

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF JANUARY, TWO-THOUSAND AND FIFTEEN, 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
Heath Richardson

Staff Present:

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

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

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

Ms. Linda Ciffelli, 134 Winston Drive, requested that as the Promenade development moves forward, the Planning Commission and the County ensure that impacts on the Winston Terrace neighborhood be mitigated with adequate buffers.

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

3. CONSENT AGENDA

A. Minutes from the December 1, 2014, Regular Meeting

Ms. Robin Bledsoe moved to approve the Minutes from the December 1, 2014 meeting.

In a unanimous voice vote, the Commission approved the Minutes, 7-0.

4. REPORTS TO THE COMMISSION

A. Development Review Committee

Mr. Chris Basic stated that the Development Review Committee (DRC) met just prior to this Planning Commission Meeting with all five members present to review two cases for action: SP-0100-2014, JCSA Lift Station 4-7 Control Building Replacement and S-0011-2010, Kingsmill (Padgett's Ordinary) Subdivision Ordinance Exception Request.

Mr. Basic stated that the DRC voted 5-0 to recommended approval of SP-0100-2014, JCSA Lift Station 4-7 Control Building Replacement.

Mr. Basic stated that the DRC voted 4-0-1, Mr. O'Connor abstaining, to recommend approval.

Mr. John Wright moved to accept the DRC report.

In a unanimous voice vote, the Commission accepted the DRC Report 6-0-1, Mr. O'Connor abstaining.

B. Policy Committee

Mr. Tim O'Connor stated that the report of the December 1, 2014 Policy Committee meeting was given at the December 3, 2014 Planning Commission meeting. Mr. O'Connor stated that the next Policy Committee meeting would be in January 2015.

C. Regional Issues Committee

Ms. Robin Bledsoe stated that the Regional Issues Committee did not meet in December, but the next meeting is scheduled for January 27, 2014.

5. PUBLIC HEARING CASES

A. Case No. Z-0006-2014/SUP-0015-2014, 3116 Ironbound Rd. Contractor's Office

Ms. Leanne Pollock, Senior Planner II, provided the Commission with a presentation on the proposed rezoning and SUP which would bring the property and its current use into conformance with the Zoning Ordinance.

Mr. Krapf opened the floor to questions for staff.

The Commission and staff discussed the history of the property, noting that the property had changed use many times over the years and at one time did have a Special Use Permit which was not renewed when the property changed use for the contractor's office.

Mr. Krapf called for disclosures from the Commissioners.

Mr. Wright, Ms. Bledsoe and Mr. O'Connor noted that they had spoken with the applicant individually.

Mr. Krapf noted that the public hearing was opened at the November 5, 2014 meeting and remains open.

Mr. Krapf inquired if the applicant wished to speak.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP, stated that he represents the property owner Henry Branscome. Mr. Geddy stated that the purpose of requesting a rezoning

and a special use permit was to bring the property in to conformance with the Zoning Ordinance going forward. Mr. Geddy made a presentation to the Commission on improvements that would be made to the landscaping on the property to mitigate impacts on the adjacent properties. Mr. Geddy noted that the property owner had agreed to proffer a condition which would limit the types of uses allowed on the property based on traffic generation rates.

Mr. Krapf inquired if there were any questions for the applicant.

Ms. Bledsoe inquired whether the proffered conditions would be binding if the property were sold.

Mr. Geddy responded that the proffers run with the land and would be binding on future owners.

Mr. Wright inquired about the type of equipment to be stored on the property and where it would be stored.

Mr. Geddy responded that any equipment would be stored in the warehouse building.

Mr. O'Connor inquired about the recommended potential access point at the adjacent shopping center.

Mr. Geddy stated that the grocery store had voiced objections to that plan.

Mr. O'Connor inquired about the recommended handicapped parking.

Mr. Geddy stated that it would be on the final site plan.

Mr. Krapf inquired if anyone else wished to speak.

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

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

The Commission discussed the benefits of the pre-application process in bringing a stronger case before the Commission.

Mr. Basic moved to recommend approval of Z-0006-2014/SUP-0015-2014, 3116 Ironbound Rd. Contractor's Office.

On a roll call vote, the Planning Commission voted to recommend approval of Z-0006-2014/SUP-0015-2014 with the conditions in the staff report by a vote of 7-0.

B. Case No. SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement

Mr. O'Connor stated that he would recuse himself from discussion and voting on this case.

Mr. José Ribeiro, Senior Planner II, provided a report to the Commission on the Hampton Roads Sanitation District (HRSD) proposal to replace ±7,000 linear feet of existing sanitary sewer force main located between the Wareham's Pond Recreation Center in Kingsmill and HRSD's Williamsburg Treatment Plant.

Mr. Max Hlavin, Assistant County Attorney, provided the Commission with an overview of the process that is required for the pipeline easement on the property in the Carter's Grove Agricultural and Forestal District (AFD).

Mr. Krapf inquired if there were questions from the Commission.

Staff and the Commission discussed the route of the pipeline in relation to the Carter's Grove County Road. Staff noted that the existing and proposed alignment would not run along the Country Road. Staff and the Commission discussed the clearing required for the new alignment. Staff noted that the temporary construction easement area would be replanted. Staff and the Commission also discussed the archeological surveys on the property. It was noted that the archeological surveys have been completed and that staff is ensuring all the work is reviewed by the Department of Historic Resources. The Commission and staff also discussed the process for completing the environmental inventory.

Mr. Krapf called for disclosures from the Commissioners.

There were no disclosures.

Mr. Krapf opened the public hearing.

Mr. Krapf inquired if the applicant wished to speak.

Mr. Eddie Abisaab, representing HRSD, stated that this project is a consent decree requirement that the HRSD is mandated to complete.

Mr. Krapf inquired if there were any questions for the applicant.

Ms. Bledsoe noted that the requirements stipulated selecting a site that did not impact residential area or environmentally sensitive areas and inquired how the site was selected.

Mr. Abisaab responded that the site allowed for a design that was of minimum impact.

The Commission and the applicant discussed the process for how the old pipeline would be removed or abandoned. It was noted that the old pipe would be filled rather than having to remove it and disturb sensitive areas.

The Commission and the applicant also discussed the proximity of the work to residential areas. It was noted that there was a substantial tree buffer between the site and the nearest residential area.

Mr. Basic requested that staff ensure that the replanting along Wareham's Pond Road be evergreen to minimize the impact on properties in that area.

Mr. Krapf inquired if anyone else 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.

The Commission noted replacement of the aging infrastructure is necessary to prevent a catastrophic failure. The Commission further noted appreciation for the efforts of the HRSD in minimizing the impacts of the project on the properties and the surrounding residential areas.

Ms. Bledsoe moved to recommend approval of SUP-0004-2012, HRSD Sanitary Sewer Force Main Replacement.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0004-2012 with the conditions in the staff report by a vote of 6-0-1, Mr. O'Connor abstaining.

C. Case No. SUP-0016-2014, Top Notch Tree Service

Mr. Scott Whyte, Senior Landscape Planner II, provided a report to the Commission on the proposal to allow a contractor's office with equipment storage and outdoor storage associated with a tree care business on a parcel located at 4680 Fenton Mill Road.

Mr. Krapf inquired if there were any questions from the Commission.

The Commission and staff discussed the nature of the RPA violation and the mitigation plan. Staff noted that it would be preferable to handle the mitigation through the SUP process; however, a mitigation plan would be required whether the SUP is approved or not.

Mr. Krapf called for disclosures from the Commissioners.

There were no disclosures.

Mr. Krapf opened the public hearing.

Mr. William Apperson, 4900 Fenton Mill Road, spoke in support of the SUP application.

Mr. Krapf closed the public hearing.

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

The Commission expressed support of the application and appreciation for the adjacent property owner's support.

Mr. Heath Richardson moved to recommend approval of SUP-0016-2014, Top Notch Tree Service.

On a roll call vote, the Planning Commission voted to recommend approval of SUP-0016-2014 with the conditions in the staff report by a vote of 7-0.

6. PLANNING COMMISSION CONSIDERATION

A. Proposed Amendments to the Planning Commission Bylaws

Mr. Paul Holt, Planning Director, provided an overview of the proposed changes to the Planning Commission Bylaws which include discussion of changes to the speaker policy; an adjustment to the Capital Improvement Program (CIP) timeline; changing the annual organizational meeting to a special meeting the third week of March; and referencing the ability of a commissioner to attend meetings electronically. Mr. Holt noted that the Commission would review the changes at this meeting and develop a recommendation which would be voted on at the February meeting in compliance with the required thirty-day notice.

The Commission discussed the amendment to Article III, Item 4 which would allow a commissioner to participate in a meeting electronically. Clarification was provided by the County Attorney's Office on the notice, location and technology requirements which would allow a commissioner to participate in discussion and voting. It was also clarified that by incorporating this reference in the Bylaws, it would set the framework for development of the policy on electronic participation. The Commission confirmed that the proposed revision would be acceptable.

The Commission discussed the amendment to Article III, Item 6 which would move the annual organizational meeting to the third week of March. It was noted that this change is crucial to the work of the Policy Committee in regard to the CIP review. The Commission confirmed that the proposed revision would be acceptable.

The Commission discussed a potential amendment to Article VI, regarding times allotted for public hearing speakers. The Commissioners noted that it is important to ensure that the voices of those most impacted by a proposal have adequate opportunity to present their case. The Commission determined that the time limits should remain as written; however, should problems arise, they could be reconsidered at the next annual review.

Mr. Krapf noted that the Board of Supervisors had recently amended the times allotted for general public comment. Mr. Krapf inquired if the Commission should follow suit. Mr. Krapf noted that this would not require an amendment to the Bylaws.

The Commission determined that the general public comment time limits should not be changed.

Mr. Richardson recommended that the Bylaws be updated to reference the 11th edition of Robert's Rules of Order. Mr. Holt stated that staff would follow up with the County Attorney's Office to determine if that change is necessary.

7. **PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

8. **COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf stated that the Board of Supervisors representative for February is Chris Basic.

Mr. Krapf also noted that the Planning Commission Working Group would meet on January 15 at 4:00 p.m. immediately following a 3:00 p.m. Policy Committee meeting.

Mr. Krapf noted that there would also be a Planning Commission Working Group meeting on January 22 in preparation for the Joint Work Session with the Board of Supervisors on January 27.

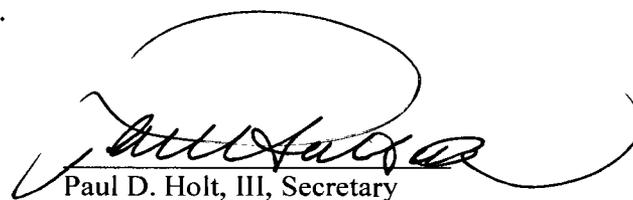
Mr. O'Connor noted that he might not be able to attend the meetings on January 15 and that Ms. Bledsoe had agreed to chair the Policy Committee meeting.

9. **ADJOURNMENT**

Ms. Bledsoe moved to adjourn and continue the meeting to the Joint Work Session with the Board of Supervisors on January 27.

The meeting was adjourned at approximately 8:29 p.m.


Richard Krapf, Chairman


Paul D. Holt, III, Secretary