processing would allow the County to receive the machinery and tool tax while incorporating light industry in the County. Mr. Polster cited several other locations and praised the program.

Ms. Sadler thanked Mr. Polster.

Mr. McGlennon noted there were numerous people in attendance and he appreciated their interest in the case. He further noted the longstanding tradition of civility, adding the applicant would have 15 minutes for comments. Mr. McGlennon added group presentations of 15 minutes would then follow with individual comments of five minutes concluding the Public Hearing.

Mr. McGlennon opened the Public Hearing.

1. Mr. Tim Trant, Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board on behalf of the Hazelwood family. He noted the project team present at tonight's meeting included Mr. Larry Hazelwood and Ms. Debbie Hazelwood (with brother Mr. R.M. Hazelwood unable to attend), Mr. Arch Marston and Mr. Jason Grimes of AES Consulting Engineers, Mr. John Hopke of Hopke & Associates, Inc., and Mr. Dexter Williams of DRW Consultants, LLC, the traffic consultant. He highlighted the property and indicated the proposed zoning changes in a PowerPoint presentation. Mr. Trant noted the total site area was 328.18 acres with the B-1 zoned area comprised of approximately 197.58 acres or 60.2% of the property with the A-1 zoned area comprised of approximately 130.6 acres or 39.8%. He continued the presentation highlighting the by-right development potential for the respective areas, adding B-1 zoning allowed for more permissive uses though the County had conservative Ordinances with safety mechanisms in place regarding by-right uses in relation to traffic or environmental concerns. Mr. Trant noted the A-1 portion was predominately residential development use. He continued the presentation highlighting the negatives of the by-right approach which included piecemeal development and other factors, adding the Comprehensive Plan indicated the entire parcel as EO. Mr. Trant noted the objectives of the proposed zoning change and property plans that the Hazelwoods have been working on for several years. He further noted some changes made to the application included elimination of all residential use and the truck terminal. Mr. Trant stated a series of community meetings in early December 2021 to garner public input and share the vision for the project. He highlighted various sections of the parcel and design guideline examples in the PowerPoint presentation. Mr. Trant noted with SUP uses, zoning decisions are limited to the land use, not the end user, adding design guidelines, master plans, proffers, and conditions that are established to regulate SUP use. He further noted those time-tested tools were all being used with this SUP. He added the proposed SUP conditions presented less potential for uncertainty or negative impacts than by-right development. Mr. Trant highlighted the project benefits in the PowerPoint presentation.

2. Mr. Eric Joss, 3006 Forge Road, addressed the Board on behalf of Friends of Forge Road in Toano, a nonprofit community organization. He noted concerned citizens requested the Board's help in balancing development and preservation of the community character. Mr. Joss further noted the current proposal for the Hazelwood property did not achieve this balance. He respectfully requested denial of the SUP or at least deferral with a need for further planning review. Mr. Joss noted the group had established a map based on discussion with Planning staff, County land records, and a review of the Planning staff report. He further noted based on the group's research, the A-1 area was 50%, but questioned the 35 acres in the Old Stage Road area. Mr. Joss noted per the group's calculations, 165.94 acres was zoned A-1, with the balance of the land zoned B-1. He added the current zoning had been in place since the 1980s and in 1998, the Board of Supervisors had recognized the Hazelwood family for dedication and commitment with their continuance of the heritage of the Stage Road Farm, a Virginia Century farm. Mr. Joss noted the Friends of Forge Road and Toano (FORT) had both appreciation and respect for that dedication, but questioned the need to abandon that dedication and cited the proposal was not 100% aligned with the Comprehensive Plan. He further noted citizen input stressed the high priority of rural land preservation. Mr. Joss noted some historical points regarding the property and planning, adding the public was not included

in the process. He further noted the distinction between the guidance of the land use map versus a mandated Zoning Ordinance, adding that rezoning did not constitute a real estate marketing tool. Mr. Joss cited numerous permitted uses for B-1 property that were less destructive to the property's character than the proposed application. He questioned the unnecessary overreaching of such SUPs as contradictory to being good stewards of the land as noted in the Comprehensive Plan. Mr. Joss recognized the applicant's removal of the residential component, but noted the increased size of the warehouse, industrial, and office space component. He noted additional areas of concern addressed traffic congestion and safety, impact to the water supply, noise pollution, decline in neighboring residential areas, and other factors. Mr. Joss further noted the lack of financial success in neighboring developments and questioned the surety of this particular project. He added this proposed project failed to meet the high standards of public necessity, convenience, general welfare, and good zoning practice.

3. Ms. Darlene Prevish, 211 Old Stage Road, addressed the Board representing Save Rural James City County, a group of 992 concerned citizens. She asked the Board to not take anything presented at face value. Ms. Prevish noted the current zoning SUP regulations allowed for 10,000 square feet submission yet this SUP requested eight times that amount for buildings. She questioned the need to consider the SUP when no user was currently available for the property. Ms. Prevish cited New Town, Stonehouse, Candle Factory, and Colonial Heritage had multiple requests for additions to their respective master plans, adding this should be the normal process. She asked if those same safeguards might not be needed for this project. Ms. Prevish questioned bonding and built-in severability as part of the SUPs as considerations if buildings remained empty long-term. She compared the project to a grand-scale blank check and asked if an individual would be willing to write one from a personal account with no project specifics on how that money would be spent. Ms. Prevish referenced the January 5, 2022, comment from the applicant's architect regarding no set plan for what to do, but the project would be nice. She noted the impact of modeling SUPs on unknown uses. Ms. Prevish referenced a handout each Supervisor received with traffic calculations based on the light industry code, which she noted her group was told would be the use for the project. She indicated light industry was not warehousing which implied storage of goods. Ms. Prevish noted this project would manufacture goods and then sell them for higher profit which makes money for the County. She further noted the calculations determined by her group using the light industry code indicated 14,880 trips daily. Ms. Prevish referenced the Enterprise Shopping Center project on the Hazelwood Farms property equaled 4,944 trips daily and the Village Center project equaled 16,189 trips for a total 36,103 trips daily from those two projects. She noted traffic data from 2017 on the corridor from I-64 to Route 60 totaled 19,000 trips. Ms. Prevish further noted the cumulative total would be 55,103 trips daily. She stated the importance of accurate traffic counts to avoid similar problems as those along Lightfoot Road, Mooretown Road, and Monticello Avenue, adding the traffic impact would also affect the Level of Service rating and create congestion. She reiterated these totals were based on 2017 data and did not reflect more current developments and growth. Ms. Prevish stressed the need to address traffic concerns, the water table, stormwater, air quality, wildlife, protected species, and other possible factors. She noted other concerns included impact to surrounding property values, immature landscaping buffers requiring years to grow in height, and citizen concern for loss of rural character. Ms. Prevish further noted the EO designation was unnecessary and the zoning request should be denied or deferred to the Planning Commission for additional information.

4. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board regarding misinformation regarding the project. He noted the property was approximately 325 acres with approximately 195 acres commercially zoned as B-1 since 1972. Mr. Swanenburg further noted the property was within the Primary Service Area (PSA) and by-right development was a disturbing aspect. He cited population changes since 1972, adding since then the bulk of this property had been undeveloped commercial land. He added he was told

the entire parcel was located within the PSA, and if the SUP was not approved, potential residential development on the back 130 acres on Barnes Road was possible. Mr. Swanenburg further noted his preference was for developed management of the project and referenced Stonehouse Commerce Park as opposed to the look of Route 17 or additional residential growth. He stated approval of this project would require more stringent restrictions in the master plan regarding buffering and landscaping, traffic management, stormwater protection, and other factors as opposed to by-right development. Mr. Swanenburg cited several reasons the master plan would positively benefit this proposal with economic development potential: 1) provide higher paying jobs; 2) maintain level real estate taxes; and 3) provide funding for protection of actual rural lands possibly through renewal of the Purchase of Development Rights (PDR) program and a possible funding mechanism for facilities for the Sports Tourism market. Mr. Swanenburg noted a vote against this application meant the Board supported residential over economic development. He further noted the Comprehensive Plan and land use, adding this land was undeveloped commercial property, not rural land. Mr. Swanenburg asked the Board to support the Zoning Ordinances, the Comprehensive Plan, and other factors by voting in favor of this proposal.

5. Mr. Richard Timberlake, 4147 Wiffet Way, addressed the Board noting he had spent 10 years in Northern Virginia and had witnessed the impact of explosive growth and development to residents and businesses. He noted he had also lived in Northampton County, which he stated had no business therefore no commercial tax base. Mr. Timberlake added Northampton County relied on farmland and homeowners for revenue. He noted this proposal presented James City County an opportunity to build a project that would prove beneficial. Mr. Timberlake referenced 1972 when the Busch Family arrived to do business and that impact on the County. He noted the ability to diversify within a well-developed plan near the interstate made sense for James City County. Mr. Timberlake further noted the need for a master plan prior to moving forward with incorporation of the improvements previously discussed.

6. Mr. Thomas Lusk, 249 Racefield Drive, addressed the Board noting he lived in close proximity to the property and would be affected by the outcome. He noted prior Comprehensive Plans had identified the Hunt Farm and the Hazelwood Farm as properties to be developed as EO zones. Mr. Lusk further noted the County had been planning on this development for at least a decade. He added the location of the property was ideal with its proximity to the interstate. Mr. Lusk stated the Hazelwood Family had been working with the County over the years for the vision and purpose of this property. He noted by-right development would allow opportunities that were unattractive to the County, adding the loss of setbacks and buffering were two examples. Mr. Lusk further noted his support of the Hazelwood Family, the rezoning, and the SUP. He added he was a landowner and this was a landowner issue, but he noted his respect of the family and their work with the County regarding the property.

7. Mr. Josh Mathias, 3428 Colony Mill Road, addressed the Board noting residents' thoughts on future direction. He referenced the 2019 Comprehensive Plan survey sent to citizens during the development of the 2045 Comprehensive Plan which indicated 95% of residents felt water and air quality and environmentally sensitive areas were very important. Mr. Mathias noted this proposal fell short in accomplishing that goal. He further noted water issues such as increased consumption, adding swampland in the A-1 parcel was a Chickahominy River tributary. Mr. Mathias questioned the meaning of rural land protection and what measures were implemented. He asked about the considerations for the land when it was designated an EO area. Mr. Mathias highlighted additional survey statistics noting one-third of County residents felt the protection of the County's rural lands were inadequately protected. He noted the majority or respondents felt preservation was more important than development. Mr. Mathias further noted the reference to increased tax revenue was difficult to project with the open-ended aspect of this proposal. He questioned the compliance of the proposal to the Comprehensive Plan with regards to the survey data. Mr. Mathias noted his comments

represented the will of the citizens and not developers.

8. Mr. Rick Rangel, 3962 Bournemouth Bend, addressed the Board noting his Geographic Information System (GIS) background, particularly in relation to his environmental comments on this project. He noted the County's water crisis and Department of Environmental Quality (DEQ) statistics regarding four major permit users which included the International Paper Mill in Franklin, WestRock Paper Mill in West Point, Colonial Williamsburg, and James City County. Mr. Rangel further noted the importance of groundwater to the County, adding the DEQ planned to reduce the water authority permit from 8.83 million gallons per day to 6 million gallons per day with plans for further reduction to 3.8-4 million gallons in the next permit cycle. Mr. Rangel noted continued development despite water shortfalls in the County. He further noted the increase of industrial manufacturing in the County's rural lands.

9. Ms. Janet Moore, 151 Sterling Manor Drive, addressed the Board noting this application in reference to economic development and tax base diversification. She noted the property offered economic opportunity and aligned with the Comprehensive Plan's designation. Ms. Moore stated a frequent concern heard was James City County's property taxes were based too heavily on residential property. She noted this proposal would aid the County in diversifying its tax base and create additional balance. Ms. Moore added this property would be attractive for industries and economic development with skilled labor, good paying jobs, capital investment, and positive economic benefit to the County. She noted those opportunities then supported services which benefited citizens. Ms. Moore further noted the proximity to the interstate interchange and other favorable factors of the proposal which she strongly endorsed.

10. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board citing past Board actions to curb rampant residential growth in the 1980s followed by statements in the 1990s to diversify the tax base with business and commercial. He noted over the past 25 years, different Board Supervisors shared concern over residential growth. Mr. Everson presented the scenarios for residential in the A-1 parcel if by-right development occurred and the impact of costs for services if the Board voted against the proposal. He noted if the Board voted in favor then no residential component was included, adding the master plan addressed traffic mitigation, enhanced landscaping and architecture, and other factors. Mr. Everson further noted over the past 33 years there had been discussion on residential growth control, adding this proposal would do that and generate revenue for services such as PDRs. He stated the land would be developed regardless so eliminate the residential growth.

11. Mr. Scott Maye, 2624 Meadow Lake Drive, addressed the Board noting his opposition to the application based on its lack of specifics regarding the property's actual end use. He noted parking areas, sidewalks, concrete, and other factors and its impact to the local environment and Diascund Creek watershed. He expressed his concern for water runoff damage to his property and the Meadow Lakes neighborhood located nearby. Mr. Maye cited results from a 2016 Diascund Creek watershed report which concluded the water quality was marginally acceptable, adding the watershed was described as lightly developed at the time of the report. He noted these results were marginally acceptable in a watershed with little development that was predominantly rural, forested, and pasture. Mr. Maye questioned the major development upstream and its impact to the marginally acceptable watershed conditions. He asked how a vote on such a major project could occur without more details on the end users equating it to a blank check for the property developer. Mr. Maye noted stringent levels of scrutiny should be applied for this proposal, which he added sufficient facts and data were lacking to make a decision. He respectfully requested a no vote on the proposal.

12. Mr. Doug Holroyd, 103 Marina Point, addressed the Board noting he was the Planning Commissioner for District 1 in York County, the upper district that bordered a majority of James City County. He noted he reviewed applications before the Board and shared both

York County and James City County residents consistently request the preservation of rural lands and green space. Mr. Holroyd further noted the recent York County Board of Supervisors unanimously voted against the conversion of 375 acres of rural-residential into a large housing development. He added over 200 acres of green space were now assigned with the by-right design. Mr. Holroyd noted some recently approved projects in York County for conservancy land, in addition to the Comprehensive Plan Steering Committee's removal of the Mixed Use overlay to all York County properties except the Marquis parcel. He further noted the overlay descriptors, as used by landowners and developers, was to increase land value and bypass zoning requirements. Mr. Holroyd noted that was the case with this application. He further noted the 164 acres of the A-1 zoned parcel adjacent to the interstate was a concern, while B-1 was available for various types of building and was zoned accordingly with the building types requested. Mr. Holroyd noted the applicant needed compelling reason for the A-1, Agricultural District rezoning to EO, which he failed to provide in the proposal. He further noted the staff report which suggested the parcel zoned EO was inaccurate as the 2015 Comprehensive Plan had placed an EO overlay on the Barhamsville Road interchange but that had not changed current zoning. Mr. Holroyd added the staff report did not reflect an evaluation using current zoning. He noting the applicant had not provided several points: 1) rationale for the A-1 rezoning; 2) no fiscal evaluation; and 3) no clear descriptive of the proposed buildings. Mr. Holroyd further noted the two A-1 parcels were separated from the other part of the Hazelwood Farm by a deep ravine. He added the Resource Protection Area (RPA) restrictions and setback requirements prevented warehouses or other building proposals from the B-1 zone to be linked to A-1, adding the zones are geographically separated. Mr. Holroyd noted maintaining the separation. He further noted the application's void in referencing what would be built on the land. Mr. Holroyd referenced the Marquis project in York County as an example of large box-like structures built with the promise of a great economic future, which did not come to fruition. He emphasized citizens' desire to maintain agricultural rural lands in the County, adding many visiting tourists enjoyed the tree-lined rural view of the area. Mr. Holroyd noted this application warranted additional planning review.

At approximately 7:12 p.m., Ms. Larson left the meeting for a short time.

Mr. McGlennon called the next speaker, Mr. Robert Kine, to the podium.

Mr. Kine was not present.

13. Ms. Kathy Stewart, 2937 Forge Road, addressed the Board noting she and her husband had a small farm. She noted they had developed their A-1, General Agriculture farm according to the applicable Zoning Ordinances. She stated she supported landowners developing their respective land according to the Zoning Ordinances to which it applied. Ms. Stewart further noted she was speaking on the rezoning requests as it applied to the A-1 parcel, adding this agricultural land was not being farmed as it was fully forested and while an aspect of agricultural land, it was not the vision of land currently being farmed. Ms. Stewart noted the parcel, over 50% of the total property, would include approval of unnecessary and permanent SUPs which would allow for warehouse, industrial, and office use in excess of 3 million square feet in addition to a maximum 75,000 square feet of commercial use. She further noted this was a big change, adding it would be located at the entrance to James City County in an area designated a Community Character Corridor Open Agricultural in the Comprehensive Plan. Ms. Stewart expressed concern over an environmental impact study done over six years ago which focused on one rare orchid. She noted the need for a deeper environmental study and addressing water concerns. Ms. Stewart further noted her passion for agriculture, especially those resources in the County. She respectfully requested the Board vote no to the proposal.

At approximately 7:17 p.m., Ms. Larson returned to the meeting.

14. Ms. Michelle Eardly, 2996 Forge Road, addressed the Board seeking denial of the master plan as written for this proposal. She requested the proposal return to the Planning Commission for additional review, citing it was too open-ended. Ms. Eardly noted the upper County was the gateway to the historical community with no return if the proposed changes were implemented. She referenced numerous options for the B-1 development, adding she was receptive to those options, but requested the Board make a prudent decision for the whole community. Ms. Eardly noted finding a balance of potential development and rural protection. She further noted concerns regarding the proposal's water usage factor and the open-ended uses. Ms. Eardly referenced earlier comments on the limited water supply with private wells and County water using the same aquifer, adding this was an area for consideration. She questioned if this was beneficial to the public's welfare without assessment of the impact to the water supply. Ms. Eardly requested denial, deferment, or referral back to the Planning Commission on this proposal.

Mr. McGlennon addressed the audience noting the Public Hearing was approximately halfway completed. He noted while he was appreciative of people's responses, holding applause after each speaker would be helpful to the process.

15. Ms. Jena Cumming, 100 Lakeview Drive, addressed the Board noting she was a homeowner in the upper County. She noted she sought support for protection of the County's rural character with a balance of development and protection. Ms. Cumming reiterated previous comments regarding good stewards of the land. She noted the undesired potential of a domino effect with approval of this application. Ms. Cumming further noted the Hazelwood Farm decision could potentially impact other farm owners resulting in overgrowth in the upper County. She stated the adjacent properties along Route 30 and across from the Hazelwood Farm property were already listed on the County's Economic Development page for sale. Ms. Cumming noted one property extended to the Stonehouse Commerce Park with the property across from the Hankins Industrial Park being considered for rezoning. She referenced the Oakland Pointe property from 2019 and its development as a similar situation, adding the 218-acre Taylor Farm at Anderson's Corner in Toano would likely appear before the Board soon. Ms. Cumming reiterated adverse impacts such water usage, traffic, noise, air and environmental quality, and other factors. She asked when the natural landscape would stop being rezoned parcel by parcel.

16. Mr. Donald Prevish, 211 Old Stage Road, addressed the Board noting his property's proximity to the Hazelwood property. He noted this project directly affected both himself and his neighbors along Leisure Road. Mr. Prevish further noted his love of the upper County and countless childhood memories from the area. He stated that despite endless research and meetings, there was no true need for this type of project citing multiple vacancies in the Stonehouse Commerce Park and neighboring land for sale. Mr. Prevish noted John Deere, Inc. and Lumber Liquidators had previously occupied spaces there. He further noted the availability of water and sewer in addition to existing commercial buildings ready for occupancy and questioned why companies were not actively pursuing this area with interstate accessibility as another amenity. Mr. Prevish asked why Exit 227 was deemed the perfect area for economic development with the empty buildings and land for sale. He noted the conceptual plan was very similar to the Stonehouse Commerce Park only a half mile away, and asked why this project was more appealing and deemed more successful than the Stonehouse Commerce Park. Mr. Prevish questioned the projected revenue for the County, cost to taxpayers for infrastructure modifications, environmental impacts, and other aspects of the project, adding there were too many unknowns. He thanked the Board members who had met with citizens at previous times to hear their concerns regarding the proposal.

Mr. McGlennon called the next speaker, Ms. Robin Morrissey, to the podium.

Ms. Morrissey was not present.

(Inaudible comments from audience and Board)

17. Ms. Melanie Croft, 9090 Barnes Road, addressed the Board noting she was reading a statement on behalf of Ms. Maureen Anderson, 7849 Church Lane. Ms. Croft read “I, Maureen Anderson, am a local farmer and businesswoman, created the Toano Open Air Market in response to the closing of Williamsburg Farmers Market. Held entirely out of doors, our market was able to meet the needs of both local farmers who needed an outlet for their sales and consumers who quickly discovered shortages on store shelves and were apprehensive about public indoor spaces. In the fall of 2020, we moved the operation to the Green at Toano Station at 7849 Richmond Road and currently boasts 25 full-time produce vendors. I have been amazed, especially after the reopening of Williamsburg Farmers Market, at the excitement and support of people from not only James City County, but Virginia Beach, Richmond, and beyond, and they shop regularly with us. As we like to say, there are no supply chain shortages at the Farmers Market. Our Market is living proof of what can be done with green space and I would like to propose that the Board consider keeping at least the 166 acres currently zoned A-1 as is. Our current ongoing supply chain issues demonstrate a need for communities to band together to provide for each other’s needs locally. Are you willing to practice good zoning decisions in order to help meet this need? I came to this Board in 2017 with a proposal of how such a space could be used for agri-tourism education and attracting students of all ages from around the country just as Colonial Williamsburg does.”

18. Mr. Stephen Clement, 2477 Forge Road, addressed the Board noting he was a long-time resident of Forge Road. He expressed his concern for water, its use and protection in relation to this project. He noted the water supply formations, which began near Richmond and ran down to Poquoson. He referenced encroaching salinity into Poquoson’s water supply several years earlier as the fresh water was being depleted. Mr. Clement noted rain replenished the water table, but projects such as this proposal were detrimental to the water supply. He further noted factors such as wells, possible chemical usage, and total water usage from different businesses were all factors for consideration. Mr. Clement stated this project could pollute the environment and vital water resources of the area.

19. Mr. Gerard Denion, 142 Quaker Meeting House Road, addressed the Board noting he was speaking on behalf of concerned York County citizens. He added he was also speaking on behalf of his daughters and grandchildren who resided in James City County. Mr. Denion noted his property abutted the County and drew from the same aquifer. He further noted local government and the proximity to the needs and wishes of its residents. Mr. Denion referenced Ms. Linda Rice and FORT and a paper which expressed the will of James City County residents and efforts to undermine that will through greed and development. He noted the rights of citizens, referencing past government mistakes regarding this development, and encouraged the Board to vote against the rezoning and SUP proposal.

20. Mr. Mitchell Foos, 8850 Merry Oaks Lane, addressed the Board noting he had canvased local neighborhoods door-to-door to talk with residents. He noted the majority of residents were opposed to the rezoning and SUP. Mr. Foos further noted these residents had chosen to live in rural lands, adding rural lands were diminishing in the County. He stressed the need to represent the residents who would be impacted by this project, adding the proposal needed to be sent back to the Planning Commission with a redesign that would prove beneficial to the community.

21. Ms. Darci Tucker, 218 Skimino Road, addressed the Board on behalf of the Conserve York County Foundation Board, a new 501(c)(3) nonprofit organization dedicated to smart growth in York County and the Historic Triangle. She noted the Foundation’s belief in compliance with established Comprehensive Plans, cooperation between the jurisdictions within the Historic Triangle, in addition to repurposing of empty properties while retaining

protection of woods and farmland. Ms. Tucker further noted the Foundation felt residents should have greater say in their communities' futures than developers who will not be living in those communities. She added elected officials should represent their constituents, not developers. Ms. Tucker noted the interconnectivity of the local jurisdictions with development decisions impacting residents of each locality. She further noted the increased traffic in the County's gateway area would impact the other localities, adding the impact to the water table was another consideration. Ms. Tucker highlighted the attributes of the rural area and noted many residents had significantly invested in those rural lands. She noted residential awareness of systematic rezoning of rural land over the past two years which had resulted in rural land removal with empty commercial spaces. Ms. Tucker cited Hazelwood Farms as an example. She questioned how design guidelines and traffic impacts would be monitored if the land sold and commercial development ensued. Ms. Tucker made a trust analogy to the York County Board of Supervisors in 2006 with the Marquis Shopping Center development at Route 199 and I-64. She noted similar promises were made, but 15 years later commercial aspects had diminished and replacements were high density, heavy traffic, residential developments which burdened taxpayers. Ms. Tucker further noted rezoning should not occur unless aligned with the Comprehensive Plan, adding this proposal was not aligned. She stated the applicant had not presented a compelling case for rezoning and was potentially placing unnecessary burden on James City County's taxpayers. Ms. Tucker echoed the sentiment of other speakers requesting this application be denied or referred back to the Planning Commission for additional information.

22. Ms. Sharon Oakley, 18555 New Kent Highway/Old Stage Road/Route 30, addressed the Board regarding traffic issues along this corridor over the past several years. She noted she was focused on the 944 number proffer referenced in the process. Ms. Oakley further noted the traffic analysis review and VDOT's approval. She noted VDOT's approval of the Traffic Impact Analysis (TIA) indicated purported impacts were within its guidelines, but Land Use codes were not factored for verification of appropriate use with the Land Use Plans. Ms. Oakley referenced the proffer indicated the Enterprise Center would not exceed 944 peak PM trips per the Institute of Transportation Engineer (ITE) trip calculator as described in the staff report. She noted if the plan was approved this evening, then future site plans with theoretical traffic impacts would only be reviewed and approved by staff without public notice and no community, Planning Commission, or Board of Supervisors oversight. Ms. Oakley stated the ITE trip manual designated over 100 codes with 13 specific to industrial uses which included warehouse and light industrial. She noted each code identified estimated daily trips for both AM and PM peak traffic and per 1,000-square-foot space. Ms. Oakley further noted variations in the estimates based on uses, but added if 944 was used as the number for the peak PM proffer, almost no uses were applicable with 3 million square feet that matched the ITE Land Use code. She added there was possibly one use and very limited. Ms. Oakley noted the TIA used Code 150, which was specifically for long-term warehousing only, adding no codes for light industrial use or industrial park applied. Ms. Oakley noted 5,220 trips daily based on the calculations for long-term warehousing (1.74 trips per square feet x 3 million square feet) which was roughly shown in the TIA. She further noted that figure was the lowest possible number, adding light industrial generated 4.96 trips daily per 1,000 square feet x 3 million square feet for a total of 14,880 daily trips. Ms. Oakley referenced a facility similar to the County's Walmart Distribution Center on Route 60 generated 8.1 daily trips per 1,000 square feet x 3 million square feet for a total over 24,000 daily trips. She noted the calculations being proffered were significantly lower than the TIA number. Ms. Oakley further noted past proffers which had not been enforced and at a cost to both the County and its residents. She requested denial or deferment until additional measures could be implemented.

23. Mr. Dave Osman, 8904 Thomas Higgs Court, addressed the Board noting 30 years earlier he had moved to James City County's rural area. He noted a desire to maintain the rural land. He further noted the purchase of adjacent property at 101 Leisure Road directly across from the Hazelwood Farm property. Mr. Osman reiterated the concerns previously

discussed: traffic, water quality, light, and noise pollution. He noted these concerns needed to be further evaluated by the Planning Commission. Mr. Osman questioned if the four criteria were met with this proposal: a public necessity; a convenience involved; consideration of County residents' general welfare; and good zoning practice. He noted retainment of the current zoning with the A-1 parcel protecting the rural land. Mr. Osman further noted rejection of the proposal or send it back to the Planning Commission for further review.

Mr. McGlennon called the next speaker, Ms. Laura Christian, to the podium.

Ms. Christian was not present.

24. Ms. Donna Tierney, 3014 Forge Road, addressed the Board noting she was reading a letter written by Ms. Sarah Nelson, 218 Louise Lane. Ms. Tierney read "I am nearly a life-long resident of Williamsburg-JCC and have resided in the Toano area for the last 16 years. As the mother of two, the wife of a small business owner, and a healthcare professional who treats pediatric patients, I am very concerned about the potential health, environmental, and other risks of a new industrial park in our immediate area. I live off of Old Stage Road and own an additional land nearby on Mount Laurel so these developments directly impact my family and my investments. My husband's business is also just down Route 60 from the proposed development. After reviewing the site proposal, my concerns include, but are not limited to, increased noise, traffic, air and well water pollution, undue strain on our local and already understaffed and overworked services such as waste disposal storage and processing, water usage and processing, transportation needs, energy usage, and maintenance among others. The destruction of natural areas that provide valuable resources, habitats, and maintain the beauty and value of our area, impact on housing and land values also. I am concerned with the impact on our Toano small businesses. There are many small and/or family-owned businesses in Norge, Toano, and Lanexa that would suffer as a result of this development. In addition, I have noticed with many of the industrial development sites around town over the past decade, the intent is to fill them with desirable and popular businesses; however, many large spaces are now vacant and often remain so for many years as unneeded and unfrequented businesses go under and relocate. Would it be more prudent to try to fill in the gaps around town and more needed resources rather than upending an entire community with more stores and unappealing industrial parks. I have also reviewed your proposal and found that justification for many of the mitigated points suggest reasonable 50-foot easements, 100-foot barriers to preserve neighboring areas. Huh? What? Unfortunately, this is not the only problem that I noticed with your mitigated areas of concern and most of the solutions seem highly simplified. Please reconsider the industrial and economic development of this area. If that is not entirely possible, an alternative and more amenable use of this area would be preferred. Such a site could be for adult vocational education, retraining community agricultural initiatives, or sites for small and local businesses that can preserve as much of the green space and existing resources as possible. Please maintain the beauty and character of our part of town. You would be destroying much of the draw that is bringing people to this area and certainly causing more harm than good. Thank you for your consideration." Ms. Tierney concluded noting Ms. Nelson was a local Speech Pathologist.

25. Ms. Amy Foos, 8850 Merry Oaks Lane, addressed the Board noting she was reading a letter from Mr. John Lockwood of the New Kent Board of Supervisors. She noted Mr. Lockwood was unable to attend the meeting. Ms. Foos read "Mr. Chairman and honorable members of the James City County Board of Supervisors, thank you for the opportunity to speak to you this evening although I may not be here in person. While I can appreciate all the work the Hazelwood Family and their team have done to date, I am still very concerned that the traffic situation will be worsened, not improved. This is not just a problem for the residents of James City County, but also for the residents of New Kent County that use this corridor on a daily basis. It would appear that the traffic engineers opted for the trip generation baseline for warehousing when calculating trip generation for the Enterprise Center. This trip generation

designation is one of the lowest possible codes for calculating trip generation for industrial uses. Since we have no idea what types of businesses will utilize the sites available, I am concerned that the trip count projections offered are grossly understated. There have been mentions at previous meetings that a Walmart or Amazon type fulfillment center could be one of the potential uses. If that were to be the case, the trip generations are definitely understated. That doesn't even take into account the added traffic for the new homes already approved in Stonehouse, the already approved Wendy's, and the already approved Village Center along with the current daily traffic load. I am concerned that the approximately one-mile corridor from Fieldstone Parkway to Old Stage Road will become the next Lightfoot Road traffic debacle. I cannot think of a one mile stretch of road on this end of the County that has four traffic lights as is proposed, not to mention the dangerous backups that will occur when there is a problem on I-64 which seems to be a more frequent problem each year. I hope that the James City County Board of Supervisors will take a pause and have an independent traffic study conducted before moving forward with this proposal. You will only get this one chance to get it right. Sincerely, John Lockwood"

26. Ms. Karen Rollins, 4481 Powhatan Crossing, addressed the Board stating she felt this proposal was wrong. She noted the natural attributes of the land and wildlife, adding she felt tourists enjoyed those attributes also. Ms. Rollins further noted a warehouse was still a warehouse no matter how it was designed. She stated there were options for economic development that would not jeopardize wildlife, increase continual truck traffic, create pollution, or deplete water resources. Ms. Rollins noted she had contacted friends to notify them about this proposal, adding most of them were against it. She further noted asking citizens if they wanted this proposal, which she said she doubted so. Ms. Rollins asked the Board to vote against the proposal.

Mr. McGlennon noted he had two Speaker Cards for David Osman and asked if one was Senior and the other Junior. He further noted it was a duplicate.

Mr. McGlennon called the next speaker, Ms. Sharon Dennis, to the podium.

Ms. Dennis was not present.

27. Mr. Brock Reggi, 123 Briar Lane, addressed the Board noting he had worked in the region's environmental field for over two decades and had seen environmental impacts due to developed properties. He noted if this rezoning proposal was accepted, there was a higher probability of negative impact to the watershed below the property. Mr. Reggi further noted the consideration of additional time to review impacts based on the current versus the proposed zoning.

Mr. McGlennon closed the Public Hearing as there were no additional speakers.

Mr. Icenhour inquired about a brief recess.

At approximately 8:09 p.m., Mr. McGlennon recessed the Board for a short break.

At approximately 8:16 p.m., Mr. McGlennon reconvened the Board.

Mr. McGlennon noted on behalf of the Board, he appreciated the respectful manner shown to speakers and listeners. He further noted the detailed comments and participation. Mr. McGlennon stated the Board would now discuss this item.

Mr. Icenhour asked the applicant, Mr. Trant, if the development's roads would be public or private.

Mr. Trant responded a combination of public roads, adding the project entrance off of Old Stage Road was public. He noted a road rebuild essentially from the Route 30 intersection to Leisure Road.

Mr. Icenhour then asked about the development's internal roads and if those roads were private.

Mr. Trant responded private drive aisles would be internal within the commercial area. He noted the spine road, which would be built within the commercial area, would be public.

Mr. Icenhour noted that road would constitute a VDOT accepted road. He further noted the spine road crossed wetlands at several points. Mr. Icenhour asked if bridges or earthen dams were considered in the wetland areas. He noted the Board had seen both approaches in other cases, but no specifics were indicated in this application for those connections.

Mr. Trant noted the common impact in most developments such as Ford's Colony in the use of connectors over wetlands. He further noted mitigation costs associated with wetland impacts. Mr. Trant noted impacts over one-tenth of an acre required mitigation and consideration to the type of wetlands, adding the Department of Environmental Quality (DEQ) had a process for determining the ratio for the mitigation cost. He further noted the ratio was typically 2:1. Mr. Trant cited the example of a one-acre wetland impact with a bridge crossing would equate to the creation of two new acres of wetland area. He noted the creation or purchase would be derived from an existing mitigation bank of wetlands. Mr. Trant further noted wetland mitigation was an expensive component for the developer so minimal impacts were sought. He added the crossing style sought by the developer would focus on the lowest environmental impact which would lower the cost.

Mr. Icenhour noted if the rezoning request was approved, his understanding was the Hazelwoods would sell the farm and someone else would develop the property.

Mr. Trant noted the three Hazelwood Family members understood real estate development as it had factored significantly into their lives. He further noted the Hazelwood goal was marketing of the property. Mr. Trant added the Hazelwoods were not planning on building a warehouse on the property, but were cognizant that potential buyers could warrant their development of infrastructure to initiate the project. He made an analogy to the Casey Family and New Town where the land sat for sale over time with the realization that personal money would need to be invested to launch that project. Mr. Trant noted the Hazelwoods were prepared for that possibility with their property.

Mr. Icenhour thanked Mr. Trant.

Mr. Hipple noted in 2014 the Hazelwoods presented their idea for this property before the Board of Supervisors. He further noted the parcels represented a 60/40 ratio in his opinion. Mr. Hipple cited the importance of planning and the master plan was a key component. He noted the County had requested developers and others coming into James City County to follow the Comprehensive Plan, follow staff's recommendations, and establish a master plan. He further noted these points had been addressed.

Mr. Trant noted James City County's Planning staff was exceptional in promoting protection of the County. He further noted staff's professionalism, adding they were acutely aware of the County's best intentions.

Mr. Hipple thanked Mr. Trant.

Ms. Larson noted most of her questions were staff-related, but inquired of possible next steps

for the property if the application was denied.

Mr. Trant noted he and the Hazelwoods had discussed the possibility of a denial. He further noted if that were the case, a by-right development would be immediately pursued with reconfiguration of a boundary line adjustment on the three B-1 parcels. Mr. Trant noted the two parcels would be repositioned for better size and location as outparcels with the remaining parcel proposed for a minor subdivision. He further noted the A-1 parcel would be a by-right subdivision with 3-acre lots.

Ms. Larson asked if interest had been shown in the property.

Mr. Trant replied yes. He noted he had received numerous calls from economic developers.

Ms. Larson thanked Mr. Trant.

Mr. Hipple noted Mr. Icenhour's association with the Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Planning District Commission (HRPDC) and site evaluations in the County. He further noted James City County was limited regarding sites for economic opportunity in its competition with neighboring jurisdictions.

Ms. Sadler referenced previous conversations with Mr. Trant about past timbering in the A-1 parcel particularly. She asked if by-right allowed timbering in the A-1 and B-1 sections if the rezoning was not approved.

Mr. Trant replied yes. He noted timbering would be done in compliance with the Timber Management Plan in place.

Ms. Sadler noted the master plan allowed for some existing trees and vegetation to remain for buffering.

Mr. Trant replied yes. He noted the proposed master plan addressed retaining natural buffers in their current locations with mature natural vegetation remaining undisturbed.

Ms. Sadler asked if the land would no longer be farmed.

Mr. Trant replied correct. He noted no definitive date was set, adding the farmer from New Kent who worked the land had spoken of retirement, but no confirmation yet. Mr. Trant further noted the hope was that the land would continue to be farmed until a plan was in place.

Ms. Sadler asked if that farmer retired were there plans for other farmers to work the land.

Mr. Trant replied no.

Ms. Sadler thanked Mr. Trant.

Ms. Larson noted receipt of email correspondence addressing the possibility of an agri-tourism use for the land, which included farmers market, classroom, and other suggestions. She asked if the property owners had any interest in pursuit of such options.

Mr. Trant noted the possibility for agri-tourism use was low compared to farmland in the rural lands which were outside the PSA. He further noted this property was within the PSA, had proximity to an interstate, and designated economic opportunity. Mr. Trant added the sale or lease of the land for agri-tourism use was financially unwise, but noted the proposed uses would be more valuable with the development plan that had been presented. He noted the preservation of the County's rural lands and the possibility of this land as a revenue source to

promote the protection and preservation of those lands. Mr. Trant further noted the economic possibility of a bond issuance to support PDR funds.

Ms. Larson thanked Mr. Trant.

Mr. McGlennon asked Mr. Trant about the varied uses of the Land Bays, particularly his clients' vision of the use 10 years later. He asked if the vision was distribution warehouses, office campuses, or light manufacturing.

Mr. Trant responded trees if a visitor was outside of the commerce park. He noted Mr. John Hopke of Hopke & Associates, the architect, was present to address design guidelines for the Board.

Mr. McGlennon noted he was not referencing the design guidelines, adding Mr. Hopke did an excellent architectural job. Mr. McGlennon questioned what the buildings would be.

Mr. Trant noted the Land Bay uses were limited by the EO Ordinance. He further noted the hope was a mixed use configuration with population of each Land Bay over an extended period of time.

Mr. McGlennon noted there were limitations to the EO Zone usage. He questioned if this facility was economically a net positive both directly and indirectly for the County. Mr. McGlennon referenced a direct impact would come from the machinery and tool tax which provided a net positive revenue to the County. He noted an office campus with predominantly office workers would not generate such a tax. Mr. McGlennon questioned if additional population would be needed to fill the office campus as the current unemployment rate was 2.5% in James City County as of December 2021 and the potential influx of residential growth to support the office campus and businesses. He noted that growth could necessitate more residential, recreational, and other needs, which prompted him to ask about the vision. Mr. McGlennon further noted the absence of vision was difficult to see the financial benefits versus costs and the overall impact to the community.

Mr. Trant noted the goal was to have manufacturing uses populate the park. He further noted that goal allowed for potential employment and high wages in addition to taxes from real estate. Mr. Trant added he felt office complexes could be economically attractive.

Mr. McGlennon noted varying viewpoints on the property's uses. He further noted the vision question helped to identify the business types coming into the County while considering potential protections for the County as the development progresses with additional businesses.

Mr. Trant noted, if the project was approved, he would meet immediately with Mr. Chris Johnson, Director of Economic Development, and travel to Richmond for a meeting with the Virginia Economic Development Partnership (VEDP). He further noted that meeting would provide alignment of the property's marketing efforts and establish economic prospects as identified by VEDP. Mr. Trant noted stricter uses provided greater certainty, but also created additional difficulty finding end users.

Mr. McGlennon noted with greater use allowed less opportunity to evaluate during project development occurred.

Mr. Trant noted three specially permitted uses were allowed. He further noted the uses were textile manufacturing, heavy machinery, and service and sales. Mr. Trant cited more specificity in the uses as a business attractant. He noted those uses would be located on the spine road with buffering.

Mr. McGlennon asked Mr. Wysong about attendees' references to recency or lack of support materials. He specifically noted the materials as pertaining to natural resource impacts and water.

Mr. Wysong noted with every legislative process, a Water and Sewer Impact Study must be submitted. He further noted relevant natural resource information must also be included. Mr. Wysong noted the information was reviewed by the Planning staff, Stormwater and Resource Protection (SRP) Division, and James City Service Authority (JCSA) with both SRP and JCSA approving the submittals.

Mr. McGlennon asked if the natural resource examination was primarily focused on the whorled pagonia.

Mr. Wysong responded that was included as an appendix to the Community Impact Statement (CIS). He noted the applicant could address that point more clearly. Mr. Wysong further noted the Ordinance stated that if an endangered species is found, they were to be shown as such in the assessment. He added none were recognized on-site per the report.

Mr. McGlennon questioned the date of the inventory.

Mr. Wysong responded 2015. He noted the inventory was included with the application.

Mr. McGlennon thanked Mr. Wysong.

Mr. Hipple asked Mr. Wysong about the various traffic reports.

Mr. Wysong deferred the question to the traffic consultant.

Mr. Dexter Williams, 2319 Latham Place, of DRW Consultants, LLC, addressed the Board noting he had done the traffic study. He noted the Hazelwood Farms Village Center had been done in conjunction with the Enterprise Center. Mr. Williams further noted the study was structured based on existing properties, added growth, and it included Stonehouse's entire traffic numbers in addition to Moss Creek numbers.

Mr. Hipple noted some comments indicated Stonehouse was not included. He further noted Moss Creek had not been factored.

Mr. Williams noted the numbers from those areas represented the baseline. He further noted creation of incremental road improvements needed to support development in each of the two sections (Village Center and Enterprise Center). Mr. Williams cited balancing road improvement costs with increased trips compared to affordability. He noted the incorporation of a signalized intersection at Route 30 and Old Stage Road which would control the traffic flow in and out of the development. Mr. Williams further noted that was the control point for the Enterprise Center development. He then highlighted the rebuild of Old Stage Road for the necessary utilities followed by a needs analysis of Route 30. Mr. Williams detailed the heavy traffic volume with the Stonehouse commercial build-out toward I-64, adding the PM hours were the peak controlling hours. He noted that timeframe was typical. Mr. Williams further noted analysis of capacity included a third lane on Route 30 northbound with turn lanes at the intersection, a rebuild of Old Stage Road to a six-lane width at Route 30, reduced to four-lane width at the first roundabout, then two lanes at the roundabout into the spine road. Mr. Williams stated that particular system supported the 944 number of trips which had been referenced. He noted the warehouse trip generation number was used as it was the smallest number which could be used without reducing the square footage. Mr. Williams further noted this project was capped by trips. Mr. Williams stated reasonable factors were also considered, adding a very intricate road system no one understood was unrealistic for marketing property.

He noted the transition in uses from warehouse to office adjusted the square footage calculations, but added potentially all the property would not be developed because of the trip cap. Mr. Williams further noted the trip cap was fixed and each developer would have to address it accordingly, adding the possibility that the initial developer would have to make all the modifications on Old Stage Road. He added the roundabouts and other traffic aspects needed to be installed initially. Mr. Williams noted the challenge was to secure enough development on the front end of the project to provide the bulk of that investment. He further noted there was a trip cap also on the Village Center project.

Mr. Hipple asked Mr. Williams how long he had worked as a traffic consultant.

Mr. Williams replied he began consulting in 1983, adding he had worked for Chesterfield County for eight years prior to consulting work. He noted he had 47 years' experience.

Mr. Hipple thanked Mr. Williams.

Ms. Larson referenced an earlier comment accusing staff that if the proposal was approved and the traffic increased, then unlimited trips would occur. She asked staff what mechanism was in place to ensure that did not occur.

Mr. Wysong noted on the basis of the submitted materials, the company was legally bound at site plan submission to identify a study that indicated the trip number. He further noted that study was reviewed as part of the site plan review. Mr. Wysong added the total number of trips on the Hazelwood property would be tracked to ensure the 944 was not exceeded.

Ms. Larson noted if Mr. Wysong was no longer with the County, then what assurances with the next person would exist. She further noted the next person could adjust the number for additional trips.

Mr. Wysong noted that would not happen. He further noted it was included in the case file, adding that aspect was included in zoning. He noted a similar trigger mechanism was used in the Stonehouse development with different proffers for various units. Mr. Wysong further noted successful tracking in Stonehouse.

Ms. Larson thanked Mr. Wysong.

Ms. Sadler asked about the levels of review. She noted the review had been approved by the County, Kimley-Horn & Associates, Inc., a third-party engineering consultant, and VDOT.

Mr. Wysong confirmed yes.

Ms. Sadler noted three levels of review support for the proposal.

Mr. Wysong confirmed yes.

Ms. Sadler questioned if this was by-right would the traffic light be located near the Shell gas station or was it a part of the SUP.

Mr. Wysong noted the light was part of the proffer commitments as a result of rezoning.

Ms. Sadler noted the affordable housing in the Norge, Croaker, and Toano area, adding this proposal could provide jobs. She further noted if workers were to come via Route 60 or Route 30 for work and this was a by-right business park, there would be no traffic light to assist travelers for entrance into the park.

Mr. Wysong confirmed yes. He noted a light was not required with the by-right review.

Ms. Larson addressed Mr. Trant in reference to Mr. McGlennon's question on the the possible uses of the park. She noted discussion on the property had been ongoing over time. Ms. Larson asked if any information on interested companies was available. She also asked the appeal of this property compared to the Stonehouse Commerce Park, adding despite vacancies, noticeable activity at the Stonehouse facility existed.

Mr. Trant noted one of the more significant interests was light manufacturing and warehousing and fulfillment as related to the Port of Virginia activity. He further noted those were the two primary inquiries. Mr. Trant commented one undeveloped parcel remained in the Stonehouse Commerce Park at the corner of La Grange Parkway and Route 30. He discussed other parcels and respective aspects and features within the Park. Mr. Trant noted the Hazelwood property offered larger parcels which provided a different inventory for development considerations.

Mr. Icenhour asked Mr. Paul Holt, Director of Community Development and Planning, to come forward. He noted he had been in discussion with Mr. Holt previously. Mr. Icenhour further noted this proposal was a rezoning from A-1 and B-1 to EO for which a permitted use list existed. Mr. Icenhour stated there was also a special use list under the EO designation, adding several had been requested as SUPs for this proposal. He noted that if approved, any of the uses could be built by-right under the EO within the Land Bays. Mr. Icenhour asked Mr. Holt if any of the permitted uses designated within the EO Ordinance could be implemented.

Mr. Holt confirmed yes. He added the use categories identified per individual Land Bays would need to match to the proposed use.

Mr. Icenhour noted there were some limitations.

Mr. Holt confirmed yes.

Mr. Icenhour noted some Land Use categories, which were not mentioned on the Land Bays, would not be permitted as by-right uses.

Mr. Holt confirmed yes.

Mr. Icenhour asked about the three categories. He noted commercial and industrial, but was unsure of the third one.

Mr. Holt noted uses for the EO allowed heavy machinery and textile. He further noted the master plan indicated a commercial core limited to the Land Bay at the intersection of Route 30 and Old Stage Road.

Mr. Icenhour asked if that area was the only location for commercial use.

Mr. Holt confirmed yes. He noted the other areas were designated for industrial, warehouse, and office use.

Mr. Icenhour noted there would basically be one commercial Land Bay with the balance being industrial uses, adding the other by-right uses would not be allowed as indicated by the master plan.

Mr. Holt confirmed yes.

Mr. Icenhour asked Mr. Holt to discuss staff's involvement with the bridges and the wetlands when development begins. He asked about the process for the bridge determination.

Mr. Holt noted the design team did not currently have the specifics for the bridging. He further noted if a master plan and rezoning be approved, those engineering details would be addressed at site plan stage. Mr. Holt added those details accounted for actual topography, wetland limits, and RPA buffers in relation to cost and resource impacts. He noted the SRP team reviewed any potential environmental resource impacts at site plan review in accordance with both County and Chesapeake Bay Preservations Ordinances. Mr. Holt further noted small impacts could be addressed administratively by staff with greater impacts reviewed by the Chesapeake Bay Board and the Wetlands Board and even at the state level by the Army Corps of Engineers or DEQ.

Mr. Icenhour noted the number of citizens who had discussed rural lands. He further noted the definition of rural lands per the Comprehensive Plan were those A-1 lands outside of the PSA. Mr. Icenhour stated other designations such as R-8, A-1, and others within the PSA and asked if staff referred to these designations as rural lands.

Mr. Holt noted rural lands on the Comprehensive Plan typically referred to those outside of the PSA. He further noted with this proposal there was an A-1 parcel which originally was not within the PSA, but which was planned with a previous Comprehensive Plan.

Mr. Icenhour asked the estimated percentage of impervious cover in a residential or commercial area. He referenced ranges and watershed plans noting 10% impervious cover and serious watershed impacts while 15%-18% constituted very serious impact.

Mr. Holt confirmed yes. He noted with the varying nature of an industrial area, he did not have set rules. Mr. Holt further noted he could defer to the applicant team which may have an industrial formula for that determination. He stated he had those additional classification uses Mr. Icenhour had questioned earlier. Mr. Holt noted those uses were: F - wholesale and warehouse; G - office; and H - light industrial. He further noted the use list in the County's Ordinance was exclusionary meaning if it was not listed, it could not be done.

Mr. Icenhour asked where the categories were listed in the Ordinance.

Mr. Holt noted near the beginning of the Ordinance there were submittal requirements for legislative applications. He further noted several pages later in Subsection 2 was a table of requirements for binding master plans.

Mr. Icenhour asked how this related to the use list.

Mr. Holt noted that was a ready reference list. He further noted it was not a one-for-one relationship to the specific categories, but a quick guide to search.

Ms. Sadler asked Mr. Holt to address some citizens' concerns regarding noise and light, Best Management Practices (BMPs) and stormwater, and DEQ's regulation of air quality and other factors.

Mr. Holt noted lighting requirements had existed in the Zoning Ordinance for many years whether developed by legislative action or by-right with the administrative process. He listed the County's freestanding and outdoor (building mounted) lighting standards were based on the Dark-Sky Principles. Mr. Holt noted light fixtures had to be directed downward, height restrictions, and other requirements, adding a lighting plan had to be reviewed in the process once a proposal was approved. He further noted the County's Noise Ordinance applied county-wide.

Ms. Larson asked if the proposal was unapproved and a residential development moved into the A-1 parcel, what light restrictions would be in place there.

Mr. Holt responded that residential subdivisions which are developed under the Subdivision Ordinance do not adhere to those lighting requirements.

Ms. Larson thanked Mr. Holt.

Mr. Holt noted the Lighting Ordinance did not apply to single-family detached homes.

Mr. Wysong noted with regards to stormwater requirements that the applicant had submitted a master plan with a proposed facility layout. He further noted SRP had reviewed the material. Mr. Wysong stated additional items such as a stormwater narrative had been included with the application and a proffer (a legal guarantee) for additional nutrient plans per each Land Bay. He noted the County had also imposed numerous special use conditions. Mr. Wysong highlighted some of the stormwater conditions to be included in the review process.

Ms. Larson asked what the stormwater requirements were if this was by-right.

Mr. Wysong noted there would be lesser standards, but adherence to County Code and applicable state criteria would still be required. He further noted with the SUP conditions for this project, a higher standard could be sought which was unavailable with by-right.

Ms. Larson thanked Mr. Wysong.

Mr. Holt noted by-right would still be required to meet the County's Stormwater and Chesapeake Bay Preservation Ordinances as would any private development county-wide. He further noted as this was a legislative process, staff could include the particular conditions to address the higher standard requirement. Mr. Holt responded to Ms. Sadler's question on air quality which he noted was addressed at the state level.

Ms. Sadler asked if it was a rigorous process.

Mr. Holt responded that depended if an air quality permit was required by the state. He noted he did not have the list of specific industrial uses which required that permit with him tonight.

Ms. Sadler asked about the project's environmental review in relation to citizens' comments.

Mr. Holt noted the items specific to stormwater runoff. He further noted some information was required for submission on the rare, threatened, and endangered species, master plan level information did not require additional inventory. Mr. Holt stated several years earlier the Board had amended the Zoning Ordinance that site plans, including by-right site plans, were required to provide a natural resources inventory and archaeological studies.

Ms. Sadler noted she had several questions on rural character and the corridor and asked Mr. Holt to address buffering and pertinent related points.

Mr. Holt noted a separation of rural character preservation versus the Community Character Corridor (CCC). He further noted areas outside the PSA and areas designated as rural lands on the Comprehensive Plan's Future Land Use Map. Mr. Holt stated this property had been brought into the PSA and designated EO on that Future Land Use Map. He noted by-right development had buffering requirements along highways as noted in the Ordinance. Mr. Holt further noted the buffering areas as identified in the staff report with the proposed conditions. He noted additional limitations on lighting, roadways, and other conditions. Mr. Holt further

noted those conditions were also included with the CCC as well as special setbacks for the EO SUP uses. He noted a minimum 1,000-foot setback off Barnes Road as one condition.

Mr. McGlennon noted the conditions could be included at a later time without the SUPs approval. He further noted implementation as a condition of the rezoning.

Mr. Holt noted rezoning items could only be voluntarily proffered.

Mr. McGlennon confirmed yes. He noted that was true with many cases.

Mr. Holt noted the SUP included staff conditions, which could be added to the application as opposed to items which could only be voluntarily proffered by the applicant. He further noted that allowed for more staff control and affirmation versus those introduced by the applicant.

Ms. Larson noted Ms. Sadler had additional questions.

Ms. Sadler noted questions regarding the Comprehensive Plan. She cited the section under Rural Lands Protection and its definition. Ms. Sadler asked what tools were being used in rural land preservation.

Mr. Holt noted for areas outside the PSA, the Open Space and PDR programs were options. He further noted additional funding options for those programs. Mr. Holt added in December 2021, the Board passed an Initiating Resolution requesting staff to explore additional preservation measures along some of the County's most scenic roadways. He noted this included Forge Road, adding additional setbacks and other options for preservation.

Ms. Larson mentioned talk about toxic chemicals. She asked Mr. Holt to address that point.

Mr. Holt noted as an SUP condition, there were specific criteria relating to textiles and manufacturing with a Spill Prevention Control and Countermeasures Plan. He cited the specifics of the condition, noting this was an additive step staff incorporated into other similar industrial developments. Mr. Holt noted these types of SUP conditions have been used with switching stations, projects involving gasoline, and other such situations. He further noted the County's Fire Marshal was typically included in the review process also. Mr. Holt added these conditions were in addition to those enforced by the Virginia Uniform Statewide Building Code. He noted regional monitoring of industrial use and waste by the Hampton Roads Sanitation District.

Ms. Larson thanked Mr. Holt.

At approximately 9:29 p.m., Ms. Larson left the meeting for a short time.

Mr. Icenhour referenced the earlier discussion on the Land Bay uses. He questioned the four categories and what by-right uses were allowed under each category, adding he was unsure of the allowances.

Mr. Holt noted the individual use and the proposal and how it was defined within that individual use. He further noted it was difficult to categorize based on the EO table. Mr. Holt stated all the by-right uses and SUPs were listed in the table, but review of the individual use was needed for compliance with each area designation.

Mr. Icenhour cited the example of commercial use with automobile rental and service and repair from the list. He questioned if he was able to use that designation and would it need staff review and approval to allow it.

Mr. Holt confirmed yes. He noted examples of Avis Car Rental as commercial while Carter Caterpillar was industrial.

Mr. Icenhour expressed concerns regarding the list. He acknowledged Mr. Holt's reference to clarifying points within the Ordinance.

Ms. Sadler noted she had several questions for Mr. Jason Purse, Assistant County Administrator, regarding economic development. She asked Mr. Purse to explain the Comprehensive Plan document process, adding it was a publicly driven document which garnered public participation and input.

Mr. Purse noted the process was lengthy. He further noted the Board's methodology had targeted a minimum of 18 months which involved public surveys, outreach community meetings, and periodic checks with both the Board and Planning Commission to ensure all data and input was considered.

Ms. Sadler referenced comments made during the evening's meeting which indicated this project was not included in the Comprehensive Plan. She asked Mr. Purse to explain how this application aligned with the recommendations for the County's diverse economy as cited in the Plan.

At approximately 9:33 p.m., Ms. Larson returned to the meeting.

Mr. Purse noted the diverse economy was considered during the annual budget process as consideration for County revenue. He further noted attention to property taxes and awareness to reliance on only select sectors. Mr. Purse cited lower numbers with retail and tourism during the COVID-19 pandemic, adding additional revenue sources were critical to local governments. He noted the County's economic strength in the industrial sector with Anheuser Busch, Inc., Ball Metal Beverage Container Corporation, O-I Glass, as well as Avid Medical, Inc./Owens & Minor in the Stonehouse Commerce Park. Mr. Purse stated Avid Medical, Inc. was one of the top 10 taxpayers in James City County.

Ms. Sadler cited the Office of Economic Development (OED) goals as listed in the Comprehensive Plan. She noted the OED's mission regarding development expansion fostering and healthy business base diversification for a better tax base balance. Ms. Sadler referenced the OED's strategy goal of determining suitable land for specific uses and highlighted the three key planning aspects. She continued highlighting sections of the Comprehensive Plan referencing public engagement and the results of County surveys and discussion.

Mr. Purse noted this project offered the opportunity to support higher paying jobs with the business diversification. He further noted the light industrial jobs offered higher wages and better benefits and being a regional competitor. Discussion ensued on the economic opportunity points.

Mr. McGlennon asked if any questions remained unaddressed.

Mr. Hipple and Ms. Sadler both noted they had additional comments, but no questions.

Mr. McGlennon asked Ms. Larson and Mr. Icenhour if they had any questions.

Both responded no.

Mr. Hipple thanked all the participants at the meeting. He noted his surprise at the York County Planning Commissioner's attendance at the meeting, citing the Kelton Station project

and its impact on the Lightfoot area. He further noted James City County had stayed away from that project and discussion. Mr. Hipple stated his surprise at the New Kent Supervisor's comments, adding he did not think either county would like comments from their neighbors on their respective county business. He referenced a comment from the evening regarding the Board's decision based on wealth, status, or association. Mr. Hipple noted those considerations did not occur as the Board was acting in the community's best interest. He further noted comments made regarding staff and performance. Mr. Hipple disputed that point, adding he felt the County's staff was exceptional. He also spoke about correspondence and knowledge of the process. He suggested citizens work with farmers and landowners for ways to assist the farmers. Mr. Hipple noted farming was dying in the County and asked citizens if they knew of programs working elsewhere that could benefit the local farmers. He suggested using the collective interest and knowledge to seek alternative ways to save the rural lands. Mr. Hipple noted County funding for PDRs to preserve rural lands. He asked the citizens for suggestions.

Mr. Icenhour disclosed he had met with Mr. Trant, Mr. Hazelwood, and Mr. Marston on January 31, 2022. He thanked the men for that opportunity, adding he had learned many things. Mr. Icenhour extended thanks to the Hazelwood Family as well as the numerous speakers. He noted he was reviewing this proposal as what was best for the County's citizenry. Mr. Icenhour further noted the proposal's recommendation for consistency with the Comprehensive Plan, location within the PSA, economic opportunity designation with the FTZ benefit, and the B-1 zoning over time. He stated both staff and Planning Commission approval. Mr. Icenhour noted both the residential component and the truck terminal had been removed from the application. He addressed the traffic concerns and barring one intersection, the improvements would maintain the Level of Service (LOS) C or better which the County wanted. Mr. Icenhour noted the intersection of Barnes Road and Route 30 dropped to LOS D or lower with no proposed mitigation and increased traffic on Route 30 between I-64 and Route 60 by 2045. He further noted the economic impact and its importance in benefitting the County's citizens. Mr. Icenhour stated the sale of the land could potentially help diversify the County's economy and increase the tax base while benefiting everyone. He noted the uncertainty of what would be built on the property or who would be the end users thus there was no way to know the economic impact. Mr. Icenhour noted at the January 5, 2022, Planning Commission meeting, 16 citizens spoke against the proposal with five in favor followed by current email indicating 38 against with 11 in favor. He further noted tonight's meeting indicated 24 against with 6 in favor based on his tally of citizen responses. Mr. Icenhour noted many people were against this proposal, but he questioned if this was rural lands, adding it really was not. He further noted his concern regarding how the land should be developed. Mr. Icenhour differed with the staff report on the screening's compatibility with the character of the surrounding areas. He noted potential damage to the Diascund Creek watershed along with the uncertain economic benefit to the end users and the Barnes Road-Route 30 intersection impact were his concerns. Mr. Icenhour further noted many applications of this type regularly come back before the Board due to no building or modifications. He added most of the County's industrial parks were zoned M-2, General Industrial District. Mr. Icenhour stated he compared the by-right uses between the M-2 and the EO Districts and found 35 by-right uses in the EO District that were not allowed in the M-2 District. He noted one use included hotels, motels, tourist homes, and convention centers followed by public billiard parlors, arcades, pool rooms, bowling alleys, dance halls, and other indoor centers of amusement. He further noted these were by-right uses under the commercial category. Mr. Icenhour stated vehicle sales and service was another potential use, adding in future years that by-right use could be built. He noted there was no knowledge of what the Land Use Bays entailed until the proposal was made. Mr. Icenhour further noted manufactured or mobile home sales and car lots could be placed on the property. He stated the uncertainty of this proposal was unsettling for him. Mr. Icenhour thanked everyone for their input.

Ms. Larson extended her thanks to the meeting's participants. She noted her empathy with

citizens, adding she had lived in the Mirror Lakes area. Ms. Larson further noted her concern with by-right uses and her hope that the conditions staff incorporated into the SUP will ensure a better development. She stated she felt personally what was done previously in the County had not worked, adding the hope of no by-right development was not enough for her. Ms. Larson stated her opinion was by-right development would be a worse place in light of all the work currently done. She noted the time the Hazelwoods and staff had invested in this project, but added the Hazelwoods may not have received all they wanted from this proposal as negotiations with staff occurred. Ms. Larson noted she had met with Ms. Prevish who had organized a meeting with FORT. She further noted meeting with Mr. Trant, Mr. Marston, and Ms. Hazelwood. Ms. Larson stated the property had been zoned B-1 since the 1970s in addition to it remaining as such in the recently adopted Comprehensive Plan. She added no one had asked to remove the property or change its use during that process. Ms. Larson echoed Mr. Icenhour's comment on uncertainty, but she felt the work of staff and the applicant could deliver a product that would benefit the citizenry. She also echoed Mr. Hipple's comment on neighboring locality representatives speaking out on this matter. Ms. Larson noted York County had not contacted James City County on developments at Lightfoot, but input had been given in an area where traffic improvements would occur. She added no traffic improvements had occurred in Lightfoot. Ms. Larson noted she tried not to weigh in on neighboring localities, but she would be mindful in the future. She further noted if the proposal's vote was not what the citizens who spoke wanted, it should be noted the Board heard their comments, but there were multiple considerations involved.

Ms. Sadler thanked tonight's speakers and others who had communicated with her as well as Ms. Larson for the shared Zoom call with concerned citizens. She also extended her thanks to Mr. Holt, Mr. Purse, Mr. Stevens, Mr. Kinsman, and Mr. Johnson for answering her endless questions. Ms. Sadler thanked Mr. Trant also. She noted she did not take this decision or any lightly, so she had many questions. Ms. Sadler further noted the importance of the terms discussed and their applications in developing the County's future via the Comprehensive Plan. She stated the Hazelwood Farm was within the PSA which delineated the area for growth and development. Ms. Sadler noted the property had been zoned B-1 for 50 years with no rural land designation. She further noted the property was designated undeveloped business within the PSA. Ms. Sadler added the property would be developed either by-right or with the master plan as the family was ready to move forward. She noted staff's work in identifying rural lands outside the PSA and the importance of preservation of those lands. Ms. Sadler reiterated that by-right meant no architectural review, traffic enhancements, and other aspects regarding the development. She noted the Hazelwoods had made several concessions during the development of this application. Ms. Sadler referenced the decreased residential growth as noted with public input, stating this project would eliminate the residential aspect. She highlighted other favorable and restrictive SUP conditions to this application as well as the FTZ. Ms. Sadler noted her concerns with landscaping referencing Route 17 in York County. She highlighted additional benefits to this project while addressing inaccurate reports on social media that may have caused confusion for citizens. Ms. Sadler highlighted historical points regarding this property, adding it was in her district and she wanted to ensure she did her due diligence relaying facts and information to citizens. She noted the designations for this property were in place when the Comprehensive Plan was approved by the Board in 2021. Ms. Sadler noted change was difficult sometimes, but it was inevitable.

Mr. McGlennon extended his thanks to everyone. He noted he had met with the Hazelwood team and appreciated their input. Mr. McGlennon further noted his appreciation of the Zoom meeting participants and that perspective on the proposal. He expressed his apologies for any correspondence he had not responded to or acknowledged. Mr. McGlennon noted his hope that this land would remain agricultural, but he was cognizant of its development. He further noted he had voted in favor of the most recent Comprehensive Plan, adding probably every Supervisor had something in the Plan they did not like, but support for the overall balance remained with improvements over the prior Plan. Mr. McGlennon noted staff had done an

outstanding job to impose restrictive conditions or extract conditions for the project's betterment. He further noted this legislative action allowed citizens to express their opinions, as had been done with the Village Center proposal. Mr. McGlennon stated property owners had the right to develop their property, but not in such a way as to produce adverse impacts on citizens. He noted citizen comments were to be expected if citizens felt the possibility of adverse impacts on them. Mr. McGlennon referenced the first of the four Public Hearings which had addressed two land parcels covered by a master plan and the need for a proffer amendment to not have an annual payment to ensure a traffic study was done if the other parcel was developed. He noted the second Public Hearing addressed a 7,000-10,000-square-foot convenience store on one parcel of land, which was a commercial enterprise, but not on 328 acres. Mr. McGlennon continued noting the third Public Hearing involved one parcel of land being divided into two parts with one part going to the landowner's son for a home. He noted the average acreage of both properties exceeded three acres in a rural area. Mr. McGlennon noted in those three cases, legislative approval was required. He further noted that was his desire for the Hazelwood project adding he wanted to see how it would develop with net positive or negative impacts, points of adjustment, and an early clear picture. Mr. McGlennon stated he was not in favor of this proposal, but noted he would have supported a proposal, adding that was what the Comprehensive Plan suggested would occur. He clarified noting he was not in favor of short circuiting the opportunity for citizens to have input. Mr. McGlennon asked Mr. Kinsman if the motion should be done separately or as one vote.

Mr. Kinsman responded one vote was acceptable with the understanding the one vote was clear in approving both the one Ordinance and the resolution.

At approximately 10:31 p.m., the Board recessed for a short break.

At approximately 10:36 p.m., the Board reconvened.

H. BOARD CONSIDERATION(S)

None.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour noted on January 19, 2022, he spoke with the Kiwanis Club on what was happening in James City County. He further noted on January 27, 2022 and February 2-3, 2022, he joined Mr. Brad Rinehimer, Assistant County Administrator, to hear proposals to the Williamsburg Health Foundation regarding requests for information on integrated healthcare. He noted more information would be forthcoming. Mr. Icenhour further noted March 29, 2022 is Vietnam Veterans Day and a ceremony will take place at Veterans Park in conjunction with the Parks & Recreation Department. He added assistance from the Veterans Service and the local Vietnam Veteran chapter had also been offered and more information would be forthcoming to the public.

Mr. Hipple noted he had attended the funeral for Mr. Thomas (Tommy) Hitchens earlier in the day. He further noted he offered his condolences on behalf of the Board.

Ms. Larson noted her attendance at the Virginia Association of Counties (VACo) Legislative Meeting on February 3, 2022. She further noted she was joined by Mr. McGlennon, Mr. Stevens, and Mr. Kinsman who visited with local legislators while she was attending the VACo Board meeting. Ms. Larson added she and Mr. Stevens presented the following day at the VACo Chair Meeting. She noted if fellow Board members received VACo Capitol alerts, there was plenty of activity. Ms. Larson further noted there was more activity when administrations changed. She referenced the Honorable Virginia Governor Glenn Youngkin's campaign promise to cut the grocery tax and urged citizens to examine this action as it

pertained to their localities. Ms. Larson noted substantial funding for education and roads was received via the grocery tax. She further noted VACo's request to the General Assembly to keep localities from grocery tax elimination as she explained that revenue would need to be obtained from another source if the grocery tax revenue source was removed. Ms. Larson urged citizens to look into details on the grocery tax.

Mr. McGlennon noted VACo had not taken a stance on the grocery tax elimination.

Ms. Larson replied no.

Mr. McGlennon noted VACo had taken a stance on the remaining sales tax being adjusted so the state's share was reduced while locality and school shares increase proportionally to maintain equivalent amounts.

Ms. Larson noted the state was doing well and she was hopeful some bills would be paid to localities.

Ms. Sadler offered her condolences to the Hitchens Family. She noted Mr. Hitchens had been a valuable member of the Agricultural and Forestal District (AFD) Committee.

Mr. McGlennon extended his condolences also. He noted Mr. Hitchen's passion for rural land preservation. Mr. McGlennon further noted the passing of Mr. Lee Williams, a long-time lobbyist for the Virginia Gasoline Retailers Association in Richmond. He added Mr. Williams was also a talented local auctioneer for charitable events. Mr. McGlennon noted he attended a Coalition of High Growth Communities meeting at the VACo Local Government Day on February 3, 2022. He further noted the Coalition was addressing innovative ways for affordable housing as well as idea sharing with localities across the state.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had no report.

K. CLOSED SESSION

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 10:43 p.m., the Board of Supervisors entered a Closed Session.

At approximately 10:48 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Consideration of personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
2. Appointment - Chesapeake Bay Board and Wetlands Board

No appointments were made at this meeting.

3. Appointments - Colonial Behavioral Health Board

A motion to Nominate Ms. Jo Anna Ripley and Ms. Donvale Wells was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Stevens noted Ms. Ripley's term would expire June 30, 2022 and Ms. Wells' term would expire on June 30, 2024.

Mr. McGlennon noted that would be part of the motion.

4. Appointment - Planning Commission

A motion to Nominate Mr. Stephen Rogers to fill the Berkeley District Planning Commission appointment that would be effective immediately and expiring on January 31, 2025 was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

L. ADJOURNMENT

1. Adjourn until 1 pm on February 22, 2022 for the Business Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 10:50 p.m., Mr. McGlennon adjourned the Board of Supervisors.


Deputy Clerk