

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

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

Staff Present:

Paul Holt, Planning Director  
Maxwell Hlavin, Assistant County Attorney  
Jason Purse, Zoning Administrator  
Tammy Rosario, Principal Planner  
Scott Whyte, Senior Landscape Planner II  
Ellen Cook, Senior Planner II  
Leanne Pollock, Senior Planner II  
Roberta Sulouff, Planner I

Ms. Robin Bledsoe called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Ms. Bledsoe opened the public comment.

As no one wished to speak, Ms. Bledsoe closed the public comment.

3. CONSENT AGENDA

A. Minutes from the March 4, 2015 Regular Meeting and Development Review Committee Meeting: Fords Colony Maintenance Facility Storage Bay Conversion

Ms. Bledsoe stated that the Joint Work Session minutes had been completed earlier that afternoon and noted that they could be considered at a later date if the Commission wished to have more time to review them.

Mr. Rich Krapf moved to approve the consent agenda.

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

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. Tim O'Connor stated that the Policy Committee had not met since the March 4 meeting which was reported on at the last Planning Commission meeting.

**B. Regional Issues Committee**

Ms. Robin Bledsoe stated that the Regional Issues Committee has not met since the last Planning Commission meeting and will next meet on April 28.

**5. PUBLIC HEARING CASES**

**A. Case No. Z-0009-2014, Stonehouse Planned Unit Development Traffic Proffer Amendment.**

Ms. Ellen Cook, Senior Planner II, provided the Commission with a presentation on the proposed rezoning which would amend the transportation improvement proffer and the economic development proffer. Ms. Cook stated that the request is to revise the phasing of the transportation improvements and phasing of improvements to Mt. Laurel Rd. to serve tracks 11A and 11B which are the major commercial and industrial tracks in the development.

Ms. Bledsoe opened the public hearing.

Mr. Vernon Geddy, III, Geddy, Harris, Franck & Hickman, LLP, stated that the applicant is looking to solely amend the proffers so they match the phasing of the development.

Mr. Heath Richardson inquired where Phases 3 and 4 were on the map and where Bridge Road would be built.

Mr. Geddy showed where Bridge Road would be built and stated that the road is intended to provide another egress point to relieve pressure from other existing roads.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Richardson stated that he talked to Mr. Geddy and a citizen in the neighborhood about the application.

Mr. O'Connor stated that he had two phone conversations with Mr. Geddy the previous week.

Mr. John Wright moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0009-2014 by a vote of 7-0.

**B. Case No. AFD-06-86-2-2014, Cranston's Pond AFD Addition – 3125 Chickahominy Rd.**

Mr. Scott Whyte, Senior Landscape Planner, provided the Commission with a presentation on the proposed AFD addition. Mr. Whyte stated that the parcel is zoned R8, Rural Residential, and is designated as Rural Lands in the Comprehensive Plan. Mr. Whyte stated that the size and proximity of the parcel met the requirements to be added into the AFD.

Ms. Bledsoe called for disclosures from the Commissioners.

There were no disclosures.

Ms. Bledsoe opened the public hearing.

As no one wished to speak, Ms. Bledsoe closed the public hearing.

Mr. Chris Basic moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-06-86-2-2014 by a vote of 7-0.

**C. Case No AFD-01-02-1-2015, Carter's Grove AFD Withdrawal - Colonial Williamsburg Foundation Withdrawal.**

Mr. Krapf stated that he would recuse himself from this hearing because he is employed by the applicant.

Ms. Roberta Sulouff, Planner I, provided the Commission with a presentation on the proposed AFD withdrawal. Ms. Sulouff stated that Mr. Keith Johnson has applied to withdraw a 1.56 acre parcel from the Carter's Grove AFD. The parcel in question is zoned B1, Limited Business, and designated Neighborhood Commercial in the Comprehensive Plan. The Williamsburg Foundation owned all three parcels in the Carter's Grove AFD and was in the process of marketing and selling the property in the summer of 2014 while the AFD was being renewed. The applicant did not want to negatively affect the sale by trying to withdraw the property during that timeframe. The Board of Supervisors has specific criteria for withdrawing any property outside of the renewal process. At the March 6 AFD meeting the AFD Committee voted 6-0 to recommend denial of this application.

Mr. George Drummond inquired if the surrounding property was residential.

Ms. Sulouff stated that the majority of the properties surrounding the parcel in question are residential however there is one parcel that is zoned Limited Business.

Mr. Drummond stated that this property, based on its present zoning, does not fit in.

Ms. Sulouff stated that she could not speak to the intention of the surrounding property but it is not unusual for commercial or residential properties to be within the AFD.

Mr. Drummond asked what suitable purpose the land could serve remaining in the AFD.

Ms. Sulouff stated that the State code would say that lands inside an AFD are valued as natural and ecological resources and provide essential open spaces, clean airshed, watershed protection,

wildlife habitat as well as aesthetic purposes. Ms. Sulouff stated that this property was included historically to protect the viewshed of Carter's Grove Plantation.

Mr. Drummond stated that he is unsure of the purpose it could serve other than being put into a commercial or residential district.

Ms. Sulouff stated that staff's review of the withdrawal is very limited in that staff must make their determination based off of the four criteria in the Board of Supervisor's resolution.

Mr. Richardson inquired how much advanced notice is given to the applicant for the renewal date for the AFD.

Ms. Sulouff stated that the notices were issued on June 9, 2014 and the renewals were approved by the Board of Supervisors in early September.

Ms. Bledsoe called for disclosures from the Commissioners and stated that she had a discussion with Mr. Mark Duncan from Colonial Williamsburg.

Mr. Drummond stated that he talked with Mr. Keith Johnson.

Mr. Basic stated that he spoke with Mr. Duncan on Monday.

Ms. Bledsoe opened the public hearing.

Mr. Keith Johnson, Colonial Williamsburg Foundation, stated that he represents the applicant. Mr. Johnson presented his request for withdrawal of the parcel from the AFD. Mr. Johnson stated that there was a change in situation in the sale of the other parcels that make up the AFD, it could serve a public good in fulfilling a service in the area that is not currently available, the parcel would not detrimentally affect the size of the AFD to come below the size limitations, and the property has not received a reduction in property taxes since 2008.

Mr. Richardson stated that Mr. Johnson had answered the majority of his questions. Mr. Richardson asked Mr. Johnson to clarify where in the process Colonial Williamsburg Foundation was when the AFD renewal was taking place.

Mr. Johnson stated that Colonial Williamsburg Foundation was in the middle of the sale process and eight days after the renewal process was completed, the sale was made final.

Mr. Drummond stated that he would be in favor of recommending approval of the withdrawal.

Ms. Bledsoe inquired, if there was no tax relief and there was the option to withdraw the parcel in 2014, what was the motivation to keep the parcel in the AFD when the parcel could have been put up for commercial sale.

Mr. Johnson stated that there was a possibility that the new owner would want all of the land in the AFD for the view-shed protection.

Ms. Bledsoe stated that basically the time periods overlapped each other.

Mr. Chris Henderson, 101 Keystone, stated that he supports the applicant in wanting to remove the parcel from the AFD. Mr. Henderson stated that he thinks it will present a significant opportunity for the community to create an additional community asset.

As no one else wished to speak, Ms. Bledsoe closed the public comment.

Mr. Richardson stated that the AFD Committee was adamant about not setting a precedent for AFD withdrawals outside of the renewal process. Mr. Richardson stated that based on the criteria for withdrawal, the AFD Committee had questions about increased taxes being a public benefit; however, the applicant did a fair job of explaining their case in terms of justification for withdrawal. Mr. Richardson also stated that the Board of Supervisors resolution for the AFD renewal stated that the Board of Supervisors may also use other materials it deems appropriate to evaluate the individual case. Mr. Richardson stated that he would recommend approval of the application so the Board of Supervisors can make their consideration.

Mr. Wright stated that in the staff report it states that there would be no harm to the AFD district if the parcel was removed and the applicant is not requesting a change in the land use designation. Mr. Wright stated that he would recommend approval of the application for withdrawal from the AFD.

Mr. Drummond moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of AFD-01-02-1-2015 withdrawal by a vote of 6-0-1, Mr. Krapf abstaining.

**D. Case Nos. Z-0008-2014/MP-0004-2014, The Village at Candle Station Rezoning and Master Plan Amendment.**

Ms. Bledsoe opened the public hearing and stated that the case has been deferred until May 6 and the public hearing will remain open.

Mr. Earl Moore, 160 Old Church Rd., stated that his in-laws live near this development. Mr. Moore requested the Planning Commission limit business hours for this property so the residents of this area do not have to deal with the noise at all hours of the night.

Mr. O'Connor asked Mr. Moore where his in-laws live in relation to the development.

Mr. Moore stated that facing the development there is a ravine that separates their property and the development near the sewer pumping station.

Mr. O'Connor asked if their property was behind the church.

Mr. Moore stated that it was behind the church.

Ms. Bledsoe asked Mr. Moore what other issues his in-laws were dealing with besides the possible noise.

Mr. Moore stated that when they wake up there are lots of construction vehicles making loud noises, there is a sewer pumping station in their backyard, and there is lots of construction going on when you look out the back windows.

Mr. Timothy O. Trant, Kaufman and Canoles, PC, stated that he represents the applicant, Candle Development LLC. Mr. Trant stated that the goal of the proposal is to reduce the overall intensity of the development and to reduce the commercial elements of the project substantially. Mr. Trant stated that these changes will cause an overall net reduction of traffic as well as change the character of the commercial uses to a less intense use. Mr. Trant stated that he would be happy to sit down and talk with Mr. Moore and his in-laws to show them on the proposed plan what would change.

Ms. Bledsoe stated that the public hearing would remain open until May 6.

**E. Case No. Z-0001-2015, Toano Trace Proffer Amendment.**

Mr. Chris Johnson provided the Commission with a presentation on the Toano Trace Proffer Amendment. Mr. Johnson stated that the adopted proffers restricted the building of detached accessory structures. Mr. Johnson stated that the Toano Trace Home Owners Association and Board of Directors have submitted a request to amend the adopted proffers applicable to this neighborhood to eliminate the restriction on detached accessory structures. Mr. Johnson further stated that over the past two decades some of the residential property owners have constructed small detached storage structures such as sheds. Mr. Johnson noted that structures under 256 sqft in size that do not include electrical or plumbing do not require issuance of a building permit or approval by the Zoning Division. Mr. Johnson stated that staff finds this request does not negatively impact the existing neighborhood and approval of this amendment would bring any accessory structure into conformance with the zoning of the property. Mr. Johnson stated that staff therefore recommends the Commission recommend approval of the proposed amendment to the Board of Supervisors to eliminate the restriction of detached accessory structures and limit the restriction only to detached garages and accessory apartments in consideration with the small lot sizes within the neighborhood.

Mr. Wright inquired if this was just to bring everything into conformance with reality?

Mr. Johnson confirmed.

Ms. Bledsoe called for disclosures from the Commissioners. There were no disclosures made by the Commissioners

Ms. Bledsoe opened the public hearing.

Hearing and seeing no one Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the discussion to the Commissioners.

Mr. Richardson moved to recommend approval.

On a roll call vote, the Planning Commission recommend approval of Z-0001-2015 by a vote of 7-0.

**F. *Toward 2035: Leading the Way*, the 2035 James City County Comprehensive Plan and James City County Land Use Map Changes.**

Ms. Tammy Rosario, Principal Planner, provided a report on the Comprehensive Plan Review work-to-date. Ms. Rosario stated that the 2035 Comprehensive Plan reflects contributions from the citizens of James City County, many community organizations, the business community, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG) and County staff. Ms. Rosario stated that update relied heavily upon the previous plan; however, each section of the plan was revised with current facts and figures, pertinent information to meet State requirements, and updated goals, strategies and actions. The Economic Development, Transportation and Land Use sections received special focus, resulting in new implementation items, updated corridor visions and project lists, and extensive review of 10 land use designation change applications. Ms. Rosario noted that the PCWG unanimously recommended approval of the revisions to the plan on February 19, 2015. Ms. Rosario noted that the PCWG identified several items that needed follow-up discussion or action, including questions on several land use applications, the Virginia Department of Transportation's (VDOT) review of the plan and the inclusion of an Executive Summary. Ms. Rosario stated that pending final decisions on the discussion items, staff recommends adoption of the James City County Comprehensive Plan, *Toward 2035: Leading the Way*, and Land Use Map. Ms. Rosario further noted that land use applications LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage), LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course), and LU-0009-2014, 5961 Pocahontas Trail (BASF Property) have been requested for separate votes.

Ms. Bledsoe opened the floor to questions from the Commission.

Mr. Richardson inquired if this would be the formal Planning Commission vote on a recommendation to the Board of Supervisors regarding the adoption of the Comprehensive Plan.

Ms. Rosario confirmed.

Mr. Wright inquired about the VDOT notation that "the delineation of bike lanes within the limits of a required paved shoulder is not permitted."

Ms. Rosario noted that VDOT wanted to ensure that the Comprehensive Plan correctly reflects the requirements for delineation of facilities.

Mr. Holt noted that under the current VDOT guidelines, it is necessary to have a separate paved shoulder in addition to the bike lane.

Mr. Wright noted that this would potentially affect project cost due to the need for a wider roadbed and acquisition of additional right-of-way.

Mr. O'Connor inquired about how the requirement for separate bike lanes would impact the shared facility recommendations in the Longhill Road Corridor Study.

Mr. Holt stated that the exact facilities would be determined as once the plans reached a sufficient level of engineering and would depend on the type of cross section.

Ms. Rosario noted that VDOT has participated in the Longhill Road Corridor Study process and has seen the preliminary designs.

Ms. Bledsoe stated that the public hearing would be opened for all comments including the three land use applications that had been requested for individual consideration. Ms. Bledsoe further stated that the Commissioners would be able to ask questions of the land use case applicants at that time. Ms. Bledsoe stated that once the public hearing was closed each case would be offered individually for discussion and vote. Ms. Bledsoe further stated that once those cases were decided, they would be incorporated in the recommendation on the Comprehensive Plan update.

Ms. Bledsoe opened the public hearing.

Mr. Michael McGurk, 117 Jefferson's Hundred, James City County, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. McGurk stated that he was representing Preserve the Carters Grove Country Road and that he is also on the Board of Directors for Kingsmill United. Mr. McGurk stated that, since the property owner has no current plans for further development, it is not necessary to move forward with a rezoning at this time. Mr. McGurk further stated that, based on the substantial public comment on the application, there is little support in the community to move forward.

Gen. Paul Van Riper, Ret., 161 Waterton, James City County, stated that he is speaking on behalf of the Citizens for a Better James City County. Gen. Van Riper addressed the Commission on concerns that the Draft 2035 Comprehensive Plan does not address or describe the subordinate plans required to link the Comprehensive Plan to the County budget. Gen. Van Riper further stated that with each Comprehensive Plan revision, there should be a strategic plan which assigns responsibility for each action in the Plan and sets forth priorities and performance metrics. Gen. Van Riper further recommended that each County department develop a management plan corresponding to the biennial budget detailing how the goals and actions in the Comprehensive Plan will be met in compliance with the strategic plan. Gen. Van Riper further addressed the Commission on concerns about the execution of the 2009 Comprehensive Plan in regard to ensuring an adequate supply of fresh water, mitigating storm water runoff, and maintaining and expanding the infrastructure of roads, schools, and other public facilities that a growing population will require. Gen. Van Riper encouraged the Commission to exercise diligence as it oversees the development and implementation of the 2035 Comprehensive Plan. Gen. Van Riper further encouraged the County to develop a planning process that links the citizens' vision of the future with the use of their tax dollars.

Ms. Susan Gaston, 205 Par Drive, James City County, stated that she represents the Williamsburg Area Association of Realtors. Ms. Gaston stated that the Draft 2035



Comprehensive Plan does a decent job of striking a balance between growth and development and preserving the quality of life in the County. Ms. Gaston addressed the Commission on the importance of economic development as it related to diversifying the types of jobs available in order to retain the Millennials who will be the future home buyers. Ms. Gaston stated it is necessary to consider the types of housing products that will appeal to future first time home buyers as well as they types of products that will appeal to seniors which may not be the prevailing product currently on the market. Ms. Gaston stated that the Association is working with County staff to assess the current housing stock and determine how it will fit with future needs to work toward increased recovery in the housing market. Ms. Gaston stated that the Association appreciated the opportunity to participate in the development of the draft 2035 Comprehensive Plan and that it would be participating in the post adoption implementation as well.

Col. William Galbraith, 1190 Thompson Circle, Fort Eustis, stated he represents the 733<sup>rd</sup> Mission Support Group at Fort Eustis. Col. Galbraith addressed the Commission regarding LU-0009-2014, 5961 Pocahontas Trail, BASF Property. Col. Galbraith stated that the language in the Draft 2035 Comprehensive Plan language related to the BASF omits reference to Fort Eustis. Col. Galbraith stated that if the land use change moves forward, it should be noted that the property is adjacent to a military facility with an active airfield.

Mr. Robert Cetola, 120 Roffinghams Way, James City County, addressed the Commission regarding the County's process for rezonings and master plan amendments for existing communities such as Kingsmill. Mr. Cetola stated that because of the way that the Kingsmill covenants are written, the homeowners' responses are not always adequately represented to the County. Mr. Cetola recommended that the process should be amended to require that the applicant abide by the covenants and coordinate with the homeowners. Mr. Cetola further stated that the homeowners should be involved in the evaluation and review process. Mr. Cetola recommended amending the application to at minimum include an affirmation by the applicant that there are no restrictive covenants which prohibit establishment of the proposed use and that the applicant has consulted with the homeowners association.

Mr. Howard Ware, 46 Whittakers Mill Road, James City County, addressed the Commission on stormwater concerns related to LU-0007-2014, 8515 Pocahontas Trail. Mr. Ware stated that because of the topography, any development on the parcel would drastically increase the amount of pollution entering the watershed, in this instance, the James River as well as smaller bodies of water such as the Rhine River. Mr. Ware noted the application did not address stormwater and pollution control in any detail to show how it would mitigate the impacts on the Total Maximum Daily Load limitations. Mr. Ware requested that the Commission take this in account when considering the application.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, LLP, stated that he represents the BASF Corporation. Mr. Geddy stated that BASF has voluntarily initiated a human health risk assessment on the property to determine what mitigation or remediation might be necessary in particular areas or for particular uses. Mr. Geddy further stated that there would be no objection to mentioning Fort Eustis by name in the narrative to ensure that the potential impacts are documented. Mr. Geddy further stated that based on documentation received through a Freedom

of Information Act request, there is nothing that would substantiate the concerns noted in the formal objection letter from Fort Eustis. Mr. Geddy noted that this project is an opportunity to make use of a prime parcel that has been vacant for many years. Mr. Geddy further noted that there is nothing in the mixed used designation that would preclude an industrial component from being part of those uses. Mr. Geddy stated that the potential development would generate substantial additional revenue for the County. Mr. Geddy further stated that this is also an opportunity for water access, recreational activities, and access to goods and services to be available to citizens in the Grove community. Mr. Geddy stated that approving the land use application would open the door for specific plans and proposals to be submitted through the legislative process.

Mr. Will Holt, Kaufman and Canoles, PC, stated that he represents Colonial Heritage. Mr. Holt stated that he would address two of the questions regarding LU-0003-2014, 499 Jolly Pond Road. Mr. Holt stated that the timing for dedication of the 282-acre conservation easement that was proffered with the original development plan in 2004 is governed by a specific development trigger. Mr. Holt noted that Colonial Heritage is agreeable to dedicating the easement at any time the County requests. Mr. Holt further stated that, in regard to concerns about further potential development, there are already limits in place in the Special Use Permit and the Master Plan. Mr. Holt stated that any changes to what is already approved would require further legislative review. Mr. Holt emphasized that the land use application is limited in scope to only 50 existing approved units and only applies to whether those 50 units will be served by public water and sewer or by private well and septic tank.

Mr. Lenny Berl, 105 William Richmond, Williamsburg, addressed the Commission regarding LU-0007-2014, 8515 Pocahontas Trail. Mr. Berl stated that Kingsmill residents rely on the Woods Course continuing as a golf course to ensure that traffic does not increase and to preserve open space. Mr. Berl recommended that if any zoning change is made, it should be to make the zoning compatible with its current use.

Seeing and hearing no one else, Ms. Bledsoe closed the public hearing.

Ms. Bledsoe opened the floor for questions from the Commission.

Mr. Richardson inquired if the concerns expressed by Ft. Eustis were related to the potential impacts of base activities on potential residents in the mixed use development.

Col. Galbraith responded that if the development is intended for leisure and residential uses, there must be a mechanism to ensure that potential developers, residents and users are aware that there is an adjacent active military installation and what the impacts could entail.

Mr. Krapf inquired, regarding LU-0009-2014, what the process would be to amend the language in the narrative to include reference to Fort Eustis.

Mr. Holt clarified that, since the application was pulled out for separate consideration and vote, when the motion on the application is made, it can include instructions that staff finalize the

language in the narrative and incorporate the reference to Fort Eustis prior to the final text going forward to the Board of Supervisors.

Mr. Krapf inquired, in regard to the Colonial Heritage application, about the size of the parcel where the 50-unit rural cluster is located and whether that is separate from the 282-acre parcel that is the subject of the conservation easement.

Mr. Jason Purse, Zoning Administrator, confirmed that the 50-unit development is on a separate 220-acre parcel.

Mr. Krapf inquired whether the approval of the application would mean that the parcel would go from A-1 to low density residential with the corresponding gross density change to one dwelling units unit per acre up to four units per acre and if a rezoning application came in, the entire 220 acre parcel would be subject to that density.

Mr. Purse confirmed that the density could be between one dwelling units per acre up to four dwelling units per acre.

Mr. Will Holt stated that there is a Special Use Permit in place which limits development on the 220-acre parcel to 50 dwelling units. Mr. Holt further stated that if that density were to be changed it would require legislative action to amend the SUP.

Mr. O'Connor inquired if an SUP would be required if the water and sewer were connected through Colonial Heritage, just as an SUP would be required if the water and sewer were connected through existing infrastructure on Jolly Pond Road.

Mr. Purse confirmed that it would still require an SUP.

Mr. Richardson inquired if the intent of the application was to bring the 220-acre parcel in to the PSA.

Mr. Purse stated that approval of the application would change the parcel designation and extend the PSA to the 220-acre parcel.

Mr. Wright inquired if the parcel would still be subject to the limits on development.

Mr. Purse confirmed that it would still be subject to the approved Master Plan.

Ms. Bledsoe stated that she understood that the 50 units were already designated to receive water.

Mr. Purse stated that the original plan was for a central well. Mr. Purse further stated that the developer would build the well which would draw from ground water and the James City Service Authority would take over maintenance of the well.

Ms. Bledsoe inquired if the water consumption was already accounted for.

Mr. Purse confirmed but stated that the water would come from the aquifer rather than the James City Service Authority supply.

Mr. Richardson inquired whether the aquifer in question was the shallow aquifer that most house wells draw from on the Potomac aquifer that the County draws from for its supply.

Mr. Purse stated that he did not have that information.

Mr. Richardson stated that he believed that is a correct scenario and noted that it is necessary to take in to account the DEQ limitations and concerns related to the affordability of the water in relation to connecting to the County's water supply rather than installing the private well.

Mr. Wright noted that for disclosure purposes he had spoken to Mr. Will Holt regarding the Colonial Heritage application as well as Mr. Geddy regarding the BASF application.

Mr. Krapf inquired if the cases would be called separately for discussion once all the questions are answered.

Ms. Bledsoe confirmed.

Mr. O'Connor inquired whether Mr. Waltrip had decided to participate in LU-0009-2014.

Ms. Leanne Pollock, Senior Planner II, stated that staff had not been successful in contacting Mr. Waltrip to determine if he wished to be part of the land use application.

Ms. Bledsoe clarified that this is regarding the BASF application.

Ms. Bledsoe called for discussion on LU-0003-2014, 499 Jolly Pond Road (Colonial Heritage).

Mr. Krapf stated that he voted against this application when it came before the Planning Commission Working Group for consideration. Mr. Krapf noted that approval of this application could set a precedent to allow developments that are within a certain proximity to be included in the PSA. Mr. Krapf noted that this would negate the purpose of the PSA as the County's primary growth management tool. Mr. Krapf noted that the development was approved based on the concept of a rural cluster. Mr. Krapf stated that the applicant had the opportunity to request a waiver from the central well process to allow individual water and sewer. Mr. Krapf further stated that he has concerns that if the application were approved it would open the potential for a rezoning application that could significantly increase the density in that area and consequently increase the amount of water drawn from the aquifer. Mr. Krapf stated that other applications requesting inclusion in the PSA were consistently deferred pending the outcome of the County's ground water withdrawal permit. Mr. Krapf stated that for those reasons he would not support the application.

Mr. Richardson stated that he concurs with the concerns expressed by Mr. Krapf and would also not support the application.

Mr. Wright stated that he would support the application because this development is already approved and that allowing the property to be brought in to the PSA would be preferable to the expense and potential problems associated with a central well.

Mr. Drummond stated that he would also be inclined to support the application since the development had already been approved.

Mr. Basic stated that the central well is not a cost-effective solution. Mr. Basic further stated that one benefit of approving the application would be to eliminate the 50 septic drain fields that would impact the Yarmouth Creek watershed. Mr. Basic noted that the change to the PSA was not a large-scale change but rather for a very specific property and for a specific need. Mr. Basic stated that he is aware that there is potential for submission of a rezoning application; however, he believed that there would never be support for such an application to be approved. Mr. Basic stated that he would support the application.

Mr. O'Connor stated that he is an employee of First Service Residential which manages Colonial Heritage. Mr. O'Connor further stated that he does not participate in the management of Colonial Heritage and does not derive any financial benefit from it. Mr. O'Connor stated that he does not believe that he has a conflict of interest. Mr. O'Connor stated that he concurs with Mr. Basic's analysis and would support the application. Mr. Basic stated that he would have concerns about a request that would seek to draw water from the infrastructure that serves the Blayton and Hornsby schools. Mr. O'Connor stated that he would prefer to see the parcels connect through Colonial Heritage.

Ms. Bledsoe stated that she does not see this application as growth since the units are already approved. Ms. Bledsoe stated that she has serious concerns about central wells since they are generally a financial liability for the utility, in this instance the James City Service Authority. Ms. Bledsoe further stated that she has concerns about the impact of 50 septic tanks within the watershed. Ms. Bledsoe stated that she does not believe a request for additional units is an imminent concern and that she has total faith in the processes in place to control growth. Ms. Bledsoe stated that she would support the application.

Mr. Basic moved to approve LU-0003-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommended approval of LU-0003-2014 as recommended by the Planning Commission Working Group, by a vote of 5-2.

Ms. Bledsoe called for discussion on LU-0007-2014, 8515 Pocahontas Trail (Kingsmill and Woods Course).

Mr. O'Connor stated that he would abstain from the discussion and the vote.

Mr. Wright inquired whether the Woods Course is owned by Xantera and whether any of the residences would be on the golf course.

Ms. Pollock stated that the golf course is currently owned by Xantera. Ms. Pollock stated that the golf course spans two parcels and that the proposal involves reorganizing the course so that all the holes are on one parcel.

Mr. Wright inquired whether staff has received a stormwater plan from an independent certified evaluator showing whether Xantera would be in compliance for any stormwater runoff related to the modified course.

Ms. Pollock stated that such a study is not required at this stage in the process. Ms. Pollock further stated that it would be looked at more thoroughly when the developer comes in with a legislative application.

Mr. Wright inquired if HOA members are notified of those results.

Ms. Pollock stated that it is public information.

Ms. Bledsoe stated that she wanted to ensure that the public understands that more detailed information on the project is not required at this stage but would be required as part of a rezoning application. Ms. Bledsoe further stated that in the several meeting she attended with Xantera, they did not make efforts to communicate with homeowners.

Mr. Drummond moved to approve LU-0007-2014 and include the application as part of the Comprehensive Plan.

On a roll call vote, the Planning Commission recommended approval of LU-0007-2014 as recommended by the Planning Commission Working Group, by a vote of 5-1-1, with Mr. O'Connor abstaining.

Ms. Bledsoe called for discussion on LU-0009-2014, 5961 Pocahontas Trail (BASF Property).

Mr. Richardson inquired whether the Barnes Road application would be discussed individually.

Mr. Holt stated that it would be considered with the remaining land use applications and Comprehensive Plan text.

Ms. Bledsoe stated that she requested further discussion on this application in order to be able to ask further questions. Ms. Bledsoe stated that her concern was that if the Dominion Power lines were approved, and the property were changed to Mixed Use, the property might be difficult to develop. Ms. Bledsoe stated that staff had provided additional information and she no longer had that concern. Ms. Bledsoe stated that she would support the application.

Mr. Krapf stated that he still had concerns about removing property from the industrial designation. Mr. Krapf stated that removing the property would not be good for the County's long-term vision. Mr. Krapf further stated that he believes that the property has been on the market for so long because of concerns over the environmental remediation. Mr. Krapf stated

that he shares the concerns of Col. Galbraith over the proximity to the active fly zone. Mr. Krapf stated that rather than a tourism-related industry such as the proposed resort, the property would be better used for industries that will provide the types of jobs that would retain young professionals. Mr. Krapf further stated that the use may be in opposition to potential expansion by neighboring industrial tenants. Mr. Krapf stated that he would not support the application.

Mr. Basic stated that he has many of the same concerns as Mr. Krapf. Mr. Basic further stated that the timing of the completion of the remediation at the beginning of the recession has also factored in to the length of time it has been on the market. Mr. Basic further stated that the Economic Development Authority has stated that the County must diversify its employment opportunities and that another resort or timeshare does nothing to reach that goal. Mr. Basic stated that he remains opposed to the application.

Mr. Drummond stated that this is an opportunity to generate revenue on the property as well as provide improvements in the Grove area. Mr. Drummond stated that he would rather see traffic associated with a mixed use development than an increase in industrial traffic. Mr. Drummond further stated that the Grove area needs the economic boost and the job opportunities that would be provided by the resort and mixed use development. Mr. Drummond also stated that there is still a substantial amount of vacant industrial property in the County, particularly in Greenmount and that most of that property is vacant. Mr. Drummond stated that he would support the application.

Mr. Wright stated that he concurred with Mr. Drummond. Mr. Wright further stated that he would like to see job opportunities in the Grove area so that residents would not have to travel great distances to find adequate employment. Mr. Wright stated that he would support the application.

Mr. O'Connor stated that he still has concerns about the application because there is one parcel in the middle where the owner has not subscribed to the plan. Mr. O'Connor inquired whether it would be possible to address the land use designation outside of the Comprehensive Plan cycle.

Mr. Holt responded that the land use designation should be addressed during a Comprehensive Plan process and any legislative application submitted in the interim would stand against the Comprehensive Plan language in place at the time.

Mr. O'Connor stated that he is not prepared to support the application at this time. Mr. O'Connor further stated that if the application does move forward he would want to see language included identifying Fort Eustis-Langley as an adjacent property with their associated impacts.

Ms. Bledsoe clarified that the language to be included would identify Fort Eustis as an adjacent use.

Mr. Drummond inquired how many acres of industrial land are still available in Greenmount.

Ms. Pollock stated that because there are a number of environmental impacts on the Greenmount Property such as RPA and wetlands, staff would need to research the exact acreage.



Mr. Drummond stated that approving this application would not make a huge impact on the amount of industrial land available.

Mr. Holt stated that staff would provide figures on the amount of industrial land available.

Mr. Richardson stated that the Fort Eustis issue is significant because it will be a long-term presence in the community. Mr. Richardson further stated that he is optimistic that this property could be developed for industrial purposes as the economic recovery continues. Mr. Richardson stated that 23 percent of the lower County is designated for industrial development which represents only four percent of the entire County. Mr. Richardson stated that the County must plan for the future; while the land is not needed yet, it is what the County will need.

Ms. Bledsoe clarified that a motion to approve would include adding Fort Eustis and its mission to the Comprehensive Plan language and that staff would finalize the language.

Mr. Drummond move to approve LU-0009-2014 as recommended by the Planning Commission Working Group.

On a roll call vote, the motion failed by a vote of 3-4 and the Planning Commission did not approve LU-0009-2014.

Mr. O'Connor inquired if the parcels would remain General Industry and Mixed Use.

Mr. Holt responded that the recommendation to the Board of Supervisors is that those designations stand.

Ms. Bledsoe inquired if anyone wished to discuss any other land use application separately.

Mr. Basic asked Ms. Rosario to remind the Commission of the process moving forward for the two land use cases that were deferred pending DEQ action on the County's permit.

Ms. Rosario stated that pending the Commission action, the applications would go forward to the Board with a recommendation to defer pending the DEQ action. Ms. Rosario stated that if the applications were deferred at the Board level, the land use designations would remain as they are on the 2009 Land Use Map until a time when consideration would be resumed. Ms. Rosario stated that once the Board is satisfied with the DEQ results, the applicant would have an opportunity to bring the application back to the Planning Commission and the Board of Supervisors for consideration and a vote.

Mr. Basic inquired if those cases needed a separate vote.

Ms. Rosario responded that the deferral is embodied in the recommendation.

Mr. Richardson stated that the discussion about deferral had satisfied his concerns about the land use application for the Barnes Road property and noted that based on the information provided in



the voting sheet, it was clear what the Commission would be voting on regarding changes for that property.

Mr. Richardson stated that, regarding LU-0006-2014, Barnes Road, he would recommend moving to approve the change to Mixed Use for all the northern parcels; the change of all parcels to Economic Opportunity with deferral of PSA expansion pending DEQ action for the remaining parcels.

Mr. Holt inquired if LU-0006-2014 should be voted on individually.

The Commission concurred that the application should be voted on with the other remaining land use applications and Comprehensive Plan text.

Mr. O'Connor inquired if the Mixed Use language for LU-0006-2014 should include a recommendation that the residential component be on the parcel adjacent to Upper County Park.

Mr. Holt stated that the language in the narrative includes the recommendation for the location of the residential development.

Mr. Krapf moved to recommend approval of the Comprehensive Plan text and the remaining land use applications as set forth in the voting sheet.

On a roll call vote, the Planning Commission recommend approval of the Comprehensive Plan text and remaining land use applications as recommended by the Planning Commission Working Group on the voting sheet by a vote of 7-0.

## **6. PLANNING COMMISSION CONSIDERATION**

Mr. Paul Holt gave an overview of each consideration item and the reason they are being amended, as well as what the process would entail going forward. Mr. Holt stated that staff recommends approval of all four resolutions.

### **A. Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations.**

Mr. Krapf moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations by a vote of 7-0.

### **B. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes (Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1.**

Mr. Richardson moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes (Consistency with A-1)- Division 10, General Business, B-1; Division 11, Limited Business/Industrial, M-1 by a vote of 7-0.

**C. Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes- Division 2. General Agricultural District, A-1.**

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance to Incorporate State Code Changes- Division 2. General Agricultural District, A-1 by a vote of 7-0.

**D. Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements.**

Mr. Wright clarified that this approval process was a formality and the Policy Committee and Planning Commission would discuss the details at a later date.

Mr. Holt stated that was correct.

Mr. Wright moved to approve the consideration item.

On a roll call vote, the Planning Commission recommend approval of the Initiation of a Consideration of Amendments to the Zoning Ordinance, Article 1, In General, Administrative Fees, Certificate of Occupancy, Amendments and Variation of Conditions and Submittal Requirements by a vote of 7-0.

**7. PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that other than what was included in the packet there was nothing else to add.

Mr. O'Connor stated that he was unable to make the Mooretown Road meeting and would like to know how the proposal was received.

Mr. Purse stated that it was a nice meeting. Mr. Purse stated that it was the third public meeting that we had. Mr. Purse stated that VHB rolled out their proposed alignment along with the criteria for how they chose that alignment. Mr. Purse stated that they received a number of public comments on that alignment and they are reviewing those comments. Mr. Purse stated that they are planning on having a Work Session with the Board of Supervisors to go over all of the comments received about the alignment. Mr. Purse stated that VHB will then put together a final proposal with their alignment and a study document that will have all of the alignments and the

design standards for the road. Mr. Purse stated that proposal would be brought forward to the Planning Commission and Board of Supervisors.

**8. COMMISSION DISCUSSION AND REQUESTS**

Ms. Bledsoe thanked all of the new commission chairs for agreeing to take on that responsibility. Ms. Bledsoe stated that she would send out an email regarding a schedule for the Board of Supervisors coverage. Ms. Bledsoe stated that she would be attending the meetings in April, Mr. Basic would attend in May and Mr. Krapf would attend in July.

Mr. Richardson asked if the assigned Planning Commissioner would also be expected to attend Board of Supervisor Work Session meetings.

Ms. Basic and Mr. Krapf stated that the Planning Commissioner would only have to attend the two Board of Supervisor regularly scheduled meetings.

Ms. Bledsoe stated that the chair for the Policy Committee is Mr. Wright and the other members would be Mr. O'Connor, Mr. Krapf and Mr. Richardson. Ms. Bledsoe stated that Mr. Drummond would be the chair of the DRC meeting and the other members would be Mr. O'Connor, Mr. Basic and Ms. Bledsoe. Ms. Bledsoe stated that she would stay on the Regional Issues Committee.

Mr. O'Connor stated that he wanted to thank staff, Ms. Gaston and Ms. Freil for all of their help with the Comprehensive Plan. Mr. O'Connor stated that he is sorry Mr. Van Riper is not here because Mr. Hill is trying to accomplish a link between the Comprehensive Plan, the budget and other planning tools that he would have liked to see.


Mr. Wright stated that having a County Administrator come in has clarified the vision and focus which has helped many projects move forward.

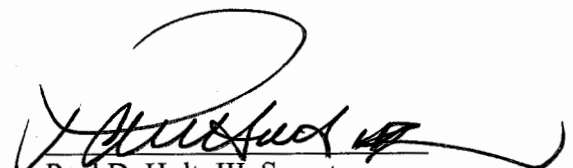
Ms. Bledsoe stated that she thinks he will see some of those changes and progress but it may not show up immediately in the Comprehensive Plan. Ms. Bledsoe thanked the Commission members for all of their hard work with the Comprehensive Plan.

**9. ADJOURNMENT**

Ms. Bledsoe and Mr. Wright moved to adjourn to the next Planning Commission meeting on May 6.

The meeting was adjourned at approximately 9:51 p.m.

  
Robin Bledsoe, Chairwoman

  
Paul D. Holt, III, Secretary

## RESOLUTION

### INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE

#### ARTICLE I. IN GENERAL – ADMINISTRATIVE FEES, CERTIFICATE OF OCCUPANCY, AMENDMENTS AND VARIATIONS OF CONDITIONS AND SUBMITTAL REQUIREMENTS

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a Zoning Ordinance and necessary revisions thereto as the Commission finds to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code § 15.2-2285; and

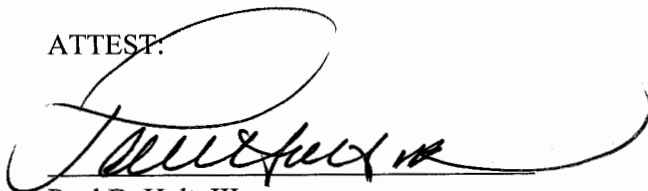
WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby, by motion pursuant to Virginia Code § 15.2-2286(7), initiate review of the Zoning Ordinance to amend Article I. In General, Section 24-7. Administrative fees; Section 24-8. Certificate of occupancy; Section 24-20. Amendments and variations of conditions and Section 24-23. Submittal requirements, to consider the possibility of adding or amending new or existing language which would help clarify the fees, permitting, procedures and submittal requirements of the Zoning Ordinance. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.



Robin Bledsoe  
Chair, Planning Commission

ATTEST:



Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1<sup>st</sup> day of April 2015

## RESOLUTION

### INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE TO INCORPORATE STATE CODE CHANGES-DIVISION 2. GENERAL AGRICULTURAL, A-1

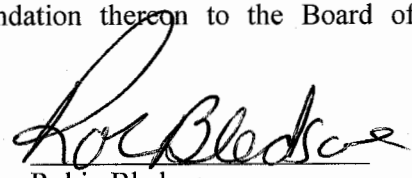
WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a Zoning Ordinance and necessary revisions thereto as the Commission finds to be prudent; and

WHEREAS; the Virginia General Assembly enacted legislation during the 2014 and 2015 Legislative Sessions that affected local zoning laws; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2285; and

WHEREAS; the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby, by motion pursuant to Virginia Code § 15.2-2286(7), initiate review of the Zoning Ordinance to amend Article I, In General, Section 24-2, Definitions; Article II, Special Regulations; Article V, Division 2, General Agricultural District, Section 24-212, Permitted uses; Section 24-213, Uses permitted by special use permit; Section 24-214, Area requirements; and Section 24-215, Setback requirements to consider the possibility of adding, renaming, and considering the by-right status of certain uses. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.



Robin Bledsoe  
Chair, Planning Commission

ATTEST:



Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1<sup>st</sup> day of April 2015.

**RESOLUTION**

**INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE  
TO INCORPORATE STATE CODE CHANGES (CONSISTENCY WITH A-1) - DIVISION 10,  
GENERAL BUSINESS; DIVISION 11, LIMITED BUSINESS/INDUSTRIAL, M-1**

WHEREAS, Virginia Code § 15.2-2286 and James City County Code § 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a Zoning Ordinance and necessary revisions thereto as the Commission finds to be prudent; and

WHEREAS; the Virginia General Assembly enacted legislation during the 2014 and 2015 Legislative Sessions that affected local zoning laws; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2285; and

WHEREAS; the Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby, by motion pursuant to Virginia Code § 15.2-2286(7), initiate review of the Zoning Ordinance to consider amending Article I. In General, Section 24-2. Definitions; and Article V. Division 10, Section 24-390. Use list; and Division 11, Section 24-411, Use list, to consider the possibility of adding, renaming and considering the by-right status of uses. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.



Robin Bledsoe  
Chair, Planning Commission

ATTEST:



Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1<sup>st</sup> Day of April 2015.

## RESOLUTION

### INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

#### DIVISION 3. FLOODPLAIN AREA REGULATIONS

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the "Commission") to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a Zoning Ordinance and necessary revisions thereto as the Commission finds to be prudent; and

WHEREAS, the Federal Emergency Management Agency (FEMA) conducted a coastal analysis and mapping study for communities along the mid-Atlantic coast and updated the coastal flood maps for James City County; and

WHEREAS, once the FEMA maps are finalized (anticipated date of June 16, 2015), James City County will have six months to amend the Zoning Ordinance to reflect the new study and maps to comply with the National Flood Insurance Program; and

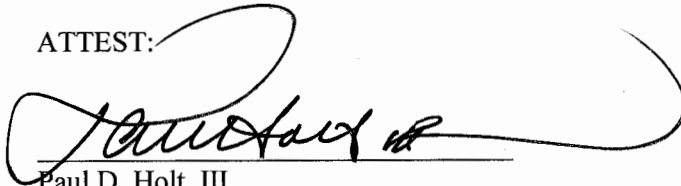
WHEREAS, the Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby, by motion pursuant to Virginia Code § 15.2-2286(7), initiate review of the Zoning Ordinance to amend Article 1. In General, Section 24-2 Definitions, and Article VI. Overlay Districts, Division 3, Floodplain Area Regulations to incorporate the new Federal Emergency Management Agency Flood Insurance Rate Maps and Study and to ensure compliance with the National Flood Insurance Program. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.



Robin Bledsoe  
Chair, Planning Commission

ATTEST:



Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1st day of  
April 2015.