

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
November 1, 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
Felice Pete
Jack Haldeman
Danny Schmidt
John Wright
Heath Richardson

Absent:

None

Staff Present:

Paul Holt, Director of Community Development and Planning
Roberta Sulouff, Senior Planner
Savannah Pietrowski, Senior Planner
Alex Baruch, Planner
José Ribeiro, Senior Planner
Max Hlavin, Assistant County Attorney

Mr. Krapf welcomed Felice Pete to the Planning Commission

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 October 18 to review C-0072-2017, Oakland Farm. Mr. Schmidt stated that the proposal was for the construction of 126 apartment units on a parcel located at 7581 Richmond Road. Mr. Schmidt stated that the apartments are intended to be affordable units. Mr. Schmidt stated that the property is currently zoned A-1, General Agricultural. Mr. Schmidt stated that and the applicant intends to submit a rezoning application to rezone the property to R-5, Multi-family Residential. Mr. Schmidt stated that the DRC discussed traffic impacts on Richmond Road, pedestrian access to adjacent businesses, exterior lighting, and parking. Mr. Schmidt stated the DRC also

discussed the requirement for installation of a bike path if the development is approved. Mr. Schmidt stated that no action was required by the DRC; however, the feedback was well received by the applicant in preparation for submission of a Rezoning application.

Mr. Jack Haldeman stated that the Policy Committee met on October 12 to discuss the updates to the Zoning Ordinance to address the construction regulations of small accessory structures in the special flood hazard area. Mr. Haldeman stated that staff presented two options for consideration. Mr. Haldeman stated that staff is working with the Department of Conservation and Recreation (DCR) to review all sections of the Floodplain Area Regulations to ensure compliance with the National Flood Insurance Program as the DCR has recently amended certain regulations and added several definitions. Mr. Haldeman stated that the Committee postponed consideration of the amendments to its November 9, 2017 meeting. Mr. Haldeman stated that the sense of Committee was that option two which requires accessory structures in the Special Flood Hazard Area comply with elevations requirements or, if not elevated or dry flood-proofed be in compliance with a list of standards for use, size, construction materials and other construction standards.

E. CONSENT AGENDA

1. Minutes of the October 4, 2017 Regular Meeting

Mr. Tim O'Connor requested that the issue with the minutes cutting off text be resolved before they were finalized.

Mr. Heath Richardson made a motion to approve the Consent Agenda

Mr. Krapf noted that since Ms. Pete did not participate in the October 4, 2017 meeting, she would abstain from voting on those minutes.

On a voice vote the Commission approved the Consent Agenda. (6-0-1, Ms. Pete abstaining)

F. PUBLIC HEARINGS

1. SUP-0005-2017. Lightfoot Marketplace SUP Amendment & SUP-0007-2017. Lightfoot Marketplace Automotive Service Center

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

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

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

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

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

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

Mr. José Ribeiro, Senior Planner, stated that on October 4, 2017, the Planning Commission voted to recommend approval of Case Nos. SUP-0006-2017 and SUP-0008-2017 to the Board of Supervisors, by a vote of 6-1 and 4-3, respectively, with amendments to SUP conditions as proposed by the applicant.

Mr. Ribeiro stated that the Commission voted 4-3 to defer consideration of Case Nos. SUP-0005-2017 and SUP-0007-2017 to the November 1, 2017 Planning Commission meeting, in order to allow the applicant additional time to address issues related to the location of dumpsters on the site and the architectural elevation for the proposed Automotive Service Center.

Mr. Ribeiro stated that since the October Planning Commission Meeting changes have been made by the applicant in response to comments made by the Commission and staff. Mr. Ribeiro stated that for the dumpster serving the fast food restaurant and the dental office, the applicant has revised the location of the enclosed dumpster further away from the proposed restaurant's seating area. Mr. Ribeiro stated that the applicant has also indicated that a second dumpster will be added to the enclosure in order to accommodate the proposed uses.

Mr. Ribeiro stated that staff and the applicant worked together in order to identify an alternative location for the dumpster next to the proposed Automotive Service Center that preserves the location and completeness of the internal pedestrian network. Mr. Ribeiro stated that as a result, the dumpster was relocated to the left of the proposed building and away from internal streets and pedestrian accommodations. Mr. Ribeiro further stated that the applicant has submitted a revised architectural elevation for the proposed Automotive Service Center. Mr. Ribeiro stated that staff finds the changes made to the slope of the roof and the addition of a glass door facing Richmond Road are elements consistent with the approved Architectural Guidelines for Lightfoot Marketplace. Mr. Ribeiro stated that should this SUP be approved, final architectural details would be resolved prior to issuance of a Building Permit per SUP Condition No. 2.

Mr. Ribeiro stated that at the October 4, 2017 Planning Commission meeting, the applicant presented requested changes to SUP condition No. 2 Architectural Review. Mr. Ribeiro stated that the applicant requests to eliminate language requiring that the final building architectural elevations be consistent with the 2013 elevations titled "Lightfoot Marketplace-Architectural Renderings" and requiring that the front façade for this building face Richmond Road. Mr. Ribeiro stated that staff does not support deleting the reference to the 2013 elevations or the frontage requirement from this condition as these are important elements that are part of the original vision for the Lightfoot Marketplace project.

Mr. Ribeiro stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to staff's proposed SUP conditions.

Mr. Heath Richardson inquired about the changes to the SUP conditions.

Mr. Ribeiro stated that the conditions proposed by staff for SUP-0005-2017, Lightfoot Marketplace SUP Amendment are contained in Attachment No. 5. Mr. Ribeiro stated that the Conditions proposed by staff for SUP-0007-2017, Lightfoot Marketplace Automotive Center are contained in Attachment No. 6 and the conditions proposed by the applicant in Attachment No. 7. Mr. Ribeiro noted that the applicant's changes are related to condition No. 2 Architectural Review.

Mr. Jack Haldeman inquired if the concerns over the location of the dumpster have been resolved.

Mr. Ribeiro confirmed.

Mr. Krapf noted that staff and the applicant concur on the proposed conditions for SUP-0005-2017, Lightfoot Marketplace SUP Amendment. Mr. Krapf further noted that for SUP-0007-2017, Lightfoot Marketplace Automotive Center the differences are in Condition No. 2 for the Architectural Review. Mr. Krapf inquired if staff believed the revised language for Condition No. 2 would have long-term impacts on future development or redevelopment on that parcel.

Mr. Paul Holt stated that the remainder of the development is governed by the Master Plan and the language that includes the Design Guidelines. Mr. Holt stated that approval of the revised language might set a small precedent for future redevelopment; however, the applications currently being considered represent the entirety of the parcel.

Mr. Krapf stated that he was concerned that, if an adjacent parcel was absorbed by the development or if an existing structure was renovated, there would be issues with the 2013 Architectural Guidelines versus the language requested by the applicant.

Mr. Holt noted that shortly after the initial SUP for Lightfoot Marketplace was approved there was an application for a rebuild of the adjacent McDonalds. Mr. Holt noted that there was an effort to ensure that the proposal was harmonious with the Lightfoot Marketplace Architectural Guidelines.

Mr. Ribeiro noted that the applicant concurs with the SUP conditions for SUP-0005-2017. Mr. Ribeiro further noted that the applicant's only concern with the SUP conditions for SUP-0007-2017 are related to the Architectural Guidelines.

Mr. O'Connor inquired if the requirement was still in place for construction to commence within 36 months.

Mr. Ribeiro confirmed that the 36 month requirement did not change.

Mr. Krapf noted that the Commission would need to vote on each SUP separately. Mr. Krapf further noted that the Public Hearing was closed at the previous meeting and would not be reopened.

Mr. Krapf offered the applicant the opportunity to address the Commission.

Mr. Tim Trant, Kaufman & Canoles, PC, 4801 Courthouse Street, requested that the Commission approve the elevations presented for the automotive service center and approve the applicant's requested change to the SUP conditions for SUP-0007-2017.

Mr. Rob Murphy, 575 Maryville Center Rd, St., Louis Mo., representing Valvoline, addressed the Commission in support of the application. Mr. Murphy stated that they are eager to be part of the community. Mr. Murphy further stated that the elevations presented represent a good faith effort to adapt the company's prototype to the architectural design guidelines for Lightfoot Marketplace. Mr. Murphy noted that he believed Valvoline would be a complimentary use to the existing and proposed uses and would provide a needed service to the community.

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

Mr. Schmidt stated that he is pleased with the applicant's efforts to adapt the design to be homogenous with the existing architecture.

Mr. Richardson stated that he finds the revised elevations to be acceptable. Mr. Richardson further stated that he would support both applications.

Mr. Krapf stated that he had concerns about whether approving these applications would set a precedent for further deviation from the architectural guidelines. Mr. Krapf noted that when the SUP for Lightfoot Marketplace was approved in 2013, the Commission took great care to ensure that the development was harmonious with the surrounding development and the community character corridor. Mr. Krapf stated that, with an understanding of the structural limitations affecting the design and the efforts made by the applicant, he could support both applications.

Mr. Haldeman made a motion to recommend approval of SUP-0005-2017.

On a roll call vote, the Commission voted to recommend approval of SUP-0005-2017, Lightfoot Marketplace SUP Amendment. (7-0)

Mr. O'Connor made a motion to recommend approval of SUP-0007-2015 the SUP conditions proposed by the applicant.

On a roll call vote, the Commission voted to recommend approval of SUP-0007-2015 Lightfoot Marketplace Automotive Center. (7-0)

2. SUP-0009-2017. 3601 La Grange Parkway Expansion

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

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

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

Ms. Savannah Pietrowski, Senior Planner, stated that Mr. Samuel Edwards has applied for an SUP to allow the manufacture, compounding, processing or packaging of beverages or food and food products on approximately 11 acres in the Stonehouse Commerce Park. Ms. Pietrowski noted that the property is zoned PUD-C and designated Mixed-Use on the Comprehensive Plan Land Use Map. Ms. Pietrowski stated that there is an existing 68,000 square-foot building on the property. Ms. Pietrowski further stated that if the SUP is approved an expansion would be constructed behind the existing building and would include up to eight smokers to be used for the smoking of meat and meat products. Ms. Pietrowski stated that the manufacture, compounding, processing or packaging of beverages or food and food products with all activities conducted in a fully enclosed building, with no dust, noise or odor effects is permitted by-right in the PUD-C district; however, because this proposal would involve the construction of smokers producing smoke, odor and noise, an SUP is required. Ms. Pietrowski stated that because the impacts of odor and smoke are dependent on weather, there is no way to guarantee that odor and smoke will be confined onsite; however, with the proposed conditions, staff finds the impacts outside of the commerce park should be mitigated to the greatest extent possible.

Ms. Pietrowski stated that staff finds the proposal to be compatible with the surrounding uses and development of the Stonehouse Commerce Park. Ms. Pietrowski further stated that staff finds the proposal consistent with the Comprehensive Plan and the Zoning Ordinance. Ms. Pietrowski stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. Haldeman inquired whether the new facility would be owned by La Tienda.

Ms. Pietrowski stated that she was not certain of the ownership arrangements. Ms. Pietrowski stated that she believed the underlying ownership of the parcel would remain the same.

Mr. Haldeman inquired if it would be all the same business.

Ms. Pietrowski stated that it would be two separate businesses.

Mr. Haldeman inquired about feedback from adjacent property owners.

Ms. Pietrowski stated that adjacent property owners were notified; however, no comments or questions were received.

Mr. Krapf called for disclosures from the Commission.

Mr. Richardson stated that he participated in the site visit to a similar facility in Ivor, VA.

Mr. Schmidt stated that he spoke with Mr. Tim Harris, owner of La Tienda.

Mr. Krapf stated that he also visited the facility in Ivor to gauge the impacts of the facility. 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 intends to support the application and welcomes the Edwards Ham Company to the County. Mr. Krapf stated that he believes the proposal will be beneficial to both companies and is a good use of the property.

Mr. Haldeman made a motion to recommend approval of SUP-0009-2017.

On a roll call vote the Commission voted to recommend approval of SUP-0009-2017. 3601 La Grange Parkway Expansion. (7-0)

3. SUP-0011-2017. 3001 Ironbound Road Tourist Home

A motion to Defer was made by Heath Richardson, the motion result was Passed.

AYES: 6 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, O'Connor, Pete, Richardson, Schmidt

Nays: Wright III

Ms. Lauren White, Planner stated that Mr. Telmo Armando Contreras has applied for an SUP to allow the operation of a tourist home at 3001 Ironbound Road. Ms. White stated that the property is zoned R-8, Rural Residential and designated Low-Density Residential on the Comprehensive Plan Land Use Map.

Ms. White stated that the proposal will not involve any changes to the size or footprint of the structure.

Ms. White stated that the existing driveway is of sufficient length to provide adequate parking capacity. Ms. White further stated that the existing mature vegetation and fencing provide adequate screening of the use from adjacent properties. Ms. White stated that under the current ordinances and the draft ordinance amendments, the proposed operation would be classified as a Tourist Home and would require an SUP.

Ms. White stated that staff finds the proposal to be compatible with surrounding development. Ms. White further stated that staff finds the proposal to be consistent with the Comprehensive Plan and the Zoning Ordinance. Ms. White stated that staff recommends the Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. Krapf inquired if this case could be considered under the existing ordinance.

Ms. White stated that under both the existing ordinance and the ordinance amendments being considered by the Policy Committee, the application would be considered a Tourist Home and would require an SUP.

Mr. Krapf requested confirmation that the case before the Commission was to determine if an SUP should be granted for this property under the current regulations.

Ms. White confirmed. Mr. Krapf inquired if staff anticipated anything coming out of the ordinance amendments that would substantially impact this application. Ms. White stated that staff did not find anything in the proposed amendments that would impact the application.

Mr. Schmidt stated that, under the proposed amendments, Homestays in R-8 would be by-right.

Ms. White stated that this application falls under the category of Tourist Home which is distinctly different from a Homestay. Ms. White noted that Homestays are considered to be more residential in nature, while a Tourist Home is more commercial.

Mr. O'Connor inquired if the Tourist Home was the rental of the entire home or if individual bedrooms could be rented to separate groups.

Ms. White stated that the entire home would be rented. Ms. White stated that limiting the number of rental contracts per night was not included as an SUP condition for this application.

Mr. Holt clarified that there would be no limitation on renting the rooms individually, depending on how the applicant is marketing the property.

Mr. O'Connor if there was a requirement for the property to be owner occupied.

Ms. White stated that as a Tourist Home, there was no requirement for the property to be occupied by the owner.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Armando Contreras, 116 Holly Hills Drive, representing Armando Holdings, LLC, made a presentation to the Commission in support of the application. Mr. Contreras stated that his intention is to rent the entire house, not individual rooms.

Mr. Krapf inquired if two separate groups would be allowed to occupy the property at the same time.

Mr. Contreras stated that he did not intend to rent to separate groups.

Mr. Krapf inquired if there had been complaints regarding parties or noise.

Mr. Contreras stated that there had not been any complaints.

Mr. Haldeman inquired if anyone checked on the property while it was being rented.

Mr. Contreras stated that he does not check regularly.

Mr. Maurice Thomas, 2906 Robert Hunt North, stated that there have been some issues with outdoor parties creating excessive noise.

Ms. Marion Lemire, friend of the applicant, stated that the applicant would be responsive to neighbors' concerns about noise and parties. Ms. Lemire stated that neighbors should communicate with the property owner if there is a concern.

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

Mr. Krapf requested that Ms. White elaborate on the definition of Tourist Home.

Ms. White stated that Tourist Home as a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients. Ms. White stated that there is also another category that short-term rentals can fall under which is Rental of Rooms. Ms. White stated that, while the Zoning Ordinance does not define Rental of Rooms, a previous Zoning Administrator clarified that it means that rooms only, and not the entire property, are rented with a caretaker living on the property. Ms. White further stated that the Tourist Home designation allows a little more flexibility.

Mr. Krapf inquired if the SUP conditions limited the number of rooms that could be rented.

Ms. White stated that the proposed conditions limited the number of rooms to three.

Mr. O'Connor stated that he has concerns about what could occur on the property with a future owner without a condition limiting the number of contracts. Mr. O'Connor stated that he is not in favor of the application as it stands at this time.

Mr. Krapf inquired it would be possible to defer the matter until the ordinance amendments are considered.

Mr. Holt stated that State Code requires that the Commission act on an application within 100 days. Mr. Holt stated that this could potentially give the Commission until its February 2018 meeting. Mr. Holt stated that, based on the results of the upcoming Policy Committee meeting, the ordinance amendments could be considered by the full Planning Commission in December.

Mr. Krapf inquired if there was a precedent for adding conditions limiting the number of separate groups renting the property and noise volume.

Mr. Holt stated that the County's noise ordinance is always in effect. Mr. Holt further stated that if a neighbor is unsuccessful in addressing noise complaints with the property owner, the Police Department does enforce the noise ordinance. Mr. Holt further stated that the Commission could send the application forward with a recommendation to add conditions regarding a limit on the number of contracts. Mr. Holt further stated that the Commission could defer the application to its December 6, 2017 meeting so that the Commission could review revised SUP conditions or the Commission could recommend approval and direct staff to provide the additional SUP conditions before the Board considers the application.

Mr. Richardson stated that he would not be comfortable with a deferral when potential new regulations could affect the application. Mr. Richardson stated that he would prefer to add a condition limiting the number of contracts. Mr. Richardson inquired if the applicant would be agreeable to that condition.

Mr. Holt stated that staff has not had an opportunity to share language for such condition with the applicant. Mr. Holt stated that a deferral would give staff and the applicant time to discuss the language.

Mr. Richardson stated that under those circumstances, he would not oppose a deferral but would want it to be heard at the next meeting.

Mr. Krapf stated that he would prefer to defer the application to the next meeting so that staff and the applicant can work out satisfactory language and so that the Policy Committee would have an additional meeting to consider if similar regulations should be considered for the

ordinance amendments.

Mr. Schmidt commended the applicant for complying with the County's requirements.

Mr. Schmidt further stated that he would support a deferral.

Mr. Richardson made a motion to postpone the matter to the December 6, 2017 Planning Commission meeting.

On a roll call vote the Commission voted to postpone the matter to its December 6, 2017 regular meeting. (6-1)

4. AFD-2-86-1-2017, Croaker AFD Addition, 9730 Sycamore Landing Road

A motion to Approve was made by John Wright III, the motion result was Passed.

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

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

Mr. Alex Baruch, Planner, stated that Ms. Mary Mitchell has applied to add 9730 Sycamore Landing Rd. into the Croaker AFD. Mr. Baruch stated that the property is 48.49 acres and has frontage along the York River. Mr. Baruch stated that the parcel is zoned A-1, General Agricultural and is designated as Rural Lands on the Comprehensive Plan.

Mr. Baruch stated that the subject property is over one mile away from the core parcels in the Croaker AFD therefore State Code requires that the local governing body finds that the parcel contains agriculturally and forestally significant land to be added. Mr. Baruch stated that the definition of agriculturally and forestally significant land in State Code is: land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures and other relevant factors.

Mr. Baruch stated that on October 12, 2017, the AFD Advisory Committee found the parcel is agriculturally and forestally significant and recommended approval of this application to the Planning Commission by a vote of 5-1. Mr. Baruch stated that with the AFD Advisory Committee's recommendation of approval and finding that this property is agriculturally significant, staff recommends that the Planning Commission recommend approval of the proposed addition to the Croaker AFD, subject to the conditions listed in the attached ordinance, consistent with other properties in the district.

Mr. Tim O'Connor asked how long until the district would go through the renewal process.

Mr. Baruch stated that the Croaker AFD is on the 2018 renewal timeline. Mr. Rich Krapf asked if there were any disclosures from the Commission.

Mr. Krapf opened the Public Hearing.

Mr. Richard Mitchell, son of Mary Mitchell, representing the Mitchell LLC, made a presentation to the Commission on the proposed AFD addition. Mr. Mitchell stated that he believes the property would be an asset to the Croaker AFD district. Mr. Mitchell stated that the property use is split approximately in half with agricultural pasture land close to Sycamore Landing Rd. and forest in the ravines on the half closer to the York River. Mr. Mitchell stated that the property has been cut multiple times over the approximately 100 years since the family has owned the property using various approaches appropriate for their needs at that time. Mr. Mitchell stated that they will be working with a farmer to continue the farming use already being

done on the property. Mr. Mitchell stated that they are leasing property in the York River from the Chesapeake Bay Foundation for oyster farming. Mr. Mitchell stated that adding this property to the Croaker AFD would help continue their sustainable farming techniques into the future.

Mr. Krapf asked if there were any questions for the applicant.

Mr. Heath Richardson asked if the property would produce any timber/firewood this year.

Mr. Mitchell stated that there would not be any firewood produced this year for sale.

Mr. Richardson asked if they intend to produce and sell firewood in the future.

Mr. Mitchell stated that is their intention. Mr. Richardson asked if the oyster harvesting is done for sale or for private use and if it will be expanded in the future. Mr. Mitchell stated that it is currently being done for private use but would look into expanding the use for sale in the future.

Mr. Krapf closed the Public Hearing.

Mr. Krapf opened the floor to the Commission for questions, discussion or a motion.

Mr. Richardson stated that it is pretty clear that the caveat in State Code allows a property to be included in the AFD if it is agriculturally significant property and that it seems appropriate for the property to be added to the AFD.

Mr. Jack Haldeman stated that he was struck the same way when reading through the materials.

Mr. Krapf stated that he felt the same way. Mr. Danny Schmidt stated that it looks like a great plan for the property.

Mr. John Wright made a motion to recommend approval of the application. On a roll call vote, the James City County Planning Commission voted to approve the application 7-0.

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

A motion to Approve was made by John Wright III, the motion result was Passed.

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

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

Mr. Alex Baruch, Planner, stated that Mr. Will Holt and Mr. Paul Gerhardt of Kaufman and Canoles have applied for a rezoning, SUP, height waiver and master plan for a portion of 20 Marclay Road. Mr. Baruch stated that the property is across from the Williamsburg-Jamestown Airport adjacent to College Creek and is immediately adjacent to Williamsburg Landing.

Mr. Baruch stated that the proposal is to rezone a portion of the property to R-5 from R-8. Mr. Baruch stated that the application includes a special use permit to allow up to 135 independent living facility units, and a height waiver for the proposed apartment buildings to be constructed up to 60 feet from grade. Mr. Baruch noted that the height waiver will be considered jointly by the Board of Supervisors with the rezoning, SUP and master plan, but does not require a vote by the Planning Commission. Mr. Baruch stated that a balloon test was conducted on Friday, April 28, 2017 at 10 a.m. in the approximate location of the proposed 60-foot structure. Mr. Baruch noted that photos from multiple vantage points are provided with the case materials.

Mr. Baruch stated that the proposal is a stand-alone rezoning and SUP request as the application does not amend the existing Williamsburg Landing Master Plan. Mr. Baruch noted

that the proposed SUP conditions include three conditions intended to mitigate concerns expressed by the Virginia Department of Aviation. Mr. Baruch further stated that proposed conditions are also included to mitigate impacts from the airport, require a review of building materials and colors, address signage, water conservation standards, enhanced landscaping along Marclay Road, and require a right-turn lane warrant analysis for the Lake Powell Road and Williamsburg Landing Drive intersection to be submitted and approved before final site plan approval. Mr. Baruch noted that Board policies being adhered to through the master plan and proposed conditions include the streetscapes and archeology policies.

Mr. Baruch stated that on the 2035 Comprehensive Plan Land Use Map, 20 Marclay Rd. is designated as Airport and is located inside the Primary Service Area. Mr. Baruch stated that principal suggested uses for the developable land associated with the Airport include aviation with airport related commercial and office development as clearly secondary uses. Mr. Baruch stated that the residential component of this proposal does not adhere to the Airport designation from the Comprehensive Plan, as residential uses are not an acceptable use in Airport designated land.

Mr. Baruch stated that the Federal Aviation Administration (FAA) made a determination of no hazard for a 35-foot structure and 60-foot structure on the property stating that the structures would not exceed obstruction standards and would not be a hazard to air navigation.

Mr. Baruch stated that this project is adjacent to Williamsburg Landing, which is designated as Low Density Residential on the 2035 Comprehensive Plan Land Use Map and is located inside the primary service area. Mr. Baruch noted that single-family homes, multifamily units and retirement care communities are all recommended uses in low density residential areas, provided that development complements the residential character of the surrounding area; has traffic, noise and lighting impacts similar to surrounding uses, is generally located on collector or arterial roads at intersections and provides adequate screening and buffering to protect the character of nearby residential areas.

Mr. Baruch stated that the Comprehensive Plan recommends a gross density of one to four units per acre in low density residential areas. Mr. Baruch stated that this application proposes a density of 8.71 dwelling units per acre. Mr. Baruch stated that when considering the entire development of Williamsburg Landing and including this proposal, the density overall would be 3.78 dwelling units per acre. Mr. Baruch stated that to achieve a higher gross density, certain public benefits must be provided. Some examples of those public benefits include: mixed-cost housing, affordable and workforce housing, enhanced environmental protection or development that adheres to principles of open space design.

Mr. Baruch stated that the proposed SUP conditions provide for property owner notification of proximity to the airport, the review of architectural elevations, conformance with Board of Supervisors Archaeological Policy and Streetscape Policy, water conservation standards and Nutrient Management Plan. Mr. Baruch stated that proffers are not accepted for residential rezonings; therefore, additional public benefits are not provided, including impacts to schools, traffic, utilities infrastructure such as the James City Service Authority (JCSA), and providing affordable and workforce housing opportunities. Mr. Baruch stated that, while the development may be age-targeted, without the ability to guarantee age restrictions, the project is fiscally negative per the submitted FY17 Fiscal Impacts Analysis worksheet.

Mr. Baruch stated that staff recommends that the Planning Commission recommend denial of the proposed rezoning and SUP. Mr. Baruch stated that, should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the draft SUP conditions be applied.

Mr. Baruch noted that Mr. Scott Denny from the Virginia Department of Aviation (DOAV) is

available to answer questions related to impacts to the Airport.

Mr. Richardson inquired about whether the age restrictions could be enforced or if there were a potential for the development to be open to all age groups.

Mr. Baruch stated that without being able to guarantee the age restriction, the opportunity is there for anyone, regardless of age, to live there. Mr. Baruch further stated that since this is not part of the Master Plan for Williamsburg Landing, there is no guarantee for what would occur if the SUP for the assisted living facility were to lapse. Mr. Baruch stated that the R-5 zoning would remain and the Master Plan would remain. Mr. Baruch stated that staff has made an effort through the Master Plan to ensure independent living facilities in certain areas of the development; however, there is no guarantee of age restriction.

Mr. Richardson inquired if the FAA determination of no hazard for the height of the structure mitigated staff concerns about ingress/egress and noise. Mr. Baruch stated that staff defers to the FAA to make the determination; however, there are still concerns from the DOAV over development in proximity to the Airport. Mr. Baruch stated that several of the SUP conditions were proposed to mitigate the concerns.

Mr. Paul Holt clarified that there are three levels of review, with the FAA making a determination of no hazard for the structure, the State level of review with the DOAV with their capital investments in the Airport being mindful of potential residential encroachment, and at the local level, the concern is more broadly with consistency with the Comprehensive Plan designation of Airport. Mr. Paul Holt noted that even though conditions are being proposed to mitigate impacts, it still does not address the question of an inconsistency with the Comprehensive Plan.

Mr. Richardson inquired if it is true that age restricted communities are often inconsistent in the types of amenities provided with the Parks and Recreation guidelines.

Mr. Baruch stated that this has been seen in some age restricted areas. Mr. Baruch noted that there are some Parks and Recreation requirements which will be addressed through the Zoning Ordinance requirement for the R-5 district, and others will be addressed through the exception request which will be considered by the Board of Supervisors.

Mr. Paul Holt noted that in other instances when facilities required under the Parks and Recreation Facilities Master Plan have not been feasible or the developer proposed an alternative, there was a proffer policy in place to do a cash-in-lieu payment and then those facilities could be provided in other locations. Mr. Paul Holt stated that since the County no longer accepts residential proffers, it is not possible for the applicant to do cash-in-lieu, but there is the opportunity for the applicant to request a waiver or modification from the Board of Supervisors and propose an alternative option. Mr. Paul Holt stated that this is what the applicant is doing.

Mr. Krapf asked Mr. Keith Denny to address any concerns from the DOAV.

Mr. Keith Denny, DOAV, stated that the Williamsburg-Jamestown Airport is a valuable asset in the State aviation system. Mr. Denny stated that he believes the proposed SUP conditions address the DOV concerns. Mr. Denny stated that, with the FAA determination of no hazard, and that there would be no encroachment on ingress/egress, although the DOAV would never endorse residential development adjacent to an airport, they do not object to this development. Mr. Richardson inquired about the economic success of the Airport. Mr. Denny stated that he does not have the exact figures; however, the Airport provides an economic impact statement each year and is considered a valuable asset.

Mr. O'Connor inquired if there is room for expansion of the Airport and if so, would the FAA determination still stand.

Mr. Denny stated that the Airport is strictly state and local. Mr. Denny stated that the Airport is not federally obligated and as such takes no federal money. Mr. Denny stated that the FAA involvement is with the instrument approach to the Airport. Mr. Denny stated that once the determination was issued, the FAA does not have further involvement. Mr. Denny stated that expansion of the Airport is not on the horizon with the DOAV. Mr. Denny stated that the facility serves quite well at its current size.

Mr. Schmidt noted that there were several accidents on record for 2016.

Mr. Paul Holt noted that the Airport does have an adopted Master Plan that shows a number of additional facilities; however, timing has not been determined.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf noted that he spoke with Mr. Will Holt from Kaufman & Canoles.

Mr. Haldeman stated that he spoke with Mr. Will Holt as well. Mr. Schmidt stated that he spoke with Mr. Will Holt and attended a Community Meeting in Kingspoint. Mr. Schmidt noted that he is a resident of Kingspoint and is on the Kingspoint Club Board. Mr. Schmidt clarified that his property is not in the area that faces the proposed development.

Mr. Wright stated that he spoke with Mr. Tom Tingle regarding the project. Mr. O'Connor stated that he spoke with Mr. Will Holt as well. Mr. Richardson stated that he also spoke with Mr. Will Holt.

Mr. O'Connor inquired about which roads in Williamsburg Landing and the proposed development are private.

Mr. Baruch stated that Williamsburg Landing Drive is a private street. Mr. Baruch stated that Marclay Road is public; however it is specified on the Master Plan that Marclay Road is not to be used to access the development.

Mr. O'Connor inquired if it would be possible to include an SUP condition limiting the use of the access.

Mr. Baruch stated that staff has worked to address that aspect through the Master Plan by denoting that the access off Marclay Road is not to be used for residential access.

Mr. Paul Holt stated that even if the SUP expires, because the Master Plan is tied to the Rezoning, the Master Plan will remain in place.

Mr. Haldeman commented that on the Master Plan, residential access is solely via Williamsburg Landing Drive with service and emergency access only via Marclay Road. Mr. Haldeman inquired if the SUP expires and the property changes hands would Marclay Road become an access point for residents.

Mr. Baruch stated that the Master Plan, with the notation that the access point on Marclay Road is only for service and emergency access would remain in place even if the SUP expires.

Mr. Paul Holt stated that if a future application proposed to change the use of the Marclay Road access, it would be addressed through a determination of Master Plan consistency.

Mr. Krapf noted that the matter was first heard at the Commission's April meeting and was deferred.

Mr. Krapf noted that since so much time elapsed, he would reopen the Public Hearing.

Mr. Will Holt, 4801 Courthouse Street, Kaufman & Canoles PC, provided a presentation to the Commission. Mr. Will Holt stated that Williamsburg Landing was established in 1985 as a life-plan community. Mr. Will Holt further stated that residential use is only one component of a life-plan community which is more health care oriented. Mr. Will Holt noted that the application has undergone numerous reviews including federal, state and local review. Mr. Will Holt further noted that the surrounding communities have been briefed on the project.

Mr. Tom Tingle, President of GuernseyTingle, addressed the Commission on the architectural aspects of the project. Mr. Tingle stated that his project represents to only opportunity for Williamsburg Landing to have a sustainable expansion contiguous to the existing campus. Mr. Tingle noted that the existing facilities includes independent living facilities, assisted living, memory care and skilled nursing. Mr. Tingle noted that expansion to the memory care facility is currently underway as well as an adult day-care facility. Mr. Tingle noted that for the proposed project the total area would be approximately 11 acres developed with four acres in buffers, stormwater management and conservation easements. Mr. Tingle confirmed that the only residential access would be off Williamsburg Landing Drive and that there is an existing service entrance off Marclay Road which would also provide EMS access. Mr. Tingle stated that the architectural guidelines which mirror the existing development are tied to the Master Plan.

Mr. Will Holt stated that while the project is not consistent with the Comprehensive Plan designation, it is consistent with the recommendation of the Comprehensive Plan to promote affordable senior housing options from independent living to continuing care. Mr. Will Holt noted that the fiscal impact assumptions are based on the inability to guarantee age-restriction for the development through proffers. Mr. Will Holt noted that with age targeting, the development would be fiscally positive. Mr. Will Holt noted that Williamsburg Landing is not a typical developer. Mr. Will Holt stated that each expansion has been brought forward under a legislative application and incorporated in the Williamsburg Landing Master Plan. Mr. Will Holt noted that these earlier applications should speak to the developer's trustworthiness. Mr. Will Holt stated that Williamsburg Landing is willing to provide assurances in any form acceptable to the County. Mr. Will Holt further stated that, while Williamsburg Landing is not able to provide the traditional facilities called for under the Parks and Recreation Master Plan, it does provide a variety of age-appropriate amenities. Mr. Will Holt noted that in regard to concerns over the airport approach overlay, the development does lie outside the approach zone. Mr. Will Holt concluded by noting that the requested zoning is consistent with the existing Williamsburg Landing campus, approval of the application will allow Williamsburg Landing to continue its important mission in the County, Williamsburg Landing is the obvious and sensible user of the site and that Williamsburg Landing can be trusted to fulfill its commitments to the County.

Mr. Schmidt inquired about the additional water draw down for the proposed development.

Mr. Will Holt noted that one of the SUP conditions speaks to water usage for the development.

Mr. Schmidt inquired access by the residents to College Creek and whether the existing access road would be open to them.

Mr. Will Holt stated that Williamsburg Landing would not control that access.

Mr. Tingle stated that the current owner wanted to retain that access. Mr. Tingle further noted that Williamsburg Landing hopes to negotiate a right of first refusal. Mr. Tingle noted that the access road would be realigned under the application; however, the access would be

maintained by the owner.

Mr. O'Connor noted that the SUP condition related to JCSA use does not speak to the amount of water draw down.

Mr. Raphael Connor, 114 Overlook Drive, addressed the Commission with concerns about impact of the taller buildings on the view from the Kingspoint Club recreation area. Mr. Connor further noted concerns over noise from the airport. Mr. Connor requested that the Commission deny the application.

Ms. Mary Grogan, 114 Overlook Drive, addressed the Commission with concerns over the potential for accidents. Ms. Grogan further noted concerns about noise complaints from new residents. Ms. Grogan further noted concerns over the impact on the view shed. Ms. Grogan also noted concerns about the impact of more traffic at the intersection of Brookwood and Rt. 199.

Ms. Virginia McLaughlin, 5700 Williamsburg Landing Drive, Chair of the Williamsburg Landing Board of Directors, addressed the Commission in support of the application. Ms. McLaughlin stated that this proposal is vital to continuing the mission of Williamsburg Landing to provide quality life-plan services. Ms. McLaughlin requested that the Commission recommend approval of the application.

As no one else wished to speak, Mr. Krapf closed the Public Hearing. Mr. Krapf called for discussion by the Commission.

Mr. Richardson inquired if the Height Waiver is part of the Commission's consideration.

Mr. Krapf stated that the Height Waiver would be for Board of Supervisor's determination alone; however, if there were any discussion about the Height Waiver, the Commission's minutes would reflect it.

Mr. Paul Holt noted that the Commission would not vote on the Height Waiver.

Mr. Schmidt inquired about the timeline for the intersection improvement project at Rt. 199 and Brookwood.

Mr. Baruch stated that improvements should be completed in 2018. Mr. Schmidt inquired about the impact on peak hour traffic. Mr. Baruch stated that staff analyzed traffic based on senior adult housing which would generate approximately 47 peak hour trips and based on residential traffic for townhomes and apartments which would generate approximately 80 peak hour trips. Mr. Baruch further stated that both are under the 100 peak hour trip trigger.

Mr. Paul Holt noted that even with the proposed improvements the intersection remains at a failing level of service due to existing traffic. Mr. Paul Holt stated that there is nothing proposed in this application to improve the traffic impacts.

Mr. O'Connor inquired if the additional development will accommodate the existing waiting list.

Mr. Will Holt stated that this is a longer term project. Mr. Will Holt stated that it will help with the waiting list but may not completely fill demand. Mr. Krapf inquired about what type of need the development would fill.

Mr. Paul Gerhardt, Kaufman & Canoles, PC, stated that the development would be primarily independent living facilities. Mr. Gerhardt noted that the mix of housing might vary but it would

be focused on independent living.

Mr. Richardson stated that he is inclined to support the application. Mr. Richardson inquired if there were a way to add an age restriction in the SUP condition.

Mr. Max Hlavin, stated that he would not recommend adding the SUP condition since the underlying R-5 zoning would remain. Mr. Hlavin stated that it would be best to address the age restriction through the Master Plan.

Mr. Richardson noted that he felt confident that the purpose of the development would remain for the near-to-long term future.

Mr. Haldeman stated that while the airport designation on the Comprehensive Plan is at odds with the application, he recognized the balancing Comprehensive Plan goal of providing senior housing options. Mr. Haldeman stated that Williamsburg Landing has an outstanding reputation in the County and that he intends to support the application.

Mr. Krapf stated that the application has several major deviations from the Comprehensive Plan; however, it also supports goals of the Comprehensive Plan. Mr. Krapf noted that the property also represents the only option available for expansion adjacent to the existing campus. Mr. Krapf stated that he has concerns about the requirement to alert prospective residents about potential noise from the airport. Mr. Krapf further stated that he has significant concerns about the proximity of the development to the runway and the potential for accidents. Mr. Krapf stated that there is a significant need for senior housing which progresses from independent living to assisted living to skilled nursing. Mr. Krapf stated that there are strong arguments both in favor and against the application. Mr. Krapf stated that it will come down to balancing what is best for the community.

Ms. Felice Pete stated that she has reservations about the height of the proposed buildings. Ms. Pete stated that there is a need for the additional facilities.

Mr. Wright stated that he believes the applications represents the best use for the property. Mr. Wright further stated that the strategic plan also addresses the need for senior living facilities. Mr. Wright stated that trusts the assessment of the Williamsburg Landing Board of Directors to have reviewed the project thoroughly before bringing it forward to the County.

Mr. Wright made a motion to recommend approval of Z-0001-2017, SUP-0001-2017, MP-0001-2017.

Mr. Schmidt stated that Williamsburg Landing has been a good neighbor to the community. Mr. Schmidt echoed concerns about safety, noise and traffic.

Mr. Schmidt stated that he attended the balloon test and that it was not visible from Kingspoint or Route 199. Mr. Schmidt stated that he leans toward supporting the application.

On a roll call vote, the Commission voted to recommend approval of Z-0001-2017, SUP-0001-2017, MP-0001-2017, Williamsburg Landing, Marclay Road. (7-0)

The Commission took a ten minute recess.

6. Z-0002-2017/MP-0002-2017. The Parke at Ford's Colony

A motion to Approve was made by Heath Richardson, the motion result was Passed.
AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

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

Ms. Roberta Sulouff, Senior Planner, stated that Ms. Nathalie Croft of Eagle Construction has applied to rezone approximately 45 acres of land from A-1, General Agricultural, to R-4, Residential Planned Community, for the purpose of constructing the Parke at Ford's Colony, a development of 81 single-family homes at a density of 1.88 dwelling units per acre. Ms. Sulouff stated that with this rezoning, the subject property would be added to the adopted Master Plan for Ford's Colony. Ms. Sulouff stated that, for this reason, the Ford's Colony Master Plan must also be amended and the Ford's Colony Home Owner Association (FCHOA) has been included as an applicant to the amendment application. Ms. Sulouff stated that the subject properties are located at 3400 and 3401 Westport, are zoned A-1, and are primarily designated Low-Density Residential by the adopted Comprehensive Plan.

Ms. Sulouff stated that while most of the subject properties are located inside of the PSA, approximately 4 acres of the site are located outside of the primary Service Area(PSA) and are designated Rural Lands by the adopted Comprehensive Plan. Ms. Sulouff further stated that the County is no longer accepting proffers for residential rezonings and some of the typical impacts associated with residential development could not be mitigated or addressed, including impacts to schools, impacts to public facilities, utilities such as JCSA, the provision of affordable and workforce housing opportunities and the provision of enhanced environmental protections. Ms. Sulouff stated that several administrative policies guiding the evaluation of impacts have also been rescinded by the Board of Supervisors, and could not be included in the scope of staff's consideration of this proposal.

Ms. Sulouff stated that while the applicant could not proffer consistency with several adopted policies or to offset traditionally considered impacts, the application did proactively address areas of concern. Ms. Sulouff stated that the proposed Parke master plan includes a note ensuring consistency with the Board adopted Streetscape Policy, and includes a multi-use path along the Centerville Road frontage per the adopted Pedestrian Accommodations Master Plan. Ms. Sulouff noted that the applicant provided natural resource and archaeological studies conducted for the property as part of an earlier development plan. Ms. Sulouff further noted that these studies concluded that no additional preservation work in either area would be necessary and, therefore, the applicant would have no impacts to address even if proffers were still accepted.

Ms. Sulouff stated that while the proposal generates new school children, it does meet the Adequate Public Facilities Test adopted by the Board in June of 1998. Ms. Sulouff stated that although the applicant is unable to proffer design guidelines, architectural elevations or materials, the development would be subject to review by the Ford's Colony Architectural Review Board to ensure design compatibility with existing development in Ford's Colony.

Ms. Sulouff further stated that while the overall Ford's Colony development does not meet the current Development Guidelines found in the recently adopted Parks and Recreation Master Plan, the applicant is proposing a shared-use path connection from the Parke to existing amenities within Ford's Colony, and is providing, through a legal agreement between the two private parties, cash to the FCHOA for recreation improvements as deemed necessary by the residents. Ms. Sulouff stated that, for this reason, the applicant has requested an exception to the policy from the Board of Supervisors. Ms. Sulouff further stated that the applicant has been in discussion with Mr. John Carnifax, Director of Parks and Recreation, who has reviewed this request. Ms. Sulouff stated that Parks and Recreation supports the proposal.

Ms. Sulouff stated that staff finds that several factors specific to the pieces of the site designated Rural Lands and outside of the PSA, such as topography, scale and location of public utilities,

make the inclusion of this area, approximately four acres in size, consistent with the adopted Comprehensive Plan.

Ms. Sulouff further stated that, while no action was required by the Planning Commission, the applicant is requesting that the Board of Supervisors permit private streets within the Parke development per Section 24-62 of the Zoning Ordinance. Ms. Sulouff stated that staff finds the proposal to be compatible with surrounding zoning and development and consistent with the Comprehensive Plan. Ms. Sulouff stated that staff recommends the Planning Commission recommend approval of these applications to the Board of Supervisors.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he met with Mr. Vernon Geddy and representatives from Eagle Construction.

Mr. Wright stated that he spoke with Mr. Geddy by telephone.

Mr. Haldeman stated that he met with three representatives from Eagle Construction.

Mr. Schmidt stated that he also met with the representatives from Eagle Construction.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, Geddy Harris Franck and Hickman, expressed appreciation of the efforts of staff and the FCHOA to bring this application forward.

Ms. Nathalie Croft, Eagle Construction, Land Development Planner, made a presentation in support of the application. Ms. Croft noted that the subject properties were annexed into the Ford's Colony Master Plan in 2005. Ms. Croft stated that even though the properties are already under the Fords Colony umbrella, the current application seeks to make the zoning consistent and to formally amend the Master Plan. Ms. Croft stated that the Parke would consist of 81 single-family homes in an age-targeted community. Ms. Croft stated that these homes would be held to the same guidelines and standards as any other homes in Ford's Colony. Ms. Croft addressed the fiscal impact of the proposed development, noting that based on current actual number of children from Ford's Colony enrolled in Williamsburg-James City County Schools, the Parke would generate a positive fiscal impact of \$81,000. Ms. Croft stated that the parcels are appropriate for this type of development. Ms. Croft further stated that the proposed development is in compliance with the Pedestrian Accommodations Master Plan, the Public Schools Facilities Test, the Streetscape Policy, the Natural Resource Policy, the Archaeological Policy and the Community Character Corridor Policy. Ms. Croft requested that the Commission recommend approval of the application.

Mr. and Mrs. James Kinder, 111 Lexington Drive, inquired about traffic impacts to Williamsburg West.

Mr. Krapf noted that the Public Comment was not generally used as a question and answer forum. Mr. Krapf requested that the applicant address the question.

Mr. Geddy stated that the development would not impact Williamsburg West due to its location.

Mr. Patrick Rowe, 100 Royal St. Georges, addressed the Commission on traffic concerns at the Manchester Gate and Centerville Road. Mr. Rowe also noted lack of parking at the clubhouse facility.

Mr. Tom Hitchens, 350 Thompson Lane, addressed the Commission in opposition to the

application. Mr. Hitchens expressed concerns over the change in zoning and consistency with the Comprehensive Plan. Mr. Hitchens further expressed concern over the effect of residential development on the County's budget, infrastructure and natural resources. Mr. Hitchens requested that the Commission recommend denial of the application.

Mr. Richard Levy, 125 Westward Ho, addressed the Commission in opposition to the application. Mr. Levy noted concerns about traffic at the Manchester Gate and the additional impacts on Centerville Road.

Mr. Mark Matthews, 113 Long Point, President of the FCHOA, addressed the Commission in support of the application. Mr. Matthews noted that the FCHOA has hosted several Town Hall meeting regarding the proposed development and Master Plan amendment. Mr. Matthews further noted that the FCHOA has reached out to its members through their newsletter and other media with updates. Mr. Matthews stated that the input from residents centered on ensuring that the development comply with the architectural standards, that the community adhere to all the FCHOA rules and policies, and ensure that the additional units can be absorbed into the facilities infrastructure. Mr. Matthews noted that the increase in units is just 2%. Mr. Matthews noted that the FCHOA is in the process of implementing a new security system at the gates which will allow commercial traffic to enter through other gates. Mr. Matthews further noted that most of the concerns have been addressed through a private legal agreement with the Developer. Mr. Matthews requested that the Commission recommend approval of the application.

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

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

Mr. Haldeman inquired about the traffic study that was part of the previously approved Ford's Colony proffers. Mr. Haldeman noted that the last update was in 2008. Ms. Sulouff noted that the traffic study only applied to the original Ford's Colony development and does not apply to the properties subject to this rezoning.

Ms. Sulouff stated that no traffic study was required for this application. Ms. Sulouff noted that the proposed development did not trigger the submittal requirements in the Zoning Ordinance and the outstanding proffer obligations do not apply to the properties subject to the rezoning. Ms. Sulouff further stated that as part of the 1987 proffers and subsequent amendments, there was a requirement to submit a traffic study every five years to assess the need for certain improvements on Centerville Road and Longhill Road. Ms. Sulouff stated that the last traffic study was submitted in 2008 with the rezoning for the Continuing Care Retirement Community (CCRC) which remains an approved part of the Ford's Colony Master Plan.

Mr. Holt stated that the intent of the proffer was to ensure that as all of Ford's Colony reached build out, all of the corresponding traffic improvements were put in place. Mr. Holt further noted that there were various triggers tied to the number of Certificates of Occupancy for dwelling units. Mr. Holt stated that the five-year check in period was established to set a time for when the need for improvements could be reassessed and to establish a point in time that the County would ensure that all the needed improvements were put in place.

Mr. Haldeman inquired if it had been determined that the need does not yet exist. Mr. Holt stated that the updated traffic study needs to be done. Mr. Haldeman noted that the traffic study should have been updated in 2013.

Mr. Holt stated that the Traffic Study is in progress. Mr. Holt noted that one of the challenges is that there are now multiple property owners within Ford's Colony and it has taken time for the various stakeholders to work out the collaboration on the project.

Mr. Haldeman inquired about the other outstanding proffer items.

Mr. Holt stated that the improvements are tied to the number of Certificates of Occupancy and the traffic study allows the County to determine if the timing of the improvements need to be accelerated or if they are not yet warranted.

Mr. O'Connor inquired if development of the Parke was taken into consideration for improvements at Centerville Road.

Mr. Geddy stated that the initial proposal was for a much denser development and that the existing infrastructure was designed with the heavier traffic in mind.

Ms. Croft stated that the existing infrastructure meets or exceeds any improvements that might be warranted.

Mr. Richardson made a motion to recommend approval of Z-0002-2017/MP-0002-2017.

On a roll call vote the Commission voted to recommend approval of Z-0002-2017/MP-0002-2017. The Parke at Ford's Colony. (5-2)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Krapf noted that each initiating resolution would require a separate motion and vote.

1. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Natural Resource Policy

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

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

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

Mr. Holt stated that the County is endowed with abundant natural resources which include many rare and threatened species. Mr. Holt stated that the Natural Resource Policy adopted by the Board of Supervisors in 1999, provided that in areas where significant natural resources potential exists staff would recommend a condition or proffer for the protection of these areas be added to all SUP and rezoning cases. Mr. Holt stated that in order for staff to move forward with reviewing and revising the Zoning Ordinance to more fully capture the Natural Resource Policy, staff recommends that the Commission adopt the initiating resolution and refer the matter to the Policy Committee.

Mr. Holt stated that for this item and all of the Initiating Resolutions presented for consideration, adoption of the Resolution does not change the existing County Code; it is a procedural action required under State Code so that changes to the Ordinances may be considered.

Mr. Wright inquired if the purpose of initiating consideration of amendments to the Ordinances is to address the issue of the County no longer accepting proffers by incorporating requirements into the Ordinances.

Mr. Holt confirmed.

Mr. Richardson made a motion to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Natural Resource Policy.

On a roll call vote the Commission voted to adopt the resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Natural Resource Policy. (7-0)

2. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Streetscape Policy

A motion to Approve was made by John Wright III, the motion result was Passed.

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

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

Mr. Holt stated that the County's Streetscape Policy was adopted by the Board of Supervisors in 1999 as a result of the 1999 Comprehensive Plan recommendations. Mr. Holt stated that the goal of the Policy was to establish or preserve a tree canopy along residential streets. Mr. Holt stated that previously the Policy was addressed through proffers. Mr. Holt stated that staff recommends that the Commission adopt the initiating resolution and refer the matter to the Policy Committee.

Mr. Wright made a motion to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Streetscape Policy.

On a roll call vote the Commission adopted the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Streetscape Policy. (7-0)

3. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Bicycles and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements

A motion to Approve was made by Danny Schmidt, the motion result was Passed.

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

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

Mr. Holt stated this items addresses the Pedestrian Accommodations Master Plan, the Regional Bikeways Plan and The Traffic Impact Analysis (TIA) Submittal Requirement Policy. Mr. Holt stated that current policies and submittal requirements represent the desire of the County to ensure that development is responsive to the transportation needs of the community. Mr. Holt stated that Staff uses the adopted policies to evaluate applications and make recommendations on legislative cases. Mr. Holt stated that absent proffers, these policies have limited ability to address transportation impacts created by new residential development. Mr. Holt stated that staff recommends that the Commission adopt the initiating resolution and refer the matter to the Policy Committee.

Mr. Schmidt made a motion to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Bicycles and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements.

On a roll call vote the Commission voted to adopt Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Bicycles and Pedestrian Accommodations, Traffic Impact Analysis and Transportation Improvements. (7-0)

4. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Archaeological Policy

A motion to Approve was made by Danny Schmidt, the motion result was Passed.

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

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

Mr. Holt stated that Agenda Item G-4 is specific to the Archaeological Policy. Mr. Holt stated that as one of the oldest settlement areas in the United States, James City County has numerous documented and unknown archaeological and historic sites. Mr. Holt stated that the Archaeological Policy was adopted by the Board of Supervisors in 1998 to identify and protect areas where significant archaeological potential exists. Mr. Holt stated that previously the Policy was addressed through proffers and SUP conditions. Mr. Holt stated that staff recommends that the Commission adopt the initiating resolution and refer the matter to the Policy Committee.

Mr. Schmidt made a motion to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Archaeological Policy.

On a roll call vote the Commission voted to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Formerly Proffered Policies and Impact Mitigation Items - Archaeological Policy. (7-0)

5. Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

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

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

Mr. Holt stated that this item addresses the need to consider potential regulations or policy for short-term residential rentals. Mr. Holt stated that to more fully consider the matter, staff recommends that the Commission adopt the initiating resolution and refer the matter to the Policy Committee.

Mr. O'Connor requested that the Policy Committee address the definitions for the various types of short-term rentals and consider setting limits on the number of contracts that can be in place for the property.

Mr. Wright requested that the Policy also look at the number of individuals allowed in a rental property. Mr. Wright also requested that the Policy Committee consider how the regulations would account for Homeowner Association restrictions.

Mr. Haldeman asked for clarification on the request to review the number of individuals allowed to live in a rental property.

Mr. Wright stated that County Code restricts the number of related and unrelated; however, he believes that some rentals are not adhering to the regulations.

Mr. Krapf requested that Ms. Sulouff ensure that the request is noted and brought to the Policy Committee.

Mr. O'Connor made a motion to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals.

On a roll call vote the Commission voted to adopt the Resolution for Initiation of Consideration of Amendments to the Zoning Ordinance to Permit Short-Term Residential Rentals. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - November 2017

Mr. Holt stated that he had nothing in addition to the report provided in the Agenda Packet.

Mr. Wright stated that the Conceptual Plan for Settlers Market which proposes to remove the cobblestones and improve the crosswalks would be very much appreciated by the community. Mr. Wright inquired what the outcome of the Conceptual Plan would be.

Mr. Holt stated that the County took over the surety and will be completing the project since the developer was no longer in business. Mr. Holt stated that the Conceptual Plan is part of the process to develop approved plans so that the project can be put out for bid.

Mr. O'Connor inquired about the status of the Housing Opportunities Policy (HOP).

Mr. Holt stated that upcoming ordinance amendments would play into the development of the next version of the HOP.

Mr. Schmidt inquired if staff has any updates on the state of the Country Road.

Mr. Holt stated that the contractor is still working on the project and that the County holds surety on the project. Mr. Holt noted that the project should be near completion.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Richardson noted that Veterans Day would be observed in November and requested that everyone take the opportunity to express their appreciation to veterans.

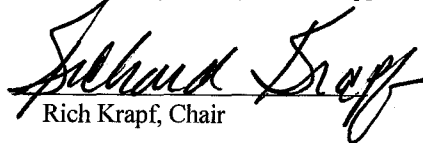
Mr. Wright reminded everyone to take the opportunity to vote on Election Day.


Mr. Krapf noted that Mr. Wright would have Board of Supervisors coverage for November.

J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 10:17 p.m.


Rich Krapf, Chair


Paul D. Holt, III, Secretary