

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF FEBRUARY, TWO-THOUSAND AND THIRTEEN, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

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

Staff Present:

Paul Holt, Planning Director  
Adam Kinsman, Deputy County Attorney  
Jose Ribeiro, Senior Planner  
Luke Vinciguerra, Planner  
Scott Whyte, Senior Landscape Planner

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

2. ANNUAL ORGANIZATIONAL MEETING

A. Election of Officers

Mr. O'Connor opened the discussion for the election of officers.

Mr. Rich Krapf nominated Mr. Al Woods for Chair. There being no further nominations, Mr. O'Connor closed the nominations.

In a unanimous voice vote the Planning Commission elected Mr. Woods as Chair.

Ms. Robin Bledsoe nominated Mr. Krapf for Vice Chair. There being no further nominations, Mr. O'Connor closed the nominations.

In a unanimous voice vote the Planning Commission elected Mr. Krapf as Vice Chair.

After a brief discussion on committee appointment procedures Mr. O'Connor adjourned the meeting until 7:00 p.m.

Mr. Woods reconvened the meeting at 7:00 p.m.

B. Committee Appointments

Mr. Woods stated that the Development Review Committee (DRC) will consist of Mr. Chris Basic, Mr. O'Connor, Mr. Krapf, Mr. Mike Maddocks and Mr. George Drummond with Mr. O'Connor serving as Chair. The Policy Committee members will be Mr. Krapf, Mr. Woods, Mr. O'Connor, and Ms. Bledsoe with Ms. Bledsoe serving as Chair. Mr. Woods stated that Mr. Maddocks will serve as the representative on the Regional Issues Committee.

Mr. Woods stated that the commissioners should discuss the Planning Commission 2013 Calendar.

Mr. Paul Holt stated that the Planning Commission could adopt the proposed dates seen in the draft calendar.

In a unanimous voice vote, the Planning Commission approved the Planning Commission 2013 Calendar.

3. PUBLIC COMMENT

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

4. MINUTES

A. January 9, 2013 Regular Meeting

Mr. Basic moved to approve the minutes.

In a unanimous voice vote, the minutes were approved.

5. COMMITTEE / COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated the DRC met on January 30, and reviewed three cases. The DRC reviewed C-0054-2012, the Brenda Snow residence on Harbor Road. This case was before the DRC for approval of improvements proposed within an open space conservation easement located on the back yard of a single-family lot. The encroachment extended into the easement by approximately five-feet. Plans are currently under review with the Engineering and Resource Protection Division and will also go to the James City County (JCC) Chesapeake Bay Board. The DRC voted 4-0, to recommend approval of the improvements. The next case seen was S-0041-2012, Colonial Heritage Phase 5, Section 1. Per Section 19-23, of the Subdivision Ordinance the case was before the DRC for consideration of preliminary approval because the plan proposes more than 50 lots. The DRC voted 4-0, to grant preliminary approval subject to agency comments. The third case was SP-0087-2012, Village at Candle Station. This case was before the DRC for a master plan consistency review. The applicant proposed to relocate rear-loading garages to the front on 62 units, which is approximately 35% of the total residential component. Per the request of the applicant, the DRC voted 4-0, to defer consideration of this case until the next DRC meeting.

Mr. Krapf moved for approval of the report.

In a unanimous voice vote, the report was approved.

#### B. Policy Committee

Mr. Krapf stated that the Policy Committee met on January 17, 2013 to continue a discussion on how to address pawnshops and similar businesses in the Zoning Ordinance. Research was completed to identify how other neighboring jurisdictions classify pawnshops and whether there were documented problems in those localities with those associated businesses. The committee decided to list payday lending businesses as a similar activity and therefore be placed in the same category as pawnshops. Mr. Krapf stated that there are multiple ways to address pawnshops and payday loan businesses in the Zoning Ordinance. For example, some localities address them, define their use and treat them as retail. He stated that one jurisdiction created standards for development that limit proximity to what is considered incompatible uses. Another locality limits the number of pawnshops permitted overall. The committee reviewed commercial and industrial zoning districts and their statements of intent to see if pawnshops and payday loan businesses would be compatible. The committee will meet again at 2:00, on February 15, 2013 to continue those discussions.

Mr. Basic moved for approval of the report.

In a unanimous voice vote, the report was approved.

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

Mr. Krapf stated the Regional Issues Committee met on January 22, 2013. The committee discussed the Comprehensive Plan Update and Regional Comprehensive Plan. All three Historic Triangle jurisdictions will ultimately have either a new Comprehensive Plan or a supplement to their existing Comprehensive Plan. Williamsburg City Council approved their new plan on January 10. York County is finalizing their new plan and JCC is preparing a supplement to their 2009 Comprehensive Plan. All three jurisdictions are engaged in a collaborative effort to update the Regional Bikeway Plan as well. The Historic Triangle Collaborative reported on the regional incubator for business development and was approved by all three jurisdictions. The incubator will be implemented shortly. The Williamsburg Area and Chamber Tourism Alliance reported that the Williamsburg Area Destination Marketing Committee and Alliance will merge their two websites in order to eliminate consumer confusion and to maximize impact. The efforts should be completed by March.

Mr. Maddocks moved for approval of the report.

In a unanimous voice vote, the Regional Issues Committee report was approved.

### 6. PUBLIC HEARING CASES

#### A. SUP-0018-2012, New Zion Baptist Church Building/Parking Addition

Mr. Luke Vinciguerra stated that Ms. Beth Crowder has applied for a special use permit

to allow for a building addition and 21 new parking spaces at New Zion Baptist Church, located at 3991 Longhill road. A special use permit is required as this would be an expansion of a specially permitted use. The parcel is zoned R-8, and is designated Low-Density Residential. The purpose of the expansion is in response to the lack of space for the young adults, Sunday school.

Mr. Vinciguerra stated that the expansion would be modular in construction; two adjoining modular units would be adjoined creating roughly 1,600 square feet of space. The Plan also calls for relocating two existing sheds that currently do not meet setback requirements. As the proposed expansion would be in an overflow parking area, the applicant is proposing 21 additional parking spaces which would result in a net gain of five spaces.

Mr. Vinciguerra stated that the site abuts Fords Colony to the south and east and other residential property to the west. There is a mature landscape buffer between the church property and Fords Colony. On the west side of the property, the applicant is proposing evergreen shrubbery along the property line. With the proposed landscaping, the addition would likely only be visible from westbound Longhill Road adjacent to the church property.

Mr. Vinciguerra stated that this application has previously been reviewed by the DRC. The responses to the recommendations and questions by the DRC are listed in your staff report.

Mr. Vinciguerra stated that staff finds the proposed expansion consistent with the surrounding development and compatible with the Comprehensive Plan. Staff recommends the Commission recommend approval of the application to the Board of Supervisors (BOS) with the conditions listed in the staff report. Staff and the applicant are available for any questions.

Mr. Woods asked if the applicant would like to address the Planning Commission prior to opening the public hearing.

Ms. Beth Crowder with Hopke and Associates stated that the project and the intent have been explained well in the staff report. She would answer any questions the commission may have.

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

Mr. Basic stated that this is a great example of how well the DRC consideration process can work for conceptual plans that require legislative review. Staff and the DRC reviewed and commented on this proposal before it was advertised as a public hearing by the Planning Commission. The proposal was strengthened from having gone through this process.

Mr. Basic made a motion to approve New Zion Baptist Church Building/Parking Addition as presented.

Mr. O'Connor stated that the speed limit on Longhill at this location is 45 miles per hour. Improvements were previously suggested for the road. He asked if a cross-walk could be placed

in the vicinity. He is concerned for the individuals crossing the road there to access the overflow lot. He asked if this is something that could be considered.

Mr. Holt stated that crosswalks are only recommended at signalized intersections. In terms of promoting awareness of a concern or in this case, finding the best means to accommodate pedestrian traffic it is in the purview of the Planning Commission to consider possible improvements.

Mr. Woods stated that he had the same concern regarding pedestrian traffic getting to the over-flow parking lot. He asked if the applicant had ever sought assistance to better accommodate pedestrian traffic.

Mr. Robb Whitehead, Pastor of New Zion Baptist Church spoke. He stated that it only becomes a problem if there is a large funeral. There had been an abundance of traffic a couple of times last year. When it has been anticipated, cones are placed on the road. There were a couple of other occasions when Police officers came out to assist with traffic.

Hearing no other comments or concerns, Mr. Woods returned to the motion previously made by Mr. Basic.

In a unanimous roll call vote, the New Zion Baptist Church Building/Parking Addition application was approved as seen in the Staff report.

#### B. SUP-0001-2013, Carolina Furniture Building Addition

Mr. Jose Ribeiro stated that Mr. Joe Steele has applied for a special use permit to allow a 3,000 square foot addition to an existing furniture showroom building at the Carolina Furniture site located on 5425 Richmond Road. The site is zoned B-1, General Business and designated as Neighborhood Commercial by the 2009 Comprehensive Plan. The existing building requires a special use permit because it is in excess of 10,000 square feet. Section 24-11 of the Zoning Ordinance states that: "any commercial building or group of buildings (excluding offices and warehouses) which exceeds 10,000 square feet of floor area requires issuance of a special use permit."

Mr. Ribeiro stated the existing furniture showroom building does not have a special use permit because it was built before the Zoning Ordinance section requiring special use permits for certain commercial uses went into effect. If approved, this special use permit request will permit the proposed 3,000 square foot addition and bring the entire site into conformance with the current commercial special use permit regulations.

Mr. Ribeiro stated that prior to the submittal of this application, Planning staff and staff from the Office of Economic Development met with Mr. Steele to assist him in his endeavor to expand the business. Working cooperatively, staff was able to identify solutions to overcome problems such as nonconformity, parking, and preservation of open space. The proposal being considered tonight is a reflection of positive cooperation between different parties.

Mr. Ribeiro stated that as shown in the master plan, the site for Carolina Furniture is

spread across two adjacent parcels owned by the applicant. The smallest parcel fronts on Richmond Road; this is the commercial center of the site and where the proposed 3,000 square foot addition is requested. The larger of the two parcels has a flag lot configuration. This parcel is the future site for the warehousing and office complex for Carolina Furniture. Staff notes that a site plan depicting the construction of this complex was approved in 2008 but construction has not yet begun. Both parcels use the same vehicular access through a shared fifty-foot access easement within the stem of the flag lot.

Mr. Ribeiro stated that the furniture showroom building is a legally, non-conforming structure because it encroaches into the required 20 feet side setback. In order for the proposed expansion to take place the non-conforming status requires remediation. Staff recommended Mr. Steele to eliminate the common property line between both parcels through a boundary line extinguishment process. Once the common property line is eliminated, both parcels will be combined into one and the non-conforming status of the showroom building will be resolved due to a new property line located more than 20 feet away from the side of the building.

Mr. Ribeiro stated that the front parcel currently has a total of 73 parking spaces. Combined the existing buildings and the proposed 3,000 addition will generate a need for approximately 93 parking spaces. In order to meet parking requirements and at the same time minimizing the potential negative impacts to the environment due to the increase of impervious surface and decrease in pervious area, staff suggested the possibility of shared parking with the adjacent property. As a result, the applicant will enter into a shared parking agreement with the adjacent property owner, the Moose Lodge, allowing access to its 72 parking spaces. Both properties operate their activities at different peak hours making the shared parking concept possible.

Mr. Ribeiro stated that the site is designated Neighborhood Commercial on the 2009 Comprehensive Plan Land Use Map. Recommended uses include neighborhood scale commercial, professional and office uses with total building area no more than 40,000 square feet in order to retain a small-scale neighborhood character. Staff notes that the current building area for the entire site exceeds 40,000 square feet. The applicant has proposed architectural elevations that show consistency with the design of existing, smaller scale buildings on the site.

Mr. Ribeiro stated that all agencies have reviewed this special use permit application and have recommend approval. Staff finds that the proposed addition is consistent with the Zoning Ordinance and Comprehensive Plan and recommends that the Planning Commission recommends approval of it to the BOS with the conditions attached to the Staff report.

Ms. Bledsoe stated that she does have a concern regarding the parking. She asked what would happen if the contract between the applicant and the Moose Lodge were to discontinue.

Mr. Adam Kinsman stated that the contract is not merely an agreement between Carolina Furniture and the Moose Lodge. The agreement will be recorded in the courthouse and it will run with both the properties in perpetuity. The County would become a vested party and would be have a say if there were a proposed change to the agreement. Ultimately the Ordinance would have to be met before any change would be approved. Recording the agreement with the

property deeds typically prevents any misunderstanding occurring with future property owners.

Ms. Bledsoe stated that she feels better knowing it is recorded.

Mr. Woods asked if the applicant would like to speak.

Mr. Steele complimented staff and stated that they have been extremely helpful during this process. He has hired James River Architects to complete the addition. Rick Moburg has designed the addition and new façade to replicate the colonial architecture seen on Duke of Gloucester Street. Once completed this will be an asset to Richmond Road.

Mr. Steele stated that furniture stores are often caught in a dilemma. Because they typically have a large amount of square footage, ordinance parking requirements often exceed what is realistically needed. York County recently changed their ordinance requirements for furniture stores to more accurately reflect parking demands. He stated that currently they rarely have the existing 75 parking spaces full to capacity. The shared parking agreement is something the Moose Lodge and Carolina Furniture have already been informally doing for many years. The agreement recorded at the courthouse now makes this official.

Mr. Krapf stated that it is appreciated to hear from an applicant about how positive their experience had been with staff.

Mr. Steele stated that he is very excited to have David Nice, a local builder, work on the construction for the project.

Mr. Woods opened the public comment.

There being none, Mr. Woods closed the public comment.

Ms. Bledsoe stated that she thinks this will be an attractive improvement.

Mr. Krapf stated that he agrees with Ms. Bledsoe's comment and that he supports the application.

Mr. Krapf made a motion to approve Carolina Furniture Building Addition with conditions as listed in the Staff report.

Mr. O'Connor thanked Mr. Steele for bringing this proposal forward; it will be an asset. His one criticism is that he would have liked to have seen more space along the road frontage for more landscaping improvements. He thanked staff for their efforts on the project. This represents a great deal of work on staff's part to bring the non-conforming property into conformance. This project also reflects well on all of the efforts made to amend the Ordinance and create policy changes to achieve more attractive and functional development in the community. These changes will create a better product for the citizens and business community of JCC.

Mr. Steele stated that when he constructed the carpet store, seen in the rear of the

property, the decision was made to preserve the portion of land closest to Richmond Road. The frontage was to be preserved until a later expansion. Currently, there is a stand of trees in that location that they have taken great lengths to preserve. He stated landscaping is very important. The decision was made to not build in the front of the property to preserve the trees. There are some miniature magnolias on the abandoned septic field that will need to be taken down due to the expansion. Later in the process there will be a landscape plan put together to include the new construction and existing buildings. There will be efforts made to preserve existing vegetation and improve the lush look with new landscaping improvements.

Mr. Woods returned to the motion previously made.

In a unanimous roll call vote, the report was approved.

7. PLANNING COMMISSION CONSIDERATIONS

A. 2012 Planning Commission Annual Report

Mr. O'Connor presented the 2012 Planning Commission Annual Report. He noted several features of the report including the Goals, Strategies and Actions Annual Review.

Mr. O'Connor noted a number of statistics taken from the report. The JCC population increased by 1.4% to total 69,451. This increase was due to growth primarily in single-family detached units. The total number of dwelling units built in 2012 was only 379 units, down from 393 the prior year. Legislatively only 247 units were approved in 2012, all 247 units were for Section 12 of New Town.

Mr. O'Connor noted the work done on the Zoning and Subdivision Ordinances; amendments were made to the Sign Ordinance and to the Residential Cluster Overlay District. A new residential district was created, R-3. There were changes made to the Subdivision Ordinance. Several updates were made to the Multi-Use District. There was an additional policy created, the Green Building Incentives policy.

Mr. O'Connor stated that other notable activities of 2012 were the kickoff of the Historic Triangle Comprehensive Plan Review. This initiative included four public forums and a Joint Planning Commission meeting on April 30, 2012.

Mr. Woods commended staff for their efforts on the Annual Report.

In a unanimous voice vote, the 2012 Planning Commission Annual Report was approved.

B. Initiating Resolution, Landscaping Provision for Economic Opportunity and Public Lands

Mr. Scott Whyte presented materials regarding proposed amendment to the Zoning Ordinance to modify existing setbacks and buffer requirements in Economic Opportunity and Public Lands Zoning Districts. The proposed amendments will be reviewed concurrently.



Proposed amendments to the Landscaping Ordinance regarding planting density was initiated by the BOS on January 22, 2013. Following action by the Policy Committee on February 15, 2013 the proposed amendments will be subject to a public hearing at the Planning Commission and BOS. Staff recommends that the Planning Commission approve the two resolutions as seen in the presented materials.

Mr. Woods asked the Planning Commissioners if they had any questions for staff.

Ms. Bledsoe made a motion to approve the resolutions as presented by staff.

In a unanimous voice vote, the Initiating Resolution for Landscaping Provisions for Economic Opportunity and Public Lands were approved.

8. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that the evidentiary hearing for the proposed Dominion Power lines previously scheduled for February 26, 2013 has been pushed back until the first part of April.

Mr. O'Connor asked when to expect the draft of the Joint Comprehensive Plan.

Mr. Holt stated that it could be as early as the next Policy Committee meeting. York County is about to begin their own Comprehensive Plan efforts. They may need additional time to ensure that the draft text accurately reflects the efforts made on their Comprehensive Plan. After York County's next Planning Commission meeting may be a more realistic time frame.

Mr. O'Connor asked if the City of Williamsburg had approved their Comprehensive Plan.

Mr. Holt stated that the City Council had approved it.

9. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Maddocks stated that he will not be able to attend the March Planning Commission meeting.

Mr. Woods asked when the Joint Planning Commission/BOS meeting is scheduled.

Mr. Holt stated he would find out the date and email it to the Planning Commissioners.

Mr. Krapf asked if it would be possible to have the Organizational Meeting at 6:45 rather than 6:00 in February 2014.

Mr. O'Connor suggested that the DRC, Policy Committee and Regional Issues Committee reports be shared before the Planning Commission meeting.

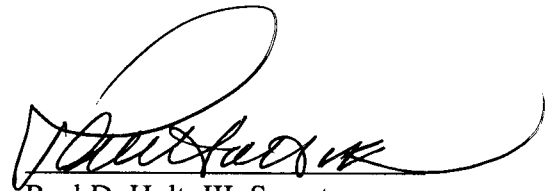
Mr. Basic volunteered to cover the March BOS meetings.

10. ADJOURNMENT

Mr. O'Connor moved to adjourn.

The meeting was adjourned at 7:49 p.m.

  
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Al Woods, Chairman

  
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Paul D. Holt, III, Secretary