

A G E N D A  
JAMES CITY COUNTY PLANNING COMMISSION  
OCTOBER 3, 2012 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
  - A. September 5, 2012 Regular Meeting
4. COMMITTEE / COMMISSION REPORTS
  - A. Development Review Committee (DRC)
  - B. Policy Committee
  - C. Regional Issues Committee / Other Commission Reports
5. PUBLIC HEARING CASES
6. PLANNING DIRECTOR'S REPORT
7. COMMISSION DISCUSSIONS AND REQUESTS
8. ADJOURNMENT

## **SPEAKER'S POLICY**

The Commission encourages public participation, but also wants to remind speakers to use decorum when speaking during the public comment or during public hearings.

Please keep in mind the following when speaking:

1. Courtesy between the speaker and the audience is expected at all times.
2. Speakers shall refrain from obscenity, vulgarity, profanity, cursing, or swearing.
3. Every petition, communication, or address to the Commission shall be in respectful language and is encouraged to be submitted in writing.
4. Public comments should be for the purposes of allowing members of the public to present planning or land use related matters, which, in their opinion, deserve attention of the Commission.
5. The public comment period shall not serve as a forum for debate with staff or the Commission.
6. Citizens should refrain from using words or statements, which from their usual construction and common acceptance are orchestrated as insults, personal attacks, or a breach of peace.
7. The public comment section at the beginning of meetings are provided as a courtesy by the Planning Commission for citizens to address the Commission regarding items not scheduled for public hearing. These public comment sections are not required by law.

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF SEPTEMBER, TWO-THOUSAND AND TWELVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Robin Bledsoe  
George Drummond  
Chris Basic  
Mike Maddocks  
Al Woods  
Rich Krapf  
Tim O'Connor

Staff Present:

Chris Johnson, Acting Planning Director  
Adam Kinsman, Deputy County Attorney

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. O'Connor opened the public comment.

There being none, Mr. O'Connor closed the public comment.

3. MINUTES

A. August 1, 2012 Regular Meeting

Mr. Rick Krapf moved for approval of the minutes.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated the DRC reviewed C-0037-2012, the King of Glory Church master plan. The applicant requested DRC feedback as a pre-submittal consideration item. The church property is currently subject to an SUP from a previous case and the applicant would like to submit an amendment application for construction of a building for administrative offices and youth group meetings. The applicant will defer any additional SUP applications pending the outcome of the Longhill Road Corridor Study. The DRC and staff discussed the conceptual master plan with the applicant as well as the time line for the Corridor Study.

Mr. O'Connor moved for approval of the report.

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

B. Policy Committee

The Policy Committee met on September 4<sup>th</sup> to discuss the following items associated with the Zoning Ordinance Update Process. Staff identified several sections requiring additional revisions due to grammatical inconsistencies or needing clarification. These sections were Floodplain Area, Procedural Descriptions/Submittal Requirements, Definitions, Research & Technology Districts, and Private Streets. The Policy Committee approved the staff recommendations in all of these sections but did request further clarification as to whether warehouses should require a SUP in the RT District. The Committee also reviewed a draft of the amended Subdivision Ordinance and approved it with minor grammatical changes and the suggestion to add a definition of multifamily units.

Mr. O'Connor moved for approval of the report.

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

C. Regional Issues Committee

Mr. Mike Maddocks stated the Regional Issues Committee met on July 24<sup>th</sup>. He stated the Committee was updated on the Reality Check Hampton Roads effort by Scott Foster, the April Joint Work Session by Mr. Krapf, the Historic Triangle Collaborative by Sandy Wanner, and the Williamsburg Chamber and Tourism Alliance by Bob Harris.

Mr. O'Connor moved for approval of the report.

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

5. PUBLIC HEARINGS

A. Z-0007-2012/SUP-0002-2011, Greensprings Mobile Home Park Sanitary Sewer Force Main Extension

Mr. Chris Johnson stated the Mr. Will Shewmake and Ms. Liz White with LeClairRyan have applied to rezone the 46-acre Greensprings Mobile Home Park property, located at 4131 Centerville Road, from A-1, General Agricultural, to A-1, General Agricultural with Proffers. He stated they have also applied for a special use permit to allow the extension of an approximately 3,400-foot sanitary sewer force main to the property. The proffer language states the sewer will not serve more than 86 manufactured and/or mobile homes located on the property at any one time, and will not make the use more or less conforming. The property is designated Rural Lands on the Comprehensive Plan, which discourages development outside of the Primary Service Area (PSA). Staff recommends denial of the rezoning and special use permit.

Mr. Maddocks asked why the PSA line jogged around several single-family homes at the

head of the mobile home park.

Mr. Johnson stated that while the PSA may appear arbitrary in some areas where the line traced topographic features and cut across large undeveloped properties, but is was specifically drawn in other areas, as was the case in this location to exclude a commercial property and include existing single-family residences fronting on Centerville Road. He stated those residences as well as the mobile home park were already in existence when the PSA line was adopted and has not been changed by subsequent Board's. Single-family homes in front of the mobile home park are in the PSA, while the mobile home park is not.

Mr. Maddocks asked if the line was going around the houses because they were there in the 1980s.

Mr. Johnson stated the PSA was drawn to include the homes and exclude the mobile home park, which was legally nonconforming commercial use at the time.

Mr. Maddocks asked if the park was legally conforming when it was started.

Mr. Johnson stated the park pre-dated the special use permit requirement for a mobile home park. He stated at that point, a conditional use permit could be obtained administratively. It has existed as a legally nonconforming use for several decades.

Mr. Krapf asked if continuing pump and haul operations would not result in a health department condemnation of the property.

Mr. Johnson stated pump out is required of any property with a septic system every five years. He stated that as a result of on-going problems, pump and haul operations have been occurring at a more frequent rate on site than when the owner acquired the property. Staff is not aware of any Health Department issues that would require condemnation proceedings or require any existing home to be removed. Both the previous owner and the present park owner have been responsive to resolving issues promptly according the Health Department.

Mr. George Drummond asked what type of threat was there to surrounding properties by the property not being able to connect to the PSA.

Mr. Johnson stated the Health Department has not identified any concerns that would negatively impact adjacent properties.

Mr. Al Woods asked Mr. Johnson to elaborate on language 'discussions between staff and the applicant regarding the draft proffers addressed the possibility of reducing the number of connections' in the proffers.

Mr. Johnson stated that statement was related to the subject of the nonconforming status of the park. He stated the general intent of the ordinance is that nonconforming uses should be discontinued over time. The draft proffers did not address reducing the number of 86 manufactured or mobile homes currently located on the property.

Mr. Woods asked staff to elaborate on the language ‘the special use permit application does not include a request to bring the park into compliance’.

Mr. Johnson stated that one option discussed with the applicant as a means of reducing the nonconforming status of the park was submitting an additional special use permit application to bring the park into compliance with current manufactured home park requirements. He stated that the applicant determined that while the park would have little problem meeting minimum lot size requirements, bringing the park into compliance with existing Chesapeake Bay requirements would be cost prohibitive.

Mr. Woods asked what has been the County’s disposition towards nonconforming uses in the past.

Mr. Johnson stated that nonconformities cannot be expanded. He stated the general intent is to make nonconforming uses less nonconforming over time. Residential developments can reduce the number of unit’s onsite as a means of reducing the nonconformity. The owner is deriving income from the property, necessary to run the park, maintain current lease rates, and pay for the sewer extension.

Mr. Woods asked if Condition #2 was a strategy to control growth of the nonconformity in the future.

Mr. Johnson stated that when the PSA extends across or in front of properties not currently in the PSA, it is standard practice for staff to recommend limiting access to public water or sewer or both to a single residentially sized connection. The condition which was referenced is already in place as a result of the SUP application for Matoaka Elementary School and addresses the Armistead property at the corner of Brick Bat Rd. and Centerville Rd.

Ms. Robin Bledsoe asked that on page 9 of the staff report, regarding public impacts and the Chesapeake Bay Act, would the property be brought into compliance if it continues pumping or if utilities are placed.

Mr. Johnson stated the applications as presented would not bring the property into compliance with current Chesapeake Bay standards. He stated the owner would have to do a significant amount of upgrades in order to comply. That expense is cost prohibitive according to the current property owner.

Mr. O’Connor asked if that meant stormwater management.

Mr. Johnson stated yes.

Mr. Maddocks asked if the Greensprings West development was outside of the PSA.

Mr. Johnson stated Greensprings West is located outside the PSA but is not a stand-alone development; it was approved as part of the Greensprings Plantation master plan. He stated the entire master planned development is on public water and sewer.

Mr. Maddocks asked why that would have been passed by the Board.

Mr. Johnson stated as far as Greensprings Plantation was concerned, the Board made the judgment that the master planned development offered sufficient and significant public benefits, including substantial proffers offered by the applicant, and an approval decision was warranted after the proposal was measured against the Comprehensive Plan and a careful analysis of the likelihood that such an action would significantly affect the integrity of the PSA. Even though public utilities were extended to the portion of the development located outside the PSA, approval of Greensprings Plantation did not extend the PSA line. The Board opted not to extend the PSA line around the portion of the development located outside the PSA as a statement that such decisions should be made on an exception basis.

Mr. Maddocks stated that the applicant was not asking for an extension of the PSA, but asking for an extension of public utilities similar to Greensprings West.

Mr. Johnson stated the Greensprings Plantation master plan included residential units, commercial development and recreation amenities and is not an appropriate comparison to a forty- year old nonconforming commercial property which happens to serve as a rental community for 86 residences. Mr. Johnson clarified that the current application was requesting an extension of public sewer, not water and sewer as was the case with Greensprings Plantation. The core questions associated with the current application is whether it is appropriate to extend a public utility outside of the PSA to service a commercial business when other alternatives have yet to be proven non-viable.

Mr. O'Connor asked if there are other situations in the County similar to this.

Mr. Johnson stated that besides Greensprings, to the best of his knowledge, there are only one or two other small manufactured home parks located outside the PSA. He stated the majority of manufactured home parks in the County are located inside the PSA. That is the primary reason why there are different criteria in the ordinance regarding minimum lot size and access to public utilities.

Mr. Drummond stated that on page 10 of the staff report, the Health Department commented that 'it appears the only viable option for sewage disposal for the park is connection to a public sewer system.' He asked why the County opposed this application.

Mr. Johnson stated the Health Department comments were issued in response to a soil evaluation to determine the suitability of additional conventional septic systems on the undeveloped portion of the property as a potential solution to the park's failing septic systems. He stated that the County, park owners and residents have dealt with periodic issues on the site for over three decades and Health Department staff would like to see those issues addressed as soon as possible. One way to solve the issues would be to extend public sewer. The Health Department

comments were not made with the benefit of having reports or data evaluating the suitability of alternative septic systems on the property.

Mr. Chris Basic asked if the County disagrees with the Health Department that this is the only viable option.

Mr. Johnson stated that the Health Department comments leave the impression that extending public utilities are the only viable option; however, they were not offered in response to an analysis of all available options. Mr. Johnson stated that alternative septic systems are being utilized with greater frequency in rural portions of the County. Mr. Johnson stated that absent a professional evaluation of the costs, impacts and feasibility of possible alternative septic system options for the subject property, staff cannot accept the Health Department comments as a definitive recommendation. Staff has not received evidence that the owner has investigated the use of alternative systems.

Mr. O'Connor asked if a manufactured home with a HUD sticker could be relocated inside Greensprings Mobile Home Park.

Mr. Johnson stated homes with a HUD sticker could be relocated within the park or elsewhere in the County for that matter. He stated that it was his understanding that a home without a HUD sticker could not be relocated and would have to be demolished.

Mr. William Shewmake, representing the property owner, Mr. Franklin, stated that failing septic systems are affecting the park and residents' quality of life. He stated pump and haul is not a permanent solution. Public sewer would fix the problem. Residents own their homes and would have trouble relocating if they had to leave. The park includes large lots, landscaping, and provides affordable housing. There can be a host of issues trying to retrofit a 40-year old residential community to the ordinance. The park is consistent with the PSA and affordable housing elements of the Comprehensive Plan. The applicant would agree to special use permit conditions limiting growth. Staff had said not enough conditions could be attached to the property to protect residents from being moved off the property in the future, if an owner takes advantage of the sewer connection to redevelop the property. The owner proffered no more than 86 manufactured and mobile homes could be on site at once and to exclude the remaining open space from future residential development. The PSA extends across other areas of Centerville Road, and the previous owner, Mr. Waltrip, had received a staff memo that he could get public sewer, but turned it down due to cost. Other neighborhoods outside the PSA, including Greensprings West and Governor's Land, were granted public sewer onto undeveloped land. Riverview Plantation was allowed a public water connection to address a failing well. The Comprehensive Plan recognizes appropriate exceptions to the PSA. The Comprehensive Plan's PSA guidelines allow the county address housing affordability and well and septic failures. Public sewers also have a huge environmental benefit and adhere to Chesapeake Bay policies. Planning staff have recommended approval of mobile homes where they already exist, and the Comprehensive Plan also seeks to have a range of housing choices. The Peninsula Health Department supports the connection. The Greensprings community is a benefit and should not be reduced over time through the Nonconformities ordinance. The owner would want to know the park is going to stay before spending to connect to the PSA. The County should not create



disincentives for mobile home parks to be well maintained. The connection has received several letters of support and a petition with hundreds of names.

Mr. Drummond asked why the park was not seeking a public water connection as well.

Mr. Shewmake stated the well is not in the nearly the condition of the sewer. The applicant is trying to limit their request to a demonstrated need.

Mr. Drummond stated his biggest concern with the request not being granted is that it would eventually affect the groundwater.

Mr. Shewmake stated he thought it would. He stated backs ups into homes was a quality of life issue as well.

Mr. Drummond stated it was his understanding that Mr. Franklin would be paying for the expense of constructing the sewer extension.

Mr. Shewmake stated that was correct. He stated the owner is not asking for any assistance from the County.

Ms. Bledsoe asked Mr. Shewmake to discuss the other plans he reviewed prior to requesting public sewer.

Mr. Shewmake stated he had spoken with a soils scientist about possible alternatives. He stated any solution would need to be affordable. The scientist said there is no guarantee an alternative system would work on those soil types. Public sewer is a known solution.

Ms. Bledsoe asked what the applicant meant by a 'failed system.'

Mr. Shewmake stated they are continually backing up and getting worse. He stated the soils engineers and Health Department say all of these systems will eventually fail. Pumping and hauling and backups are more frequent. Some are in better shape than others.

Mr. Krapf stated when he met with the applicant on May 25<sup>th</sup>, he requested the applicant bring an itemized list of alternatives to the Commission meeting so there could be a discussion other than public sewer or pump and haul. He asked if it was correct that it had not taken place.

Mr. Shewmake stated one of Mr. Franklin's parameters is that the system will work. He stated a soils engineer could not guarantee that any alternative system would work.

Mr. Krapf stated he was not convinced the Commission was getting an unbiased assessment of what was there. He stated he had looked at alternative systems online, including a mound system. It seems there are alternatives that have not been looked into in any detail.

Mr. Shewmake stated that a conventional septic system would not work in the property's remaining 15 acres. He stated there is a system that might work, but there are no guarantees.

Mr. Krapf stated that the mound system would truck in above ground soil. He stated he was concerned that there is no analysis of alternatives.

Mr. Basic asked if a feasibility study for alternative septic systems had been performed.

Mr. Shewmake stated that extensive studies were performed regarding alternatives.

Mr. Basic asked if any of those studies could be shared with the Commission.

Mr. Shewmake read a memo from the Health Department stating Mr. Franklin had hired an AOSE to explore alternatives on site. He stated they found no suitable onsite options. Mr. Franklin was looking for options, but the consensus from the engineer and Health Department was that sewer was the best option.

Mr. Basic stated that if the Board, Commission, and citizens have embraced the Comprehensive Plan, the Commission should give them a good reason for voting against its recommendations. He asked what could be held up to contrast against the Comprehensive Plan.

Mr. Shewmake stated affordable housing is being increased, with no new growth. He stated the Health Department's recommendation was that the only alternative was public sewer.

Mr. Basic stated he had participated or reviewed feasibility studies where individual impacts are reviewed versus a broad brush summary statement as to whether an option was 'good' or 'bad'.

Mr. Drummond stated that above-ground systems are not a pretty site. He stated Mr. Franklin's willingness to pay must also be considered. The County also gains addition fees from the connections to the system.

Mr. Kinsman stated that any hookup fees would go to the JCSEA, not the County.

Mr. Woods stated that if a system needs to be addressed definitively, the Health Department flags it. He stated based on earlier remarks from Mr. Johnson, it is his understanding that there has been no such determination.

Mr. Johnson stated there have been ongoing issues at the site for decades. In each case, the Health Department is notified, sends an inspector to the site and recommends appropriate action be taken by the property owner. Staff is not aware of any existing Health Department violations on the property.

Mr. Shewmake read a memo stating that the Health Department had recommended Mr. Franklin immediately apply for a special use permit for public sewer at a September 2010 meeting. He stated the current application was based on the Peninsula Health District's recommendation.

Ms. Bledsoe stated she is concerned she has not seen any of the referenced reports. She stated she was not seeing enough evidence to recommend an extension outside of the PSA. It would

have been appreciated for the Commission to have received the information Mr. Shewmake referenced prior to the hearing.

Mr. Shewmake stated he was circulating the documents and the action plan. He stated the Health Department had recommended sewer connection as early as 1998.

Ms. Bledsoe asked what remedies had been pursued since 1998.

Mr. Shewmake stated the meetings with staff and the Health Department discussed viable alternatives as late as 2010.

Ms. Bledsoe asked if recommendations had been made to consider other alternatives or has the only alternative been extension of public sewer as far back as 1998.

Mr. Shewmake stated they began to explore when there was a discussion that the County might not approve an extension of public sewer. He stated the memo reflects investigating alternative systems. The Health Department's memo was based on discussions that there did not seem to be a viable onsite alternative. Mr. Franklin was of the understanding that his main option was to get public sewer. Alternative systems fail over time as well.

Ms. Bledsoe asked what has been done to address the situation for the park residents since 1998.

Mr. Shewmake stated there have been extensive pump and haul and education campaigns on limiting water use.

Ms. Bledsoe asked if the pump and haul had been going on since Mr. Waltrip's ownership.

Mr. Shewmake stated it has and has become more frequent since Mr. Franklin purchased the property.

Ms. Bledsoe asked what alternatives had been investigated or has the owner hoped pump and haul would not break down.

Mr. Shewmake stated there were problems pre-dating Mr. Franklin's purchase of the property. He stated in reviewing options, Mr. Franklin determined the best alternative was to connect to public sewer once the Health Department reviewed a soil study which determined that conventional systems would not work on the property due to poor soils.

Ms. Bledsoe asked about the documentation of that investigation.

Mr. Basic asked if the documents handed to the Commission this evening were the Health Department studies.

Mr. Shewmake stated that the documents are summaries of the discussions and conclusions of the soil scientist and the Health Department.

Mr. Basic stated the feasibility studies he had prepared or reviewed were for private owners, not governmental agencies.

Mr. Shewmake stated he had another report stating there is not enough room on the property for another system.

Ms. Bledsoe asked if there had been any alternative practices implemented since 1998.

Mr. Shewmake stated there were some experimental upgrades, but they failed.

Ms. Bledsoe asked if professionals were ever brought in to help people with these systems, or did they rely solely on the Health Department to make the determination.

Mr. Shewmake stated these systems fail over time. He stated there have been discussions between various agencies and meetings onsite. The memos stating their conclusions are consistent with Mr. Franklin's soil scientist's findings.

Mr. Basic asked Mr. Shewmake to submit the materials to the Board.

Mr. O'Connor asked Mr. Shewmake to provide additional background on the any analysis and investigation of alterative systems to the Board.

Mr. Drummond stated he didn't understand why there was so much opposition among the Commissioners to the proposal.

Mr. Basic stated Mr. Shewmake insinuating peoples' homes would be taken away earlier in his presentation was a scare tactic.

Mr. Shewmake stated the Health Department encouraged them to pursue connection to the public utility system. He stated pump and haul is not a long-term solution. If the system is not fixed, at some point, the Health Department will step in.

Mr. Woods asked Mr. Kinsman if approval changes significantly the property's utility. He asked if the conditions protect against a significant alternation to the utility.

Mr. Kinsman stated the proffered conditions limit the future use of the property to what it is right now, an 86-unit mobile home park.

Mr. Woods asked if that was into perpetuity.

Mr. Kinsman stated at least until someone rezoned it again. He stated the conditions run with the land.

Mr. Krapf stated he thought the conditions placed an upper limit of only 86 connections, but not precluding someone buying the mobile home park and turning it into a residential development. He asked Mr. Kinsman if it had to be a mobile home park.

Mr. Kinsman stated the proffers limited connections to manufactured or mobile homes, up to 86. He stated the special use permit should be read in conjunction with the rezoning.

Mr. O'Connor stated that when Mr. Shewmake discussed minimum impacts due to limitations on connections, is there a James City County Service Authority (JCSA) capacity issue.

Mr. Johnson stated JCSA determined that connection of these 86 units was not a concern and that adequate capacity was available in the existing system. He stated future development would be evaluated against the capacity, and upgrades may become necessary in the future.

Mr. O'Connor asked if a fair amount of those parcels are in AFDs.

Mr. Johnson stated there is a significant amount of undeveloped property inside and outside the PSA north and south of News Road and west of Centerville in the Gordon Creek AFD.

Mr. O'Connor opened the public comment session.

Mr. Philip Williams, 3824 Philip Ludwell, stated his home was one of two in Greensprings Plantation affected by the proposal. He stated he agreed with staff's denial based on the Comprehensive Plan, wanted to see JCSA documentation on capacity to see if the additional units were an issue, and was concerned with backups into his residence.

Ms. Charlene Peters, 106 The Maine, stated she was concerned with people losing their homes and the difficulty and expenses needed to relocate them.

Ms. Elizabeth Luke, 131 Gray Gables Drive, stated she was kicked out of Greensprings eight years ago because of the sewer problem. She stated it cost \$5,000 to haul the trailer to another property. No one in the park has the money to move elsewhere, there is little affordable housing, and trailer parks are treated second-class.

Mr. John Gagliano, Jr., 2 Brian Street, asked about opposition to the plan. He stated Mr. Franklin was paying, the problem will eventually get into the groundwater, and residents have to use the water every day. He asked about the long term affects of toxicity.

Ms. Debra Minella, owner of Salon New York, stated her family lives in Greensprings. She stated her family has no place else to go, Mr. Franklin has been a good owner, and asked the Commission to pass it.

Mr. Michael Miller, 12 Pinewood Drive, stated the septic tanks are failing and the park needs the system. He stated if he loses his home, he would have nowhere to go.

Mr. Russ Mendenhall, stated he grew up in a house in front of the park, and remembered sewer problems in 1998. He stated the County wanted to make Mr. Waltrip connect to the sewer then but is now making it difficult for Mr. Franklin to do the same. He asked the Commission to approve the request and would hate to lose his home in the park.

Mr. Frank Rachubka, 4032 Francis Berkeley, president of the Greensprings Plantation HOA, stated there will be no guarantees from any sewer system. He stated he wanted to make sure all of the details are reviewed, including line capacity.

Mr. Greg Warren, representing Prism Contracting and Engineers, stated his firm prepared the preliminary site plan. He stated there is ample capacity in the lines for additional flow, according to the JCSA.

Mr. Jeff Witt, a Gloucester resident, stated his daughter lives in Greensprings. He stated the park has offered to fix the problem, above around septic tanks are unattractive, and there will be no County expenses.

Mr. Philip Kowalczyk, 3820 Phillip Ludwell, asked if there was a closer connection than along Philip Ludwell. He stated if the application is approved, he would like backflow preventers installed.

Ms. Pamela Bangley, 7 Hickory Court, stated a majority of the problem is her lot. She stated sewage constantly backs up into her yard. None of the attempts to fix the problem has worked.

Mr. Alex Rodriguez, 10 Pinewood Drive, stated he works at local timeshares. He stated one local timeshare uses three grinder pumps for over 800 units and does not have a sewage problem. One grinder pump will serve the 86 units.

Ms. Sandra Perkins, a Greensprings resident, asked the Commission not to take away her home.

Mr. Robert Dunning, 1 Hickory Court, stated he felt the County was more willing to help other types of homes. He asked the Commission for help.

Ms. Kelly Shiflett, a Greensprings resident, stated if the park closes, she cannot afford to move anywhere else with her children.

Mr. O'Connor closed the public hearing.

Mr. O'Connor stated he had met with the applicant about three months ago.

Mr. Basic stated Mr. Maddocks and he did the same around the same time frame.

Mr. Krapf stated Ms. Bledsoe and he did as well.

Mr. Woods asked if the application was approved, was there a JCSA capacity issue.

Mr. Johnson stated there the JCSA has expressed no concern over capacity within their system.

Mr. Woods asked if there would be any residual impacts by people who rely on the existing sanitary sewer line or pump station.

Mr. Johnson stated no. He stated the original application proposed connecting to a point near Matoaka Elementary, but one of the school's special use permit conditions limits additional residential connections. The engineers met with JCSA staff and designed the proposed routing.

Ms. Bledsoe asked how many attempts had been made by the community to hook up to the sewer line over the years.

Mr. Johnson stated he could not confirm if the former property owner ever filed an application to extend public sewer to the property. He stated the applicant mentioned discussions with County and/or JCSA officials as early as 1998, but he could not confirm whether any of those discussions resulted in a formally submitted SUP application. The current owner submitted the application subject to the current hearing in February 2011 and the associated rezoning in June 2012.

Mr. Drummond stated the root of the problem is the property just will not perk. He stated that based on the Health Department report, the only solution is to connection to JCSA. There are health concerns, water backing up, groundwater concerns, and financial hardship for residents. He stated he has not heard a valid argument not to approve the request.

Mr. Krapf stated he is concerned with a *de facto* extension of the PSA line and the extension of public facilities to support a private business, which sets precedent. He had also asked the applicant to bring to the evening's meeting a chart showing the owner had reviewed the feasibility and cost of alternative systems. Despite a specific request, the applicant came forward with none of those specifics, which puts the Commission in a difficult position to make the right decision for the community. Residents of the park should not have to move, which puts the Commission in a dilemma. He stated if he votes against the case, it will be due to the applicant lack of due diligence and the precedent set.

Mr. Drummond stated the purpose of the PSA is to manage growth, but the residents are already there. He stated the people have a problem, and it is the Commission's responsibility to solve it. The owner is willing to pay and there is no threat to line capacity.

Mr. Drummond moved to recommend approval.

Mr. Basic stated supporting the application is the right thing to do. He stated the landlord should have not allowed the problem to continue. He stated if the Commission votes against the Comprehensive Plan based on emotion, some future applicant may sue based on being held to a different standard. The landlord should have brought data showing why different options do or do not work. If that data does not exist, he cannot support the application tonight.

Ms. Bledsoe stated she assumed that if residents of the parks are taxpayers, they would want Commissioners to ask these questions. She stated her mode of questioning was to see how long this has been going on, and who has tried to help. There has been no information presented to the Commission showing how things got to this point. This is necessary and the right thing to do is pass it. Tonight's presentation by the applicant did not represent the park well.

Mr. Woods stated the property owner is responsible for resolving the problem. He stated this is complex, heart-wrenching decision made more difficult by the applicant not responding to the Commission's requests for greater detail. The use should become conforming over time and this application does not respect the Comprehensive Plan. The case also comes back to public health, safety, and welfare and the people living in substandard conditions. He has not heard any alternatives that would resolve the situation in a short period of time. While he is normally a stickler for the Comprehensive Plan, he could support the application if we could craft an amendment requesting the required detail in the form of specifications, feasibility studies, and cost estimates to support the justification of the action at the next level.

Mr. Bledsoe asked if the applicant could provide a chronology of events.

Mr. Shewmake stated the owner will provide the requested documents before the Board meeting.

Mr. Woods asked Mr. Shewmake if he could work with staff to provide materials in the spirit of the Commission's requests.

Mr. Shewmake stated absolutely.

Mr. Kinsman stated at this point, there is a motion to approve by Mr. Drummond, a motion to amend from Mr. Woods to include certain requested materials, and a basic agreement to the applicant to do that. He stated all of these can be incorporated into the motion, if Mr. Drummond is comfortable with it being amended.

Mr. Drummond asked if an official report from the Health Department would be sufficient.

Multiple Commissioners responded 'no.'

Mr. Basic asked if a deferral would be reasonable for the Board to get the requested documents.

Mr. Shewmake stated the applicant proffered he would provide the information. He stated rather than request a deferral, he has committed to getting this done as soon as possible.

Mr. Krapf stated Mr. Woods' requests regarding working with staff is a good safeguard.

Mr. Drummond stated he was in agreement with Mr. Woods on the amendment.

Mr. Maddocks stated the Commission should support it. He stated the PSA and Comprehensive Plan should be respected, but there is precedent to extend the PSA. There is nothing wrong with looking at rules and regulations and do something else for the betterment of man. He does not believe helping these people out with a simple, inexpensive answer will not result in larger developments being built nearby. He stated he will support it.

Mr. O'Connor stated the Commission works in a box and has tools it uses, like the Comprehensive Plan, and simply makes a recommendation. He stated this is an exception, and not a redrawing of the PSA. He stated he would support the application.



Mr. Kinsman stated the motion to approve by Mr. Drummond, as amended by Mr. Woods and agreed by the applicant, would include the conditions of the special use permit and the voluntary proffers. He stated he would take Ms. Bledsoe's history request as a second amendment to Mr. Drummond's motion.

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

6. PLANNING DIRECTOR'S REPORT

Mr. Johnson drew attention to the note in the report which highlighted the fact that the County had received its third award related to the 2009 Comprehensive Plan. He stated that VACO awarded both Planning and Information Technology staff the 2012 Information Technology Award for its Comprehensive Plan Implementation Tracking Tool.

7. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion.

8. ADJOURNMENT

Mr. Woods moved to adjourn.

The meeting was adjourned at 9:30 p.m.

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Tim O'Connor, Chairman

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Chris Johnson, Acting Secretary

PLANNING DIRECTOR'S REPORT  
October 2012

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board did not hold a meeting in September. The DRB did electronically review changes to the Section 12 master plan and design guidelines that resulted from the August 14 Board of Supervisors meeting. The DRB approved the revisions. The DRB has also acted on several sign permits and landscaping/fencing plans for single family homes in Charlotte Park.
- **Ordinance Update.** At its September 11<sup>th</sup> meeting, the Board adopted the Exterior Sign ordinance; Definitions; Multiple Use districts (R-4, PUD, MU and MU Phasing Policy); Residential districts (R-1, R-2, R-3 and R-5); Green Building Incentives; and the zoning ordinance transition resolution. The Board deferred the workforce housing policy, the Cluster Overlay district and the residential redevelopment policy to November 27<sup>th</sup> to allow for further discussion and potential Planning Commission re-consideration. At its September 25<sup>th</sup> work session, the Board discussed the Subdivision Ordinance and a number of housekeeping items, which are tentatively scheduled for the November Planning Commission meeting.
- **Transportation Planning.** Staff has been working on engaging consultants for the Longhill and Mooretown Road corridor studies.
- **Regional Comprehensive Planning Effort.** Staff met with City of Williamsburg and York County staff several times in September to continue to discuss issues. Staff expects a draft summary of the material to be prepared by late fall for review by the Policy Committee.
- **Dominion Power Lines.** Coordination with the County Attorney regarding the proposed Surry-Skiffes Creek 500 kV transmission line by Dominion Virginia Power is ongoing. Application materials for the line and the alternatives analyzed are available to the public in Building A. As a reminder, the State Corporation Commission will be holding a public hearing on the matter on October 24 from 4 – 7 p.m. at Warhill High School. Any person interested in providing public comment about the proposal should plan to attend this meeting.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – September 11<sup>th</sup> and September 25<sup>th</sup> 2012
- **ZO-0014-2012, Exterior Signage** – Approved 5-0
- **SUP-0012-2011 Ntelos Rt. 199 Wireless Communication Facility** – Deferred to October 9, 2012
- **ZO-0002-2012 Definitions** – Approved 4-0
- **ZO-0005-2011 Endorsement of Green Building Incentives** – Approved 4-0
- **ZO-0007-2011 and ZO-0009-2011, Residential Districts, Cluster Overlay, Residential Redevelopment Policy** – Approved 4 -0; Workforce Housing Opportunities Policy – Deferred until November 27, 2012,
- **ZO-0008-2011. Multiple Use Districts and Mixed Use Construction Phasing Policy** – Approved 4-0

  
Christopher Johnson

New Cases for September						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Agricultural Forestry District	AFD-07-86-01-2012	Mill Creek Barnes Road Addition	8700 BARNES ROAD	Addition of 104 acres to the Mill Creek AFD.	Jason Purse	02-Powhatan
Conceptual Plans	C-0030-2012	Colonial Heritage Model Home Rental	7012 ADAMS	Determination of consistency with Master Plan for use of four model homes for overnight stays for prospective purchasers.	Leanne Reidenbach	01-Stonehouse
	C-0031-2012	White Hall Design Guidelines	3401 ROCHAMBEAU DR	Revision to White Hall Design Standards to include reference for alternate townhouse fencing types.	Jose Ribeiro	01-Stonehouse
	C-0032-2012	Villas at Five Forks Buildings #7 & #16	248 INGRAM ROAD	Determinatin of consistency with Master Plan for modifying buildings to include a detached unit type	Ellen Cook	03-Berkeley
	C-0033-2012	Colonial Heritage Landbay 7A	499 JOLLY POND ROAD	Proffer requirement to ensure master plan consistency for the next phase of Colonial Heritage, prior to the submission of a development plan.	Jason Purse	01-Stonehouse
Subdivision	S-0032-2012	Stonehouse Sec. 5 Ph. B Lot 12	3539 LONGWOOD DRIVE	Single lot subdivision	Luke Vinciguerra	01-Stonehouse
	S-0033-2012	Shifflett Lake Powell Road BLA	2803 LAKE POWELL RD	Boundary line adjustment between 2803 Lake Powell Road and 2829 Lake Powell Road.	Jose Ribeiro	05-Roberts
	S-0034-2012	Greensprings West Ph. 6 Lots 313-315 BLE	3063 TORRINGTON TR	Extinguishing lot lines between lots 313, 314, and 315 to create one single lot	Jose Ribeiro	03-Berkeley
	S-0035-2012	German Merestep Way BLA	3524 MERESTEP WAY	Boundary line adjustment between 3524 Merestop Way and the Fenwick Hills common area.	Luke Vinciguerra	01-Stonehouse

New Cases for September						
Case Type	Case Number	Case Title	Address	Description	Planner	District
Site Plan	SP-0069-2012	Ford's Colony Sec. 6 Drainage Improvements SP Amend.	114 BURNHAM	Realignment of an existing drainage ditch	Luke Vinciguerra	04-Jamestown
	SP-0070-2012	Alice's Wonderland Playhouse SP Amend	2900 CHICKAHOMINY RD	Amends SP-0156-2005 to permit a child day care in an existing building at Chickahominy Baptist Church. Improvements to provide accessible access between day care and church.	Leanne Reidenbach	01-Stonehouse
Zoning Appeal (Variance)	ZA-0005-2012	328 Mill Stream Way Rear Setback Variance	328 MILL STREAM WAY	Variance to allow existing deck and hot tub to remain and encroach into the setback.	Christy Parrish	03-Berkeley