

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF SEPTEMBER, 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
Tim O'Connor
Chris Basic

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Ellen Cook, Senior Planner
Russell Seymour, Director of Economic Development
Vaughn Poller, Director of Housing and Community
Development
Marion Paine, Community Development Planner

Absent:

Mr. Rich Krapf

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

Mr. Fraley welcomed Mr. Chris Basic to the Planning Commission. He stated Mr. Basic replaces Reese Peck as the Berkeley representative and will fill out the remainder of Mr. Peck's term.

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 for approval of the August 3rd minutes.

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

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole stated the August 31st meeting was cancelled due to a lack of cases.

B. POLICY COMMITTEE

Mr. Fraley stated the August 30th meeting was cancelled due to the hurricane. He stated at the September 1st meeting, the Committee discussed Residential and Multi-Use districts. At the September 6th meeting, the Committee discussed Nonconformities and creation of a residential redevelopment district, R-3. The next meeting, on September 15th, will discuss signs, wireless communication facilities, administrative procedures, submittal requirements, and the creation of an affordable housing policy.

6. PUBLIC HEARINGS

A. Z-0001-2011, Forest Heights Road, Neighbors Drive, Richmond Road, Road Improvements

Ms. Ellen Cook stated the rezoning is a neighborhood improvement project coordinated by the Housing and Community Development staff. She stated 27.5 acres will be reconfigured using subdivisions and boundary line adjustments and will contain single family detached homes. The project also includes the site of a future Salvation Army building. The rezoning to Mixed Use gives the County enough flexibility to bring all of the parcels into Zoning Ordinance conformity. Infrastructure improvements will include stormwater facilities, improved water and sewer mains, improvement and realignment of Forest Heights Road, new pedestrian accommodations, streetlights, street trees, and open space. Dilapidated homes will be improved or demolished. Staff requests a buffer waiver to accommodate three residences within the perimeter buffer. Staff recommends approval of the rezoning and the setback waiver.

Mr. Basic asked staff to elaborate on the Salvation Army building footprint not being shown on the master plan.

Ms. Cook stated the master plan layout shows the general location of future uses. She stated the Salvation Army building will not exceed 30,000 square feet, its entrance will front Forest Heights Road, and staff has a copy of building elevations. Although the Salvation Army has not yet presented a site plan, staff is comfortable with the master plan as presented.

Mr. Al Woods asked if the impetus for the proposal was community or agency driven.

Ms. Cook stated Ms. Marion Paine with Housing and Community Development could better answer that question.

Ms. Marion Paine stated the Forest Heights community tried to have its own roads with the "Dirt Streets" program about 10 years ago, but it was not possible at the time. She stated that while Housing staff was looking for neighborhoods to improve, it met with Forest Heights' residents to see if the community still wanted road improvements. Housing staff has been working closely with the neighborhood since. The impetus for the project is coming from both community and agency.

Mr. Woods asked whether there was a groundswell of interest from the neighborhood.

Ms. Paine stated the residents had come to the County ten years ago with their proposal. She stated when the County asked them if they were still interested, they said yes.

Mr. Woods asked about the timetables attached to the block grant.

Ms. Paine stated funding expires in January 2013.

Mr. Woods asked if the County could not fund the project without the grant.

Ms. Paine stated that was true.

Mr. Woods asked about the scope of the funding.

Mr. Fraley asked if every involved property owner had agreed to the proposal. He asked, if so, does the County have documentation of those agreements.

Ms. Paine stated she had signed agreements from all but four property owners. The County is building houses for two of the four, and expects to work out agreements with them before the Board acts on the rezoning. They are reluctant to agree to sell their houses until they know what the County is building for them. Both of those owners support the project. One of the four lives out of state, and was difficult to contact, but the County now expects to have her agreement soon. The final owner has expressed interest, and the County is negotiating a dollar amount for her property.

Mr. Fraley stated the Board had wanted agreements with the final four property owners before bringing the proposal to them.

Ms. Paine stated that was correct. She stated staff does not intend to take the proposal before the Board before reaching agreements with all of the property owners.

Mr. Fraley asked about the intent to preserve open space through the formation of a homeowners' association.

Ms. Paine stated existing homeowners cannot be forced to join an association to maintain common areas. The newly built homes will be part of an association, and existing owners will be encouraged to join. The County has agreed to shared maintenance of the stormwater pond with the Salvation Army. Existing homeowners will gain use of the common areas if they join the HOA.

Mr. Fraley asked about the balance of new and existing homeowners.

Ms. Paine stated there would only be seven or eight new homeowners. She stated there are 53 existing properties.

Mr. Fraley asked if the seven or eight new homeowners would be saddled with maintaining the common area if no existing homeowners join the HOA.

Ms. Paine stated the maintained common area is relatively small, including a park along Forest Heights Road and possibly a Neighbors Drive pocket park.

Mr. O'Connor asked if staff had an idea of how many people intended to join the HOA.

Ms. Paine stated she did not.

Mr. Vaughn Poller stated his office spoke with the County Attorney regarding this issue. He stated staff is focused on the infrastructure benefits made possible by the proposal. The pond drainage improvements will decrease Chesapeake Bay impacts. The Salvation Army's maintenance agreement with the County will balance costs.

Mr. Woods asked if the Salvation Army would work with the community to ensure the open space areas are maintained.

Ms. Paine stated the Salvation Army will make its new recreation center available to on-site residents. She stated the Salvation Army will be responsible for shared maintenance of the pond, but not the small park.

Ms. Paine began her presentation, stating that the Virginia Department of Housing and Community Development awarded a \$25,000 community block planning grant in 2009 to fund an area study. She stated staff developed a feasibility study and a conceptual plan based on door to door surveys, community meetings, public hearings, and home inspections within the

neighborhood. The proposal allows bus and emergency vehicle access, improves traffic safety on Richmond Road, improves stormwater facilities, adds sidewalks, trails, and provides home improvements and energy retrofits. Eleven of the 64 parcels are County-owned. Boundary line adjustments will be used to provide additional room to expand the right of way needed to bring the road up to Virginia Department of Transportation (VDOT) standards. Most of the existing dirt road lots are nonconforming and would need variances for boundary line adjustments. Rezoning to Mixed Use allows greater flexibility for the residential lots, homes, and the Salvation Army. No residents have objected to the proposal.

Mr. Fraley asked what materials would be used in the multi-use trail.

Ms. Paine stated the plan calls for 8' wide asphalt trails.

Mr. Fraley asked if the variances associated with the project would need to go to the Board of Zoning Appeals.

Mr. Adam Kinsman stated variances would not be required in a Mixed Use district.

Mr. Fraley opened the public hearing.

Mr. Gary Moore, 158 Forest Heights Road, stated the neighborhood needs the improvement. He stated that at a house fire in the neighborhood a man died since fire trucks could not get down the dirt roads or use neighborhood fire hydrants due to low pressure. Ambulances and school buses cannot enter the neighborhood either. The road washes out during storms and the neighbors repair it themselves. The neighborhood is willing to maintain the new park area. Most people in the neighborhood are ready to enjoy many of the benefits other people in the County already have.

Ms. Shirley Baker, 116 Forest Heights Road, stated she had endured the neighborhood's condition for 50 years. She stated the community wants better conditions. One of the neighborhood's children had been killed along Richmond Road about 30 years ago. She asked for the same improvements other communities have.

Mr. Allen Billups, 153 Forest Heights, stated the County had stopped maintaining the roads a few years after he moved into the neighborhood, about 18 years ago. He stated he had injured his back while working to maintain the road. The road is dark, dangerous, and the community needs it improved. The project was started ten years ago, and should be completed now with help from the Salvation Army and the County.

Ms. Connie Hudson, speaking for her mother who lives at 6043 Richmond Road, stated she supports the project. She stated the project would improve area conditions, should would welcome the Salvation Army, and it would beautify Route 60 for all of the guests coming into the area. She thanked the County for finding the funding.

Mr. Fraley closed the public hearing.

Mr. Mike Maddocks stated this was a great project with the potential to improve the lives of residents.

Mr. Maddocks moved to recommend approval of the rezoning and to allow perimeter buffer reductions.

Mr. Joe Poole stated he supports the project. He stated the DRC saw the project several months ago and was excited about the proposal. Road improvements are crucial. The partnership between the County, neighborhood, the Salvation Army, and state is a win-win.

Mr. O'Connor stated he had spoken with Mr. Bill Cain with Engineering and Resource Protection, who stated the project would improve water quality downstream and have a significant positive environmental impact.

Mr. Woods stated he was disappointed to realize that despite the community's emphasis on the Comprehensive Plan and on citizens' quality of life, many Forest Heights residents do not have access to that quality of life. He stated he endorses the project.

Mr. Basic stated he supports the plan. He stated that although he would have liked to see the Salvation Army building footprint on the master plan, he is confident staff will take care of it.

Mr. Fraley stated the project is a great case of the County, the private sector, and citizens working together.

In a roll call vote, the Commission recommended approval of the rezoning and the setback waivers (6-0: Absent: Krapf).

B) ZO-0004-2011, COMMERCIAL DISTRICTS

Mr. Chris Johnson stated staff has reviewed the four commercial districts, special use permit (SUP) triggers, and DRC review criteria since the Board adopted zoning update methodology in June 2010. He stated the Committee and Board reviewed draft ordinances multiple times. Staff incorporated Business Climate Task Force recommendations and other changes intended to increase predictability, flexibility, transparency, and improve the business climate. Staff has switched some uses from SUP to permitted, added new commercial uses, and reworded the

ordinances for additional clarity. SUP and DRC triggers and review criteria have been amended based on Commission and Board feedback. Staff recommends approval of the six ordinances.

Mr. Poole stated the tables are much more reader friendly. He stated allowing caretakers to live at their businesses make sense, but asked how the County regulates it.

Mr. Johnson stated he was not aware of anyone living on a commercial property in a residential caretaker capacity. He stated staff would review any potential living quarters during the development review process.

Mr. Basic stated the language in each of the commercial districts seems to indicate pump stations are on the SUP table while other language reads "...the following shall not require a SUP...pump stations.'

Mr. Johnson stated that language is in all four districts and is meant to differentiate between private and public water connections. He stated the ordinance requires an SUP to extend service authority's line while allowing exemptions for private communities.

Mr. Basic asked if that language could be clarified.

Mr. Johnson stated staff would attempt to clarify the language before presentation to the Board.

Mr. Poole stated that in the ordinance, 'Economic Development Manager' is capitalized, while 'planning director' and other titles are not.

Mr. Johnson stated staff will review the language before presentation to the Board.

Mr. Fraley opened the public hearing.

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

Mr. Maddocks moved to recommend approval of the six ordinances.

Mr. Poole stated he would support five of the six ordinances. He stated he was not prepared to support revised commercial SUP triggers in absence of an outcry from the business community that the thresholds need to be raised from 10,000 square feet to 20,000 square feet. The Planning Commission has been very flexible in working with applicants.

Mr. Maddocks moved to withdraw Section 24-11, Article 1, SUP Requirements For Certain Commercial Uses, from his motion.

In a unanimous roll call vote, the Commission recommended approval of the four commercial districts and DRC review criteria (6-0: Absent: Krapf).

Mr. Johnson stated the increase in thresholds from 10,000 to 20,000 square feet applied to the SUP triggers in Section 24-11. He stated SUPs would still come before the Commission and Board, only using the modified threshold. Staff left the 30,000 square feet DRC threshold as-is, but with new exemptions added.

Mr. Russell Seymour stated staff looked at ways of making the process, with checks and balances intact, more streamlined, cleaner, and smoother to assist businesses mid-sized businesses. He stated an additional layer of review for a proposal less than 20,000 square feet is unmerited, particularly in commercially zoned areas.

Mr. Fraley stated the traffic trip generator trigger is unchanged. He stated it would trigger most things that he would be concerned with, including fast food and supermarkets.

Mr. Basic stated he had once worked with a landowner interested in starting a business. He stated he told the landowner legislative review can add 8 months to the process and cost tens of thousands of dollars. Some prospective business owners opt not to try due to the additional time and expense. Traffic triggers will still catch truly intensive projects. He stated he supported increasing the thresholds.

Mr. Woods stated the County does not have the data that a 10,000 square foot threshold has been onerous. He stated the County is attempting to create an inviting economic development impression, although it is uncertain if it will work. He stated there may be commercial developments that would not trigger traffic thresholds, but are problematic down the road.

Mr. Maddocks asked if the impetus to streamline came from the Business Climate Task Force study.

Mr. Murphy stated yes.

Mr. Maddocks stated the Business Climate Task Force study identified some inefficiencies that could be corrected.

Mr. Johnson stated the Board-accepted Business Climate Task Force report provided for changing ordinances to improve the County's perceived business friendliness and to review whether the County's legislative process was catching too many proposals. He stated roughly half of the commercial SUPs over the past decade would have been administrative site plans if the thresholds had been 20,000 square feet. Staff is uncomfortable increasing the thresholds any further at this time. Staff increased other thresholds for specific by-right commercial uses. Traffic triggers will still capture proposals that warrant a legislative review. The changes move towards Business Climate task Force recommendations without losing too much control.

Mr. Basic asked if he could remember the uses of the half of commercial SUPs that would have been administrative with a 20,000 square foot threshold.

Mr. Johnson stated he can forward that information to the Commission and Board. He stated it is difficult to quantify the businesses that found the County's process too much and located elsewhere. Staff does not want to have an arbitrary measure that prevents someone from pursuing a business opportunity.

Mr. Poole stated many citizens tell the Commission the county is growing too quickly. He stated he wanted empirical data showing minimal impacts from those commercial SUP proposals that would have administratively reviewed under the revised threshold to answer his off-site impact concerns. Some smaller commercial proposals can impact a nearby residential neighborhood, while some larger proposals do not.

Mr. Johnson stated staff added differentiations recognizing commercial developments impact neighboring residential areas and sometimes require additional review. There have been 25 commercial SUPs over the past decade, averaging out to 2 or 3 annually.

Mr. O'Connor stated the landscaping and lighting ordinances have been rewritten to address adjacent property impacts. He stated traffic triggers would provide for greater reviews. He could support increasing the thresholds.

Mr. Poole stated a 40,000 storage unit may create no impacts, while a 12,500 tattoo parlor would be different. He stated it all depends on the case's nuances. Although the difference is two or three cases a year, if those developments are in a highly visible area or near seniors or families, there is no way to gauge impacts.

Mr. Basic stated the more intense uses would still trigger traffic generation SUP.

Mr. Fraley stated he is confident professional staff will review all of the projects. He stated one of the larger impetuses for the ordinance update is to clarify the language for businesses and citizens. The aura of a business-unfriendly James City is frustrating, although there is no empirical data, and it is difficult to know how to take anecdotal data. These are modest changes to improve perception of the County. The County will not be able to maintain its quality of life without solid economic development. He could accept the changes.

Mr. Maddocks moved to recommend approval of Section 24-11.

In a roll call vote, the Commission recommended approval (5-1: Yes: Basic, O'Connor, Woods, Maddocks, Fraley; No: Poole; Absent: Krapf).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy had no additional comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated Mr. Poole is the September Board Representative.


Mr. Fraley stated the DRC's membership now includes Mr. Poole, Mr. Krapf, Mr. O'Connor, and Mr. Basic. The stated the Policy Committee's membership now includes Mr. Krapf, Mr. Woods, Mr. O'Connor, Mr. Maddocks, and himself.

Mr. Fraley stated the Commission will thank Mr. Reese Peck for his service soon.

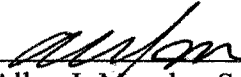
9. ADJOURNMENT

Mr. Maddocks moved to adjourn.

The meeting was adjourned at 8:20 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Secretary