

A SPECIAL WORKSESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE NINTENTH DAY OF AUGUST, TWO-THOUSAND AND NINE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER WORKSESSION ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley
George Billups
Reese Peck
Deborah Kratter
Rich Krapf
Joe Poole, III

Absent:

Chris Henderson

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Tammy Rosario, Principal Planner
Leanne Reidenbach, Senior Planner
Kate Sipes, Senior Planner
Ellen Cook, Senior Planner II
Jason Purse, Senior Planner
Dave German, Senior Planner
Steven Hicks, Manager of Development Management

2. SECTIONS

A. Land Use Applications

LU-0015-2008, 499 Jolly Pond Road (Colonial Heritage)

Mr. Jason Purse stated that the applicant wanted 219 acres brought inside the Primary Service Area (PSA) and redesignated Low Density Residential. There was a previously approved special use permit for a 50 lot rural cluster as a part of the Colonial Heritage development. The applicant has amended the request. The applicant now proposes 135 acres be included inside the PSA with almost 70 acres included under the Colonial Heritage Master Plan and Proffers. An additional 66 acres would be the site for the 50 lot cluster subdivision. The remaining 90 acres would be dedicated to a conservation easement and would not be included in the PSA.

Mr. Joe Poole asked if the Steering Committee had elected to go along with staff's recommendation to deny the applicant's request.

Mr. Poole stated that this application had previously been discussed at the last work session meeting. Mr. Jack Fraley had requested that the Planning Commission talk about the application again during this meeting.

Mr. Reese Peck identified the portion that the applicant has requested be placed within the PSA. Mr. Peck asked for more information on the cluster development.

Mr. Purse stated that the applicant is applying for a rezoning on the same parcel proposed for inclusion within the PSA (two separate applications). The cluster overlay would be for 50

lots and zoned R-2. The applicant would not technically need the cluster overlay per Ordinance requirements. With the cluster overlay the housing would be on a smaller area of land.

Mr. Peck asked if the other colored portion on the illustration represents the parcel that would be placed in the conservation easement.

Mr. Purse stated that it did. He further clarified that this aspect of the project is part of the rezoning application. The rezoning application is not currently under review by the Commission – the Commission is currently just considering the Land Use designation.

Mr. Purse stated that the applicant did previously receive approval for a cluster overlay with a Special Use Permit (SUP).

Mr. Peck asked for the difference in density between the land in the PSA and out of the PSA.

Mr. Purse stated that if the parcel remains outside of the PSA, and zoned A-1, it would be one dwelling unit per three acres. The area in yellow is the area proposed to be added to the Colonial Heritage Master Plan. Currently the developer has a 2,000 unit cap. With the additional parcel the developer could reach the cap, which may not be met otherwise. The density would not be altered with this application.

Mr. Peck stated that the density and the overall size are not changing with this proposal.

Mr. Allen Murphy stated that the density and/or size are not being changed from that shown on the master plan. Mr. Murphy stated that he believes the applicant would not be capable of meeting the cap without the parcel being included in the PSA.

Mr. Fraley asked if there is any evidence to substantiate the statement.

Mr. Murphy stated that staff could look into this further.

Mr. Fraley stated that the SUP also included private well and waste water treatment. The developer's proposed design is a cluster development with 50 lots covering 64 acres. Ninety acres would be placed in a conservation easement. The developer has also stated that the 50 units could be developed as workforce housing, should the County find it beneficial. The developer also proposes to expand the PSA for the adjacent Colonial Heritage development, which is about 66 acres. The developer does not request any additions to the 2,000 unit cap. The compact design proposed by the developer incorporates the three basic principles of conservation design. The proposed area for the conservation easement includes environmentally sensitive land and provides additional protection to Deer Lake. Fragmentation of the conservation area has been minimized, leaving one large block of usable open space. The conservation area would be one continuous open space, connecting with the existing conservation area of the adjoining parcel. The compact cluster-design proposed would limit land disturbance and minimize water runoff. The developer would absorb the cost of the water and sewer connections. Waterlines already exist on the opposite side of Jolly Pond Road. It would be cheaper for the County to permit

access to public water and sewer, making greater economic sense and creating less of an impact on the environment. The proposal does not increase the density already permitted. The units will be built one way or another.

Mr. Peck clarified that the only portion of the development currently under review is access to public water and sewer in an environmentally sensitive area.

Ms. Deborah Kratter stated that the proposed conservation easement is not a part of the application.

Mr. Purse stated that it is not a part of the Land Use application, but that there is a separate application for a rezoning.

Ms. Kratter asked whether if the parcel is given access to public water and sewer, what would prevent the developer from later proposing a greater density.

Mr. Murphy stated that a rezoning would have to be approved by the Board of Supervisors, but there is no mechanism in place to prevent the developer from later applying to amend the density.

Ms. Kratter stated that she is averse to allowing the parcel in the PSA without having the ability to commit the applicant to the fully proposed plans, including the cluster overlay and conservation easement.

Mr. Peck stated that he agrees. Mr. Peck asked whether the applicant could apply for a higher density within the bounds of land currently shown on the master plan, with the premise that the applicant cannot reach the cap due to environmental restrictions.

Mr. Murphy stated that the densities are shown on the master plan.

Mr. Purse stated that the densities would change with the new segment of land proposed to be added into the revised master plan.

Mr. Murphy stated that the overall cap will remain the same, but the applicant may not otherwise be capable of reaching it. The developer is presenting a very attractive package and making a substantial offer to the County. There is a return that the applicant must gain. One such return is the realization of units on property that is not currently a part of the Colonial Heritage master plan.

Mr. Fraley stated that he wanted his fellow Commission members to see some of the attractive features that the developer has brought forward for consideration.

Mr. Poole stated that there are some attractive features to the developer's proposal. That being said, the public feedback has been very strong. The public wants to continue using the PSA as a means to control growth. Mr. Poole stated that in this case, he does not see a compelling argument to go against the Steering Committee and vote for the expansion of the PSA. Mr. Poole

stated that he does not see a greater public good.

Mr. Peck stated that the PSA is a concept. What he finds attractive from a practical standpoint is more land being permanently undevelopable.

Mr. Fraley stated that in the end, this proposal presents a plan with greater sustainability. The plan offers greater environmental protection, primarily due to the conservation easement. Mr. Fraley stated that he agrees with Mr. Poole's statement regarding the what was heard from the public to control growth, though he has heard a lot of support from the community for this proposal.

Mr. Poole stated that he was not present during the Steering Committee meetings when the public spoke on such applications. The Steering Committee did respond with a denial to this application on two occasions.

Mr. Murphy stated that the Commission has to consider whether it makes sense to expand the PSA.

Mr. Poole stated that he was on the Planning Commission when the original master plan for Colonial Heritage was approved. The proposal for a 2,000 unit development warranted some serious consideration. Mr. Poole stated that he has not been entirely pleased with some of the visual aspects of this development as seen along Richmond Road and stated that he does not support the proposal.

Mr. Fraley stated that approving this Land Use application does not mean that the developer can build beyond the 2,000 unit cap.

Mr. Peck stated that the Commission should recognize that there are a number of developments existing within the County that occurred despite being outside the PSA, such as Liberty Ridge, Governor's Land, and Westport. The reality is that the County has to recognize that development is going to occur. The decision then becomes, what does the public want the development to look like. Mr. Peck asked if Little Creek Reservoir is just north of the development.

Mr. Purse stated that Cranston's Mill Pond is the vicinity, but he is not sure of the exact location.

Mr. Peck stated that protecting the PSA will not prevent development. This proposal does have some attractive aspects with the conservation easement. The BOS will eventually decide on this proposal, and the question will be whether it is supported by the Planning Commission.

Mr. Richard Krapf stated that it is an important measure to have the discussions as a matter of record. As a Steering Committee member, he voted against the application due to the expansion of the PSA. The Renaissance Planning Group, the consulting firm working on Land Use, suggested denial of this application. Mr. Krapf read from the text provided by the

Renaissance Planning Group. Mr. Krapf stated that the Environmental Division had determined that either a private biological sewer treatment system or a mechanical County sewer treatment system would be monitored to ensure that the water source is not contaminated. Mr. Krapf read from the staff report: “any gains recognized from the reduction from a number of drain fields in the area would likely be offset by the clearing of additional trees and increasing in impervious surface and additional stormwater management features.” Mr. Krapf stated that there are a number of trade-offs involved here.

Mr. Fraley stated that the community is capped at 2,000 units.

Mr. Murphy stated that the consultant had spoken of a potential for up-zoning. With the Comprehensive Land Use Designation of Low Density Residential, the developer could potentially apply for a higher density.

Ms. Kratter stated that the offer being made does have appeal, though the residents of James City County have repeatedly spoken on wanting to see less new residential development. The potential negative effects of approving this application outweigh the positive.

Mr. Fraley stated that the applicant has not proposed extending the 2,000 unit cap.

Ms. Kratter stated that facilitating the applicant’s ability to reach that cap is something of which she is hesitant. There is a public benefit to the applicant staying below 2,000 units.

Mr. Poole stated that he is not going to support extending the PSA. The County is experiencing significant traffic issues, limitations to potable water, and commercial areas that are standing empty.

Mr. George Billups stated that he has a few concerns the applicant would have to overcome. This application would be increasing the number of units built in Colonial Heritage. Mr. Billups stated that there is not a great need for housing, particularly around Jolly Pond Road. This area is both rural and an environmentally sensitive area.

LU-0022-2008, 8491 Richmond Road

Mr. Purse stated that the parcel is 218 acres, split-zoned between A-1 and B-1. The rear of the parcel is designated Rural Lands, the front third is Low Density Residential, and six acres are designated as Mixed Use. The majority of the parcel is currently used for agricultural purposes. The applicant wants the whole parcel to be designated Mixed Use and placed in the PSA.

Mr. Fraley read an Action from the Comprehensive Plan text: “participate in the development of master plans for the County’s I-64 interchange, specifically the Croaker Road and Barnes Road interchange areas, to preserve the capacity for economic development of these areas.” Mr. Fraley stated that the Comprehensive Plan also has an Action stating: “support the recommendations of the Business Climate Taskforce (BCTF).” One of the recommendations of the BCTF is to acquire land along I-64. Mr. Fraley stated that permitting the property to be developed in a by-right manner, with the A-1 zoning, could lead to sprawling development. If

the Commission were to change the designation to Economic Opportunity (EO) the property owner would have to provide a master plan for any development proposal. Mr. Fraley stated that changing the designation to EO may be more advantageous for the County. Mr. Fraley stated that he also advocates the Taylor Farm changing to EO due to its prime location to rail, a four lane road, and I-64.

Mr. Poole stated that he sees a lot of merit to the EO designation in other areas of the County. Southern portions of the County, within the PSA, may be more suitable for the EO designation.

Mr. Fraley stated that he is not comfortable leaving the property to be developed by-right.

Mr. Peck asked if the applicant had proposed having the PSA extended on the property.

Mr. Purse stated that the applicant had requested an extension of the PSA to include all 216 acres. Mr. Purse stated that there is language in the EO designation description that states, with a master plan the parcel will be brought into the PSA.

Mr. Steven Hicks asked if there is a consensus that the Planning Commission members are not inclined to permit Land Use designation changes that require inclusion into the PSA.

Mr. Fraley stated that he would like to see a more flexible policy concerning the PSA.

Mr. Peck stated that he is not opposed to Land Use changes that would also require inclusion in the PSA. Mr. Peck stated that he would prefer to see a comprehensive review of all land in the PSA and the impact of new land brought in. Mr. Peck stated that he is more concerned with the practical implications when considering modifications.

Ms. Kratter stated that if land was to be brought into the PSA, the County should consider what land could be taken out. She asked Mr. Fraley if he was intending for the Planning Commission to reconsider this parcel for EO.

Mr. Fraley stated that he had chosen these three parcels for further review due to their contentious nature during the Steering Commission review.

Ms. Kratter asked what would result from the Planning Commission making a determination to recommend this parcel, or any parcel, for an EO designation.

Mr. Purse brought up the image of the Hazelwood Holding, Staff # 10, which was another property considered for an EO designation by the Steering Committee. With this recommendation, a portion of the property would be removed from the PSA. Staff has recommended a Land Use designation change to utilize its potential for development with economic benefit. The recommendation also includes an exchange of land within the PSA. One portion is being brought into the PSA while another portion is being removed.

Mr. Krapf stated that the EO designation is a new designation. Mr. Tom Tingle, Steering

Committee member, developed the concept of a new designation designed to guide long-term economic development on large parcels of land. This later became the newly formed Economic Opportunity (EO) designation. There were no applications received for a Land Use designation change to EO due to the timing of its conception.

Mr. Fraley stated that only one area had been recommended for an EO designation by the Steering Committee.

Mr. Krapf read Action 1.8.1 from Economic Development which states, “support traditional agricultural uses where they exist.” This parcel is actively used for agricultural purposes. Mr. Krapf stated that roughly six percent of the County’s land is currently being used for agricultural purposes. Mr. Krapf stated that he is inclined to encourage maintaining the agricultural use of the land. The BCTF report indicates that to maintain a vibrant economy James City County must preserve its unique character. Mr. Krapf stated that this recommendation (from the Steering Committee) is not at odds with the initiatives of the BCTF. The economic development opportunities that are being acted upon with the Hazelwood property are a plus. The Hill Pleasant Farm Economic Opportunity designation change at 800 acres goes four times over the 200 acre recommendation made by the BCTF.

Mr. Fraley stated that it is worth noting that the property owner had made this request. The Commission should remain cognizant of property owner rights while making these determinations.

Ms. Kratter stated that all property owners within the County have a vested interest in land use. The Commission has an obligation to protect the value of all property within the County but that the needs of all citizens must be weighed.

Mr. Fraley stated that the property owner with hundreds of acres has a weighted interest in this regard.

Hazelwood Holding Staff #10, 9400 Barnes Road and 275 Old Stage Road

Mr. Purse stated that the parcel is split-zoned B-1 and A-1. It is also split between two designations, Mixed Use and Rural Lands. Staff recommended that part of the parcel be outside of the PSA and designated Rural Lands, and the other part be designated Mixed Use and inside the PSA. Sixty acres would be added to Rural Lands and come out of the PSA.

Mr. Fraley stated that it is staff’s view that this has public benefit.

Mr. Poole stated that while he is hesitant to expand the PSA, in this case, public benefit is evident. Staff’s recommendation to contract and adjust the PSA line is more favorable than other parcels under consideration.

Ms. Kratter stated that assuming the portion being removed from the PSA is developable the swapping of land is the sort of action the County should be taking. In this case there is even a net decrease in the amount of developable land in the PSA.

Mr. Poole asked how the Steering Committee had voted on this case.

Mr. Krapf read off the spreadsheet. The preliminary vote was four to seven against staff's recommendation. The final vote was in favor of staff's recommendation, seven to four.

Mr. Fraley noted that the property owner, Sam Hazelwood, had attended and spoken at a couple of the Steering Committee meetings. Mr. Hazelwood stated that he was against the proposed Land Use designation change, as well as any adjustments to the PSA. Staff does have sound reasoning for the recommendations made and in this case, the PSA line follows an environmental feature.

Ms. Tammy Rosario stated that while Mr. Chris Henderson was not present, he had made clear in a telephone conversation that he supports the expanded boundary to include the area at Barnes Road.

Ms. Kratter stated that all property owners are subject to restrictions regarding the land use of their property.

Mr. Peck stated that everyone conducting business and/or living within the County has an interest in the County, property owner or not.

Mr. Krapf stated that no one has unfettered use of their land. He also said that within the staff report, it was noted that Barhamsville Road is a forty-foot-wide residential road that is not designed to support an increase in traffic. The Steering Committee had been concerned with this issue.

B. Executive Summary Outline

Mr. Peck stated that the Executive Summary should remain brief and on-target. Mr. Peck stated that a clear message had been received from the public. The public wants to see the County's growth better managed. With the summary there should be a distinction made regarding those initiatives that the County has identified as priorities. Maps and other illustrations would be useful, especially to identify development, utility usage, and anticipated growth.

Ms. Kratter stated that it may be useful to place part three, the process, at the end of the document. Ms. Kratter stated she would like to further develop how progress would be reported upon. It seems there is a fair amount of skepticism voiced by the public regarding the effectiveness of the initiatives taken. An annual progress report may combat skepticism.

Ms. Rosario stated that she had anticipated the outline ranging four to six pages. Staff had been discussing different types of reporting mechanisms.

Mr. Poole stated that the outline should highlight the top citizen concerns and the County's responses.

Mr. Billups stated that he is interested in how access and emergency management is treated within the text and how it develops during the ordinance revision. Mr. Billups stated he is very dedicated to rural land preservation.

Mr. Krapf stated that the critical issues addressed in the Comprehensive Plan should be listed before the progress undertaken. Mr. Krapf requested that the executive summary subcommittee present an update to the Commission at their next work session and that a draft of the document be provided for the full Commission's review.

Mr. Fraley stated that he is pleased with the outline and progress at this time.

C. Implementation Guide and Schedule

Ms. Rosario stated that staff had made modifications to the guide using the suggestions and guidance brought forward by the County Administrator, Mr. Sanford Wanner, in a memo everyone received.

Mr. Dave German stated that there were three concentrated areas in which staff had focused on revisions. The first was tying the Comprehensive Plan to the other texts used by the County. For example, the Zoning Ordinance, Subdivision Ordinance, Strategic Management Plan (SMP), and Capital Improvements Program (CIP) were reviewed and referenced in the Implementation Guide. The second area staff more fully reviewed involved scrutinizing all action-related verbiage. Each action word was reviewed to determine the causation it would affect with the recognition that a certain level of flexibility is preferred. Finally, staff fully evaluated the reporting mechanisms to measure progress on the Goals, Strategies, and Actions (GSA's). Modifications to the Planning Commission and SMP Annual Report were considered to assess progress.

Mr. Peck stated that with over 260 action items it may be difficult to retain the focus on those items that are most important. Fairfax County had developed a "Super Priority List" that may be a good model for JCC. The "Super Priority List" encompasses about 45 priority items. Otherwise, the various action items could be given a high, medium, or low priority designation. Also, the zero to five year timeline is very broad and may lead to items being shelved for some time before being acted upon. It may be advisable to break it down into three segments: two, two-year segments and one for the last year. Another revision would include identifying those items that are new.

Ms. Kratter stated that it is cumbersome to have so many items labeled the same in different sections; the text may be more user-friendly if each item had its own identifying number (for example, PN 1.1, ENV. 1.1, etc.).

Mr. Fraley stated that some "ongoing" items could be removed from the text. Mr. Fraley suggested having a low, medium, and high priority given to each item within the zero to five year category.

Mr. Krapf stated that he would prefer having a "Super Priority List" over labeling the

zero-to-five-year action items with priority ranking.

Mr. Billups stated that he feels it is important to have items within the text that are designated “something to be considered.”

Mr. Murphy stated that this is the first Comprehensive Plan that has implemented a timeline for each action item. Having action items dedicated to a timeframe may be impractical considering all the conditions that may impede acting upon the intended objective. Placing items within a priority ranking system may be preferable to the Commission and staff.

Mr. Fraley stated that realistically it may be too demanding to expect staff to accomplish all the tasks listed within the zero-to-five-year timeframe. Mr. Fraley stated that having a list of high priority items would be preferable.

Mr. Krapf stated that it may be unrealistic to expect that each of the items listed in zero-to-five-years are accomplished. Mr. Krapf stated that he is in favor of moving to a ranking system to identify those action items that are a high priority.

Ms. Kratter asked who would be responsible for identifying the priority items.

Mr. Murphy stated that staff could draft a document for the Planning Commission, and ultimately, BOS review.

Mr. Krapf stated that by conducting the review in this manner, the responsible department would actively participate in the priority selection process.

Mr. Peck stated that staff can best identify those items seen as most important and realistic.

Ms. Kratter stated that it is important to identify the priority and practicality attribute each action item. There may be some high priority goals that are not feasible due to cost.

Mr. Murphy stated that he would prefer selecting high priority items over creating a new low, medium, high ranking system. Mr. Murphy stated he concurred with Ms. Kratter’s determination that there may be high priority items that are not feasible due to cost.

Mr. German spoke on Mr. Fraley’s suggestion to drop certain items that are ongoing. Mr. German stated that by dropping action items it may lead to the misperception that they are not of importance.

Mr. Peck suggested that these ongoing action items could be labeled as “maintenance activities.” By labeling these items as such, it may better illustrate to the public what is being done and the new initiatives that the County is taking to address problems.

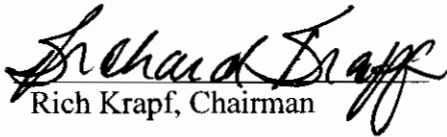
Mr. Krapf asked staff if it would be possible to select a portion of the Implementation Schedule, such as Land Use or Community Character, that could be re-worked with this new

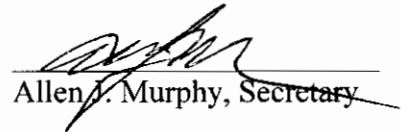
framework in mind and, later present is to the Planning Commission for an additional review. This would be a useful exercise to develop a new model for the Implementation Schedule.

3. ADJOURNMENT

Ms. Kratter made a motion to adjourn until the August 31, 2009 work session at 4 p.m., with a second from Mr. Poole.

The meeting was adjourned at 6:05 p.m.


Rich Krapp, Chairman


Allen J. Murphy, Secretary