

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF OCTOBER, TWO-THOUSAND AND FOURTEEN, 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:

Rich Krapf  
Tim O'Connor  
Chris Basic  
Robin Bledsoe  
George Drummond  
John Wright, III

Staff Present:

Paul Holt, Planning Director  
José Ribeiro, Senior Planner II  
Leanne Pollock, Senior Planner II  
Maxwell Hlavin, Assistant County Attorney

Absent:

Heath Richardson

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

Mr. Krapf acknowledged and welcomed the new County Administrator Bryan J. Hill who was in attendance.

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

As no one wished to speak, Mr. Krapf closed the public comment.

3. CONSENT AGENDA

A. Minutes from the September 3, 2014, Planning Commission meeting

Mr. Tim O'Connor moved to approve the Consent Agenda.

In a unanimous vote, the Commission approved the Consent Agenda 6-0.

4. REPORTS TO THE COMMISSION

A. Development Review Committee

Mr. Basic stated that the Development Review Committee (DRC) met on Wednesday, September 24, 2014 with all five members present. Mr. Basic noted that the DRC did not review any cases for action; however, three cases were reviewed for discussion:

i. C-0028-2013, New Town Shared Parking

Mr. Basic stated that the last New Town Shared Parking update was reviewed on January 29, 2014. An update on the time-limited parking was anticipated for the September DRC meeting; however, since the time-limited parking was implemented slightly later than planned, the applicant requested, and the DRC granted, a one month deferral until the October 29, 2014, DRC meeting to allow for additional data collection.

ii. C-0060-2014, Williamsburg Unitarian Universalist Expansion

Mr. Basic stated that a proposal was submitted for a multi-phase expansion of the existing Williamsburg Unitarian Universalist building. Mr. Basic stated that the addition would include additional worship space, classrooms for education, a nursery, administrative offices, a memorial garden, an event tent and an outdoor worship and program space. Mr. Basic noted that the proposal also includes expansion of the parking area with a possible second entrance on Ironbound Road. Mr. Basic stated that the DRC provided feedback on the proposal and was generally supportive of the plan.

iii. C-0044-2014, Grove Barber Shop

Mr. Basic stated that a proposal had been submitted to renovate and restore the existing Grove Community Barber Shop located at 104 Howard Drive. Mr. Basic stated that the renovations would restore the building to its original condition and would not expand or alter the footprint. Mr. Basic noted that the location does not have on-site parking and the renovation would require five parking spaces. The DRC encouraged the applicant to seek a shared parking agreement with the neighboring Capital Lodge. Mr. Basic stated that the DRC was generally supportive of the application moving forward.

**B. Policy Committee**

Mr. O'Connor stated that the Policy Committee did not meet in September and therefore, there is no report. Mr. O'Connor stated that the next Policy Committee meeting would be October 9, 2014.

**C. Regional Issues Committee**

Ms. Robin Bledsoe stated that the Regional Issues Committee did not meet in September.

**5. PUBLIC HEARING CASES**

**A. Case No. SUP-0009-2014, King's Garden Contractor's Office and Warehouse**

Mr. Krapf noted that he would recuse himself from voting on the application because his wife is owner of Heart's Ease Landscaping and Garden Design and frequently works with the applicant.

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed contractors office, warehouse and outdoor storage on a parcel of property located at 8850 Merry Oaks Lane.

Mr. Krapf opened the floor to questions from the Commissioners.

Ms. Bledsoe inquired whether any chemicals would be stored at this site.

Mr. Ribeiro stated that he would defer to the applicant on that question.

As a procedural note, Mr. Krapf stated that the applicant would be able to respond to the question later in the meeting.

Mr. Ribeiro noted that one of the SUP conditions covered spill prevention which requires the applicant to provide a narrative outlining how he would contain and clean up any chemical spill that might occur.

Mr. O'Connor inquired whether the Zoning Ordinance placed limits on the size of a business in the A-1 zoning district.

Mr. Ribeiro responded that commercial uses in A-1 are very limited. Mr. Ribeiro stated that in crafting SUP conditions staff looks for a balance that will allow flexibility for a business to expand but which also sets limits to ensure that the business does not grow so large that it is out of character with the intent of the zoning district.

Mr. O'Connor stated that he wanted a better understanding of what those limits are.

Mr. Holt stated that part of the legislative process is to determine what the impacts are and how they could be mitigated in the context of the particular property and if it is a good fit to retain the rural character. Mr. Holt stated that there was not a quantitative cut-off limit for the size of a commercial use in the Zoning Ordinance itself.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants. There were none.

Mr. Krapf opened the public hearing.

Mr. Mitchell Foos, 8850 Merry Oaks Lane, stated that he is the applicant and owner of Kings Garden. Mr. Foos stated that he would be happy to answer questions.

Ms. Bledsoe requested more detail on the types of chemicals that might be stored on the property and the proposed spill plan.

Mr. Foos stated that the chemicals on site would be weed control, fertilizers, fungicides and similar products. Mr. Foos further stated that he works closely with the Office of Pesticide

Services to ensure regulations are met and that the appropriate materials are on hand to contain spills.

Mr. O'Connor inquired how the business disposed of landscape debris.

Mr. Foos stated that they do not stockpile soils, mulch, trash or debris but might store some reusable materials such as stone or brick.

Mr. Basic inquired whether the applicant is aware of the SUP conditions and if he is in agreement with them.

Mr. Foos confirmed.

Mr. Basic further inquired whether the applicant understands that if the business grows beyond the limits set in the SUP conditions, a new SUP will be required.

Mr. Foos confirmed.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commissioners.

Mr. O'Connor stated that he is opposed to the SUP conditions that limits hours of operation. Mr. O'Connor further stated that he would suggest including "no stockpiling of debris" and no burning of debris" in one of the conditions.

Mr. Basic stated that he would support inclusion of language to allow for occasional off or after hours work.

Ms. Bledsoe asked Mr. Ribeiro to confirm this neighborhood differs from that of the similar case reviewed the previous month.

Mr. Ribeiro confirmed that the lot sizes are larger and density is lower.

Ms. Bledsoe stated that she could support modifying the condition restricting hours of operations.

Mr. Krapf summarized that there are two items that might modify the SUP conditions: 1) adding flexibility to condition #3 to allow for some off or after hours operations, 2) adding language to condition #7 to prohibit stockpiling of debris.

Mr. Krapf inquired whether the applicant would be agreeable to those changes to the SUP conditions.

Mr. Foos stated that the changes to the SUP conditions were agreeable.

Mr. Krapf noted that when a motion is made, it should be made to recommend approval of the application with the two amendments. If the Commission is not supportive of the amendments and the motion failed, another motion could be made.

Mr. O'Connor moved to recommend approval of the application with an amendment to condition #3 to allow for occasional off hours and Sunday transportation of equipment and an amendment to condition # 7 to prohibit the stockpiling of landscaping debris.

Mr. Holt requested clarification on whether the motion included a prohibition on burning of debris.

Mr. O'Connor stated that burning of debris is permitted in the A-1 zoning district. Mr. O'Connor further noted that by prohibiting the stockpiling there would be no landscaping debris to burn.

Mr. Holt clarified that the motion on the table was to recommend approval of the SUP with proposed condition #3 reading: "Transportation of equipment to and from the property shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday with occasional off hours and Sunday transportation of equipment" and proposed condition #7 reading "No soil stockpile, as defined by Section 24-46 of the Zoning Ordinance, nor storage or stockpiling of landscaping debris shall be allowed in the Property."

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 5-0-1. Mr. Richardson being absent and Mr. Krapf recusing himself from the vote.

**B. Case No. SUP-0010-2014, Williamsburg Landing Construction Commencement Extension**

Mr. José Ribeiro, Senior Planner II, provided the Commission with a report on the proposed amendment of a previously approved SUP which would extend the construction commencement condition for an additional 36 months.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Ms. Bledsoe stated that she had discussed the application with the applicant, Mr. Paul Gerhardt.

Mr. O'Connor stated that he had also spoken with Mr. Gerhardt regarding the application.

Mr. Basic stated that he had spoken with Mr. Gerhardt also.

Mr. Krapf opened the public hearing.

Mr. Paul Gerhardt, 116 Alexander Place, stated that Ben Puckett, Chief Operating Officer for Williamsburg Landing was also present and they would both be happy to answer any questions.

Ms. Bledsoe stated that the current stormwater criteria are being met with the 10-Point Special Stormwater Criteria and that if any of the requirements change there is a system in place to capture that.

Mr. Gerhardt responded that there are two site plans in place now. One will expire in 2015 and the other in 2016 and would need to be renewed. Mr. Gerhardt stated that the intention is to fully comply with the new stormwater regulations with those site plan extensions.

Mr. Holt stated that based on discussion with Engineering & Resource Protection, the Master Plan is still subject to those stormwater criteria developed under the previous master Plan and would continue to be.

Mr. Gerhardt noted that the SUP conditions have been reviewed and are fully acceptable.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Basic moved to recommend approval of SUP-0010-2014, Williamsburg Landing Construction Commencement Extension.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0008-2014 with the conditions in the staff report by a vote of 6-0, Mr. Richardson being absent.

**C. Case No. SUP-0011-2014, McDonalds at Lightfoot Upgrade**

Ms. Leanne Pollock, Senior Planner II, provided the Commission with a report on the proposal to demolish and rebuild the existing McDonalds fast food restaurant at 6473 Richmond Road.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. O'Connor stated that he had spoken with Mr. William Sleeth who represents the applicant.

Mr. Basic stated that he had also spoken with Mr. Sleeth.

Mr. Krapf opened the public hearing.

Mr. William Sleeth, 5388 Discovery Park Boulevard, stated that he is an attorney with LeClair Ryan and represents the applicant. Mr. Sleeth noted that Steve Blevins from Blakeway Corporation and Gary Martelli for McDonalds were also available to answer questions.

Mr. Sleeth addressed the Commission, giving an overview of the proposal.

Mr. Krapf noted that there has been some discussion about design elements for the McDonalds in comparison to the Lightfoot Marketplace and requested to see elevations for the Lightfoot Marketplace.

Ms. Pollock provided current elevations for several of the Lightfoot Marketplace buildings. Ms. Pollock stated that the proposed building design and materials for Lightfoot Marketplace mirror those proposed for the McDonalds. Ms. Pollock noted that stone materials, which are proposed for the McDonalds, are also an approved material in the Lightfoot Marketplace Design Guidelines.

Mr. O'Connor stated that this was a one-time opportunity to make a major difference in the appearance of that intersection in a Community Character Corridor. Mr. O'Connor stated that even with the enhanced buffers and landscaping, he would prefer to see a more attractive elevation for the building side facing Richmond Road.

Mr. O'Connor inquired about the figures provided for the traffic impact study, noting that one figure showed an increase of one vehicle per hour and the other figure showed 120 fewer vehicles.

Ms. Pollock responded that the figures show two methods of calculating trip generation for fast food restaurants based on the standards in the ITE books. One method is based on the square footage and the other is based on the number of seats. Ms. Pollock stated that generally the method based on seats is slightly more accurate and that trip generation would decrease in proportion to the number of seats being removed. Ms. Pollock noted that there is variation in the figures because of the drive-thru and that the calculation based on square footage would be more likely to capture that variable. Ms. Pollock stated that if there is an increase, it would be minimal and that the likelihood would be to see a decrease.

Mr. Krapf requested that the applicant address the concerns on the building elevations.

Mr. Sleeth noted that the proposed setback for the new building is significantly larger than the existing. Mr. Sleeth noted that there was a 50-foot buffer between the parking between Richmond Road and the parking area.

Mr. Sleeth further noted that there would be landscaping which would further conceal the service doors and interrupt the longer portion of the façade.

Mr. Sleeth also stated that the applicants are also willing to install a metal awning/trellis over the service doors to provide more character to the building.

Mr. Gary Martelli stated that the design presented currently incorporates features which are intended to enhance the character of the building. Mr. Martelli stated that the trellis could be extended along the side of the building to further enhance the design. Mr. Martelli further stated the brick would be matched to the brick that would be used in the Lightfoot Marketplace buildings.

Mr. Basic stated that the elevation shown in the Community Impact Statement was more consistent with the Lightfoot Marketplace buildings. Mr. Basic noted that it was not a difference in materials but a difference in the articulation of the long empty sides of the building. Mr. Basic

also stated that there was an emphasis on four-sided architecture for Lightfoot Marketplace because of its unique location. Mr. Basic stated that the design of the McDonalds building should also be carefully considered because of its relationship to the buildings around it. Mr. Basic noted that even though the drive-thru side was not visible from a main corridor, it would be adjacent to future buildings in Lightfoot Marketplace where its current design might be in conflict with the uses of those buildings.

Mr. O'Connor stated that he would like to see a proposal that would break up the long expanse of blank wall.

Mr. Martelli stated that he would be willing to work with staff to find an acceptable mix of design and materials and that they could consider adding more stone accents to both walls.

Mr. Krapf summarized that it appeared that the applicant is willing to consider enhancements to the materials and design for both the Richmond Road and the drive-thru sides. Mr. Krapf further stated that a few more design enhancements would be beneficial to the overall impression. Mr. Krapf also noted that during review of the Lightfoot Marketplace proposal, great emphasis was placed on four-sided architecture. Mr. Krapf stated that he appreciated the applicant's willingness to consider those factors.

Mr. Basic requested the Commission weigh in on whether to trust that design improvements would be provided before the case is presented to the Board of Supervisors or to request deferral.

Mr. O'Connor stated that a consideration is whether staff is comfortable with moving forward or would want more guidance from the Commission on an acceptable design.

Mr. Holt stated that he felt the Commission had provided clear direction for staff to work with the applicant on a revised design. Mr. Holt noted that the applicant is committed to working with staff for a quick turn-around. Mr. Holt further stated that if the Commission decided to move the application forward, staff would provide whatever updates the Commission desired. Mr. Holt also stated that the Commission could bring the case back for further review if staff reached an impasse with the applicant.

Mr. Martelli noted that there was a sense of urgency to move forward with the project as the restaurant's business is seasonal and reiterated his willingness to work with staff to develop a mutually acceptable design.

Mr. Wright stated that he believes staff has a good understanding of what the Commission is looking for in terms of architectural variation and is comfortable with having staff work with the applicant on the design.

Mr. George Drummond inquired if the Commission would consider false windows as a feature to break up the long wall.



Mr. Krapf stated that false windows, similar to what is proposed for the rear of the building, would be an option if it is structurally feasible. Mr. Krapf stated that he has confidence in staff's ability to work with the applicant on an acceptable solution.

Mr. Holt noted that the takeaway for staff is that while additional treatments like awnings and spandrel glass will be helpful and serve as a good starting point, the Commission is looking for something more substantial in terms of articulation to screen the service doors and break up the long flat façade on the side of the building facing Richmond Road.

Mr. Basic stated that the Commission would also like to see design improvements for the drive-thru side as well.

Ms. Bledsoe requested clarification on whether the project had gone before the DRC.

Mr. Krapf stated that the project had been to the DRC twice.

Ms. Bledsoe inquired whether these comments were made clear to the applicant during the DRC review.

Mr. Krapf stated that it was an evolutionary process with revisions being brought back to the second meeting. Mr. Krapf noted that the current design incorporates suggestions from the second DRC review.

Mr. O'Connor inquired whether staff would bring the application back to the Commission if there were concerns over the design.

Mr. Holt confirmed and stated that staff would look to resolve any issues prior to advertising for the Board of Supervisors public hearing.

Mr. O'Connor inquired whether there would be any landscaping between the McDonalds property and Lightfoot Marketplace.

Mr. Sleeth stated that although it was not clear on the plan, the areas shown in brown would retain the existing trees with mulching around them. Mr. Sleeth stated that there would be substantial greenery encircling the project.

Mr. Holt stated that staff would ensure that the plan meets at least the minimum requirements of the County's landscape ordinance.

Mr. Krapf noted that the public hearing was still open and inquired if anyone wished to speak.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Ms. Bledsoe stated that the application offers major improvements over the current site.

Ms. Bledsoe moved to approve SUP-0011-2014, McDonalds at Lightfoot Upgrade.

Mr. O'Connor requested clarification on whether the motion included the recommended changes to the Richmond Road and drive-thru elevations.

Ms. Bledsoe stated that the motion included the recommended changes.

Mr. O'Connor stated that he would support the application with the recommended changes.

Mr. Krapf stated that he believed this would be a beneficial change to complement the Lightfoot Marketplace development and commended the applicant for his cooperation with the requested changes.

Mr. Basic inquired whether requiring general consistency with the adjacent landscaping for the Richmond Road Community Character Corridor buffer could be achieved without amending condition #6.

Mr. Holt stated that consistency could be achieved without amending the SUP condition.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0011-2014 with the conditions in the staff report and the recommended design changes by a vote of 6-0, Mr. Richardson being absent.

**6. PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that the joint work session with the Board of Supervisors would be on October 28 at 4:00 p.m. Mr. Holt noted that the next public meeting for the Mooretown Road Corridor study would be held on October 20, 7-9 p.m. at Norge Elementary School. Mr. Holt stated that this would be an opportunity for the public to provide feedback on location alternatives and proposed typical cross section.

Mr. Basic thanked Mr. Holt for following up on questions related to Dominion Power applying herbicides along many of the Community Character Corridors which was negatively impacting those corridors.

**8. COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf reminded the Commission that he would be the Planning Commission representative at the Board of Supervisors meetings in October.

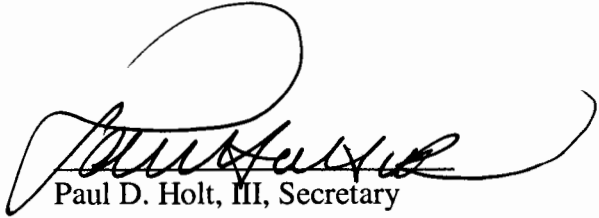
Mr. O'Connor stated that the next Policy Committee meeting would be held on October 9 at 3:00 p.m. in preparation for the joint work session.

**9. ADJOURNMENT**

Mr. O'Connor moved to adjourn.

The meeting was adjourned at approximately 9:15 p.m.

  
Richard Krapf, Chairman

  
Paul D. Holt, III, Secretary