

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**May 3, 2017**  
**7:00 PM**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

**Planning Commissioners**

**Present:**

Rich Krapf  
Tim O'Connor  
Robin Bledsoe  
John Wright  
Danny Schmidt  
Jack Haldeman

**Absent:**

Heath Richardson

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Maxwell Hlavin, Assistant County Attorney  
Savannah Pietrowski, Planner II

**C. PUBLIC COMMENT**

Mr. Krapf opened Public Comment.

As no one wished to speak, Mr. Krapf closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Mr. Danny Schmidt stated that the Development Review Committee (DRC) met on Wednesday, April 19 to consider C-0014-2017, 6515 Richmond Road Lidl Grocery Store Conceptual Plan.

Mr. Schmidt stated that Mr. Jeremy Yee of Kimley-Horn submitted a Conceptual Plan to the DRC relating to the proposed construction of a 35,962-square-foot grocery store on two parcels of land at 6515 and 6495 Richmond Road. Mr. Schmidt noted that Smith Memorial Baptist Church resides on one of these properties. Mr. Schmidt stated that the two parcels are zoned B-1. Grocery stores are permitted in B-1, but a Special

Use Permit (SUP) is required for a store over 10,000 square feet.

Mr. Schmidt stated that the Committee had questions regarding traffic and a proposed traffic light for the store. Mr. Schmidt stated the Committee felt that a formal traffic study would be beneficial to understanding the store's effect on this section of Richmond Road. Mr. Schmidt stated that the Committee discussed concerns about the impact on nearby communities. Mr. Schmidt stated that the applicant had explored options for moving the building away from the neighboring subdivision, but that such a move would put the number of spaces well under the 180 spaces required under the County's parking minimum. Mr. Schmidt noted that the applicant has stipulated that the loading dock would be screened with a buffer and a densely vegetated area would still be present between the store and the subdivision. Mr. Schmidt stated that the Committee members also suggested a wider buffer between Richmond Road and the parking lot as this section of Richmond Road is designated a Community Character Corridor. Mr. Schmidt stated that the applicant will provide additional elevations for the project and will meet with the Committee in May to obtain feedback on the elevations and revisions to the Conceptual Plan.

#### **E. CONSENT AGENDA**

1. Minutes Adoption - April 5, 2017 Regular Meeting
2. Stonehouse Tract 3 - Parcel C

Mr. Wright made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda (6-0).

#### **F. PUBLIC HEARINGS**

1. Z-0001-2017, SUP-0001-2017, MP-0001-2017. Williamsburg Landing, Marclay Road

Mr. Paul Holt, Director of Community Development and Planning, stated that the applicant has requested indefinite deferral of the application. Mr. Holt further stated that staff concurs with the request and recommends that the Planning Commission defer the application indefinitely. Mr. Holt further stated that such an action would effectively withdraw the application from the Public Hearing schedule. Mr. Holt stated that the Commission should vote on the deferral and close the Public Hearing. Mr. Holt stated that when the applicant is ready to move forward, the case would be re-advertised and adjacent property owner notifications would be made again. Mr. Krapf closed the Public Hearing.

On a voice vote, the Commission voted to approve indefinite deferral of the application.

2. SUP-0026-2016. Forest Glen Section 5

Ayes: Krapf, O'Connor, Schmidt  
Nays: Bledsoe, Haldeman, Wright III  
Absent: Richardson

Ms. Savannah Pietrowski, Planner II, stated that Mr. Elliott York of American Eastern Incorporated has applied for an SUP to allow a residential cluster within the existing

Forest Glen neighborhood. Ms. Pietrowski stated that the development would consist of 45 single-family lots with a gross density of approximately 2.79 units per acre.

Ms. Pietrowski stated that in order to achieve a density greater than one unit per acre, a residential cluster SUP is necessary. Ms. Pietrowski stated that for this proposal, the applicant intends to obtain the necessary density bonus points by committing 40% of all units to the provisions of affordable and workforce housing.

Ms. Pietrowski stated that the existing County-owned neighborhood park, known as Forest Glen Playground, is also included as a part of this SUP application. Ms. Pietrowski stated that the applicant is proposing to supplement the existing facilities at Forest Glen Playground in lieu of providing the full set of items typically required by the James City County Recreational Facilities Development Guidelines and has requested an exception from the Board of Supervisors. Ms. Pietrowski further stated that he applicant has been in discussion with Mr. John Carnifax, Director of Parks & Recreation, and the Parks & Recreation Department is in support of their proposal.

Ms. Pietrowski stated that historically, residential cluster SUP applications have been accompanied by an application for rezoning and typically included voluntary proffers to mitigate impacts associated with increasing the permitted density. Ms. Pietrowski stated that as the County no longer accepts proffers associated with residential rezonings, this application has been submitted as an SUP only. Ms. Pietrowski stated that while most of the impacts associated with the proposal can be mitigated through the proposed SUP conditions, there are some fiscal impacts which cannot be mitigated.

Ms. Pietrowski stated that the properties are designated Low Density Residential on the Comprehensive Plan Land Use Map and are located inside the Primary Service Area (PSA). Ms. Pietrowski stated that recommended uses for this designation include single-family and multi-family units, cluster housing and recreation areas. Ms. Pietrowski further stated that the Comprehensive Plan recommends a density of up to one unit per acre in Low Density Residential areas; however, higher densities are acceptable if certain public benefits are provided, such as affordable and workforce housing. Ms. Pietrowski stated that this proposal also addresses recommendations within the Comprehensive Plan to address the need for affordable and workforce housing and to promote infill within the PSA.

Ms. Pietrowski stated that staff finds the proposal to be compatible with surrounding zoning and development and consistent with the Comprehensive Plan. Ms. Pietrowski further stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions listed in the staff report.

Mr. Krapf recognized the presence of Mr. John Carnifax, Director of Parks & Recreation, who was on hand to address any questions related to the playground.

Mr. Krapf opened the floor for questions from the Commission.

Ms. Robin Bledsoe inquired if the data for fiscal impact was based on the 40% affordable housing units or 100% affordable housing units.

Ms. Pietrowski stated that the data was based on the 40%.

Mr. Jack Haldeman inquired if the net negative fiscal impact is \$209,000.

Ms. Pietrowski stated that it was approximately \$206,000.

Mr. Haldeman inquired if that was a total figure or a per year deficit.

Ms. Pietrowski stated that it was per year.

Mr. Schmidt inquired if the by-right development would be one unit per acre.

Ms. Pietrowski confirmed.

Mr. Wright inquired whether the affordable housing price restriction would apply to future sales of the property.

Mr. Holt stated that the affordable housing restriction applied only to the initial sale and that future sales of the property would be at market rate.

Mr. Haldeman asked about the fiscal deficit if the entire project were affordable housing.

Ms. Pietrowski stated that staff had not done that comparison.

Mr. Haldeman inquired if the fiscal impact was for school only.

Ms. Pietrowski stated that the fiscal impact does include other services. Ms. Pietrowski stated that fiscal impact is calculated after tax revenues have been accounted for.

Mr. Holt clarified that the County uses a standard template to assess fiscal impact and that the per-unit value is an average of the anticipated sales price. Mr. Holt stated that the fiscal impact could vary depending on actual sales.

Ms. Bledsoe inquired about how the impact on the schools was calculated.

Ms. Pietrowski stated that the school impact is based on the entire number of units.

Mr. Krapf called for disclosures from the Commission.

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

Mr. Tim O'Connor stated that he had spoken with Mr. Howard Price of AES.

Mr. Wright stated that he did not speak with anyone; however, he did visit the site.

Ms. Bledsoe stated that she visited the site.

Mr. Haldeman stated that he visited the site.

Mr. Schmidt stated that he viewed the site using online mapping technology.

Mr. Krapf opened the Public Hearing.

Mr. Elliott York, Assistant Manager, Forest Glen Associates, LLC, made a presentation to the Commission on the proposed project. Mr. York stated that Forest Glen Associates is excited to have the opportunity to provide affordable housing units in James City County. Mr. York stated that in addition to the benefit of affordable housing, the project proposes a regional stormwater facility that will also serve a number of the existing lots. Mr. York further noted that as part of the proposal, improvements will be made to the existing James City County playground.

Mr. York stated that a Community Meeting was held on December 9, 2016. Mr. York stated that the meeting was very positive with good feedback from the community.

Mr. York requested that the Commission consider the benefits of the project and recommend approval of the project.

Mr. Haldeman inquired about the zoning of the adjacent undeveloped parcel.

Mr. York stated that he believed it was also R-2.

Mr. Haldeman inquired if there was a connection from Forest Glen to the Warhill Sports Complex.

Mr. York stated that the parcels between Forest Glen and the Warhill Sports Complex were owned by two separate entities.

Mr. Schmidt inquired about the nearest bus stop.

Mr. Holt stated that staff would look into the bus stop location and provide that information to the Commission.

Ms. Bledsoe inquired if the Homeowners Association would be responsible for maintaining the stormwater facility.

Mr. York stated that discussions are being held with the Stormwater Division regarding maintenance.

Ms. Bledsoe inquired about the cost of maintaining the additional playground equipment.

Mr. York stated that he does not have that figure.

Ms. Bledsoe inquired when the playground equipment would be installed.

Mr. York stated that the County has not stipulated when the playground equipment must be installed. Mr. York noted that it would likely be installed after the start of construction. Mr. York noted that playgrounds are an amenity that sells homes.

Ms. Bledsoe inquired about the number of homes that would be offered at the affordable housing price.

Mr. York stated that based on the surrounding community, it is likely that all the homes would sell at price points that fall within the affordable housing guidelines.

Mr. Krapf inquired about stipulations in the SUP condition for installation of the recreational equipment.

Mr. Holt stated that there is no timeframe given in the SUP condition; however, there is a requirement for the amenities to be shown on the subdivision construction plans. Mr. Holt further stated that the amenities would be bonded to ensure completion.

Mr. Wright inquired how long the construction period would be to construct all the homes.

Mr. York stated that once the SUP and construction plan are approved, site development would be complete within 18 months.

Ms. Bledsoe inquired if the intent is to use a local builder.

Mr. York stated that they have not decided on a builder. Mr. York stated that Forest Glen Associates does much of the work in-house including building.

Mr. Schmidt inquired how many homes in the existing community would benefit from the regional stormwater facility.

Mr. York stated that the stormwater facility would handle drainage for 30 acres, which would cover the 15 acres of the proposed development and 15 acres of the existing development.

Mr. Holt clarified that while the retention pond would be large enough to handle the drainage, additional engineering would be required to allow conveyance of the water to this facility.

Ms. Bledsoe inquired about water supply for the project.

Mr. York stated that the project would connect to public water and sewer and that the existing well has been abandoned.

Mr. Holt stated that, following up on the question about zoning of the adjacent parcel, it is zoned R-8, Rural Residential, which would require a minimum lot size of three acres. Mr. Holt further stated that because the adjacent property is large, there is no direct connection with the Warhill Sports Complex.

Ms. Dianna Anderson, 327 Merrimac Trail, County Resident, addressed the Commission in favor of affordable housing and suggested that the Commission consider asking the developer to provide senior housing units.

As no one further wished to speak, Mr. Krapf closed the Public Hearing.

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

Mr. Wright stated that his greatest concern is the fiscal deficit. Mr. Wright inquired if the Board of Supervisors has indicated how the County should mitigate fiscal impacts.

Mr. Holt stated that the James City Service Authority already has connection fees. Mr. Holt further stated that under the enabling state legislation, there is no provision to



collect cash proffers and that the County is no longer able to accept proffers for residential development.

Mr. Krapf stated that he has concerns about the fiscal deficit; however, the project has several positive factors including providing workforce housing consistent with the goals of the Comprehensive Plan, providing additional recreation equipment and the potential to create a regional stormwater facility. Mr. Krapf stated that he is inclined to support the application.

Mr. Haldeman noted that the Comprehensive Plan and Housing Opportunities Policy encourages workforce housing to be spread throughout the County; however, in this instance it is creating a concentrated area of workforce housing.

Mr. O'Connor stated that in many of the developments that incorporate affordable housing, there is a distinct divide between the affordable housing and the market rate homes. Mr. O'Connor stated that when you have like neighborhoods together, it creates a better sense of community.

Mr. Holt noted that the Housing Opportunities Policy was designed to create a range of housing options for those whose income qualifies them for affordable housing. Mr. Holt stated that this application is somewhat unique as it is infill development and is located in an area where the existing housing price points are similar as opposed to a new community where the majority of homes might not be in the affordable housing price point. Mr. Holt stated that the Housing Opportunities Policy was designed to apply to the entire County but it does not take into account unique situations such as infill development or providing affordable housing to obtain a density bonus.

Mr. Wright stated that he appreciated the benefits of the project; however, he is concerned about the fiscal deficit. Mr. Wright stated that it is necessary for the County to develop methods to mitigate the financial impacts. Mr. Wright stated that he cannot support the project.

Mr. Schmidt stated that the fiscal shortfall is a great concern. Mr. Schmidt further stated that he sees benefits from the project.

Ms. Bledsoe stated that her main hesitation about the project is that the proposed price point is still higher than what most of the workforce could afford. Ms. Bledsoe stated that she would like to see the applicant work with agencies that provide assistance with loans and grants. Ms. Bledsoe further stated that she has concerns over the stormwater facility maintenance which may be an additional cost to the County.

Mr. O'Connor stated that the developer has made a good effort to work with the framework of the County's ordinances and policies. Mr. O'Connor further stated that the Stormwater Division is already addressing this area due to flooding and that the regional stormwater facility will provide a way to treat the water. Mr. O'Connor stated that he would support the application.

Mr. O'Connor made a motion to recommend approval of the application.

On a roll call vote, the James City County Planning Commission voted on a motion to recommend approval of the above-referenced application, resulting in a tie vote (3-3).

Ms. Bledsoe commented that before the application is reviewed by the Board of Supervisors, it would be helpful to have more information about the stormwater facility.

Mr. Holt stated that a stormwater facility would be required for the development under any circumstances and that discussions are ongoing regarding the creation of a regional facility.

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

#### **H. PLANNING DIRECTOR'S REPORT**

##### **1. Planning Director's Report - May 2017**

Mr. Holt stated that the Virginia Department of Transportation (VDOT) will hold a Design Public Hearing for the proposed improvements for the I-64 Widening, Segment 3. Mr. Holt noted that this is the portion between the two Route 199 exits. Mr. Holt stated that the work would include repair of four existing bridges, three major culverts and replacement of the two bridges over Queens Creek. Mr. Holt further stated that the widening will occur within the median, which should limit the amount of right-of-way and impacts to existing interchanges. Mr. Holt stated that the hearing will be held on May 18 at 4 p.m. at Bruton High School. Mr. Holt stated that comments will be accepted by VDOT until May 28.

#### **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf noted that Mr. O'Connor has the Board of Supervisors coverage for May.

Ms. Bledsoe noted that on May 11 she, Mr. Haldeman and Mr. Holt will make a presentation to the Leadership Historic Triangle class of 2017.

Ms. Bledsoe inquired if data could be provided on the number of affordable housing units available. Ms. Bledsoe stated that the County should compare this data to know data about housing burdened residents to ensure that the County addresses having sufficient stock of affordable housing.

Mr. Holt noted that this effort, in support of the Strategic Plan, would be upcoming with the creation of a Housing Task Force as part of the FY18 Work Plan.

#### **J. ADJOURNMENT**

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 8:06 p.m.

  
Rich Krapf, Chair

  
Paul D. Holt, III, Secretary