

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
October 4, 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
Jack Haldeman
Danny Schmidt
John Wright
Heath Richardson

Absent:

None

Staff Present:

Paul Holt, Director of Community Development and Planning
Scott Whyte, Senior Landscape Planner II
José Ribeiro, Senior Planner
Max Hlavin, Assistant County Attorney

Mr. Krapf requested a moment of silence for the victims of the Las Vegas shooting.

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

Mr. Thomas Giblin, 119 Stoke Poges, inquired if the rezoning of the two properties on Westport would be considered at this meeting.

Mr. Paul Holt, Director of Community Development and Planning, stated that the hearing had been cancelled. Mr. Holt further stated that the hearing would be re-advertised and was tentatively scheduled for the November 1 Planning Commission meeting.

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

D. REPORTS OF THE COMMISSION

Mr. Danny Schmidt stated that the Development Review Committee (DRC) did not meet in September.

Ms. Robin Bledsoe stated that the Policy Committee met on September 14, 2017. Ms. Bledsoe stated that the Committee continues to work with staff to permit short term residential rentals and on potential Zoning Ordinance amendments for the R-8, Rural Residential district and Rural Residential Cluster overlay district. Ms. Bledsoe further stated that the Committee recommended for adoption a revised Remote Participation Policy to bring the Planning Commission's policy into conformance with revisions to State Code regarding the number of meetings in which a member of a public body could participate remotely. Ms. Bledsoe stated that the Committee also began discussions on potential amendments to address formerly proffered policies and impact mitigation items including the Streetscape Policy, Bicycle and Pedestrian Accommodations and Transportation Impact Analysis, the Archaeological Policy, and Natural Resource Policy.

E. CONSENT AGENDA

1. Minutes Adoption - September 6, 2017 Regular Meeting

Mr. John Wright made a motion to approve the Consent Agenda with the Minutes of the September 6, 2017, Regular Meeting as amended.

On a voice vote the Commission unanimously approved the Consent Agenda.

F. PUBLIC HEARINGS

1. Special Use Permit-0010-2017. Kensington School

A motion to Approve w/ Conditions was made by Heath Richardson, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Mr. Scott Whyte, Senior Landscape Planner II, stated that Ms. Rachel Salmon submitted an application on behalf of the Kensington School for a Special Use Permit (SUP) to operate a pre-school and child development center in an existing building located at 8231 Richmond Road.

Mr. Whyte stated that the property is zoned A-1, General Agricultural and that day-care and child-care centers are a specially permitted use in the A-1 Zoning District. Mr. Whyte stated that the Kensington School proposes to serve up to 48 children with seven employees at this location.

Mr. Whyte stated that the hours of operation are proposed to be 7 a.m.-6 p.m., Monday-Friday. Mr. Whyte noted that the drop-off hours would be 7-9 a.m. and pick-up hours are 4-6 p.m.

Mr. Whyte stated that the total square footage of the existing building is approximately 7,500 square feet, but only the existing 2,800-square-foot counter sales and office area is proposed to be used by the daycare, with the remaining 4,700-square-foot warehouse area being used for storage. Mr. Whyte further stated that the loading area behind the building is proposed to be utilized as an outdoor playground.

Mr. Whyte stated that currently, 19 parking spaces exist on-site with a looping drive aisle, which is proposed to be utilized as a drop-off and pick-up area. Mr. Whyte further stated that the existing parking meets ordinance requirements for the proposed number of children and staff.

Mr. Whyte stated that the surrounding properties are zoned A-1, General Agricultural. Mr. Whyte noted that properties to the north and south contain single-family residential dwellings and small businesses and properties to the east across Richmond Road are being used for agricultural uses. Mr. Whyte stated that the site is designated General Industry on the 2035 Comprehensive Plan Land Use Map. Mr. Whyte further stated that staff finds that the proposed commercial use of a day-care compatible with the rural character of the Toano area and would support the creation and retention of local small businesses and workforce housing in keeping with the intent of the Economic Development Section of the Comprehensive Plan.

Mr. Whyte stated that staff recommends the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the respective attached conditions.

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

Mr. Heath Richardson inquired how many children were at the day-care currently.

Mr. Whyte stated that the current location serves 250 families; however, there would be a maximum of 48 children at the new location.

Mr. Krapf inquired if the existing concrete would need to be removed from the area proposed as a play area.

Mr. Whyte stated that based on specifications provided by Parks and Recreation, the concrete would either need to be removed or covered with a thick layer of mulch. Mr. Whyte noted that the applicant intends to cover the area with mulch and the specifications would be addressed during the site plan phase.

Mr. Tim O'Connor inquired if the construction debris and silt fence on site would be cleaned up as a condition of the SUP.

Mr. Whyte stated that Stormwater and Resource Protection have inspected the site and are working with the property owner under the existing maintenance agreement for the Best Management Practice to ensure that it is brought up to standard. Mr. Whyte further stated that for this SUP, if any new impervious cover is installed, the same requirements will be applied.

Mr. Holt stated that staff would follow up with Stormwater and Resource Protection to determine if the silt fence is in connection with the maintenance or other remedial work. Mr. Holt further stated that the Zoning Officers would make an inspection of the construction debris and work with the property owner to address those concerns through administrative routes.

Mr. O'Connor noted that he believed it is important to take the opportunity to address these concerns since similar situations have been remedied through SUP conditions.

Mr. Holt stated that staff would ensure the concerns were addressed either through administrative avenues or legal avenues.

Mr. O'Connor inquired how the number of students would be enforced.

Mr. Holt stated that one of the SUP conditions requires an annual report be submitted to the Zoning Administrator which includes enrollment data. Mr. Holt further stated that interior changes would require a building permit which includes a review by Zoning. Mr. Holt noted that the SUP does not address how the interior of the building is partitioned.

Mr. Whyte noted that additional students would trigger the need for more parking as the existing space is sufficient only for the proposed number of students.

Mr. Krapf called for disclosures from the Commission.

Ms. Bledsoe stated that her granddaughter attends the existing Kensington School. Ms. Bledsoe further stated that she also knows the owners of the school.

Mr. Krapf opened the Public Hearing.

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

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

Mr. Schmidt stated that he believes that the school is a good use for the property and that he anticipates supporting the application.

Ms. Bledsoe noted that the daycare would fill a need for the business owners in that area.

Mr. Richardson made a motion to recommend approval of SUP-0010-2017.

On a roll call vote the Commission voted to recommend approval of SUP-0010-2017, Kensington School. (7-0)

2. Special Use Permit-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment

Mr. Krapf stated that although the staff report and discussion covered the four SUP applications as a group, it would be necessary to have a motion and vote for the individual cases.

Mr. José Ribeiro, Senior Planner II, stated that Ms. Jennifer Harris of Armada Hoffer has applied on behalf of Lightfoot Marketplace Shopping Center to amend the existing Master Plan for the Lightfoot Marketplace Special Use Permit (SUP-0014-2013), and for three additional SUPs to allow for a convenience store with five gas pumps, an automotive service center with two bays and a drive-thru fast food restaurant.

Mr. Ribeiro stated that the property is zoned M-1, Limited Business/Industrial and is designated on the Comprehensive Plan Land Use Map as the Lightfoot Mixed-Use area. Mr. Ribeiro further stated that fast food restaurants require an SUP in the M-1 district. Mr. Ribeiro further stated that automotive service stations and gasoline stations are a permitted use in the M-1 district; however, both require a commercial SUP per Section 24-11 of the Zoning Ordinance.

Mr. Ribeiro stated that this request will amend, supersede and replace previously approved SUP-0014-2013 for the overall Lightfoot Marketplace development. Mr. Ribeiro noted that the SUP conditions for SUP-0005-2017 are the same as the conditions adopted as part of SUP-0014-2013, with minor changes proposed in order to update them. Mr. Ribeiro stated that these conditions will apply to the development as a whole, while the conditions for the three new cases will be use specific.

Mr. Ribeiro stated that since the original SUP was approved in 2013, four of the six originally-planned buildings having been constructed.

Mr. Ribeiro stated that Building 4, fast food restaurant, and Building 6a, automobile service station, will front along Richmond Road, which is designated by the 2035 Comprehensive Plan as a Community Character Corridor (CCC). Mr. Ribeiro further stated that the convenience store will be designated as building 6b.

Mr. Ribeiro stated that the applicant has submitted architectural elevations for three new structures. Mr. Ribeiro stated that staff has reviewed these elevations and compared them with the approved Lightfoot Marketplace Architectural Guidelines (the "Guidelines"). Mr. Ribeiro stated that the Guidelines provide specific recommendations for the treatment of such elements as building height, roof elements, walls, fenestration, glazing and screening among others. Mr. Ribeiro further stated that the Guidelines provide that the Conceptual Design images submitted as part of SUP-0014-2013, titled "Lightfoot Marketplace-Architectural Renderings" shall be used as a reference for developing Lightfoot Marketplace. Mr. Ribeiro noted that the sides of Buildings 4 and 6a facing Richmond Road should be considered the front façade and treated accordingly. Mr. Ribeiro stated that the elevations provided for the fast food restaurant and the automotive service center are not yet fully consistent with the Guidelines. Mr. Ribeiro stated that the fast food restaurant is consistent with many of the Guidelines; however, it does not fully meet the front façade requirements due to the location of the menu board and lack of pedestrian access. Mr. Ribeiro stated that the elevations for the automotive service station also fall short of being consistent with the Guidelines. Mr. Ribeiro stated that staff believes the two buildings should be developed to give the appearance that they are all fronting Richmond Road, which is designated as a CCC. Mr. Ribeiro stated that staff believes establishing a functional and well-designed façade is of utmost importance to create an inviting experience for pedestrians, it maintains consistency with the overall design for Lightfoot Marketplace and reinforces the idea that Lightfoot Marketplace is a special place, and it is in keeping with the requirements set forth in the initial SUP Conditions and Master Plan. Mr. Ribeiro noted that the intent has always been for the backs of the buildings to face Centerville Road with additional screening and enhanced landscaping, while the fronts of the buildings are intended to face Richmond Road to enhance and preserve the CCC.

Mr. Ribeiro stated that the Guidelines do not specifically address the aesthetic treatment of a gasoline station's canopy and this proposed structure does not have the same front façade requirement as Buildings 4 and 6a. Mr. Ribeiro noted that Staff has included an SUP Condition to establish the design standards for the canopy. Mr. Ribeiro further noted that the applicant has already revised the color of the canopy at the request of the DRC to an earth tone, which is more consistent with the existing Harris Teeter building.

Mr. Ribeiro stated that no substantial changes are being proposed and that the Stormwater Management Plan has been approved for the whole development, and the proposed buildings will need to demonstrate adherence to the stormwater management approach at the site plan level. Mr. Ribeiro further stated that, according to the updated traffic study, the proposed uses will generate traffic volumes during the AM peak traffic at a slightly higher level than the approved uses, but at lower levels during the PM peak traffic. Mr. Ribeiro noted that no additional improvements to roads and intersections are warranted based on the proposed uses. Mr. Ribeiro stated that the Virginia Department of Transportation (VDOT) has completed its review of the traffic study memorandum and concurs with its conclusion.

Mr. Ribeiro stated that staff finds the proposal to be compatible with surrounding development and consistent with the Zoning Ordinance and the recommendations of the current adopted Comprehensive Plan. Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

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

Mr. Richardson inquired if staff had an opportunity to consider the edits to the SUP conditions requested by the applicant.

Mr. Ribeiro stated that staff is aware of the edits and knew that there would be certain items that the applicant would not fully agree on. Mr. Ribeiro further stated that the options are provided to the Commission for consideration and recommendation.

Mr. Richardson inquired if staff's recommendation for approval is based on the SUP conditions provided with the agenda packet.

Mr. Ribeiro confirmed.

Mr. O'Connor inquired whether the comment on the amended Master Plan regarding enhanced screening for the order board and drive-thru pick-up was from the applicant or from staff.

Mr. Ribeiro stated that the note was provided by the applicant. Mr. Ribeiro stated that staff has discussed the concerns regarding location of the order board with the applicant and the applicant has offered to screen the order board and the drive-thru pick-up area.

Mr. O'Connor inquired about the location of Buildings 4 and 6 on the original Master Plan.

Mr. Ribeiro stated that originally the two buildings were set to front on Richmond Road with parking spaces intervening between the building and the road. Mr. Ribeiro further stated that the original Master Plan provided for front access and pedestrian access on the Richmond Road side.

Mr. O'Connor inquired if the goal was to place the building closer to the road and have the parking more internal to the development as it is done in other developments on a CCC.

Mr. Ribeiro stated that staff would prefer to uphold the original vision for the development.

Mr. Holt clarified that this would mean minimizing the parking and having the buildings front on Richmond Road.

Ms. Bledsoe inquired about the difference between the approved elevations for the Panera in New Town and the proposed elevations for the Panera in Lightfoot Marketplace.

Mr. Ribeiro stated that staff's perspective for this proposal is that the order board and drive-thru pick-up are not elements typically found at the front of a building. Mr. Ribeiro noted that these elements are usually found on the side or back of the structure. Mr. Ribeiro further stated that since this is a heavily traveled road and a CCC, staff wants to ensure that the side of the building facing the road functions as the front of the building.

Mr. Holt noted that for the Panera in New Town, the entrance and outdoor seating abut on Monticello Avenue. Mr. Holt further noted that the materials used on the Monticello Avenue side also mitigate the appearance.

Mr. O'Connor noted similarity of design for the Starbucks on Monticello Avenue to the proposal for the Panera at Lightfoot Marketplace.

Ms. Bledsoe noted that the wall hides the traffic queuing for the drive-thru at the Starbucks.

Mr. Holt noted that there is also a substantial berm mitigating the visual impact.

Mr. O'Connor requested clarification on the difference between a front entrance and a front façade.

Mr. Ribeiro stated that the intent is to make the side of the building facing Richmond Road look like and function as the front façade of the building.

Mr. Holt noted that, similar to New Town, it would not have to be the main entrance to the building. Mr. Holt stated that a functional entrance door with enhanced architectural elements could be located on the side of the building facing the road and appear to be the front of the building, but the main entrance could be located on a different face of the building.

Mr. Krapf noted that as a CCC there is a higher design standard to ensure the visual integrity of the development. Mr. Holt confirmed that this is the staff recommendation.

Mr. O'Connor noted that there is a Williamsburg Area Transit Authority (WATA) bus stop adjacent to the existing McDonald's and inquired if there would be a bus stop within Lightfoot Marketplace.

Mr. Ribeiro stated that he does not have that information.

Mr. Krapf called for disclosures from the Commission.

Mr. Richardson stated that he toured the site with Chris Odle, a member of the applicant's team.

Ms. Bledsoe stated that she spoke with Tim Trant to discuss a question about the application.

Mr. Schmidt stated that he was contacted by Jennifer Harris who is a member of the applicant team.

Mr. Krapf opened the Public Hearing.

Mr. Tim Trant, Kaufman and Canoles PC, 4801 Courthouse Street, stated that he is representing the applicant along with Jennifer Harris of Armada Hoffer and Jason Grimes of AES Consulting Engineers.

Mr. Trant provided an overview of the proposed changes and reasons behind the change in the tenant mix. Mr. Trant stated the owners wanted to bring forward a comprehensive amendment rather than bringing forward individual changes one at a time.

Mr. Trant further noted that for this development as well as others the focus has turned to being able to have the right tenant mix to create resilience to the trends of online shopping. Mr. Trant provided an overview of the proposed tenant mix and the advantages of those tenants, which include Panera to fulfill the restaurant concept, Heartland Dental, the Harris Teeter Fueling Station and a Valvoline Quick Serve Automotive Service Station.

Mr. Trant noted that the WATA bus stop is already in place and is being utilized.

Mr. Trant stated that the applicant has worked to address staff concerns; however, further changes are hampered by site constraints as well as limitations imposed by the national brand requirements. Mr. Trant stated that the proposed enhanced screening and buffering is the most prudent way to mitigate the constraints and maintain the spirit and intent of the original development and the community character.

Mr. Trant provided an overview of the proposed changes to the Master Plan and noted that

much of it was to clarify how the conditions applied to the development and to confirm that the Architectural Guidelines would apply to all the buildings, but the elevations submitted are specific to the individual buildings. Mr. Trant stated that having a level of certainty about the design is critical to the applicant being able to move forward with the tenants.

Mr. Trant noted that there had been discussion with staff regarding the number of outdoor vending kiosks at the fueling station. Mr. Trant stated that the applicant respects staff concerns over maintaining a high-quality aesthetic and noted that the request is for vending cabinets as indicated in the elevations.

Mr. Trant stated that the change in the conditions for the drive-thru restaurant would tie the elevations to the building now, rather than at a later phase. Mr. Trant also noted the offer for enhanced screening and buffering to mitigate the visual impacts along Richmond Road.

Mr. Trant stated that the changes in the proposed conditions for the automotive service center would bind the elevations to the project. Mr. Trant noted that there is no other feasible location for the dumpster and stated it was necessary to confirm the location of the dumpster as indicated.

Mr. Krapf inquired about the strike-through change on SUP-0006-2017 regarding the number of vending cabinets at the fueling station. Mr. Krapf noted that the DRC had recommended only one vending cabinet.

Mr. Trant responded that he believed the only change requested by the DRC was for a more muted canopy color. Mr. Trant stated that the vending proposed is not traditional vending machines but kiosks which contain a number of products from snacks to other merchandise which is typically found in a fueling station or convenience center.

Mr. Krapf requested clarification on SUP-0005-2017 regarding the changes to the impervious cover. Mr. Krapf inquired why this is a concern and asked for clarification on the difference between the recommended reduction of 20% as compared to the existing conditions and the reduction compared to the previous conditions at the old Outlet Mall.

Mr. Holt stated that the conditions that existed at the Outlet Mall were the existing conditions under the original approved Master Plan. Mr. Trant noted that it would not be possible to achieve the 20% reduction based on current site conditions. Mr. Trant stated the change was to clarify and confirm the intent to reduce the impervious cover from the conditions existing with the previous Outlet Mall.

Mr. Schmidt inquired about the nature of the screening for the dumpster at the automotive service center.

Mr. Trant stated that there are specific requirements in the design guidelines for dumpster screening. Mr. Trant stated that the screening complies with those requirements.

Mr. Schmidt inquired about the orientation of the dumpster.

Mr. Trant stated that there were limited locations on the site where the dumpster could be placed. Mr. Trant further stated that the current plan is to face the dumpster toward the fueling station and face away from Street D and the dentistry office.

Mr. Schmidt inquired how the drive-thru order board would be screened.

Mr. Trant stated that the screening could be accomplished through a mix of landscaping and fencing. Mr. Trant further stated that the applicant is open to suggestions on how that might be

done for the best aesthetic result.

Mr. Richardson inquired if the applicant had gotten a sense of what the DRC wanted in regard to the actual Site Plan.

Mr. Trant stated that the current elevations are more enhanced than what the DRC reviewed and incorporate feedback from the DRC and staff regarding materials and colors. Mr. Trant stated that he did not remember discussion with the DRC on the orientation of the buildings relative to the parking. Mr. Trant stated that the discussion with the DRC was generally positive and largely focused on muting the colors at the fueling station, enhancing a façade with more glass and providing enhanced buffering and screening.

Mr. Richardson inquired if the DRC discussed and provided feedback on the Master Plan amendments.

Mr. Trant stated that they did not have proposed conditions at the time the DRC reviewed the applications. Mr. Trant further stated that the DRC review focused on the conceptual elevations for the purpose of eliciting feedback so that issues with the proposed elevations could be addressed before presenting them to the Planning Commission. Mr. Trant stated that he believed the DRC concerns were fully understood and incorporated in the current elevations.

Mr. Wright inquired if the applicant has come to an agreement with staff on the location of the dumpster.

Mr. Trant stated that staff does not currently approve of the dumpster location; however, the applicant has not been able to determine a different location due to site constraints.

Mr. Wright inquired if staff has recommended a location.

Mr. Holt stated that it is up to the applicant to propose a location; however, it is important that it be moved away from the internal pedestrian network.

Mr. O'Connor stated that he has concerns about the current locations of the dumpsters. Mr. O'Connor noted that he prefers developments where the dumpsters have a central single location. Mr. O'Connor commented that there would be significant pedestrian traffic that would be impacted by the current proposed location.

Mr. O'Connor inquired about the change in elevation from Richmond Road.

Mr. Jason Grimes, AES Consulting Engineers, stated that there is approximately ten feet of fall between Richmond Road and the parking area at the rear. Mr. Grimes noted that it is a fairly consistent grade. Mr. Grimes further noted that there is about two feet of fall between Richmond Road and the Panera building.

Mr. O'Connor inquired how the screening would appear from Richmond Road.

Mr. Grimes stated that there would be more screening because the order board is lower than the road and, therefore, the screening would need to be taller to provide full coverage. Mr. Grimes stated that the proposed screening would include a 36-inch tall PVC white picket fence and a hedge facing Richmond Road. Mr. Grimes stated that once the hedge fills out it will hide the fence entirely and the fence will become a barrier on the inside. Mr. Grimes noted that the proposed screening would wrap around so that traffic entering would also not see the order board and pick-up window.

Mr. O'Connor inquired about the extent of the existing 50-foot CCC buffer.

Mr. Trant stated that the buffer runs from the sidewalk to just in front of where the light poles have been installed. Mr. Trant showed the Commission an elevation depicting the Panera building in relation to the CCC buffer and illustrated the location and extent of the proposed screening.

Mr. Richardson inquired if AES was reluctant to alter the location of some of the structures.

Mr. Grimes responded that various options had been considered. Mr. Grimes stated that Panera is not traditionally associated with fast food; however, the model for this location addresses the growing preference of consumers to be able to order from a mobile app and be able to pick up the order without parking and entering the store. Mr. Grimes stated the proposed orientation of the building is necessitated by the drive-thru element.

Mr. Richardson inquired if there is any room for compromise at this time.

Mr. Trant stated that the applicant is committed to the proposed design and layout. Mr. Trant stated that the applicant has considered many options; however, the proposed elevation is the best fit that balances Planning staff preferences, the needs of the tenant and site constraints. Mr. Trant stated that the applicant's flexibility is in the enhanced screening and landscaping. Mr. Trant further stated that the applicant could also consider changes to dumpster location and orientation prior to the matter being reviewed by the Board of Supervisors.

Ms. Bledsoe stated that she understood the need to tie the elevations to the architectural review and noted that there should be a way to come to a consensus. Ms. Bledsoe inquired about the reasoning of the requirement for just one vending kiosk.

Mr. Holt stated that the requirement is consistent with other approved SUPs for fueling stations and that staff is concerned with setting a new precedent.

Ms. Bledsoe stated that she understands the concerns over the appearance of the façades facing Richmond Road since it is a CCC; however, what is proposed is better than what exists in other developments and is also better than some of the existing buildings along Richmond Road. Ms. Bledsoe stated that she did not want to see the County lose out on a vital build-out of the development over something as simple as dumpster placement. Ms. Bledsoe stated that her main question on the potential for compromise on building orientation had already been answered and she was disappointed that there was no further room for discussion.

Ms. Bledsoe asked Mr. O'Connor to go over his proposal for where the dumpsters could be located.

Mr. O'Connor stated that he did not have a specific location in mind; however, he believed that from a traffic flow and a pedestrian access viewpoint, there could be a better location.

Ms. Bledsoe inquired about the screening for the drive-thru.

Mr. Trant stated that the proposed option would be a PVC white picket fence with a hedge on the side facing Richmond Road which would, when mature, completely obscure the fence. Mr. Trant noted that the final design would need to be approved by the Planning Director. Mr. Trant further stated that the design team would be more than willing to work with staff on reorienting the dumpster prior to taking the matter to the Board of Supervisors.

Ms. Bledsoe requested confirmation that the main reason for the amended Master Plan was the loss of Walgreens as a tenant.

Mr. Trant confirmed.

Mr. Richardson inquired if the applicant's intent was to ensure the success of the anchor tenant, Harris Teeter, by bringing in a mix of tenants that would be complimentary to the grocery store as well as to each other and to encourage filling some of the smaller retail space that is currently vacant.

Mr. Trant confirmed. Mr. Trant noted that Panera and Valvoline are strong brands with a loyal customer base that would complement the existing businesses and encourage smaller businesses to locate in the shopping center.

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

Mr. Krapf requested clarification on which of the SUPs staff is supportive of. Mr. Krapf noted that the two main issues appear to be the location of the dumpsters and the orientation of the buildings to Richmond Road.

Mr. Ribeiro stated that for SUP-0005-2017, which is the amendment to the overall Master Plan, staff is comfortable with the change regarding the impervious cover. Mr. Ribeiro stated that staff does not concur with the changes regarding architectural review because the proposed orientation of the buildings does not place the front of the building on Richmond Road and the elevations proposed for Panera and Valvoline do not fully meet the architectural guidelines.

Mr. Ribeiro stated that for SUP-0006-2017 for the fueling station, staff does not concur with the additional vending kiosks because of the potential for setting a precedent for future SUPs.

Mr. Ribeiro stated that for SUP-0007-2017, staff does not agree with the changes proposed by the applicant regarding the architectural elevations. Mr. Ribeiro further stated that staff does not concur with the proposed placement of the dumpsters. Mr. Ribeiro stated that staff also does not concur with the applicant's proposed changes for SUP-0008-2017, which also relate to the architectural elevations.

Mr. O'Connor inquired about the number of vending kiosks at the Harris Teeter located in the Quarterpath Shopping Center.

It was noted that there are four or five vending kiosks at that location; however, the development is located in the City of Williamsburg.

Ms. Bledsoe asked for clarification how lack of consistency of the proposed elevations was determined.

Mr. Ribeiro stated that the elevations were not consistent with the architectural guidelines approved for the original SUP in 2013.

Ms. Bledsoe inquired how the 2013 standards would apply to new buildings proposed in 2017 since they are different buildings.

Mr. Ribeiro stated that the drawings incorporated in the approved architectural guidelines are meant as a reference. Mr. Ribeiro stated that the buildings are not required to be built exactly like the referenced elevations, but they must be consistent in materials and color scheme to ensure cohesiveness with the overall development and community character. Mr. Ribeiro stated that, in particular, staff does not find the proposed elevations for the automotive service center to yet be fully consistent with the guidelines.

Ms. Bledsoe inquired if the lack of consistency is because the proposal is not complementary to the other buildings.

Mr. Ribeiro stated that staff finds the proposed elevations to be quite different from the other buildings, particularly the roofline.

Mr. Richardson inquired about the requirement for glazing.

Mr. Ribeiro stated that for Buildings 4 and 6 specifically the guidelines call for 60% glazing on the side of the building facing Richmond Road.

Mr. Richardson inquired if the Commission would be making a recommendation based on staff's original suggested conditions.

Mr. Holt stated that the Commission could recommend approval of some or all of the applicant's requested changes to staff's proposed conditions. Mr. Holt stated that for each SUP vote the Commission would need to be very clear on what language is being approved.

Mr. Krapf clarified that the materials presented in the agenda packet are what staff concurs with and is recommending.

Mr. Holt confirmed and noted that staff would also concur with the small change proposed by the applicant for SUP-0005-2017 regarding the impervious cover.

Mr. Richardson inquired if the Commission had the option to defer some of the applications or remand them back to the DRC for further work.

Mr. Krapf stated that he does not remember remanding cases back to the DRC since that committee has already vetted the application; however, a deferral to the November meeting could be helpful in addressing the various concerns. Mr. Krapf stated that he does not like sending SUPs forward with loose ends for the Board of Supervisors to finalize.

Mr. Holt reiterated that staff would want the Commission to be very clear in any vote what language is being approved. Mr. Holt stated that should the Commission choose to defer any or all applications, the staff report and supplemental materials could clarify what the applicant's proposed changes are compared with staff recommendations.

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

Mr. O'Connor inquired where staff would like the dumpster for the automotive service center to be located.

Mr. Ribeiro stated that staff has only reacted to the proposed location and has not investigated alternate locations.

Mr. O'Conner requested confirmation that staff objects to the proposed location because it is located adjacent to Street D and is along the pedestrian network.

Mr. Ribeiro stated that is also located in one of the focal points of the development.

Ms. Bledsoe inquired if the concern is that the location will impact traffic flow or that it will be visible to pedestrians.

Mr. Ribeiro stated that it is an aesthetic issue, not a safety issue.

Mr. Holt stated that depending on the impact to the Site Plan, it might not be possible to put in the pedestrian network in that location.

Mr. O'Connor stated that the more you try to hide a dumpster, the more you make it inaccessible for the disposal truck.

Ms. Jennifer Harris, Armada Hoffer, stated that they would be willing to look for other viable locations for the Panera dumpster. Ms. Harris noted that the automotive service center site is very tight and that every reasonable option has been considered. Ms. Harris further noted that each option considered has its own drawbacks. Ms. Harris stated that the only better option would be off site, which also has the drawback of potential spillage and leakage of the garbage as employees transport it across the development. Ms. Harris stated that they are committed to installing the pedestrian network at all costs. Ms. Harris stated that they are open to providing whatever screening is necessary and will consider any and all recommendations for placement of the dumpster; however, they believe that the proposed location represents the best option.

Mr. O'Connor noted that he believed pedestrian access was more important for Panera as opposed to the automotive service center, which is a drive-thru service and would not be as dependent on pedestrian access.

Mr. Richardson stated that Lightfoot Marketplace has a good aesthetic which should be maintained. Mr. Richardson further stated that he sees benefit in potentially deferring the applications so that more of the concerns with details can be fully addressed. Mr. Richardson stated that he would be inclined that all four applications be deferred. Mr. Richardson further stated that the applicant would need to be willing to make some concessions. Mr. Richardson stated that he believes the glazing on the side of the building fronting on Richmond Road is extremely important, as is trade space. Mr. Richardson stated that he supports bringing new businesses to the development to ensure its success. Mr. Richardson stated that he believes the plan can be adjusted to accommodate the uses and maintain the integrity of the development.

Ms. Bledsoe stated that brick and mortar retail must be able to compete against online sales. Ms. Bledsoe stated that she supports having the mix of complementary businesses to create a one-stop shop. Ms. Bledsoe stated that her concerns are with maintaining the consistent aesthetic appearance. Ms. Bledsoe further stated that she has concerns that the current proposal has a number of components that still do not fit completely and that the applicant has indicated that there is no further option for change. Ms. Bledsoe stated that she would support a deferral to see if the issues can be resolved.

Ms. Bledsoe made a motion to defer each of the four applications to the November Planning Commission meeting. The Commission discussed that any recommendation for deferral should include specific guidance for staff on what needs to be addressed.

Mr. Jack Haldeman stated that he is comfortable with the orientation of the buildings, barring any concerns about setting precedent. Mr. Haldeman further stated that he recognizes that dumpsters are unsightly; however, he does not believe that an off-site location is the solution. Mr. Haldeman stated that he would support deferring the applications.

Mr. Krapf stated that he does not disagree with the location of the main entrance for the Panera; however, he believes that the location along a CCC requires a higher level of aesthetics. Mr. Krapf stated that he has concerns about setting precedent if standards are sacrificed to attract tenants. Mr. Krapf stated that he is supportive of a deferral in hopes that additional concessions can be considered.

Mr. Richardson stated that if the applications are deferred, perhaps the applicant could submit an option where the drive-thru is located on the interior and not along Richmond Road.

Mr. O'Connor stated that the drive-thru is visible on the existing McDonald's which also fronts on Richmond Road as well as the queues for the other fast food restaurants on Richmond Road. Mr. O'Connor noted that CCC standards call for the buildings to be adjacent to the road with parking being internal and residential components, if any, located at the back. Mr. O'Connor further stated that the applications should be considered in light of the improvement over what was originally on the site, in this case the Williamsburg Outlet Mall. Mr. O'Connor stated that the Lightfoot Marketplace represents something substantially better. Mr. O'Connor stated that the DRC was not opposed to the elevations that were presented other than to ask for making it a special place that would be a destination shopping center and not be an ordinary strip mall. Mr. O'Connor stated that to the applicant's credit, they have succeeded in coming close to meeting that request. Mr. O'Connor stated that the issue should not be the number of vending kiosks or the nature of the type of screening. Mr. O'Connor stated that the obligation to the community is to draw customers to the development to make it a vibrant place. Mr. O'Connor stated that he could support the applications with the applicant's amended conditions.

Ms. Bledsoe stated that she agrees with Mr. O'Connor's position.

Mr. Richardson stated that he believes the focus on details is necessary, especially the issue regarding the front façade. Mr. Richardson further stated that he believes trade space is necessary to make the proposal work.

Mr. O'Connor noted that the reduction in traffic with these applications would be beneficial to the Lightfoot corridor.

Mr. Schmidt stated that he would support a deferral so that the necessary details could be worked out to resolve issues and concerns. Mr. Schmidt stated that his main concern is ensuring that the building façades on Richmond Road are in keeping with standards for the CCC.

Mr. O'Connor referenced the design of the existing CVS in Norge and noted that it is very similar to what is being proposed for the drive-thru restaurant.

Mr. Richardson noted that the CVS is partially screened by a berm and that the Lightfoot Marketplace site is much flatter. Mr. Richardson reiterated that he does not find the proposed elevation to be in keeping with the CCC.

Mr. O'Connor inquired if a berm at Lightfoot Marketplace would be appealing to the Commission.

Mr. Richardson stated that he finds the openness of the development appealing.

Mr. Krapf stated that a deferral would provide time for this issue and others to be addressed and still potentially allow it to move forward to the December Board of Supervisors meeting.

Mr. Krapf noted that he was not cutting off discussion, but requested confirmation that there were motions on the floor to defer each of the applications.

Mr. Holt confirmed that there were motions to postpone each of the applications to a date and time certain.

Mr. Wright stated that he supports efforts to ensure the success of the development and attract new tenants; however, he would not oppose a deferral if it would allow time to resolve concerns.

Mr. Holt stated that for SUP-0005-2017, Lightfoot Marketplace Master Plan and SUP Amendment, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the Commission voted to postpone SUP-0005-2017, Lightfoot Marketplace SUP Amendment, to the November 1, 2017, Planning Commission meeting. The motion passed. (4-3)

Mr. Holt stated that for SUP-0006-2017, Lightfoot Marketplace Gasoline Station, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the motion to postpone SUP-0006-2017, Lightfoot Marketplace Gasoline Station, failed to carry. (3-4)

Mr. Holt stated that for SUP-0007-2017, Lightfoot Marketplace Automotive Service Center, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the Commission voted to postpone SUP-0007-2017, Lightfoot Marketplace Automotive Service Center, to the November 1, 2017, Planning Commission meeting. (4-3)

Mr. Holt stated that for SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, the motion is to postpone to the November 1, 2017, Planning Commission meeting.

On a roll call vote the motion to postpone SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, failed to carry. (3-4)

Mr. O'Connor inquired if the applicant would wish to request a deferral for SUP-0006-2017 and SUP-0008-2017 so that all applications could be considered at the same time.

Mr. Trant stated that the applicant would prefer to move forward with as many cases as possible; however, the preference would be to take all cases to the Board of Supervisors at one time.

Mr. Holt stated that the Commission would need to send forward a recommendation on SUP-0006-2017 and SUP-0008-2017.

Mr. Richardson stated that he does not support moving the two applications forward.

The Commission discussed whether SUP-0006-2017 and SUP-0008-2017 would move forward to the Board of Supervisors separately from the applications that were deferred.

Mr. Holt clarified that the applicant could request that all applications move forward at the same time.

Mr. Haldeman noted that the issue with the gasoline station is the number of vending kiosks. Mr. Haldeman stated that for the drive-thru restaurant his concern is still the location of the dumpster.

Mr. O'Connor made a motion to recommend approval of SUP-0006-2017, Lightfoot Marketplace Gasoline Station, with SUP conditions as amended by the applicant.

On a roll call vote the Commission voted to recommend approval of SUP-0006-2017, Lightfoot Marketplace Gasoline Station, with SUP conditions as amended by the applicant. (6-1)

Ms. Bledsoe made a motion to recommend approval of SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant, with SUP conditions as amended by the applicant.

Mr. Haldeman requested assurance that screening of the order board and pick-up window were included in the applicant's changes. Mr. O'Connor confirmed.

On a roll call vote the Commission voted to recommend approval of SUP-0008-2017, Lightfoot Marketplace Drive-Thru Restaurant with SUP conditions as amended by the applicant. (4-3)

G. PLANNING COMMISSION CONSIDERATIONS

1. Initiation of Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations

Mr. Holt stated that in response to recent guidance from the Federal Emergency Management Agency Region III ("FEMA") and the Department of Conservation and Recreation ("DCR"), staff has identified the need to update the Floodplain Ordinance to address the construction regulations of small accessory structures in the special flood hazard area. Mr. Holt stated that as a result of the recent FEMA determinations, DCR guidance and model regulations have been recently updated to address wet-proofing construction standards for small accessory structures in the floodplain. Mr. Holt stated that this option, if adopted locally, will also provide a lower construction cost option for property owners. Mr. Holt stated that staff recommends adoption of the attached resolution to initiate consideration of such amendments to the Zoning Ordinance. Mr. Holt noted that adopting an initiating resolution does not change County Code, it simply begins the process of considering amendments.

Mr. O'Connor inquired if the changes would include detached garages.

Mr. Holt noted that detached garages would be one specific example of the types of structures affected. Mr. Holt noted that under the current regulations, if a detached garage is located in a Special Flood Hazard Area, the only options are to elevate it, which is not a practical option, or dry flood proof it to prevent water from entering the structure, which is also expensive and impractical. Mr. Holt stated that potential amendments would allow for wet flood proofing such as flood vents

Mr. Wright made a motion to recommend approval of the Initiating Resolution for Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations.

On a roll call vote the Commission voted to approve the Initiating Resolution for Consideration of Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations. (7-0)

2. Adoption of a Revised Policy for Remote Participation in Meetings by Commission Members

Mr. Max Hlavin, Assistant County Attorney, stated that this is a change to the Commission's adopted Policy on Remote Participation in Meetings to bring the policy into conformance with changes made to Virginia Code Section 2.2-3708.1 Mr. Hlavin noted that the changes removed language pertaining to emergencies and limited the number of times a member of a

public body could remotely participate in a meeting because of a personal matter to two meetings each calendar year. Mr. Hlavin noted that previously, remote participation by a member because of an emergency or personal matter was limited each calendar year to two meetings or 25% of the meetings of the public body, whichever was fewer. Mr. Hlavin noted that there are also minor revisions to clarify certain portions of the policy. Mr. Hlavin further noted that on September 14, 2017, the Policy Committee recommended approval of the revised policy. Mr. Hlavin stated that staff recommends Planning Commission approval of the attached Resolution and revised policy.

Mr. Richardson made a motion to approve the revised policy.

On a roll call vote the Commission voted to approve the revisions to the Policy for Remote Participation in Meetings by Commission Members. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2017

Mr. Holt stated that he had nothing in addition to the report provided in the agenda packet.

Mr. O'Connor inquired if members had been selected for the Workforce Housing Task Force.

Mr. Holt stated that the application process is closed. Mr. Holt further stated that approximately 48 applications were submitted. Mr. Holt stated that staff and County Administration are reviewing the applications and working through the process of selecting members as well as developing a short list of consultants.

Mr. O'Connor inquired if the Policy Committee would be involved in any of the process.

Mr. Holt stated that the Planning Commission and the Board of Supervisors would be kept in the loop throughout the process. Mr. Holt noted that there is potential for representation on the Task Force from both bodies as well as other entities.

Mr. Haldeman inquired about the number of members on the task force.

Mr. Holt responded that the goal is to have 16-18 members which would include representation from various committees and commissions, other stakeholder agencies and individual citizens.

Mr. Wright inquired when the Task Force would begin their work.

Mr. Holt stated that the hope was to have a kick-off meeting prior to the holidays with the first work meeting shortly after the first of the year.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf congratulated Ms. Bledsoe on her appointment to the Economic Development Authority (EDA), noting that the appointment reflects her excellent work on the Planning Commission.

Mr. Krapf stated that taking on the new appointment also means that this was her last Planning Commission meeting.

Mr. Krapf read the Resolution of Appreciation for Ms. Bledsoe for Planning Commission for

approval stating that:

WHEREAS, Ms. Robin Bledsoe has served the citizens of James City County as a member of its Planning Commission from February 2012 to October 2017; and

WHEREAS, Ms. Bledsoe has served on both the Policy Committee and the Development Review Committee; and

WHEREAS, Ms. Bledsoe served as the Chairman of the 2013, 2014 and 2017 Policy Committee; and

WHEREAS, during Ms. Bledsoe's service, the Planning Commission reviewed substantive updates to the Zoning Ordinance and Subdivision Ordinance and considered numerous legislative development cases; and

WHEREAS, Ms. Bledsoe actively participated in the update to the Comprehensive Plan: *Toward 2035: Leading the Way*; and

WHEREAS, Ms. Bledsoe served as representative to the 2014 and 2015 Regional Issues Committee; and

WHEREAS, Ms. Bledsoe was a graduate of the Virginia Tech Certified Planning Commissioner Program.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby extend its sincere appreciation to MS. ROBIN BLEDSOE

BE IT FURTHER RESOLVED that the Planning Commission wishes to express its gratitude to Ms. Robin Bledsoe for her time of dedicated service to the citizens of James City County.

Mr. Wright made a motion to adopt the Resolution of Appreciation.

On a roll call vote the Planning Commission voted to adopt the Resolution of Appreciation for Ms. Robin Bledsoe. (7-0)

Mr. Krapf presented Ms. Bledsoe with a framed copy of the signed resolution.

Ms. Bledsoe stated that it has been an honor to serve on the Planning Commission. Ms. Bledsoe expressed appreciation for her fellow Commission members and Planning staff.

Ms. Bledsoe noted that she recently attended the mid-term workshop for the Ft. Eustis-Langley Joint Land Use Study. Ms. Bledsoe further stated that the hope is to have a draft report ready early in 2018. Ms. Bledsoe stated that she believed the results of the study would be very useful for informing future development adjacent to the military installations. Ms. Bledsoe noted that she would gladly continue to attend the Joint Land Use Study meeting and report back to the Planning Commission.

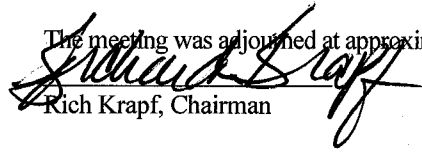
Mr. O'Connor noted that Ms. Bledsoe will be an excellent addition to the EDA because of her understanding of what the Planning Commission needs in terms of economic impact data to effectively review many of the more intensive applications.

Mr. Krapf noted that Mr. Richardson has Board of Supervisors meeting coverage for October.

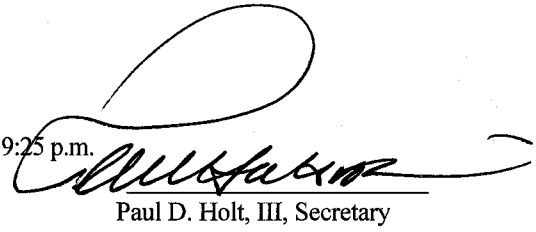
J. ADJOURNMENT

Ms. Bledsoe made a motion to adjourn.

The meeting was adjourned at approximately 9:25 p.m.



Rich Krapf, Chairman



Paul D. Holt, III, Secretary