

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF MAY, 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
Christopher Johnson, Principal Planner
Jose Ribeiro, Senior Planner II

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 April 1 2015 Regular Meeting and Development Review Committee Meeting: New Town Sec. 3&6, Block 21 -Assisted Living Facility, Chickahominy Rd. Subdivision Ordinance Exception, New Town Shared Parking Update

Mr. Tim O'Connor noted that Mr. McGurk's name was misspelled on page 8.

Ms. Bledsoe stated that the Commission had been provided with some suggested changes to the minutes on pages 13-17. Ms. Bledsoe stated that the changes would clarify that the motions that were voted on were based on the work done by the Planning Commission Working Group. Ms. Bledsoe stated that she believed it was important to recognize the citizen input that was part of the Planning Commission Working Group recommendations.

Mr. Chris Basic moved to approve the consent agenda with corrections and amendments to the April 1 minutes as noted by Mr. O'Connor and Ms. Bledsoe.

Ms. Bledsoe stated that there was a motion to approve the Consent Agenda which consists of the Development Review Committee review of SP-0083-2014, New Town Sec. 3&6, Block 21 -Assisted Living Facility, with a recommendation of approval with a vote of 1-0, Mr. Basic abstaining; S-0002-2015/S-0003-2015, Chickahominy Rd. Subdivision Ordinance

Exception, with a recommendation of approval with a vote of 2-0; C-0018-2015, New Town Shared Parking Update, with a recommendation of approval with a vote of 2-0.

On a roll call vote, the Commission approved the consent agenda, 7-0.

4. REPORTS OF THE COMMISSION

A. Policy Committee

Mr. John Wright stated that the Policy Committee met on April 16 to consider three Zoning Ordinance amendments to bring the County into conformity with changes enacted by the General Assembly in 2014 and 2015. Mr. Wright further stated that the Committee also reviewed a policy for remote electronic participation in meetings. Mr. Wright further stated that the Policy Committee voted to forward the ordinances and the policy to the Planning Commission for a recommendation of approval.

B. Regional Issues Committee

Ms. Bledsoe stated that the Regional Issues Committee met on April 28, 2015. Ms. Bledsoe stated that Committee has been in existence since 1987, and was formed as an outgrowth of the Williamsburg Community Planning Partnership/Williamsburg Regional Commission on Growth. Ms. Bledsoe stated that the Committee has served as a crucial bridge between the three jurisdictions to open and maintain the lines of communication on common issues. Ms. Bledsoe stated that in recent years, the Committee has served primarily as an information sharing group as opposed to an action group. In addition, much of what the Committee was created to accomplish is now well represented by the efforts of other regional collaboratives. Ms. Bledsoe stated that the Committee met on January 27 and agreed to conduct an unofficial email survey of its membership prior to the April 28 meeting to determine the future of the Committee. The email survey found ten members in favor of the draft resolution discontinuing the RIC; two opposed to the draft resolution; and two expressing concerns with the discontinuance. Following discussion at the April 28 meeting, the RIC, by a 7-2 vote, recommended to the governing bodies that they approve "A Resolution Discontinuing the Regional Issues Committee."

5. PUBLIC HEARINGS

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

Ms. Bledsoe stated that the case was deferred from the April 1 meeting and that the public hearing remains open.

Mr. José Ribeiro, Senior Planner, II, provided an overview of the history of the development and the current request rezone approximately 64.45 acres of land from MU, Mixed Use with proffers to PUD, Planned Unit Development, with amended proffers and to rezone

approximately 0.46 acres and 0.11 acres from M-1, Limited Business/Industrial to PUD, Planned Unit Development, with proffers and the proposed amendment to the adopted master plan to replace the 90,000 s.f. assisted living facility and 30,000 s.f. of commercial/office area with 33 new single-family detached dwelling units and a 60,000 s.f. self-storage area.

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

Mr. O'Connor inquired if the proposed reduction in percentage of proffered affordable workforce housing was in alignment with the Housing Opportunities Policy.

Mr. Ribeiro confirmed that the percentage of workforce housing is in compliance with the policy.

Ms. Bledsoe called for disclosures from the Commissioners.

Mr. Rich Krapf stated that he spoke with Mr. Trant regarding the application.

Mr. Basic, Mr. George Drummond, Mr. Wright, and Mr. Heath Richardson each stated that they had spoken with Mr. Trant.

Ms. Bledsoe stated that she spoke with Mr. Trant as well.

Mr. O'Connor stated that he had spoken with Mr. Trant and Mr. Pete Henderson.

Ms. Bledsoe opened the floor for public comment.

Mr. Tim Trant, Kaufman & Canoles, PC, stated that he represents the applicant. Mr. Trant spoke on the history of the project and the rationale regarding the proposed changes. Mr. Trant noted that the approved assisted living facility, which was incorporated in the approved master plan to accommodate a proposal by the adjacent church, was no longer economically viable and despite efforts to market the property it is not likely to become a reality. Mr. Trant stated that because the approved proffers tie the build out of the residential units to the existence of the assisted living facility and the anticipated demand for office/retail space has not materialized, it is necessary to revise the master plan. Mr. Trant stated that he believes the amended plan presented represents the least impactful and most economically viable use for the property. Mr. Trant stated that the proposal is a less intensive development plan; more in alignment with the Comprehensive Plan designation; supports the commercial corridor; and is more cohesive with the character of the residential development.

Ms. Irma Thompson, 160 Old Church Road, James City County, stated that she owns a parcel adjacent to the project area. Ms. Thompson stated that she was concerned about the

impact of the proposed commercial area and stated that the applicant had addressed her concerns and that she supports the proposal.

Mr. Jack Barnett, 7559 Richmond Road, James City County, stated that he resides on an adjacent parcel which takes access through the subject property. Mr. Barnett noted that his property access is the proposed main road for the Village at Candle Station development. Mr. Barnett stated that he supports the proposed development because of the amenities and enhancements it will provide.

Ms. Bledsoe opened the floor for discussion.

Mr. Krapf inquired about current construction in the existing project.

Mr. Trant responded that there are 24 lots which have been platted; however, only four residences have been constructed to date.

Mr. Krapf inquired if there has been feedback from those homeowners regarding the proposed changes.

Mr. Trant stated that the homeowners support the proposed changes and believe they will preserve and enhance the residential character of the project.

Mr. Richardson requested that Mr. Trant respond to staff's comments that the proposed front-loading garages are not compatible with the Norge Community Character requirements.

Mr. Trant stated that the architectural guidelines for this project have been developed to fit with the Norge community. Mr. Trant stated that all of the townhomes will retain the alley-loaded garages; it is just the single family residences that will have front-loaded garages. Mr. Trant further stated that this is the preferred design as it does not impact the size of back yards which is a feature desired by potential purchasers. Mr. Trant noted that the major area of concern noted by staff was the main access road. Mr. Trant noted that because of aesthetics and traffic concerns, those residences would be built with rear-loaded garages. Mr. Trant noted that the number of single family homes with front-loaded garages would be limited to 33.

Mr. O'Connor inquired about the number of units and price point ranges for the affordable housing units.

Mr. Trant responded that the initial proffers, which were approved before the Housing Opportunity Policy was established, had only five units set at the entry level range and

another five at the mid-range with the remainder of the proffered workforce housing being in the highest tier. Mr. Trant stated that the current proffers will comply with the Housing Opportunity Policy which focuses on providing a larger percentage of units at the lowest range and fewer at the top tier. Mr. Trant further stated that there is a restricted number of units that are proffered to be sold at the affordable housing level and that it will be required to take referrals by the County's Office of Housing and Community Development for those units.

Mr. O'Connor inquired about the potential impact of the self-storage unit on the surrounding residential properties as it relates to the height of the units and the operating hours. Mr. O'Connor stated that he is particularly interested in the landscaping treatments.

Mr. Trant stated the new proposal is a much less intensive use of the property and provides more separation of the buildings from the residential parcels and more opportunity for a buffer if it proves possible to move the self-storage units closer to the Food Lion. Mr. Trant noted that either use would require sufficient lighting for security purposes. Mr. Trant stated that the architectural character of the self-storage units will complement the architecture of the broader project. Mr. Trant further stated that there is a proffer condition which would require submittal of supplemental design guidelines to address the materials and treatments of those buildings.

Mr. O'Connor asked for more detail on the buffer treatment.

Mr. Jason Grimes, AES Consulting Engineers, stated that if the request for a buffer waiver between the self-storage and the Food Lion is approved, the intent is to create a 35-foot buffer between the self-storage and the residential properties. Mr. Grimes stated that the landscaping would be a wooded buffer. Mr. Grimes noted that there is an elevation change of about ten feet between the residential area and the self-storage so that the view from the second floor of a residential unit would be the first floor of the storage units through the wooded buffer. Mr. Grimes noted that the initial proposal was for one-story office or retail units which would have had a similar visual impact without the benefit of the larger buffer.

Ms. Bledsoe inquired about the buffer between project and the Norvalia community.

Mr. Grimes stated that the wetlands would serve as the primary buffer. Mr. Grimes noted that there would also be additional landscaping along the rear alley area.

Mr. Krapf inquired about the increased negative fiscal impact of the proposed revision.

Mr. Trant stated that while the figures for the residential portion alone are technically correct, to get a true picture of the impacts, it is necessary to consider the residential portion in conjunction with the commercial portion located along Route 60. Mr. Trant further stated that if the impacts of the entire redevelopment are considered, it will show a substantial positive impact.

Mr. Basic inquired about the amount of reduced buffer between the self-storage units and the Food Lion.

Mr. Trant stated that there would be a reduction in the buffer from 75 feet to ten feet. Mr. Trant further stated that the buffer reduction was necessary in order to have sufficient square footage for the self-storage component so that it would be economically viable. Mr. Trant stated that it appeared to be the better option to take the space from the buffer between the commercial buildings rather than the buffer with the residential units. Mr. Trant stated that the applicant prefers to wait to do architectural renderings of the self-storage units until closer to the time the project comes to fruition. Mr. Trant further stated that there is a proffer in place to submit supplemental design guidelines for the self-storage units to ensure that they will complement the residential component. Mr. Trant stated that this similar to what was initially approved for the assisted living facility.

Mr. Basic stated that based on the history of the project with several issues going to the DRC for Master plan consistency determinations, he would prefer more detail regarding the architectural treatment of the self-storage units at this point in time rather than waiting until later.

Mr. Trant stated that the residential portion of the project would come on line first. Mr. Trant further stated that once the residences are in place and once the final contours and grading of the site are determined, the applicant would be in a better position to develop the landscape plan and façade treatment for the self-storage units that would provide the right aesthetic.

Ms. Bledsoe inquired if Ryan Homes has taken over as builder on the residential project and how it came about that the project was transferred from the locally owned Patriot Builders to a non-local builder. Ms. Bledsoe stated that she wants to see local builders involved in local projects.

Mr. Trant stated that the plan was for Patriot Builders to do the residential project; however, because of the timing of the project in relation to the economic recovery, it was not possible for the builder to take on the project. Mr. Trant further stated that there were no other local builders with the market power to create the necessary sales. Mr. Trant stated that the project was designed by Guernsey Tingle, a local architectural firm, for the purpose of being

developed and built by a local builder and to have a home town appeal. Mr. Trant stated that when Ryan Homes took on the project, it was required that they retain that architectural character.

Ms. Bledsoe requested confirmation that the residential project design will remain the same or along very similar guidelines to the initial renderings by Guernsey Tingle.

Mr. Trant stated that the original design with the modifications approved by the DRC are included in the proffered design guidelines and are binding on the project.

Mr. Richardson requested that staff elaborate on the concerns mentioned in the staff report regarding the front-loaded garages not being in keeping with the Norge character.

Mr. Holt stated that this was an initial concern early on in the project; however, over time the plan has evolved and has been to the DRC several times for Master Plan consistency determinations. Mr. Holt further stated that as a result of the last DRC meeting, the developer has amended the plan to include an alley to accommodate rear-loaded garages for many of the units and has provided assurances that there will be no front-loaded garages along the main road. Mr. Holt noted that rear-loaded garages would not be desirable in the northern portion of the project where the new single-family homes will be located because of the enhanced environmental protections that are being offered. Mr. Holt stated that these are the factors that have led staff to recommend that the project is consistent with the Comprehensive Plan.

Mr. O'Connor noted that those garages that are not rear-loaded will be side loaded which will enhance the aesthetics.

Mr. Richardson inquired about the density.

Mr. Ribeiro stated that the residential portion of the project is designated low density residential with a base density of one unit per acre but up to four units per acre are allowed if public benefits are provided. Mr. Ribeiro stated that the Village at Candle station does have a higher density than the adjacent residential developments; however, it still falls within the allowable range. Mr. Ribeiro noted that the application includes public benefits which factor into allowing the higher density.

Mr. O'Connor inquired about the level of service for the intersection with Croaker Road and Richmond Road.

Mr. Ribeiro stated that in 2011 the intersection was a LOS C.

Mr. O'Connor inquired about the LOS on Croaker Road.

Mr. Holt stated that he did not have a projected LOS for Croaker Road in out years; however, there is a programmed improvement to widen the road to four lanes.

Mr. O'Connor inquired about the timing of the road improvements and asked if funding had been identified.

Mr. Holt responded that the project was in conceptual design.

Mr. Richardson stated that the segment of Richmond Road between Croaker Road and Norge Elementary is on the VDOT watch list for needing improvement and Croaker Road is identified in the Comprehensive Plan as needing improvement. Mr. Richardson noted that the LOS for those roads is something that will need to be watched as traffic flow increases.

Mr. O'Connor noted that at the Lightfoot intersection the ADT is approximately 26,000 and between Norge and Toano the ADT is approximately 18,000.

Mr. Ribeiro noted that the revision to the plan would actually decrease the number of daily vehicular trips by half.

Ms. Bledsoe opened the floor for Commission discussion.

Mr. Krapf stated that he was on the Commission when the initial proposal came forward and had voted in favor of the project because it seemed to provide something slightly different than the typical residential development. Mr. Krapf noted that at that time 33% of the project was affordable or workforce housing. Mr. Krapf further noted that the assisted living facility was an important part of his consideration of the application. Mr. Krapf noted that the demographic of the area shows an aging population and that the majority of those individuals will not be able to afford to age in place or enroll in continuing care communities. Mr. Krapf stated that the assisted living facility would have filled a necessary and important niche in the community. Mr. Krapf stated that as the project went through several DRC reviews, he was concerned that even though each change was small, the end project would be substantially different from the initial proposal. Mr. Krapf stated that he understands the need for economic viability; however, he would prefer to see a change to the triggers, even coming at the full build out of the residential component, to allow enough time to attract a potential operator for the assisted living facility. Mr. Krapf noted his concerns with the current proposal included the increased negative fiscal impact and the fact that workforce and affordable housing units have decrease from 33% to 20% even though there are additional

housing units with the new proposal. Mr. Krapf further stated that the only positive to the new proposal is the 50% reduction in traffic on the main arteries because of the change of use. Mr. Krapf stated that he also had concerns about the additional front-loaded garages and the impact on the architectural character of the development. Mr. Krapf stated that the project approved in 2011 was good for the community and provided some long-term benefits for the County. Mr. Krapf further stated that the proposal before the Commission for consideration is substantially different and has become just another residential community with a self-storage component. Mr. Krapf stated that the elements that encourage him to support the project initially no longer exist.

Mr. Richardson inquired if a residential development generally has a negative fiscal impact.

Mr. Holt confirmed that purely residential developments would have a negative fiscal impact.

Mr. Richardson inquired if the fiscal impact would become positive in the long-term.

Mr. Holt stated that residential development alone does not generally pay for itself in regard to the costs of public services.

Mr. Richardson stated that he concurs with the need for the assisted living facility. Mr. O'Connor noted that it would be helpful to have a listing of approved master plans that include assisted living components.

Mr. Holt responded that there is no inventory of where future facilities might be; only the existing facilities and what is in the pipeline where it is indicated that the use might be part of the development.

Ms. Bledsoe noted that the assisted living facility in New Town was approved but not yet built out.

Mr. Richardson stated that he understands the economics and market forces that have affected the project and resulted in the proposal before the Commission. Mr. Richardson further stated that he can see the feasibility of the proposal; however, he has concerns about the negative impacts of the project in comparison to the original project.

Mr. Wright stated that he believes staff has done an excellent job in reviewing the proposal and he concurs with staff's analysis.

Mr. Drummond stated that he believes the developer has put in substantial effort to create a project that fits well with the character of the area and has been responsive to

Mr. Richardson stated that this would apply to personal matters and that emergencies would be different.

Mr. Krapf inquired about how this would affect situations where the Commission member could not notify the Chair a week prior.

Ms. Bledsoe recommended leaving the current timeframe but adding language to reflect notifying the Chair "As soon as possible on or before..."

Mr. Max Hlavin reminded the Commission that the policy only applied to when the Commissioner would be participating remotely and did not apply to absences.

Mr. Richardson moved to adopt the Policy for Remote Electronic Participation with an amendment to 1(a) to state "As expeditiously as possible on or before the day of..."

On a roll call vote, the Planning Commission adopted the Policy for Remote Electronic Participation by a vote of 7-0

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.

Mr. Basic stated that he wished to thank Mr. Ribeiro for his diligent response and follow up to Commission questions related to the Village at Candle Station case.

8. COMMISSION DISCUSSION AND REQUESTS

Ms. Bledsoe stated that she wished for the record to reflect that Mr. Wright will now be a member of the DRC and she will be a member of the Policy Committee.

Mr. Basic inquired if these were additions or swapping of assignments.

Ms. Bledsoe clarified that these were additions.

9. ADJOURNMENT

Ms. Bledsoe called for a motion to adjourn to the Joint Work Session with the Board of Supervisors on May 26, 2015.

Mr. Richardson noted that he is the Board of Supervisors representative for May but that all Commissioners would be on hand for the Work Session.

Mr. Holt noted that the Work Session would start at 4 p.m.

Mr. Wright moved to adjourn to the Joint Work Session with the Board of Supervisors on May 26, 2015.

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



Robin Bledsoe, Chairwoman



Paul D. Holt, III, Secretary