

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF AUGUST, TWO-THOUSAND AND ELEVEN, 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:

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

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Jason Purse, Senior Planner
Russell Seymour, Director of Economic Development

Mr. Jack Fraley called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being none, Mr. Fraley closed the public comment period.

3. MINUTES

Mr. Joe Poole moved to approve the July 6th, 2011 minutes.

In a unanimous voice vote, the minutes were approved (6-0).

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Rich Krapf stated the DRC met on July 27th. The DRC discussed Case Number SP-0067-2011, Williamsburg Crossing Car Wash. The applicant requested a sidewalk waiver to extend the existing sidewalk along Pilot's Way as opposed to placing it along John Tyler Highway. The DRC granted the waiver (2-0; Yes: Krapf, Maddocks; Absent: Poole, O'Connor). The DRC also reviewed Case Number C-0026-2011, Chambrel at Williamsburg for master plan consistency. A proposed memory care facility would be located in an area currently designated for apartments and condominiums on the master plan. The project area is current in use as a parking lot. The DRC approved master plan consistency by a vote of (2-0; Yes: Krapf, Maddocks; Absent: Poole, O'Connor). The DRC also reviewed Case Number C-0031-2011, King of Glory Parking Lot Expansion. The DRC found the additional 70 parking spaces consistent with the adopted master plan by 2-0(Yes: Krapf, Maddocks; Absent: Poole, O'Connor).

Mr. Poole moved to approve the DRC report.

In a unanimous voice vote, the report was approved (6-0).

B. POLICY COMMITTEE

The Policy Committee met twice in July, reviewing the draft Economic Opportunity ordinance and Commercial Districts ordinances at the July 13th meeting and reviewing the draft Green Building and Residential Cluster Overlay District ordinances at the July 18th meeting. At the upcoming August 30th meeting, the Committee is scheduled to review Residential and Multiple Use Districts.

C. REGIONAL ISSUES COMMITTEE / OTHER COMMISSION REPORTS

Mr. Fraley stated the Regional Issues Committee met July on 21st. The Committee heard presentations from Busch Gardens on their planned Route 60 corridor landscaping enhancements and from the Williamsburg Area Transit Authority on potential new and extended services. He stated the three local jurisdictions also discussed their 2012 Comprehensive Plan updates.

Mr. Allen Murphy stated York, Williamsburg, and James City all met with the Hampton Roads Transportation Planning Organization (HRTPO) to discuss an ongoing transportation study that will be incorporated into the 2012 Comprehensive Plan updates. Three regional public forums will be held in February 2012, with follow-up joint Planning Commission work sessions in March or April 2012. All three jurisdictions are scheduled to complete their land use mapping by October 2011.

5. PLANNING COMMISSION CONSIDERATIONS

A. ZO-0002-2011 INITIATING RESOLUTION – ZONING ORDINANCE AMENDMENT, SECTION 24-7, ADMINISTRATIVE FEE WAIVERS

B. SO-0002-2011 INITIATING RESOLUTION – SUBDIVISION ORDINANCE AMENDMENT, SECTION 19-15, ADMINISTRATIVE FEE WAIVERS

Mr. Murphy stated the initiating resolutions for the Zoning Ordinance amendment and the Subdivision Ordinance amendment are for the Commission to consider the elimination of planning fees for federal, state, and local governments. Staff recommends approval of eliminating the fees.

Mr. Krapf moved to approve both resolutions.

In a roll call vote, the Commission approved both initiating resolutions (6-0).

Mr. Fraley stated he had received a letter requesting exempting homeowners' associations from paying planning fees. Mr. Fraley stated the request would be forwarded to the Board of Supervisors.

6. PUBLIC HEARINGS

A. ZO-0003-2011 ECONOMIC OPPORTUNITY DISTRICT

Mr. Jason Purse stated that staff is presenting the final draft ordinance to the Commission. The Economic Opportunity District is designed to facilitate economic development, diversify the tax base, and create jobs. Staff has made two changes to the packets delivered to Commission members. First, in the definition of residential unit types, staff recommends removal of the terms 'two family dwelling' and 'townhouse' from the use list since those items are included in the definitions section. Staff had also calculated density based on developable area, so a reference to 'gross area' on page 4 will be edited to 'developable area'. Construction phasing policy language was forwarded to Commission members earlier in the week to reference that policy in the Zoning Ordinance. Staff recommends approval of draft ordinance.

Mr. Fraley opened the public comment period.

Mr. Mac Mestayer, 105 Gilley Drive, stated he was concerned with preserving zoning to maintain the county's quality of life and the large amount of free upzoning. He stated the Transfer of Development Rights (TDR) process should be used, with half of the district used as a sending area to maintain open space while making the other half a receiving area.

Mr. Jim Brown, 4 Longleaf Circle, stated he was opposed to the Economic Opportunity District concept. He stated he was against the district due to a struggling economy, partially empty shopping centers, environmental loss, increased traffic, possible large-scale industries, the objections of nearby residents, and concerns over the placement of a new road near Skimino Creek and Lightfoot Road.

Mr. Craig Metcalfe, 4435 Landfall Drive, representing James City County Citizen's Coalition (J4C), stated EO storm water requirements need to be master planned and clearly defined. He stated the ordinance lacks provisions for green building design and that the county's 60% impervious cover rule should be upheld. The EO ordinance should be postponed until all other ordinance updates have been made. He questioned why the ordinance was moving ahead so quickly.

Mr. Wayne Moyer, 268 Peach Street, stated he owns 32 acres across EO-designated land and plans to preserve his property through a conservation easement. He stated he was concerned with the loss of natural environment. The EO industrial park could integrate business and nature, using walking and biking trails, retaining agricultural land, vegetation, open space, and wildlife habitat, and a single parking garage instead of parking lots.

Mr. Dick Schreiber, president of the Greater Williamsburg Chamber and Tourism Alliance, stated his members primary concern is continued quality of life. He stated that

balanced growth can be achieved in ways consistent with maintaining current quality of life. Balanced growth includes determining the quantity, type, and location of growth, as well as master planning.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, stated her organization supports the EO district. The EO district represents increased quality of life, including increased jobs, more diversified businesses, and reducing the 'brain drain' of college graduates leaving the community. Increased business opportunities will help retain this group.

Mr. Tom Tingle, chair of the James City County Economic Development Authority (EDA), stated the EDA identified areas throughout the county favorable for commercial development over the next generation. He stated of these areas, the Lightfoot-Croaker proved most attractive due to 500 acres of developable acreage, well-suited transportation infrastructure and the opportunity for regional cooperation with York County. A County-commissioned traffic study found a built-out EO zone increased County population 1% while increasing employment 14% and decreasing traffic improvement costs by 8%. The EO zone can attract businesses that attract and create high-paying jobs and allows increased long-range planning. The EDA requests approval of the EO ordinance.

Mr. Fraley closed the public hearing.

Mr. Fraley stated in response to citizen concerns regarding the timing of the ordinance, the Board voted for five ordinance update priorities for the Commission and staff. These priorities included EO, commercial districts, cumulative impacts, development standards, and a sustainability audit. The Board wants to review these priorities by November.

Mr. Poole asked if the Virginia Enterprise Zone designation was still in place for James River Commerce Center, GreenMount, and the south end of the county and if that zone still provides opportunity for predictability and business enhancements.

Mr. Purse stated the Enterprise Zone designations are still in effect. He stated the Board has included additional properties in the Hankins Industrial and Stonehouse Commerce parks into that designation. The EO zone is not in an Enterprise Zone, but will allow longer range planning after the Enterprise Zones expire in 2015.

Mr. Russell Seymour stated the state program expires in 2015. He stated the county is limited to 3800 acres it can designate Enterprise Zone.

Mr. Poole asked how businesses respond to Enterprise Zone incentives. He asked how it relates to Economic Opportunity zone predictability.

Mr. Seymour stated businesses are referred to the program through the State's economic development organization, the Hampton Roads Economic Development Association, or through Economic Development contacts. He stated the Enterprise Zone is a focal point for a certain type of business. Economic Development seeks large-scale, industrial-type businesses. There is no mechanism for the Enterprise Zone to cater to smaller-scale businesses.

Mr. Mike Maddocks asked if the Commission's approval for the ordinance would speed any development or compromise the planning process.

Mr. Purse stated that was not correct. He stated the ordinance adoption was the second step of a long-term planning process. He stated the third step would be presentation of a master plan and rezoning application to the County.

Mr. Maddocks asked whether any potential development would still be required to go through stringent oversight.

Mr. Purse stated that was correct.

Mr. Krapf stated he voted for the Economic Opportunity designation on the Comprehensive Plan while on the Steering Committee. He stated developing an EO ordinance is the next logical step. He stated the EO zone will give the county a new tool for developing a future vision. It provides additional revenue streams, since the County cannot rely on its traditional residential, retail, and manufacturing tax base, while attracting the best and the brightest. EO development will proceed at a measured pace and not outstrip infrastructure. The EO zone also provides an affordable/workforce housing component, and helps relieve development pressure on the rural lands. The new tool will still require safeguards, including the legislative process and site plan review.

Mr. Fraley stated the ordinance, if approved by the Board, provides several environmental protection 'firsts' for the county, including a pre-environmental inventory, density based on developable acreage, limits on clear cutting, construction phasing, tree preservation plan, view shed protections, green building standards, and transfer of development rights. The EO zone represents sound long-term planning. He has heard citizen concerns regarding the area turning into a New Town or the Marquis, but that is not consistent with the EO concept. The EO district is intended as an employment center for county residents that creates a positive fiscal impact, with intense commercial and office uses that use available transportation infrastructure. Residential units should be clustered near transit nodes while retail should primarily support industrial employees. Grid-like streets will provide connectivity, including pedestrian and bike access to employment areas. Parking should be limited, preserving land for more productive uses. The potential for commuter light rail should be reviewed. Sensitive environmental features and surrounding properties should be protected through view shed protection, integrated open space, building location and scale, mass, and architectural design, construction phasing, and tree preservation.

Mr. Poole stated that he supported the EO concept during the Comprehensive Plan. He stated there were unclear aspects of the ordinance and he had multiple concerns. The ordinance lacks open space design guidelines and has a large number of non-commercial by-right uses. The ordinance has been moved too quickly through the process, especially with the number of other ordinances under review and with half-empty empty shopping centers in the area. He stated he would prefer to wait on the EO ordinance, since the one presented does not match his vision in the Comprehensive Plan.

Mr. Tim O'Connor stated that given the economic climate, he can see owners and developers jumping on any economic opportunity that comes along. Delaying the ordinance would only increase the chances of ad hoc development.

Mr. Poole stated Anheuser-Busch's move to the county in the late sixties represented a golden goose to the community through its mix of commercial, industrial, residential, and entertainment uses. He stated he was unsure if the county had zoning in place at that time. The county should not feel threatened by what may or may not be developed in the area in order to rush the ordinance through. Anheuser-Busch taught this community it can have it all without trying to be prescriptive. Neither zoning nor a comprehensive plan would have been able to allow a development of that quality.

Mr. Al Woods stated staff does not support defining or adding open space language to the ordinance. He stated that he would like to see open space illustrations added to the ordinance before it is presented to the Board.

Mr. Fraley stated he had raised his concerns about the open space language with staff, but that language is not in the ordinance presented tonight.

Mr. Poole stated the Commission clearly expressed its desire at the July Committee meeting to include open space guidelines. He stated staff did not mention that intent in the evening's staff report, and he was concerned staff may not present open space language to the Board.

Mr. Fraley asked Mr. Purse how the Chesapeake Bay Preservation ordinance would apply to the EO zone.

Mr. Purse stated there are percentage limits to impervious cover, tree preservation language, and provisions for open space in the Chesapeake Bay ordinance.

Mr. Maddocks stated he remembered Anheuser Busch moving to the county in the late sixties. He stated the County seized an opportunity that has since fueled the county's economic growth. Although he understands concerns about the ordinance moving too quickly, he is unsure what stopping, depriving the county of this tool, would accomplish. Staff crafted the ordinance with all appropriate restrictions and guidelines. He stated, as a banker he does not expect any projects to move into the county with lightning speed. He stated he would support the ordinance.

Mr. Fraley asked Mr. Purse to review the ordinance's time line.

Mr. Purse stated the Board approved the zoning ordinance update methodology in May 2010, which included EO as a priority item. Staff brought an EO ordinance framework to the Policy Committee in November 2010. After receiving feedback, staff brought the framework to a January 2011 Board worksession. Staff brought a draft ordinance, based on feedback from the two groups, to the Committee in April. Staff received additional feedback from citizens and the Committee. Staff presented the reworked ordinance at a June Board work session. Based on

Board feedback, staff brought the ordinance back to the Committee in July, with the entire Commission present.

Mr. Krapf asked if the chair wanted to revisit open space design principles.

Mr. Fraley said yes. He asked Mr. Murphy how the Commission could address open space guidelines.

Mr. Murphy stated open space design guidelines language could be included as part of the Commission's motion.

Mr. Woods asked if the Commission would have an opportunity to review the language prior to submittal to the Board.

Mr. Murphy stated the Commission's recommendation would go the Board. He stated staff would probably rely on Board direction. If the Board asks staff to include open space language, staff will share it with the Commission.

Mr. Krapf moved to recommend approval of the EO ordinance with language added for open space design guidelines.

In a roll call vote, the Commission recommended approval, with language added for open space design guidelines. (4-2; Yes: O'Connor, Maddocks, Krapf, Fraley; No: Woods, Poole).

B. SUP-0005-2011, WILLIAMSBURG LANDING CONSTRUCTION COMMENCEMENT EXTENSION

Mr. Purse stated Mr. Paul Gerhardt has applied to amend the SUP conditions for SUP-0018-2008 to allow an extension to the 36-month construction commencement limit approved in January 2009. Due the extensiveness of other construction projects on-site and the economic climate, the applicant is unable to commence construction of the previously approved SUP within the time limit. The applicant requests no other changes. Staff recommends approval of the extension.

Mr. Fraley opened the public hearing.

There being no one, Mr. Fraley closed the public hearing.

Mr. Poole moved to approve staff's recommendation.

In a unanimous roll call vote, the Commission recommended approval (6-0: Yes: O'Connor, Woods, Maddocks, Krapf, Poole, Fraley).

C. ZONING ORDINANCE AMENDMENT, SECTION 24-7, ADMINISTRATIVE FEES

D. SUBDIVISION AMENDMENT, SECTION 19-15, ADMINISTRATIVE FEES

Mr. Murphy stated the amendment provided fee waivers for state and federal agencies, as well as organizations receiving County financial assistance. He stated the fee waivers have been done by practice for decades. Only the Board has the ability to waive fees. Fee waivers will now be written directly into the ordinance. Staff recommends approval of the amendments.

Mr. Fraley stated Mr. Kinsman said the Commission could review both amendments at once.

Mr. Fraley opened the public hearing.

There being none, Mr. Fraley closed the public hearing.

Mr. Poole moved to recommend approval of the zoning ordinance and subdivision ordinance amendments.

In a unanimous roll call vote, the Commission recommended approval (6-0: Yes: O'Connor, Woods, Maddocks, Krapf, Poole, Fraley).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy had no additional comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated Mr. Poole was the September Board representative.

Mr. Kinsman introduced Ms. Lola Perkins, the new Assistant County Attorney.

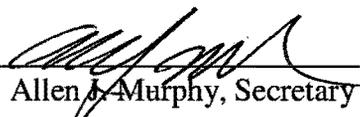
9. ADJOURNMENT

Mr. Woods moved to adjourn.

The meeting was adjourned at 8:21 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Secretary