

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF NOVEMBER, 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:

George Drummond  
Rich Krapf  
Mike Maddocks  
Robin Bledsoe  
Tim O'Connor

Staff Present:

Paul Holt, Planning Director  
Adam Kinsman, Deputy County Attorney  
Tammy Rosario, Principal Planner  
Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner II  
Jose Ribeiro, Senior Planner

Absent:

Al Woods

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. October 3, 2012 Regular Meeting

Mr. Rich Krapf moved to approve the minutes.

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

4. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated the DRC met on October 31, and reviewed one case. He stated that the DRC reviewed SP-0071-2012/S-0037-2012, Walnut Gove. He stated this case was before the DRC for preliminary approval because the plan proposes more than fifty lots. He stated the DRC granted preliminary approval of the same plans in 2006 and 2008. He stated, however, that one outstanding issue remained unresolved between the applicant and James City Service Authority (JCSA), and preliminary approval from the DRC has since expired. He stated that the outstanding issue has been resolved and the plans were

resubmitted. He stated the DRC voted 4-0, to grant preliminary approval subject to agency comments.

Mr. Krapf moved for approval of the report.

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

#### B. Policy Committee

Mr. Krapf stated the Policy Committee met twice since the last Planning Commission meeting. He stated that at the October 11 meeting, Ms. Bledsoe, Mr. O'Connor, Mr. Woods and Mr. Krapf met with staff to discuss ZO-0004-2012, Soil Stockpiling. He stated that staff developed a draft ordinance to specify development standards for temporary soil stockpile areas associated with development plans. He stated that typically stockpiles are created on site and then used to regrade other portions of the property as development progresses. He stated that the purpose of the draft ordinance is to clarify standards and provide a level of consistency in the application of those standards. He stated that after discussing the ordinance and recommending minor changes or clarifications, the Policy Committee requested to forward the ordinance to the full Planning Commission.

Mr. Krapf stated that the Policy Committee also discussed the Housing Opportunities Policy. He stated that at the July 11 meeting, the Policy Committee recommended approval of the residential districts to the Board of Supervisors (BOS). He stated that at a subsequent work session the BOS provided additional guidance to staff, to add language addressing the lower end of the targeted Area Median Income range. He stated that the revised policy returns to the terms "workforce" and "affordable" housing types. He stated that the Policy Committee recommended approval of the revised Housing Opportunities Policy and associated changes.

Mr. Krapf stated that the Policy Committee met again on November 1, with him, Mr. O'Connor and Mr. Woods in attendance. He stated that the committee discussed pawn shops. He stated on September 12, the Zoning Administrator received a zoning verification request for a pawn shop in a shopping center zoned, LB, Limited Business. He stated that it was determined that although pawn shops are not specifically listed in the Zoning Ordinance, they are consistent with both retail and service stores. He stated that these stores are permitted in the Limited Business (LB) District. He stated that the discussion with staff as well as input from citizens in attendance indicated that additional research is needed to assess the impacts of this type of business. He stated that in addition, staff was asked to contact other jurisdictions that allowed pawn shops in order to gain experience and information regarding long-range impacts. He stated that this information will be shared at a future Policy Committee meeting.

Mr. Mike Maddocks moved for approval of the report.

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

### C. Regional Issues Committee / Other Commission Reports

Mr. Maddocks stated he did attend a Regional Issues Committee meeting on October 23, 2012. He stated that there were three reports given at that meeting, with the first being the State of Transportation by Dwight Farmer, the Executive Director of Hampton Roads Transportation Planning Organization (HRTPO). He stated that Sandy Wanner also gave an update on the Historic Triangle Collaborative efforts. He stated that Bob Harris gave a report from the Greater Williamsburg Chamber and Tourism Alliance. He stated that the first report on the state of transportation highlighted the traffic challenges to come. He stated that in this report there was a discussion on light rail, which is seen as very important to all of Hampton Roads. He stated that the report spoke on The Tide light rail project, which is exceeding expectations in regards to budgets (revenue). He stated that he hopes to see plans for an extension of The Tide to the Peninsula and beyond. He stated that the City of Williamsburg will assume administrative duties for the Regional Issues Committee for the next year.

Mr. Krapf moved for approval of the report.

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

### 5. PUBLIC HEARING CASES

#### A. AFD-07-86-1-2012, Mill Creek AFD Addition

Mr. Jason Purse stated Mr. Kevin Fair has applied to add 104 acres of land to the existing Mill Creek Agricultural and Forestal District (AFD). He stated the parcel is located at 8700 Barnes Road, and is zoned A-1, General Agricultural. He stated the parcel is located outside of the Primary Service Area (PSA), and is surrounded by mostly wooded land that is a part of the Mill Creek AFD. He stated there are smaller residential lots across Barnes Road from this parcel, as well as to the east of the property. He stated the forestal use is compatible with the surrounding land uses and the Comprehensive Plan designation of Rural Lands.

Mr. Purse stated the proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. He stated if the 104-acre addition is approved, the district will have 3,465 acres. He stated on September 28, 2010, the BOS approved a renewal of the Mill Creek AFD for a period of four years, one month and three days. He stated the district will be up for renewal on October 31, 2014.

Mr. Purse stated staff recommends that the Planning Commission recommend approval of the addition to the Mill Creek AFD to the BOS. He stated at its October 18, 2012 meeting, the AFD Advisory Committee voted 8-0, to recommend approval of the application.

Mr. O'Connor opened the public comment.

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

Mr. Krapf moved for approval of the Mill Creek AFD Addition.

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

#### B. SUP-0012-2012, Toano Middle School Parking Improvements

Mr. Jose Ribeiro stated Mr. Bruce Abbott of AES has applied on behalf of Williamsburg-James City County schools for a Special Use Permit (SUP) to allow the construction of a new student drop-off area and thirty parking spaces at the Toano Middle School site located at 7817 Richmond Road. He stated the property is zoned Public Lands (PL), and surrounded by residential developments such as Toano Trace, Toano Terrace, and Hunter's Creek. He stated a school is a specially permitted use in the PL district. He stated that an SUP amendment is necessary for these improvements as it proposes the physical expansion of a specially permitted use.

Mr. Ribeiro stated according to the applicant, the proposed student drop-off area and additional parking spaces are necessary in order to promote the general safety and welfare of students and improve the parking capacity at the school site. He stated for several years, the number of students being dropped off has increased, and in many cases students are being dropped off in every location at the school site even along Route 60. He stated the new student drop-off area, as shown on the master plan, will allow for a dedicated corridor where vehicles entering the parking area will circulate through the perimeter of the lot until reaching the drop-off zone where it's physically separated from the rest of the parking area.

Mr. Ribeiro stated in order to provide for the new drop-off area, a row of 22 existing parking spaces will be removed from its current location and rearranged throughout the parking area. He stated additionally, a row of 30 new parking spaces is proposed. He stated with these changes, the number of parking spaces will increase from 117 to 147, a gain of 30 parking spaces including five handicap parking spaces. He stated in addition to these improvements, a four foot wide bike lane is proposed along the frontage of the site connecting to an existing bike lane located along Route 60. He stated also, three bio-retention areas, as shown on the master plan, are designed to address the increase in impervious surface.

Mr. Ribeiro stated all agencies have reviewed this application and have recommended approval. He stated staff finds this proposal consistent with the Zoning Ordinance and the 2009 Comprehensive Plan. He stated staff recommends that the Planning Commission recommends approval of this SUP amendment request to the BOS with the conditions listed in the staff report.

Mr. O'Connor opened the public comment.

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

Mr. Maddocks asked what triggered the need for Planning Commission review.

Mr. Ribeiro stated that a school is a specially permitted use in the PL district. He stated that an SUP amendment is necessary for these improvements as it proposes the physical expansion of a specially permitted use.

Mr. Maddocks moved for approval of the Toano Middle School Parking Improvements as presented.

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

#### C. SUP-0013-2012, King of Glory Church Building Expansion

Mr. Ribeiro stated that Mr. Matthew Connolly of LandTec, has applied for a SUP to allow a 12,500 square foot building expansion at the King of Glory Lutheran Church site located at 4897 Longhill Road. He stated the property is zoned R-2, General Residential and surrounded by subdivisions such as Ford's Colony Section 12, Windsor Forest, Williamsburg Plantation, and also Wellsprings United Methodist Church. He stated a house of worship is a specially permitted use in the R-2 district. He stated a SUP amendment for this project is necessary as it proposes the physical expansion of a specially permitted use.

Mr. Ribeiro stated according to the applicant, the proposed expansion is desired in order to provide additional space for offices, storage, and in particular, meeting areas to better accommodate groups such as bible studies, youth groups and others. He stated these meetings are currently taking place in areas not originally designed to support these uses. He stated staff notes that the proposed expansion does not increase the sanctuary or the preschool seating capacity. He stated the expansion of these facilities, as well as a Family Life Center, is planned as part of "Phase II" of the development and will be considered at a later time. On August 29, 2012, the DRC met to provide input to a conceptual master plan (which included Phase I, Phase II, and additional parking areas). He stated at the time of the DRC meeting, Phase I proposed a smaller building expansion. He stated it has been revised to its current dimension.

Mr. Ribeiro stated staff finds that the proposed expansion will have limited impacts to adjacent property owners, the local road system and the environment. He stated it will be located behind an existing building therefore its visual impacts from the public right-of-way will be limited. He stated also, due to existing vegetation along the perimeter of the property the visual impact of the expansion on adjacent properties also appears to be limited.

Mr. Ribeiro stated the proposed expansion does not necessitate an increase in parking

spaces and it's not expected to generate additional traffic to and from the site. He stated the expansion is meant to reorganize and better distribute spaces to accommodate uses already in place. He stated staff notes that a Master Stormwater Management Plan for Phase I and II was submitted and approved by the Engineering and Resource Protection Division on June 29, 2012.

Mr. Ribeiro stated all agencies have reviewed this application and have recommended approval. He stated that staff finds this application consistent with the 2009 Comprehensive Plan and with zoning code. He stated staff recommends that the Planning Commission recommends approval of this SUP amendment request to the BOS with the conditions listed in the staff report.

Mr. O'Connor stated that according to Engineering and Resource Protection the applicant may have to upgrade the stormwater management pond in order to address the increase in impervious surface. He asked if this is necessary.

Mr. Ribeiro stated that the Stormwater Management Plan does address this issue. He stated that making improvements to the pond is one option available to the applicant. He stated that the applicant has received approval from the Engineering and Resource Protection Division. He stated that during the site plan process there will be more details made available clearly showing which option the applicant elected to pursue regarding stormwater management.

Mr. O'Connor opened the public comment.

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

Mr. Krapf stated that he had seen these plans while being reviewed by the DRC. He stated that one feature he appreciates is that all the construction will be behind the church and will not be visible from the community character corridor. He stated that he supports the application.

Mr. Krapf moved for approval of the King of Glory Church Building Expansion application as presented.

In a unanimous voice vote, the application was approved (6-0; absent: Woods).

#### D. ZO-0004-2012, Soil Stockpiling

Mr. Purse stated that in an effort to make the treatment of stockpile areas more consistent for developers and the community in general, staff has created a new section of the ordinance, which is included at the end of the Special Regulations section. He stated that the draft ordinance language establishes performance standards for stockpiles, including that stockpiles must be located on-site, at least 50 feet from property lines, and 100 feet from existing buildings; must have an absolute maximum height of 25 feet in residential districts and 40 feet in commercial or industrial districts; and must be temporary in nature

and therefore limited to a two-year time period.

Mr. Purse stated all stockpiles that meet these requirements can be approved administratively, under typical site plan review criteria. He stated that if an applicant wishes to get a waiver from one or more of the standards, however, a waiver provision has been included. He stated that at the request of the Policy Committee, staff has amended this language to reflect a waiver process that is approved by the Planning Director and allows for the ability to appeal to the DRC.

Mr. Purse stated since the Policy Committee's review, staff added section 24-46 (c), which states that new standards shall be required unless a more restrictive requirement is specifically stated in an individual zoning district. He stated this will ensure that there are no conflicts with existing ordinance language. He stated staff finds that the addition of development standards will help guide staff decisions and make the process more consistent and predictable. He stated that staff recommends that the Planning Commission recommend approval of the soil stockpiling language to the BOS. At its October 11, 2012 meeting, the Policy Committee voted 4-0 to recommend approval of the ordinance change.

Mr. O'Connor opened the public comment.

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

Mr. Drummond moved for approval of the Soil Stockpiling ordinance.

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

#### E. Zoning Ordinance Housekeeping Items

- i. ZO-0006-2012, Floodplain
- ii. ZO-0009-2012, Procedural/Submittal Requirements and Definitions
- iii. ZO-0007-2012, Research and Technology
- iv. ZO-0008-2012, Private Streets

Mr. Ribeiro stated the BOS has recently adopted a series of Zoning Ordinance amendments as part of the Zoning Ordinance Update process. He stated that staff has identified five ordinance sections where additional revisions are necessary either to fix minor grammatical or consistency issues or to further clarify the previously adopted ordinances. He stated minor revisions were made to the Floodplain Ordinance, Procedural Descriptions/Submittal Requirements, Definitions, the Research and Technology District, and Private Streets. He stated they were presented to the Policy Committee on September 4; recommendations were made and incorporated. He stated those changes were then presented to the BOS at its work session on September 25. He

stated the ordinances the Commission received in its packages reflect the input of both the Policy Committee and BOS. He stated that staff recommends that the Planning Commission recommend approval of the revised ordinances to the BOS.

Mr. O'Connor opened the public comment.

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

Mr. Maddocks moved for approval of the Zoning Ordinance housekeeping items.

In a unanimous voice vote, the revised ordinances were recommended for approval (6-0; absent: Woods).

F. Updates to the Housing Opportunities Policy and amendments for the Residential and Multiple Use Districts and Definitions

- i. ZO-0007-2012 and ZO-0009-2011, Residential Districts and Cluster Overlay District
- ii. ZO-0010-2012, Affordable and Workforce Housing Terminology – amendments to the Definitions Section and the Residential and Multiple Use Districts

Ms. Ellen Cook stated that this grouping of material all relates to the Housing Opportunities Policy and to the language that relates to this policy in the residential and multiple use districts. She stated that the material before you tonight is the result of changes requested by BOS at its September 11, 2012 meeting. She stated the requested changes were to emphasize the affordable portion of the target income range (which translates to the 30 to 60 percent of Area Median Income) in the policy language and standards. She stated staff has since made those changes and has brought them to the Policy Committee, which also requested some adjustments noted in the memo.

Ms. Cook stated staff recommends that the Planning Commission recommend approval of the Housing Opportunities Policy, the Cluster Overlay District, and the Residential Redevelopment Policy. She stated staff also recommends that the Planning Commission recommend approval of the amendments to the Definitions section; R-1, Limited Residential; R-2, General Residential; R-3, Residential Redevelopment; R-5, Multifamily Residential; PUD, Planned Unit Development; and MU, Mixed Use, Districts.

Mr. O'Connor opened the public comment.

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

Mr. O'Connor stated that he received a call from Ms. Susan Gaston with the Williamsburg Area Realtors Association and they are supportive of the workforce and affordable housing initiatives seen here.



Ms. Bledsoe moved for approval of the Housing Opportunities Policy and amendments for the Residential and Multiple Use Districts and Definitions.

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

#### G. SO-0001-2011, Subdivision Ordinance

Ms. Cook stated as Stage 3 of the Subdivision Ordinance process, staff has prepared final ordinance language for the Planning Commission's consideration and recommendation. Included in the amendments to the Subdivision Ordinance are adjustments made to the on-site sewage disposal systems language, adjustments to the Family Subdivision provisions and general updates and clarifications in response to agency comments and frequently asked questions. She stated that this last category includes the changes discussed at the Policy Committee's September 4, 2012 meeting.

Ms. Cook stated that staff recommends the Planning Commission recommend approval of the attached revised Subdivision Ordinance to the BOS.

Mr. O'Connor opened the public comment.

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

Mr. Krapf moved for approval of the changes to the Subdivision Ordinance.

In a unanimous voice vote, the revised ordinance was approved (6-0; absent: Woods).

### 6. PLANNING COMMISSION CONSIDERATIONS

#### A. Zoning Ordinance Transition Resolution

Ms. Cook stated that this item was being brought forward in conjunction with case number, ZO-0007-2011, Cluster Overlay District, which was earlier on the agenda. She stated this proposed transition resolution is for the purpose of vesting or grandfathering those development projects that meet the criteria listed in the resolution. She stated vesting or grandfathering would mean that the proposed changes to the Cluster Overlay District would not affect those developments as they moved forward. She stated the criteria for vesting listed in the resolution mirrors the provisions of the Code of Virginia.

Ms. Cook stated staff recommends that the Planning Commission recommend approval of the attached transition resolution to the BOS.

Mr. O'Connor opened the public comment.

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

Mr. Krapf moved for approval of the Zoning Ordinance Transition Resolution.

In a unanimous voice vote, the resolution was approved (6-0; absent: Woods).

7. PLANNING DIRECTOR'S REPORT

Mr. Paul Holt stated there were no further items to discuss.


8. PLANNING COMMISSION DISCUSSION AND REQUESTS

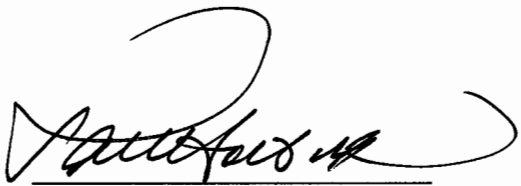
Mr. Maddocks stated that he will not be able to attend the November 15, BOS meeting.

9. ADJOURNMENT

Mr. Krapf moved to adjourn.

The meeting was adjourned at 7:38 p.m.

  
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Tim O'Connor, Chairman

  
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Paul D. Holt, III, Secretary