

A REGULAR MEETING OF THE PLANNING COMMISSION WORKING GROUP OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE EIGHTEENTH DAY OF DECEMBER, TWO-THOUSAND AND FOURTEEN, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Working Group Members

Present:

Rich Krapf

Tim O'Connor

Chris Basic

Robin Bledsoe

George Drummond

John Wright, III

Heath Richardson

Elizabeth Friel

Staff Present:

Paul Holt, Planning Director

Tammy Rosario, Principal Planner

Jason Purse, Zoning Administrator

Ellen Cook, Senior Planner II

Leanne Pollock, Senior Planner II

Mr. Rich Krapf called the meeting to order at 4:00 p.m.

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

Mr. Vernon Geddy, 1177 Jamestown Rd., spoke in support of the BASF Land Use application.

Mr. Timothy Trant, Kaufman and Canoles, 4801 Courthouse St., Ste. 300, spoke in support of the Hazelwood Farms Land Use application.

Mr. Randy Taylor, 3920 Bournemouth Bend, spoke against potentially changing the Land Use designation of his property to Rural Economy Support.

Mr. Chris Taylor, 3929 Powhatan Parkway, spoke on the 8491 Richmond Road Land Use application and the Primary Service Area (PSA).

Mr. Will Holt from Kaufman & Canoles, 4801 Courthouse St., Ste. 300, spoke in support of the Colonial Heritage Land Use application.

Mr. Steward Todd Taylor, 4610 N. Waterside Drive, spoke in support of changing 8491 Richmond Rd. to the Economic Opportunity (EO) Land Use designation instead of Rural Economy Support.

Mr. Chris Henderson, CB Richard Ellis, 212 Packets Court, spoke in support of the BASF Land Use application.

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

3. APPROVAL OF MINUTES

A. December 8, 2014

Ms. Robin Bledsoe moved to approve the December 8, 2014 Planning Commission Working Group minutes.

On a voice vote, the minutes were approved.

4. TOPICS FOR REVIEW

Ms. Tammy Rosario stated that at the conclusion of the last Planning Commission Working Group meeting there were several items that the Planning Commission Working Group asked staff to look into, which were completed and described in the memo that distributed for this meeting, and provided an overview of those items.

Mr. Krapf stated that all members of the Working Group received the straw vote tally sheet which should be completed as each application is voted on. Mr. Krapf stated that the rest of the Land Use cases will be discussed at this meeting.

Mr. Chris Basic inquired how the descriptions sheet should be used.

Mr. Paul Holt stated that the descriptions sheet is an executive summary to be used as a quick reference for different Land Use designations.

Mr. Krapf stated, as the Working Group works through Land Use applications they will provide staff with recommendations on the narrative of the Land Use change.

Ms. Rosario stated that if the Land Use is under Mixed Use or EO designations, narratives are tailored specifically for those areas.

A. LU-0001-2014, 7809 Croaker Road

Mr. Krapf stated that this application is to change the Land Use designation from Low Density Residential to Neighborhood Commercial, and Mr. Basic had inquired about the possibility of adding two additional parcels adjacent to Mr. Massie's parcel.

Mr. Krapf stated that he would turn the discussion over to the Working Group.

Mr. Basic inquired if the owner of the adjacent properties had been contacted.

Mr. Jason Purse stated that the owner of the adjacent properties, Mr. Ashe, had been contacted and would be supportive of the change to Mixed Use with a Neighborhood Commercial focus.

Ms. Elizabeth Friel asked if that was the owner of both properties.

Mr. Purse stated that it was.

Mr. Krapf noted that a map of the properties was up on the projector.

Mr. Krapf inquired if there was any further discussion.

Mr. Heath Richardson inquired if the other two parcels would be included, so that the three parcels would be defined as Mixed Use all the way up to Point of Woods.

Mr. Krapf stated that the other two parcels could be included in a motion that is made, and noted that Mr. Massie was requesting his designation to be changed from Low Density Residential to Neighborhood Commercial.

Mr. John Wright asked if a motion should be to either combine the three parcels for Neighborhood Commercial or vote up or down on just the single parcel.

Mr. Krapf stated that anyone could make a motion to include all three parcels to be designated as Neighborhood Commercial.

Mr. Purse stated that staff had mentioned in the last meeting that if the Working Group decided to re-designate to Mixed Use, they would be able to use specific language in the designation about the three parcels working together under one master plan and one joint commercial entrance. Mr. Purse further stated that with a neighborhood residential designation, that specific language would not be able to be used.

Mr. Krapf stated that a Mixed Use designation would provide a greater flexibility for shared access.

Mr. Purse stated that staff could draft language referencing that specifically.

Mr. Richardson stated that the difference between the two designations is an important one to note because of some of the proposed expansions, such as Mooretown Road, and some of the traffic flow concerns in that area. Mr. Richardson moved to combine the three parcels to all be designated Mixed Use.

Mr. Krapf asked if there was any further discussion.

Ms. Bledsoe inquired if the applicant was at the meeting. Mr. Massie was not in attendance.

Ms. Bledsoe inquired if Mr. Massie would be in favor of this.

Mr. Purse stated that he had not indicated any objection to the Mixed Use designation in the last meeting.

Ms. Bledsoe stated that is what she recalled as well.

Mr. Tim O'Connor stated that Mr. Massie was willing to make the parcels interconnected at the previous meeting.

Mr. Wright confirmed that Mr. Massie was in favor of the Mixed Use designation and was positive about interconnecting the parcels. Mr. Wright also stated that he was in favor of the proposed motion.

Mr. O'Connor stated that when the Working Group advertised this Land Use application, it did not include the two adjacent parcels and inquired if they will be advertised when it the application goes to the Planning Commission so that the residents in Mirror Lakes will be aware that it is a little more expansive than previously indicated.

Mr. Purse stated that staff could include additional signs in front of the properties that would be included.

Mr. O'Connor stated the additional signs would be helpful so the citizens going back to Wellington or Mirror Lakes know that there is a new change that is being proposed.

Mr. Krapf stated that Mr. O'Connor's point was a good one. Mr. Krapf stated that Mr. Massie had also brought up a good point about the eventual widening of Croker Road, noting that a single family home fronting on Croaker Road would not be the best use of that property. Mr. Krapf stated that he would also be in favor of changing the designation to Mixed Use.

Ms. Bledsoe noted that there had been previous discussions of not wanting to add more Mixed Use because there are Mixed Use areas already that are not being developed. Ms. Bledsoe inquired how this case is different than those properties.

Mr. Purse stated that not all Mixed Use designated properties are created equal, as they all have specific descriptions of the primary uses and secondary uses that are allowed. Mr. Purse stated that this parcel has the potential for Neighborhood Commercial uses and small scale retail.

Mr. Basic stated that staff would be able to craft the language differently than the other Mixed Use areas and noted that even though they may look the same on the map, pending approval, they will be described in different contexts.

Mr. Krapf stated that that would be one aspect staff would look for from the Working Group, if Mixed Use is voted as the recommended new designation.

Mr. Krapf inquired if there were any further comments or discussion, and stated that there is a motion on the floor that all three properties would be re-designated to Mixed Use designation.

On a roll call vote, the Planning Commission Working Group recommended approval of re-designating all three parcels to Mixed Use by a vote of 8-0.

Mr. Krapf asked if staff would walk the Working Group through the first exercise of recommending language for the Mixed Use designation.

Ms. Rosario stated that she would recap the comments she had heard thus far and that those comments will be used to create a particular description for this area, and that will be submitted to the Working Group at a later time for approval. Ms. Rosario stated that the key components the Working Group was looking for include a Neighborhood Commercial scale regarding the

types of commercial uses, along with a combined entrance and a desire for interconnectedness between those three properties.

Mr. Krapf stated that he is trying to be sensitive to the residential developments in the area such as Mirror Lakes so larger buffering than would normally be present in a Mixed Use development would be beneficial.

Mr. Richardson stated that a consideration for the library that is located nearby would also be important including the buffering that Mr. Krapf mentioned.

Ms. Friel agreed with Mr. Krapf's recommendation.

Mr. Krapf inquired if staff has enough information to work from.

Ms. Rosario confirmed.

B. LU-0002-2014, 8491 Richmond Road

Mr. Krapf stated that the applicant has amended their application to request an EO designation. Mr. Krapf stated that this application also involves expanding the PSA.

Mr. Richardson stated that he was able to catch up on a lot of dialogue that occurred at the last meeting and paraphrased many of the points from DEQ about the reduction in service. Mr. Richardson stated that these are important facts to keep in mind while having the discussion concerning the PSA, and it may be premature to decide upon this application when the resolution from the DEQ could be seven to eight months away.

Mr. Krapf inquired whether there were any comments.

Mr. Wright stated that he is reluctant to make a decision on this case because the implications of expanding the PSA are unknown until the DEQ situation is resolved.

Mr. Krapf stated that two considerations in this case: the PSA and the Land Use designation. Mr. Krapf stated that the parcel in question is below Anderson's Corner and bordered on two sides by Route 60. Mr. Krapf stated he believes that the designation of EO is too intense for that location. Mr. Krapf stated that he would be in support of Rural Economy Support (RES) because it is a major priority for the state and County to infuse money into agriculture and forestry activities, and in turn provide a revenue stream for the County. Mr. Krapf stated that on the PSA issue he agrees with Mr. Richardson and Mr. Wright that there are too many questions to assess the situation correctly, and it would be better to defer the PSA expansion.

Mr. Basic stated he would support deferring the application because of the PSA conversation but also noted that the Working Group should not lock this application away until they from DEQ. Mr. Basic stated that he does not agree with the RES designation and that the primary recommended use of RES and A-1 are very similar, and could use some expansion.

Ms. Ellen Cook stated that staff could work on some clarity for the RES and A-1 definitions, and while the definition says agriculture and forestry, it also mentions commercial and light

industrial uses that can support and go with those activities. Ms. Cook stated that staff can change the wording to clarify that RES is not specifically defined as traditional farming, but also light industrial and commercial opportunities that relate to the agricultural use of the property.

Mr. Krapf stated that, for example, a brewery could be built because the agricultural product supports the light industrial or commercial use of the space. Mr. Krapf asked if Ms. Cook could name a few types of light industrial/commercial uses of a property designated RES.

Ms. Cook stated that a starting point for types of light industrial/commercial uses of property designated RES would be similar to one in Nelson County where a property grows the hops used in the brewery on the property that also has a restaurant where they serve the beer. Ms. Cook stated another example would be a winery where grapes are grown on the property, and wine is made and served in the restaurant on the premises. Ms. Cook stated that equestrian uses are another example where horses are being raised but lessons are taught and competitions could occur, as well as food processing and community kitchen uses.

Ms. Leanne Pollock added that a cannery could also be run on RES designated property.

Mr. Basic stated that because some of the A-1 uses would still be permitted in RES, he feels as if the RES designation would simply be redefining what is already there now. Mr. Basic also inquired what has the market demonstrated in terms of interest to develop the land.

Ms. Cook stated that it is important in staff's mind that this designation would be for inside the PSA, as there are levels of roads that can support a higher level of traffic than in rural areas; also, the availability of water and sewer could make the land more attractive to a light industrial use compared to septic and well. Ms. Cook stated that the Office of Economic Development has indicated that food and beverage uses are desired, and there are questions from interested parties as to whether there are sites suitable for this type of development. Ms. Cook noted that although it is not clear if this site would have been suitable for their needs, but it does show interest in RES-type uses.

Ms. Pollock stated that through the work of the Rural Economic Development Committee there has been a lot of work done in consideration to promote a viable rural community, and the RES designation has the potential to attract more developers looking for that sort of use.

Mr. Basic stated that the staff's explanation helped and thanked the staff.

Ms. Bledsoe stated that she is not supportive of the RES designation.

Ms. Bledsoe stated that she is struggling with RES designation for this property as it puts the family in a tough position, needing to make the choice to sell the land to someone looking for those specific uses or change their livelihood and hope they can be successful. Ms. Bledsoe stated that she is not supportive of the designation and wants to be sure that it is not locked in if the PSA issue is deferred.

Mr. Krapf inquired whether all aspects of the application would remain open if it was deferred.

Ms. Cook confirmed.

Mr. O'Connor stated that he is not supportive of RES on this application. Mr. O'Connor stated that Anderson's Corner is crucial to James City County, and he is unsure why the PSA divides this property. Mr. O'Connor stated that given the way the land is currently zoned, there is the potential for hodge-podge development. Mr. O'Connor stated that this is an important crossroads in James City County with the development that is happening in Anderson's Corner. Mr. O'Connor also stated that he would support the EO designation, only in the fact that it calls for a master plan, as the point of EO is to create a non-residential tax base and create jobs which are in line with the Comprehensive Plan. Mr. O'Connor stated that staff is not supportive of the EO designation because the property is not readily adjacent to 64 however the property is not far off of 64. Mr. O'Connor stated that does not recommend deferral and thinks the Taylors should have a say in the matter.

Mr. Krapf inquired if anyone had additional comments or a motion.

Mr. Richardson moved to defer.

Ms. Bledsoe inquired if the move was to defer the PSA or the whole application.

Mr. Krapf stated that the move would defer the whole application.

Mr. Krapf stated that any deferred applications would be kept on the front burner until the DEQ application is decided.

Ms. Bledsoe stated with that being said the Working Group could be waiting for over a year.

Ms. Rosario stated that Mr. Doug Powell put it loosely that DEQ would respond to the county within nine months, but there is no way to know how the county will react because it depends on the answer.

Ms. Bledsoe stated that she understood but the applicant has waited two years already.

Mr. Paul Holt stated that it would be in short order following wrap up discussions with the Board of Supervisors.

On a roll call vote the Planning Commission Working Group voted to recommend deferral of the application by a vote of 8-1; Mr. O'Connor voting nay.

C. LU-0003-2014, 499 Jolly Pond Road

Mr. Krapf stated that staff recommends leaving the parcel outside of the PSA.

Mr. O'Connor stated that he is an employee of First Service who manages Colonial Heritage but is not involved with any of the management of Colonial Heritage so there is no conflict of interest in this case.

Ms. Friel inquired whether staff could bring up the Power Point slide.

Mr. Krapf stated that this is a 220-acre parcel, where all 220 acres are proposed to be brought into the PSA. It is currently approved for a 50 lot rural cluster with a communal well.

Ms. Bledsoe stated that because of the DEQ issues stated in previous cases, she wanted to make sure it is known that this case has a different set of circumstances. Ms. Bledsoe stated that this application has a master plan, the units are already approved, and water will be used regardless. Ms. Bledsoe stated that her research has shown that a 2008 County report requested by the Board of Supervisors asked about the economic feasibility of a central well versus putting land in the PSA and report came back indicating that 50 dwellings or less is not economically feasible for the County. Ms. Bledsoe stated that we are not talking about water that we have not already allocated, it is about being responsible with how we use that water. Ms. Bledsoe stated that, environmentally speaking, it would be better to expand the PSA as opposed to putting in a central well and septic system. Ms. Bledsoe stated that she would like to make a motion to approve the application.

Mr. Krapf stated that he has the opposite concern that of Ms. Bledsoe's. Mr. Krapf stated that his concern when an applicant comes in, agrees to a certain proposal, and later requests substantial changes or master plan amendments from what the public had a say on during the legislative process, as well as what the Planning Commission and the Board of Supervisors had a say on. Mr. Krapf stated that this plan was approved as a 50 lot rural cluster with a lot of open space. Mr. Krapf stated that during the 2009 Comprehensive Plan update the applicant came forward not only with the Land Use designation change request, but also with rezoning actions which would have put the wheels in motion to allow higher density than the 50 units in question. Mr. Krapf stated concern with this because even though it may be under the total cap for Colonial Heritage, that was not the original vision. Mr. Krapf stated that he feels the long range goal of the applicant in this case is to have more residential units on this particular parcel. Mr. Krapf also stated concern about the grading and clearing of land that was supposed to be used as open space. Mr. Krapf stated that PSA issue aside, he is not in support of this application for those reasons.

Ms. Bledsoe asked Mr. Krapf if those applications had been pulled.

Mr. Krapf stated that they had been pulled, but his point was that was the applicant's long range goal for the 2009 Comprehensive Plan, and he has not heard any indication that that is not still the long range goal.

Ms. Bledsoe stated that she does not see any indication that that is the case. Ms. Bledsoe stated that she doesn't want previous hopes that have been taken away now become what we think will happen because it is not known.

Mr. Richardson stated that as a matter of prudence of the issue, without knowing and understanding the DEQ item, he would be compelled to motion that this application be deferred.

Mr. O'Connor stated that he's not sure that matter is relevant in this case.

Mr. Richardson stated it does matter because it is a huge area to be incorporated within the PSA.

Mr. O'Connor stated that the 50 homes are going to be constructed one way or another, and the Working Group was informed last week that at 140 homes, it is still deficient on the cost to

operate. Mr. O'Connor stated that part of the responsibility to the citizens of James City County it is not to keep heaping on costs that are unnecessary and he does not think that putting in a central well will solve anything.

Mr. Richardson stated that this application should be deferred because there are unknown elements that would inform the Working Group's final conclusions.

Ms. Bledsoe stated that she would like to clarify what this conversation should be about. Ms. Bledsoe stated that the application has already been approved for 50 units and asked if the applicant would have to go through the legislative process to be approved for more units.

Mr. Purse confirmed that the applicant would have to get approval for additional units. Mr. Purse stated that it has been approved at the legislative level and that the applicant can apply through the administrative development review process, but they have not gotten approval for the central well yet.

Ms. Bledsoe stated that the power to control the number of units is still in the County's hands.

Mr. Purse stated confirmed.

Mr. Krapf stated that it is still in the Board of Supervisors' hands but a Land Use designation change makes it easier to go forward with a rezoning. Mr. Krapf stated that Mr. Richardson's motion will be addressed after discussion is over, and any additional motions can follow if it does not pass.

Mr. O'Connor inquired regarding the difference between Rural Residential and Low Density Residential.

Mr. Purse stated that if this property were brought inside the PSA, it would need to be designated Low Density Residential. Mr. Purse stated that the recommended density in Low Density Residential is between one to four dwellings per acre as opposed to one dwelling for three acres in Rural Residential. Mr. Purse noted that this development was approved with a Special Use Permit under the Rural Cluster zoning provision as one unit per two acres.

Mr. O'Connor inquired if any changes would require a new Special Use Permit.

Mr. Purse stated that the zoning is A-1, and they have the approval for 50 units under that clustered provision for the smaller lot sizes. Mr. Purse stated that if they wanted to do another by-right use they would be able to do so, but if they wanted to rezone to the Low Density Residential Zoning District they would have to go through the legislative process.

Mr. Drummond stated that the units have already been approved, and it is his understanding that they could have a negative impact on the environment; therefore, he would be in favor of approving the application.

Mr. Wright stated that based on what Mr. Powell stated last meeting about the cost of communal wells, he would be agreeable to the application if the developer is committed to the 50 units, as it

is the lower cost option for the citizens. Mr. Wright stated that he would be caution of the developer trying any bait and switch tactics to increase the amount of units.

Mr. Basic agreed with Mr. Wright. Mr. Basic stated that drain fields have a limited life, and this is one of the direct tributaries in to the Yarmouth Creek, which is a very sensitive watershed.

Ms. Friel stated that Boards and ownership change, but if this applicant or another comes in and the Comprehensive Plan recommends a higher density in Low Density Residential, she would see that as an impact.

Ms. Rosario stated that in recognition of the potential for a subsequent application to come in and request that higher density, an alternative staff offered was to consider a waiver of the central well requirement to the applicant. Ms. Rosario stated that staff realizes that it does not solve the sewer issue the Planning Commission has brought up, but would solve the central well issue.

Mr. Basic stated recognition of the hard work staff and community members have brought to the Planning Commission regarding the PSA issues, but that he still supports this application due to its surgical nature.

On a roll call vote the Planning Commission Working Group voted to recommend approval of the application by a vote of 5-3; Ms. Friel, Mr. Richardson and Mr. Krapf voting nay.

D. LU-0004-2014, 4450 Powhatan Parkway

Mr. Krapf provided an overview of the application and opened the floor for discussion.

Ms. Bledsoe inquired if the Working Group was waiting for the applicant to confirm whether they were willing to go to a lower density per acre.

Ms. Pollock stated that she was not aware of any action items for this application and the primary logic for staff's recommendation to keep Low Density Residential was that every prior rezoning and master plan that has been submitted for this property has been under two dwelling units per acre, which is well within the Low Density Residential range of one to four dwelling units per acre which continues to be their vision for this property.

Mr. Krapf stated that Moderate Density Residential allows for four to 12 dwelling units per acre, whereas Low Density Residential is up to four dwelling units per acre. Mr. Krapf stated that almost half of the parcel is not developable and asked for staff's confirmation.

Ms. Pollock stated that there is a large area of the property in the existing conservation easement, in addition to wetland and resource protection area (RPA).

Mr. Krapf stated that the staff recommendation appears consistent with the surrounding areas.

Mr. Wright stated that this application seems to be providing additional demand on the water system without knowing what the final solution is on the water issue.

Mr. Krapf stated that staff's recommendation is to deny the application in changing the Land Use designation from Low Density Residential to Moderate Density Residential, which allows for increased dwelling units potentially.

Mr. Basic stated that after driving out to the site, the entryway does not seem to fit the character of the proposal for Moderate Density Residential, and he would support staff's recommendation.

Mr. O'Connor stated that residents have brought up concern about traffic going through the Low Density portion to the Moderate Density portion in the back of the property. Mr. O'Connor stated that there is an apartment complex across the street, and there have been complaints about traffic and speeding. Mr. O'Connor stated the importance of a master plan, and in this situation the applicant is trying to shoe horn a higher density into the parcel.

Ms. Bledsoe stated a motion to approve the staff's recommendation to deny the application.

On a roll call vote the Planning Commission Working Group voted to recommend approval of the staff's recommendation to deny the application by a vote of 8-0.

E. LU-0005-2014, 133 Powhatan Springs Road

Mr. Krapf stated that the application is to change the use to Limited Industrial.

Mr. Purse stated that staff recommends Mixed Use with a Limited Industrial description so there would be less impact to the Low Density Residential neighborhood.

Mr. Basic inquired what the applicant's feedback was to staff's recommendation.

Mr. Purse stated the applicant was generally okay with the recommendation because it meets the same intent.

Mr. Wright made a motion to recommend approval of staff's recommendation for a Mixed Use designation, with language for Limited Industrial-type uses and intensities.

Mr. Krapf stated that the motion would approve the application but change the designation to Mixed Use, with language that will be added.

On a roll call vote the Planning Commission Working Group voted to recommend approval of the staff's recommendation with language changes by a vote of 8-0.

Mr. Krapf inquired if staff would like feedback about the language that would be used for this Mixed Use designation.

Ms. Rosario stated that any feedback the PCWG had would be appreciated.

Mr. Purse read the language in the staff report to see if the PCWG had any suggestions.

Mr. Krapf hearing no comments from the PCWG stated that everyone is in general agreement with the language used and staff will forward the final version to the PCWG.

I. LU-0006-2014, 9400 Barnes Road

Mr. Krapf noted that this application is for Hazelwood Farms and suggested discussing each of the components of the application separately.

Ms. Cook provided an overview of the applicant's proposal.

Mr. Krapf noted that approximately 131 acres are also proposed for inclusion into the PSA.

Ms. Cook confirmed.

Mr. Krapf inquired if it is possible for the application to be voted on with different motions for the various components.

Ms. Rosario confirmed.

Mr. Richardson asked for clarification that the northern portion is proposed to be designated Mixed Use and the southern portion to be designated EO.

Ms. Cook confirmed and noted that the applicant originally requested the northern portion to be designated Community Commercial; however, based on staff's recommendation, the applicant has provided suggested language for a Mixed Use designation description.

Mr. Krapf stated that staff and the applicant agree that EO is the best designation for the southern portion, but are in disagreement over the applicant's proposal for a residential portion. Mr. Krapf stated that staff does not support the residential component because Stonehouse is not yet built out and because of the other residential opportunities in the area.

Ms. Rosario confirmed and stated that staff would like to ensure that the property is retained for economic opportunities due to its strategic location adjacent to the interchange. Ms. Rosario stated that a residential component could affect the development of the property. Ms. Rosario further stated that there is already enough residential potential in the area.

Mr. Basic stated that he agrees with Ms. Rosario and asked Mr. Trant if he is correct in remembering that there is a portion of the property that may not be conducive to large scale commercial development.

Mr. Trant confirmed that AES Consulting Engineers determined that the area along the interstate is prime developable land; however, there are portions along the Upper County Park for which the topography is not suitable for economic development. Mr. Trant stated that there are some users who may wish to include a subordinate housing component in their development, and excluding those uses in the Comprehensive Plan may make the County less competitive.

Mr. Richardson stated that he is not supportive of approving requests for expansion of the PSA at this time. Mr. Richardson also stated that he is in agreement with staff's recommendations and would support a motion on the Land Use designations.

Mr. O'Connor inquired if the land could be designated EO without bringing it into the PSA and if the current EO description allows for a limited amount of residential development.

Ms. Bledsoe stated that she is confused about the same issue.

Mr. Richardson stated that he would revise his previous stance if the EO designation would result in a PSA expansion.

Mr. Krapf stated that he recalled a similar situation in Lightfoot during the last Comprehensive Plan. Mr. Krapf stated that in that instance the EO designation was approved for a property outside of the PSA with the contingency that the property would be brought into the PSA upon approval of a master plan.

Ms. Cook confirmed.

Mr. Krapf suggested that this application may lend itself to separate motions for the areas north and south of the interchange and noted that the proposal for the southern portion involves the expansion of the PSA.

Ms. Cook confirmed that the area north of the interchange is already entirely within the PSA.

Mr. Richardson stated that there is also a third option to approve the EO designation on the southern portion without an expansion of the PSA.

Ms. Friel noted that a prior application had the similar issue of part of the property already being within the PSA, and the entire application was deferred. Ms. Friel stated that that is something to consider in terms of consistency.

Mr. Basic inquired if it is possible for land to be designated EO outside of the PSA and have the PSA shift after the approval of a master plan.

Ms. Rosario confirmed that it would be possible for such designation outside of the PSA. Ms. Rosario stated that one of the conditions of a Comprehensive Plan amendment to bring it into the PSA would be the completion of a satisfactory master plan.

Mr. Basic inquired if, after the Board has approved the Comprehensive Plan, the PSA could shift once the Master Plan is approved.

Ms. Rosario stated that it would be either a dual action, or two closely sequenced actions, requiring Board approval.

Mr. Richardson stated that that timeframe would be consistent with a resolution of the DEQ issue.

Mr. Wright stated that the DEQ negotiations could result in a very restrictive limit and asked if the County could then deny expansion of the PSA.

Ms. Rosario stated that it may be confusing to initially designate EO, but later change that designation based on the DEQ determination.

Mr. Wright stated that he is reluctant to move ahead on the application without the DEQ issue being resolved.

Mr. O'Connor stated that if the permitted amount of water is withdrawn, the County still has the opportunity to purchase additional water from Newport News, although it will require a capital investment.

Mr. Wright stated that those resources take time and money, and he would not like to put the applicant in a position where the PSA expansion is approved without the County having the water resources to support it yet.

Mr. O'Connor inquired if the EO designation still allows 10 percent housing and five percent accessory to housing.

Ms. Cook replied that that may be a distinction between the EO Zoning District and Comprehensive Plan designation. Ms. Cook stated that each EO designation has tailored language in the Comprehensive Plan specifying what the focus of that area will be. Ms. Cook noted that a proposal could come forward for an EO area with a use that is allowed per the Zoning Ordinance, but may not be consistent with the Comprehensive Plan language for that particular EO area.

Mr. O'Connor inquired if a recommendation could be made to approve the EO designation with the inclusion of some transitional housing. Mr. O'Connor stated a residential portion could serve as a buffer between the park and an industrial area and would be consistent with other EO areas.

Mr. Basic stated that he would not like to rule out a residential component at this time, as he would prefer to make that determination during the Master Plan stage.

Ms. Bledsoe stated that she agrees with Mr. O'Connor, and she does not want to rule it out for the future, not knowing yet what the area will look like. Ms. Bledsoe noted that she could only support a motion if the residential component is included.

Mr. Trant requested that issue of the PSA expansion be deferred if it becomes a separate motion from the Land Use designation, as opposed to both being voted on separately at this time.

Mr. O'Connor asked if the applicant would still wish to move forward with their request if the residential component is not included.

Mr. Trant replied that the applicant's vision is the same as the County's in terms of the economic development opportunity. Mr. Trant stated that they would not like to sacrifice that vision over the residential component, but it could be a lost opportunity for all parties if it is not included.

Mr. Richardson made a motion to recommend approve the EO designation for the southern portion of the property, with a deferral of the PSA expansion.

Mr. Krapf inquired if the applicant would prefer a motion to approve the EO designation and defer the PSA expansion, or to defer both of the components.

Mr. Trant replied that he would prefer to move forward with the EO designation and defer the PSA expansion.

Mr. Krapf asked for verification that that is what Mr. Richardson was proposing.

Mr. Richardson confirmed.

Mr. Trant inquired if that motion would include the applicant's recommendation to leave the opportunity for residential development.

Mr. Krapf stated that there will be a separate discussion for the Working Group to give input to staff regarding their recommendation for the narrative. Mr. Krapf requested a vote for the motion on floor.

On a roll call vote, the Working Group recommended approval of the EO designation for the southern portion of the property, with a deferral of the PSA expansion, by a vote of 7-1; Ms. Friel voting Nay.

Mr. Krapf stated that the second half of the application is to change the area north of the interchange to Mixed Use and inquired if there is any discussion on that topic.

Mr. O'Connor moved to recommend approval of the Mixed Use designation for the northern portion of the property.

On a roll call vote, the Working Group recommended approval of the Mixed Use designation for the northern portion of the property.

Mr. Krapf stated that this Working Group should now provide any comments to staff regarding the descriptions they would like to see for both the EO and Mixed Use designations and noted that Mr. Richardson will have to leave the meeting shortly for another obligation.

Ms. Rosario asked to clarify that the motion to defer the PSA expansion is contingent on resolution of the DEQ application.

Mr. Richardson confirmed.

Mr. Krapf stated that it seems the only item of contention in the EO description is whether or not residential will be included.

Ms. Bledsoe stated that she feels limited residential should be included.

Mr. Basic agreed.

Mr. Wright stated that he agrees with Mr. Basic's point regarding the proximity to the park.

Mr. Krapf noted that several other members were nodding their head in agreement and inquired if Ms. Friel was support of the proposed language.

Ms. Friel stated that she would have preferred to not have separated the components because she would rather it be considered holistically; however, she is content with the language. Ms. Friel inquired if there is a desire for more stringent language.

Ms. Bledsoe stated that she believes there is already the limit of 10 percent built in.

Mr. Basic noted that that refers to 10 percent of the developable land.

Mr. Krapf stated that each parcel can be tailored individually.

Ms. Cook stated that there is a limit in the EO Zoning Ordinance to the amount of residential. Ms. Cook noted that if the Working Group would like to specify less than that limit, it should be specified in the description language.

Mr. Purse stated that the Zoning Ordinance allows for up to 15 percent residential and commercial development, and of that 15 percent, up to 10 percent is allowed for residential.

Mr. Wright inquired if that refers to two-thirds of the 15 percent, not 10 percent of the 15 percent.

Ms. Rosario confirmed.

Mr. Krapf read the applicant's proposed language for the Working Group members.

Mr. Holt noted that there had been previous discussion of considering the residential component in the context of a larger Master Plan for the area. Mr. Holt inquired if the Working Group would like for staff to build in language identifying that a proposal for the residential area should be brought forward concurrent with a master plan for the remainder of the property.

Mr. Krapf stated that he would like to see the residential component to be seen in context with the rest of the property.

Mr. O'Connor stated that he would support language stating that the residential component cannot precede other development.

Mr. Holt stated that those are important distinctions because the market dynamics for the business anchor vision are very different from those for residential development.

Ms. Bledsoe stated that she got the impression that the applicant is not seeking a large residential component, but would like to have the ability to have it as a component.

Mr. O'Connor stated that he would not want a developer to come in and build townhomes without developing anything else.

Ms. Bledsoe agreed.

Mr. Wright stated that residential and commercial development should be linked together.

Mr. Basic stated that it is also important not to blur the EO Zoning District and the EO Designation, as the EO Zoning District is still new and does not yet exist in practice. Mr. Basic asked if the intent is to eventually have all EO designation land zoned to EO.

Ms. Rosario confirmed.

Mr. Basic stated that this would prevent the land from being zoned Mixed Use with a greater percentage of residential being allowed.

Mr. Krapf summarized the Working Group's recommendations for the EO description.

Ms. Rosario stated that some of those considerations are already incorporated into the Zoning Ordinance, and that language will be mirrored in the description. Ms. Rosario stated that those changes will be incorporated brought back before the Working Group.

J. LU-0007-2014, 8515 Pocahontas Trail

Mr. Krapf noted that this is the Kingsmill application and provided an overview.

Mr. O'Connor stated that he will recuse himself from voting on this application due to his employment by the Kingsmill Community Services Association.

Ms. Pollock provided an overview of staff's recommendations.

Mr. Krapf noted that the applicant is in agreement with two of staff's recommendations, but disagrees with one.

Ms. Pollock confirmed.

Mr. Wright inquired if the applicant is not agreement regarding the recommendation for 101 Busch Service Road.

Ms. Pollock confirmed.

Ms. Krapf inquired if 101 is currently zoned M-1, with the golf course operating under a Special Use Permit.

Ms. Pollock replied that 101 is currently undeveloped, but zoned M-1. Ms. Pollock stated that the golf course is split between the two other properties, both of which are zoned M-1 and have a Special Use Permit.

Mr. Wright inquired if access is currently from Kingsmill.

Ms. Pollock replied that Busch Service Road does go out to Pocahontas Trail, but is currently gated and serves as an alternative entrance for the brewery.

Mr. Wright inquired if the intention is the open Busch Service Road to be the entrance to this parcel.

Ms. Pollock replied that if he is referring to the residential component, that is her understanding.

Mr. Geddy stated that the intention is to continue access through Kingsmill.

Mr. Krapf inquired if motions should be separated for the three parcels.

Ms. Pollock replied that that could be done if necessary.

Mr. Krapf stated that he would like to be sure that everyone knows the range of voting options.

Ms. Bledsoe stated that she is in support of all of staff's recommendations.

Mr. Wright inquired if the actual development plans would be a legislative action at a later time.

Ms. Pollock confirmed that there will be a rezoning application.

Mr. Basic noted that there were concerns from the Department of Conservation and Recreation (DCR) about sensitive area on the property. Mr. Basic stated that he recalls concern about that being broad-brush information without having site-specific, field-verified data.

Ms. Pollock stated that DCR has not recently updated their database its the applicant has not done additional research on the property. Ms. Pollock stated that on a map previously sent to the Working Group members, 101 was identified on the map has having the highest concentration of the most sensitive resources.

Mr. Wright asked what features make the property sensitive.

Ms. Pollock replied that the area is identified as the Grove Creek Conservation Site, which is a coastal plain dry calcareous forest. Ms. Pollock stated that primary concern is that slopes around the area contain highly erodible soil, which could have a significant impact on that habitat.

Ms. Bledsoe moved to recommend approve staff's recommendation.

Mr. Holt inquired if that motion is for all three components.

Ms. Bledsoe confirmed.

On a roll call vote the Planning Commission Working Group voted to recommend approval of the Staff's recommendation for the application by a vote of 7-0; Mr. O'Connor abstaining.

The Working Group took a five minute recess.

K. LU-0009-2014, 8961 Pocahontas Trail

Mr. Krapf called the meeting back to order.

Ms. Pollock provided an overview of the application.

Mr. Drummond stated that he feels the application would be beneficial to the Grove area, as it is the only area in the County that does not have a park. Mr. Drummond stated that the Grove area creates most of the revenue for the County and he would like to see that money returned.

Ms. Pollock stated that the vision presented is not a binding plan. Ms. Pollock stated that a Mixed Use designation could provide the opportunity for language to be written in, but noted that many aspects would depend on the end user.

Ms. Rosario noted that a proffer would only be considered at the rezoning stage.

Mr. Drummond noted that it is still a viable option and stated that the County will get more tax revenue, and potentially additional tourism, if the property is developed.

Ms. Bledsoe stated that she visited the property and noted how beautiful the natural area is. Ms. Bledsoe stated that she was unhappy with the traffic speeding through the area to get somewhere else. Ms. Bledsoe stated that changing the area's designation could make the Grove area a place that people want to go to and she believes this is a great opportunity for that to happen with many benefits.

Ms. Friel stated that many changes have taken place since the 1990 Comprehensive Plan. Ms. Friel stated that her considerations consist of the changes in the area, the ability to define the Mixed Use area, and the uniqueness of the property itself. Ms. Friel stated that public access would be critical when defining a potential Mixed Use area, if that is the will of the Commission, and noted that shoreline stabilization is necessary as well. Ms. Friel further stated that a Mixed Use designation will allow the community and decision makers to determine what that area may look like.

Mr. Krapf stated that there are both pros and cons to the application and noted that the applicant's argument about other industrial areas being designated Mixed Use was very compelling. Mr. Krapf agreed that public access would be a critical component of a Mixed Use designation description. Mr. Krapf stated that his concerns include the property's location within the Enterprise Zone, traffic in the area, and the Langley/Fort Eustis concerns. Mr. Krapf stated that the Dominion Power Line could also have a major impact on development of the property.

Mr. Basic stated that he agrees with Mr. Drummond, Ms. Bledsoe, and Ms. Friel about the opportunities on the property; however, he is not sure that, given the new Office of Economic Development leadership, it may be too soon to make a complete change in Land Use for the property.

Ms. Bledsoe inquired what impact a Mixed Use designation would have on the Enterprise Zone.

Ms. Pollock replied that it would still be located within the zone, although it is set to expire in 2015 and the County's renewal status is not yet determined.

Ms. Bledsoe asked what Mr. Krapf's concerns were regarding the Enterprise Zone.

Mr. Krapf replied that the Enterprise Zone is used to attract businesses to the County, and the applicant's proposal may decrease some of that leverage.

Ms. Bledsoe inquired if industry would still be allowed in a Mixed Use designation.

Ms. Pollock replied that it will depend on how the language is written. Ms. Pollock noted that the existing industrial Mixed Use areas have very specific language for such development, which does not include public or tourism-based uses.

Ms. Bledsoe inquired if those properties are on the waterfront.

Ms. Pollock stated that one of them is close, but generally they are not.

Ms. Bledsoe stated that she would like verification that a Mixed Use designation would not result in the Enterprise Zone no longer applying and those incentives going away. Ms. Bledsoe stated that she would not want to make a decision detrimental to economic development.

Ms. Pollock stated that it would take an action by the County to remove it from the Enterprise Zone, regardless of the Land Use designation.

Mr. Wright stated that rather than having a smaller target of industrial uses, the applicant is seeking a larger target with more possible uses. Mr. Wright stated that the current designation has not been successful in attracting a business.

Ms. Pollock stated that staff is concerned that a resort and tourist use, per the applicant's vision, would not create the type of jobs the County would like to attract.

Mr. Basic stated that that he agrees with Ms. Pollock. Mr. Basic stated that it may not yet be determined whether the property has not attracted a user because of the downturn in the economy or because of something inherent in the property itself. Mr. Basic stated that he would ultimately like to broaden the target as well, but does not think right now is the correct time based on the new energy in the Office of Economic Development.

Mr. Drummond stated that there is much available industrial space in northern parts of the County and inquired how much interest has been generated for those areas.

Ms. Pollock stated that it is difficult to answer that question because Economic Development gets their information from the State, and different users are looking for different types of properties. Ms. Pollock noted that, for example, the Stonehouse Commerce Center contains much open land, which would be a similar circumstance.

Mr. Drummond inquired if there has been any interest in the BASF property.

Ms. Pollock stated that she believes there has been interest in the past.

Mr. Drummond inquired if that interest was recent.

Ms. Pollock and Mr. Holt replied that they do not know.

Mr. Drummond noted that the property has been vacant for 25 years and has not generated a great amount of taxes for the County.

Ms. Pollock stated that there is not a user driving this application. Ms. Pollock stated that it is the applicant's intent to attempt to make the property more likely to attract a purchaser or developer, but it could still be several years before a rezoning application is submitted.

Ms. Bledsoe confirmed that there is not a user waiting for approval of the application, although there may be parties who would be interested.

Mr. Henderson stated that over the last 12 years, there have been 12 parties interested in the property, two of which were industrial users. Mr. Henderson noted that the remaining parties were resort or entertainment users who wanted to capitalize on the James River access. Mr. Henderson stated that he has an upcoming meeting with a developer who is interested in the vision presented to the Working Group.

Mr. Basic stated that the Planning Commission and Board will not have a determination in time for that meeting.

Mr. Henderson stated that the results of the current meeting will be informative regarding the intent of the County, and a vote against changing the Land Use designation will make the decision much more difficult.

Mr. O'Connor inquired if the northern parcel shown on the map is included in the application.

Mr. Henderson replied that it is included.

Mr. O'Connor stated that he was under the impression that that property owner had not yet agreed to changing the Land Use designation.

Mr. Henderson stated that that is true. Mr. Henderson explained that Mr. Waltrip is supportive of changing the designation, but is concerned regarding the implication it may have on the existing use of his property.

Mr. O'Connor stated that he thinks the applicant has a good vision, but that this is not the right property. Mr. O'Connor agreed, however, that the Grove area does need attention. Mr. O'Connor stated that there was a resort with water access nearby that is no longer open to the public; however, it did bring other users to the area, such as the brewery and theme park. Mr. O'Connor stated that the vision is for resort, retail and timeshares without any greater industrial use; therefore, he is not supportive of changing the Land Use designation.

Mr. Drummond stated that the Grove is an extremely underserved area. Mr. Drummond stated that the industrial areas in Grove were supposed to provide jobs to the people nearby; however, most of the employees actually come from outside areas. Mr. Drummond noted that not everyone

in Grove is low-income, although that is the impression most people have. Mr. Drummond stated that this opportunity could improve the morale of the Grove residents.

Mr. Krapf stated that residents in Grove did express a feeling of neglect during the public input process. Mr. Krapf stated that he is hesitant to place an expectation that changing the Land Use designation will improve things for the Grove residents. Mr. Krapf stated that he agrees with Mr. O'Connor that it may not be the best use for that property, and there are many factors as to why the property has been vacant for so long. Mr. Krapf stated that he is not supportive of the application at this time.

Mr. Basic stated that he does not disagree with Mr. Drummond's comments, but adding more resorts and timeshares will not help diversify the County's economy. Mr. Basic stated that his opposition is mainly due to the very short timeframe.

Ms. Bledsoe stated that she does not believe the experience with the Kingsmill Resort should be a reason not to consider another one. Ms. Bledsoe stated that she agrees that there are multiple reasons the property has not been developed. Ms. Bledsoe further stated that she sees greater economic diversity in this proposal than there would be if a big box company came in. Ms. Bledsoe stated that she does not necessarily believe that waiting will allow better opportunities to occur. Ms. Bledsoe stated that she believes there is a strong enough legislation and staff to ensure that the development occurs properly. Ms. Bledsoe stated that it will provide jobs for people in that area and noted that a user such as a high-tech company may not provide as many jobs. Ms. Bledsoe moved to approve the applicant's proposal for the Land Use designation changes.

On a roll call vote, the Working Group recommended approval of the applicant's proposal for Land Use designation changes by a vote of 4-3; Mr. Basic, Mr. O'Connor and Mr. Krapf voting nay and Mr. Richardson being absent.

Ms. Pollock language will need to be developed for the Mixed Use area and provided an overview of the comments she has heard from the Working Group regarding the description. Ms. Pollock noted that a residential portion could be either included or excluded in the language as well.

Ms. Bledsoe inquired if it is possible to have a percentage of industrial use included.

Ms. Pollock stated that many of the descriptions specify primary and secondary recommended uses. Ms. Pollock noted that many of the uses discussed are very different in terms of what a user may be looking for and how those uses would interact. Ms. Pollock stated that it may be difficult to have resort and industrial uses coexist on one property.

Ms. Bledsoe inquired if Mixed Use incorporates light industrial uses.

Ms. Pollock replied that it depends on how the language is written and each area is different.

Mr. Basic stated that he agrees that there should not a combination of industrial and other uses.

Ms. Bledsoe stated that she also agrees that there should not be conflicting uses.

Ms. Pollock stated that she believes Ms. Bledsoe would like to ensure that industrial uses are not precluded from consideration.

Ms. Bledsoe confirmed.

Ms. Friel stated that the Green Mount Mixed Use description may provide a starting point.

Mr. Krapf stated that staff will bring suggested language forward at a later date.

5. OTHER ITEMS

Mr. Krapf stated that the January 15 meeting will focus on Transportation and final reviews of some of the sections, and the January 22 meeting will focus on additional section reviews and preparation for the January 27 Joint Work Session with the Board.

6. PUBLIC COMMENT

Mr. Krapf opened the public comment.

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

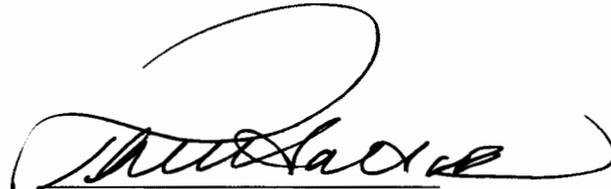
7. ADJOURNMENT

Mr. Krapf thanked staff for their hard work on the Comprehensive Plan and wished staff and the Working Group members a happy new year.

Mr. Wright moved to adjourn until the next Planning Commission Working Group meeting scheduled for January 15, 2015.

The meeting was adjourned at approximately 7:15 p.m.


Richard Krapf, Chairman


Paul D. Holt, III, Secretary