

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF APRIL TWO-THOUSAND AND SIXTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

Mr. O'Connor called the meeting to order at 7:00 p.m.

B. ROLL CALL

Planning Commissioners

Present:

Robin Bledsoe

Rich Krapf

Tim O'Connor

Heath Richardson

John Wright

Staff Present:

Paul Holt, Planning Director

Jose Ribeiro, Senior Planner II

Savannah Pietrowski, Planner

Roberta Sulouff, Planner

Maxwell Hlavin, Assistant County Attorney

Absent

Chris Basic

Danny Schmidt

C. PUBLIC COMMENT

Mr. O'Connor opened the public comment.

As no one wished to speak, Mr. O'Connor closed the public comment.

D. CONSENT AGENDA

1. Minutes Adoption - March 2, 2016 Regular Meeting

Mr. Rich Krapf move to approve moved to approve the Consent Agenda.

The Consent Agenda was approved by voice vote (5-0).

E. REPORTS OF THE COMMISSION

Mr. O'Connor noted that the Development Review Committee did not meet in March; however, there were two Policy Committee meetings.

Mr. John Wright stated that the Policy Committee met on March 3 and March 10.

Mr. Wright stated that at the March 3 meeting the Committee discussed the FY2017-2021 CIP applications to prioritize the projects according to set criteria. Mr. Wright stated that the Committee voted 4-0 to forward the prioritized list of project to the Planning Commission

Mr. Wright further stated that at the March 10 meeting, the Committee reviewed proposed amendments to the Zoning Ordinance to allow event facilities in Rural Lands. Mr. Wright stated that the Committee discussed various options and referred the matter to staff to develop a proposal for event that would be allowed by right and those that would require a Special Use Permit.

F. PUBLIC HEARINGS

1. Case No. SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage

Mr. José Ribeiro, Senior Planner II, stated that Mr. Timothy Soderholm of Tiki Tree Service has applied for a Special Use Permit to allow for the operation of a tree service and landscaping contractor's warehouse on a 4.5 acre parcel zoned A-1 General Agricultural, located at 4182 Mt. Laurel Road. Mr. Ribeiro noted that the applicant currently operates a non-conforming contractor's office and storage use from his residence on Centerville Road. Mr. Ribeiro noted that development would occur primarily at the front and middle of the parcel. Mr. Ribeiro noted that adjacent properties to the north and south are also zoned A-1 with single family dwellings. Mr. Ribeiro stated that the property is designated rural lands on the Comprehensive Plan Land Use Map. Mr. Ribeiro further stated that appropriate primary uses include traditional agricultural and forestal activities; however, appropriately-scaled agricultural or forestal-support uses, home-based occupations or certain uses which required very low intensity settings may be considered, provided such uses are compatible with the natural and rural character of the area. Mr. Ribeiro further stated that the SUP conditions were designed to address and enhance compatibility with the natural and rural character of the area and to minimize the impact on adjacent properties by limiting hours of operation and the type of work which can occur on the property; limiting storage of equipment and parking of employee vehicles; and requiring screening and landscaping. Mr. Ribeiro further stated that there would be three full-time employees, in addition to the owner, and several part-time employees. Mr. Ribeiro noted that the expected traffic generation would have minimal impact on the road. Mr. Ribeiro stated that with the proposed conditions, staff finds that the proposal is compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. O'Connor inquired about the history of the use in its current location.

Mr. Ribeiro stated that the current operation is located on a 0.9 acre parcel on Centerville Road. Mr. Ribeiro stated that Mr. Soderholm applied for a SUP for that location in 2007; which was denied by the Board of Supervisors; however, Mr. Soderholm has been operating the business from that site.

Ms. Robin Bledsoe inquired if the objective was to bring the use on Centerville Road into conformance by moving the equipment to Mt. Laurel Road.

Mr. Ribeiro stated that part of the objective is to be in conformance with the Zoning Ordinance and the Comprehensive Plan.

Ms. Bledsoe noted that she wanted to ensure that this was not creating two bad situations instead of just one.

Mr. Wright inquired if Mt. Laurel is a one lane road.

Mr. Ribeiro responded that it is a narrow road and is not striped.

Mr. Wright inquired if there was any data available on traffic volume and speed for the road. Mr. Wright noted that he was interested in the potential for accidents.

Mr. Ribeiro stated that VDOT has reviewed the application, including data on the types of vehicles or equipment and has no objection to the application.

Ms. Bledsoe inquired if there were any similar businesses in the area or whether the area is primarily residential.

Mr. Ribeiro stated that the area is primarily residential.

Mr. Wright requested clarification on any screening requirements.

Mr. Ribeiro stated that the employee vehicles will be limited to one specific area and that the area will be fenced. Mr. Ribeiro noted that the fence is intended to mitigate the visual impacts of the parking lot on adjacent property owners.

Mr. Krapf inquired if any of the SUP conditions were created to address impacts, particularly noise impacts, on adjacent property owners because of the narrowness of the lot.

Mr. Ribeiro stated that most of the conditions are typical for the type of use; however, because the lot is narrow, staff did give consideration to how both visual and noise impacts on adjacent property owners could be mitigated.

Mr. Krapf inquired if this was essentially a staging area for the business to operate from rather than there being any active work done on the property.

Mr. Ribeiro confirmed.

Mr. Richardson inquired if it was anticipated that the most noise generation would be in the morning.

Mr. Ribeiro confirmed.

Mr. Wright inquired whether staff followed up to ensure that the SUP conditions were being followed.

Mr. Ribeiro stated that most enforcement issues are complaint driven. Mr. Ribeiro further stated that if a neighbor submitted a complaint, staff would investigate and enforce compliance with the SUP conditions.

Mr. O'Connor opened the public hearing.

Mr. Bob Sulouff, 4188 Mt. Laurel Road, addressed the Commission on concerns about the impacts of the proposed business. Mr. Sulouff noted that Mt. Laurel Road is narrow and has numerous blind spots where one cannot see oncoming vehicles. Mr. Sulouff noted that traffic on the road has increased due to residents of Stonehouse using it as a shortcut. Mr. Sulouff further noted that the road is also heavily used by bicyclists. Mr. Sulouff stated that most of the lots are narrow and that fencing and screening will not sufficiently mitigate noise impacts at the start of the work day. Mr. Sulouff requested that the Commission deny the application.

Mr. Ron St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns related to the sequence of construction for the residence and the warehouse. Mr. St. Onge noted that he would like to see conditions in place that would require the residence to be built before the warehouse.

Ms. Susan St. Onge, 4166 Mt. Laurel Road, addressed the Commission on concerns about the impact of the business on the safety of Mt. Laurel Road. Ms. St. Onge noted that the proposed egress for the business was located at the narrowest portion of the roadway and at a point with poor site distance. Ms. St. Onge further expressed concerns that the applicant would adhere to the conditions outlined in the SUP. Ms. St. Onge requested that the Commission deny the application.

Mr. T.J. Soderholm, addressed the Commission to clarify plans for the property. Mr. Soderholm stated that he intends to construct the residence at the same time the detached garage is constructed for storing equipment. Mr.

Soderholm noted that the plans for developing the property included a reduction of the berm at the entrance to the property which would improve site distance. Mr. Soderholm further noted that Mt. Laurel Road had previously supported a landscaping contractor business with similar impacts on the road. Mr. Soderholm stated that his goal is to establish a family business in a location that complies with County regulations.

Mr. Krapf inquired about the chronology of where the business has been located.

Mr. Soderholm stated that while running the business from the Centerville Road address he had hoped to purchase a property on Mt. Laurel Road which he was leasing; however it was purchased by someone else. Mr. Soderholm noted that when the leased location was no longer available, he rented storage locations for his equipment until he could purchase the property at 4182 Mt. Laurel Road.

Ms. Bledsoe inquired if the business would still exist at the Centerville Road location.

Mr. Soderholm responded that the plan is to sell that house once the residence is constructed on Mt. Laurel Road. Mr. Soderholm further noted that the goal was to have a location where a garage could be constructed so that any equipment could be stored indoors.

Ms. Bledsoe inquired what the timeframe was for actually residing on the property.

Mr. Soderholm stated that as soon as the SUP is approved he will begin construction.

Ms. Bledsoe inquired when the equipment would be moved to the property.

Mr. Soderholm stated that the equipment would be on site for when development of the property begins.

Ms. Bledsoe inquired if the equipment would be moved while the owner is still living at the Centerville Road location.

Mr. Soderholm stated that the goal is to begin moving equipment to Mt. Laurel Road so that the property at Centerville Road can be made more marketable.

Ms. Bledsoe inquired if the Centerville Road house is currently on the market.

Mr. Soderholm stated that it was not.

Ms. Bledsoe noted that she wanted to ensure that this was not an expansion of the business.

Mr. Richardson inquired if there might be a time when the business would require additional equipment that would be stored on the property.

Mr. Soderholm stated that the proposed garage and pole barn would be adequate to handle one or two additional pieces of equipment. Mr. Soderholm noted that the only piece of new equipment might be a small excavator.

Ms. Bledsoe inquired about the storage of the trucks and trailers.

Mr. Soderholm stated that the trucks and trailers would be stored in the parking lot but the other pieces of equipment would be stored in the garage.

Ms. Bledsoe inquired if the equipment stored in the parking lot would be visible.

Mr. Soderholm confirmed and stated that the trucks and trailers would be behind a screened fence.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor to discussion by the Commission.

Mr. Krapf inquired whether any complaints about noise and traffic at the Centerville Road location have been filed with the County.

Mr. Ribeiro stated that he was not aware of any citizen complaints. Mr. Ribeiro further stated that notices of violation have been issued by the Zoning Enforcement Division because of the nonconforming business since the request for an SUP for that location was denied.

Ms. Bledsoe inquired about the number of violation letters and the period of time over which they were sent.

Mr. Ribeiro stated that he did not have the exact information but there was at least one letter sent.

Mr. Wright inquired about the nonconforming status of the parcel.

Mr. Ribeiro stated that the ordinance requires that the setback be placed where the width of the lot is 200 feet or more; however, this lot is only approximately 185 feet wide. Mr. Ribeiro noted that this is an existing parcel and is not being subdivided so the nonconforming status would not affect the SUP.

Mr. Richardson inquired about what was expected of applicants seeking a commercial SUP in the A-1 district.

Mr. Ribeiro stated that in the A-1 district, there are very few by-right commercial uses. The by-right uses are usually related to forestal and agricultural activity. Mr. Ribeiro noted that most other commercial activity requires an SUP. Mr. Ribeiro stated that for a contractor's office, staff looks at the impact on the road, the environment, adjacent property owners. Mr. Ribeiro further noted that staff particularly looks at buffers that would mitigate noise generation and provide visual screening for adjacent property owners. Mr. Ribeiro noted that staff also take into account the compatibility of the proposed use with the surrounding area.

Mr. O'Connor inquired if Mt. Laurel Road was slated for future improvements.

Mr. Holt stated that this portion of Mt. Laurel Road was not scheduled for improvements.

Mr. Richardson stated that there are traffic considerations and other concerns. Mr. Richardson stated that it appears there are conditions in place to mitigate impacts.

Ms. Bledsoe stated that she supports local business; however, wants to ensure that it is the right fit and the right place. Ms. Bledsoe stated that she concurs with the concerns about the larger equipment using Mt. Laurel Road. Ms. Bledsoe further stated that her main concern is the size of the lot and that even with the SUP conditions, the business would have a quality of life impact on the adjacent properties. Ms. Bledsoe stated that she does not believe the activity is not compatible with the area and that she cannot support the application.

Mr. Wright stated that he wants to encourage business development; however he concurs with the concerns about the business being compatible with the surrounding properties. Mr. Wright further noted that he has concerns about the impacts on the safety of Mt. Laurel Road. Mr. Wright stated that he is not in favor of the application.

Mr. Krapf stated that he approaches the application with a different perspective. Mr. Krapf stated that the property is zoned for agriculture and that if the property were a working farm, there could be several times more the amount of equipment and several times the noise generation. Mr. Krapf noted that a comparably sized business previously operated along the same road for a number of years. Mr. Krapf stated that he believes staff has developed SUP conditions to satisfactorily mitigate the impacts on the adjacent parcels with triggers to ensure that future changes to the scope of the business will be monitored. Mr. Krapf stated that he supports the application.

Mr. Richardson stated that he believes the application is very thorough and that the conditions associated with the SUP will be sufficient to mitigate any impacts.

Mr. O'Connor stated that he has looked at Mr. Soderholm's current location as well as the proposed location. Mr. O'Connor noted that with screening, the visual impact is mitigated. Mr. O'Connor further stated that he believes the proposed use is compatible with the zoning designation. Mr. O'Connor stated that the SUP conditions limit the scope of the operations to mitigate the impact on adjacent properties. Mr. O'Connor stated that this is an opportunity to take a nonconforming use and make it a conforming use. Mr. O'Connor stated that he could support the application.

Mr. Krapf moved to recommend approval of the application subject to the attached conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage subject to the recommended conditions (3-2, Mr. Basic and Mr. Schmidt being absent).

2. Case No. Z-0003-2016. Tewning Road Proffer Amendment

Ms. Savannah Pietrowski, Planner, stated that Pete and Cindy Walker of Williamsburg Gymnastics have submitted a request to amend the existing proffers for 144 Tewning Road to remove the indoor sports facilities and health and exercise clubs from the list of prohibited uses in order to allow a gymnastics facility. Ms. Pietrowski stated that the property is zoned M-1, Limited Business/Industrial, with Proffers and designated Limited Industry on the Comprehensive Plan Land Use Map. Ms. Pietrowski noted that indoor sports facilities are permitted uses in the M-1 Zoning District. Ms. Pietrowski stated that the proffers were adopted with the rezoning for Casey Industrial Park in 1986 which rezoned approximately 13.6 acres of land at the end of Tewning Road to M-1. Ms. Pietrowski further stated that several different retail uses were prohibited at that time with the intent of creating a Light Industrial Park. Ms. Pietrowski stated that the proffer amendment would apply only to the subject property and would not change restrictions on the remaining parcels. Ms. Pietrowski noted that the amended proffers also made the language consistent with current Zoning terminology. Ms. Pietrowski stated that staff finds the proposal consistent with the 2035 Comprehensive Plan. Ms. Pietrowski further stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors.

Mr. O'Connor opened the public hearing.

Mr. Pete Walker, applicant, addressed the Commission on the history of his involvement with competitive gymnastics and the development of his business. Mr. Walker noted that with the popularity of the programs offered, the business has outgrown its space and is seeking an opportunity to establish a facility that will allow the business to grow and to provide an environment for quality gymnastics instruction.

Mr. Kevin Conner, 111 Douglas Lane, addressed the Commission in support of the application. Mr. Conner stated that he is impressed with the quality of the programs offered. Mr. Conner noted that the W-JCC Schools do not offer Gymnastics at the High School level and that Williamsburg Gymnastics fill a need in the community.

Ms. Lori Kaisand, 128 North Turnberry, addressed the Commission in support of the application. Ms. Kaisand stated that Williamsburg Gymnastics provides a needed service to the community.

As no one else wished to speak, Mr. O'Connor closed the public hearing.

Mr. Richardson stated that the request is compatible with the surrounding zoning and the Comprehensive Plan. Mr. Richardson stated that he would be inclined to support the application.

Ms. Bledsoe stated that she believes the business would be an enhancement to the area and that she would support the application.

Mr. Krapf stated that he would support the application. Mr. Krapf stated that when the property was rezoned, the intent was to develop a Light Industrial Park; however, that has not materialized. Mr. Krapf further stated that an indoor gymnastics facility would be a benefit to the community.

Mr. O'Connor stated that the size and scope of the proposed building is in keeping with facilities that would be found the M-1 Zoning District and that if the business ever relocated, that building could be retrofitted to other uses.

Mr. Wright moved to recommend approval of the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Case No. Z-0003-2016. Tewning Road Proffer Amendment. (5-0, Mr. Basic and Mr. Schmidt being absent).

3. Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment

Ms. Roberta Sulouff, Planner, stated that Mr. Gregory Davis has submitted a request on behalf of New Town Associates, LLC, to amend proffers for Sections 2&4, 3&6 and 7 & 8. Ms. Sulouff stated that these sections are zoned MU, Mixed Use, with proffers and are designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. Ms. Sulouff noted that the intent of the proposal is to simplify any remaining developer obligations, as the development is approaching full build-out. Ms. Sulouff further stated that the applicant proposes providing cash-in-lieu amounts for previously proffered transit infrastructure. Ms. Sulouff stated that the proposal would also amend the current proffer language to reflect proffers satisfied by earlier rezonings and site plans and finalize the timing for the installation of a previously proffered traffic signal. Ms. Sulouff stated that the proposal also includes changes to the Master Plan to reflect changes to trail amenities in Sections 3&6 and 7&8, and to show existing playgrounds and bus pull-offs. Ms. Sulouff further stated that the applicant is also proposing changes to the proffer language for Sections 2& 4 and 3 & 6 to cap the length of the

proffered walking trails to that which has already been built. Ms. Sulouff noted that the existing trails exceed what is required for trail provisions in new developments which is based on current Parks & Recreation proffer guidelines. Ms. Sulouff stated that staff finds the proposed amendments to be consistent with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development. Ms. Sulouff stated that staff recommends that the Planning Commission recommend approval of the amendments to the Board of Supervisors.

Mr. O'Connor called for disclosures from the Commission.

Mr. Wright stated that he is a homeowner in New Town. Mr. Wright further stated that he has had discussions with the applicant, representatives from New Town Associates, LLC, other Planning Commission members and Mr. Mike Maddocks. Mr. Wright stated that he will recuse himself from discussing and voting on this matter.

Ms. Bledsoe stated that she is a homeowner in New Town. Ms. Bledsoe stated that the formal opinion from the County Attorney advises that she will not directly benefit from this application and could participate in the discussion and vote; however, she has decided to abstain from the discussion and vote.

Mr. Richardson stated that he had spoken with the applicant.

Mr. O'Connor stated that he had spoken with the applicant.

Mr. O'Connor opened the floor for questions from the Commission.

Mr. Richardson inquired if staff anticipated changes to the Master Plan in the future.

Ms. Sulouff stated that the applicant could best address future intentions; however, there are only three undeveloped parcels remaining and that there is far less flexibility for change than there was during the early development.

Mr. Richardson inquired about the length of time this application had been under review.

Ms. Sulouff stated that the application before the Commission is the result of many months of discussion and review that occurred prior to submission.

Mr. O'Connor inquired about the location of the second playground.

Ms. Sulouff stated that the proffers call for a second playground but do not specify a location. Ms. Sulouff stated that there was open space at the rear of Sections 2 & 4 which could have accommodated a playground.

Mr. O'Connor opened the public hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, representing New Town Associates, stated that the application before the Commission is to essentially clean up certain outstanding matters. Mr. Davis stated that the application will confirm the remaining density, confirming installation of remaining infrastructure, and make changes to the Master Plan that will accommodate the changes made due to market demand. Mr. Davis provided the Commission with the rationale behind the changes related

to the playground, bus shelters and trail connections. Mr. Davis noted that these amendments were to concentrate resources in a manner that best suited the needs of the community such as creating one larger playground to allow installation of playground equipment; cash in lieu for bus shelters to allow shelters to be located where needed with approval and concurrence from WATA and the creation of more useful trail connections. Mr. Davis further noted that in addition to the trails there are other amenities for walking and jogging such as the extensive sidewalk system and connections to the Ironbound Road Multi-Use Path. Mr. Davis stated that the New Town Design Review Board carefully considered and approved the requested changes. Mr. Davis further stated that notice of the proposed changes was made to property owners and that there was minimal opposition. Mr. Davis concluded by stating that New Town Associates is dedicated to the idea that New Town is a place to work, live and play. Mr. Davis further stated that the recreational opportunities meet or exceed minimum requirements Mr. Davis requested that the Commission recommend approval of the application.

Mr. Richardson inquired if a public meeting was held for property owners regarding the proposed changes.

Mr. Davis stated that a public meeting was not held.

Mr. Richardson inquired the time frame for receiving comments from the Home Owner's Association.

Mr. Davis stated that it has been about five months.

Mr. Richardson inquired if the applicant would be willing to consider keeping the trails.

Mr. Davis stated that the short answer is no. Mr. Davis further stated that while there are areas that might be desirable to construct a trail, in some cases New Town Associates no longer owns the property or the topography is not conducive to developing a trail.

Mr. Richardson inquired about the other terminus for the trail to the assisted living facility.

Mr. Davis stated that it would be next to an existing trail behind existing residential lots.

Mr. Richardson stated that he would like to see where the smaller playgrounds would have been located.

Mr. Davis stated that the areas were not so much playgrounds as small areas of greenspace which would not have accommodated playground equipment. Mr. Davis stated that the larger playground has been built adjacent to the pool and playground equipment has been installed. Mr. Davis stated that the original vision was to have one of the small play areas in Sections 3 & 6 and two or three in Sections 2 & 4.

Mr. Richardson inquired if the goal was to draw residents to one central recreational area.

Mr. Davis confirmed. Mr. Davis further stated that this also consolidated the necessary amenities such as restrooms; provided playground equipment; and provided adults with a suitable place to relax while watching the children.

Mr. O'Connor inquired if Section 3& 6 are primarily commercial.

Mr. Davis stated that there are some residential rental units but it is predominantly office and commercial.

Mr. James Carey, 5195 Rollison, stated that he was drawn to the New Town Development because it is a walkable community. Mr. Carey stated that the Trail "A" would complete a loop system. Mr. Carey stated that he would like to see that loop completed.

Ms. Mary Cheston, 5178 Rollison, addressed the commission on concerns about the trail system not being completed and the additional playground not being provided. Ms. Cheston noted that it would be a mistake not to construct the additional recreational amenities in light of the homes still to be built. Ms. Cheston requested that the Commission ask for modifications to the proffers to retain the trails.

As no one else wished to speak Mr. O'Connor closed the public hearing.

Mr. O'Connor opened the floor for discussion by the commission.

Mr. Richardson stated that walkability is more than just linear feet. Mr. Richardson stated that while the community is very walkable as is, a natural viewscape is also important to the residents. Mr. Richardson stated that he would like to see the plan adjusted to reincorporate the Trail "A". Mr. Richardson further stated that having only one playground may not be as convenient as having some smaller greenspaces scattered through the development.

Mr. Krapf stated that he appreciates that the New Town DRB has reviewed and approved the application. Mr. Krapf further stated that he likes that the amendments do not just strike out certain proffers but offer alternatives such as cash in lieu and offers to WATA for other transportation improvements. Mr. Krapf stated that he does have concerns about not constructing Trail "A".

Mr. Krapf inquired about the length of trail section A.

Mr. Davis stated that it is approximately 500 feet.

Mr. Krapf stated that he would like to see section "A" of the trail constructed because it completes a loop for the walking trails.

Mr. O'Connor inquired if his understanding of the existing proffers was correct that certain items such as land uses, density, certain streets and certain open space were Fixed Development Items and others such as pedestrian connections, streets other than Required Streets, and areas of commercial use, office use, residential use, parking placement zones, view triangles, "build-to zones" and frontage zones and all other structures and improvements that are not Fixed Development Items are Flexible Development Items which could be altered, moved or eliminated. Mr. O'Connor further inquired if this application would fall under Flexible Development Items.

Mr. Max Hlavin, Assistant County Attorney, confirmed that the existing proffers delineated some flexible development items that could be altered by going through the non-legislative process within the New Town DRB. Mr. Hlavin further stated that this was legislative because it the items were reflected on the master plan.

Mr. Holt noted that the Flexible Development Items are shown on the Master Plan for illustrative purposes only, and may be altered, moved or eliminated subject to approval by the New Town DRB.

Mr. O'Connor stated that what is illustrated in a master plan is not always what comes to fruition and that this was anticipated with the development of New Town. Mr. O'Connor further stated that he had been more concerned with losing the play areas; however, it appears that Sections 3 & 6 are more commercial and a play area would not be as necessary. Mr. O'Connor noted that the applicant has worked with Parks and Recreation to provide adequate recreational facilities. Mr. O'Connor stated that he has fewer concerns about the application than he did initially.

Mr. Krapf stated that how the other parcels have developed is an important consideration. Mr. Krapf stated that the fact that the New Town DRB has approved the amendments weigh in favor of the application. Mr. Krapf noted that he would tend to defer to the DRB regarding the development of the community. Mr. Krapf stated that he could support the application.

Mr. Richardson requested confirmation that the storage facility would be located where the trail head was for the portion of the trail that is not to be built. Mr. Richardson further inquired whether the decision not to build that portion of the trail system was related to concerns over safety of the equipment to be stored in the facility and whether other locations had been considered for the facility.

Mr. Davis confirmed the location of the storage facility. Mr. Davis stated that the location was chosen because there are very few undeveloped parcels that would be suitable for such a facility. Mr. Davis further stated that the concern is not the equipment but the safety of the residents.

Mr. Richardson stated that Trail "A" would be beneficial to the residents and that the community has expressed a desire to see the trail section constructed. Mr. Richardson noted that it would be beneficial to have a path to the memory care facility. Mr. Richardson further stated that walkability is more than having the sidewalks; it includes the scenery as well. Mr. Richardson stated that he would like to see a change in the application that would keep Trail A. Mr. Richardson inquired how a change to the application would affect the Commission's ability to move the application forward.

Ms. Sulouff stated the map that shows the proffered trails is only illustrative. Ms. Sulouff further stated that the requirement in place is a matter of linear footage. Ms. Sulouff stated that staff uses the site plan process to formalize where the trails are actually located. Ms. Sulouff stated that if the Commission desired to specify a location for a trail, it would involve changing proffer language as well. Ms. Sulouff stated that the matter at hand is reflecting the change to earlier proffer requirements for trails on the Master Plan. Ms. Sulouff stated that if a specific change were requested it would require going back to the drawing board.

Mr. Richardson requested that the Commission consider requesting a change to retain Trail A.

Mr. Richardson inquired if the applicant would be willing to adjust that portion of the proffers.

Mr. Davis stated that this is a difficult issue. Mr. Davis stated that similar discussions have been held with staff. Mr. Davis stated that New Town Associates stands firmly behind the decisions regarding the trails. Mr. Davis further stated that the development is nearly built out and that the time is near for the developer's involvement to end. Mr. Davis stated that to be sent back to the drawing board to develop an alternative to the trail plan and then bring those revisions back before the Commission and the Board of Supervisors would take the process far beyond the developer's deadline to complete

development activities. Mr. Davis stated that it would be a critical business decision for this developer.

Mr. Richardson inquired about the deadline date.

Mr. Davis responded that is June 30, 2016.

Mr. Richardson stated that he is reluctant to recommend approval of the application without the amendment to the trail plan.

Mr. Krapf inquired if the developer had an option to extend the deadline.

Mr. Holt state that it was not a County deadline, but rather a timeframe set by the developer's team.

Mr. Richardson stated that deferring the application to the May meeting might be worthwhile if a change can be made to the application.

Mr. O'Connor stated that when you consider New Town in its entirety, the development has come very close to what was initially envisioned. Mr. O'Connor further stated that most master plans are designed to allow for some flexibility. Mr. O'Connor stated while it may not be the most popular decision, the trail system is one of the flexible items and he understands the need for that flexibility. Mr. O'Connor further noted that the trail system will be inherited by the Home Owners Association and would become an additional expense as a long-term maintenance issue. Mr. O'Connor noted that the trail would have impacts on both the home owners and the RPA.

Mr. Krapf stated that he wants to respect Mr. Richardson's request; however, because the locations of the trails are shown only for illustrative purposes, because there is flexibility built into the legal documents, and because the change has been approved by the new Town DRB, he is still inclined to support the DRB's determination regarding what is best for their community.

Mr. Richardson stated that he appreciates the viewpoints of the other Commissioners. Mr. Richardson further stated that out of all the refinements in the application, he believes that the trail plan is the one piece that should be reconsidered.

Mr. O'Connor inquired if there was a motion on the matter.

Mr. Krapf moved to recommend approval of the application and the amended proffers.

On a roll call vote, the Commission voted to recommend approval of Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment (2-1-2, Ms. Bledsoe and Mr. Wright abstaining and Mr. Basic and Mr. Schmidt being absent).

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that he would like to highlight the correspondence from the Clean County Commission. Mr. Holt stated that the James City County Clean County Commission and the County's Environmental Coordinator have been working with VDOT to install new signs at five of the main entrances to the County stating that littering is illegal and carries fine ranging from \$250 to \$2,500. Mr. Holt noted that while the County has had previous signs

stating the littering is illegal, these are the first to state the penalties.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Ms. Bledsoe stated that the James City County Strategic Plan 2035 Open House was held on March 30. Ms. Bledsoe stated that the event was very successful and that those who could not attend should watch the video of the meeting.

Mr. Richardson noted that the Board of Supervisors would be holding budget workshops in their individual districts and that the dates are posted on the County's website.


Mr. O'Connor stated that he would like to propose the following committee assignments for 2016. Mr. O'Connor stated that Mr. Richardson would Chair the Development Review Committee, with the remainder of the membership being comprised of Ms. Bledsoe, Mr. Basic, Mr. Krapf and himself. Mr. O'Connor stated that Mr. Krapf would chair the Policy Committee, with the remainder of the membership being comprised of Mr. Schmidt, Mr. Richardson and Mr. Wright.

Mr. O'Connor noted that Mr. Basic would cover the Board of Supervisors meetings for April. Mr. O'Connor stated that he would send out the schedule for the remainder of the year shortly.

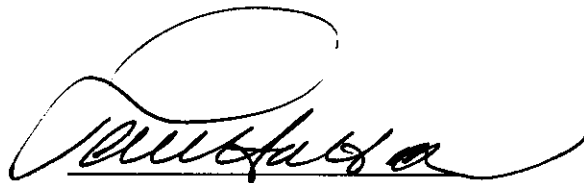
J. ADJOURNMENT

Mr. Wright moved to adjourn.

The meeting was adjourned at approximately 9:02 p.m.



Tim O'Connor, Chairman



Paul D. Holt, III, Secretary