

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
August 1, 2018
6:00 PM

A. CALL TO ORDER

Mr. Heath Richardson called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Heath Richardson
Rich Krapf
Jack Haldeman
Frank Polster
Julia Leverenz

Planning Commissioners Absent:

Tim O'Connor
Danny Schmidt

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Roberta Sulouff, Senior Planner
Savannah Pietrowski, Senior Planner
Tori Haynes, Planner

C. PUBLIC COMMENT

Mr. Richardson opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Jack Haldeman stated that the Policy Committee met on July 12, 2018, to review how residential dwelling units could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance. Mr. Haldeman stated that staff provided a review of the roles of the Planning Director, the Development Review Committee, the Planning Commission and the Board of Supervisors in the process. Mr. Haldeman stated that the Committee discussed the nature of a contract between the subdivision Homeowners Association and the residents and the need for any ordinance amendments to respect that contract. Mr. Haldeman stated that staff would develop a visual guide to outline the conditions where dwelling unit transfers may be approved administratively by the Planning Director and when they must be approved legislatively. Mr. Haldeman stated that the Committee noted that the Comprehensive Plan Land Use GSA 1.3 calls on the County to use policy and ordinance tools to ensure the provision of open space in development proposals and, in particular, maintain and increase incentives for cluster development in exchange for additional open

space. Mr. Haldeman stated that the Committee will discuss whether this can be incorporated in the transfer of residential dwelling units at a future Policy Committee meeting.

E. CONSENT AGENDA

1. Minutes of the July 3, 2018 Regular Meeting

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

On a voice vote, the Commission voted to approve the Consent Agenda (5-0).

F. PUBLIC HEARINGS

1. Z-0001-2018. Colonial Manor

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Haldeman, Krapf, Leverenz, Polster, Richardson

Absent: O'Connor, Schmidt

Ms. Roberta Sulouff, Senior Planner, stated that Dr. Pedro Becerra has applied on behalf of BC Secure Holdings to rezone approximately 7.4 acres of land located at 8679 Pocahontas Trail from R-5, Multi-family Residential with proffers, to MU, Mixed Use with proffers. Ms. Sulouff stated that the rezoning would permit the operation of a mixed-use building including the uses of independent living, assisted living, skilled nursing and a medical office. Ms. Sulouff stated that the property is located inside the primary service area and is designated Low-Density Residential by the adopted Comprehensive Plan.

Ms. Sulouff stated that the facility has operated as a Continuing Care Retirement Community (CCRC), including the services of independent living, skilled nursing and assisted living, for almost two decades. Ms. Sulouff stated that Colonial Manor currently offers physical therapy services exclusively to its residents and this use is considered accessory to the CCRC. Ms. Sulouff stated that the accessory use is permitted under the current zoning of the property. Ms. Sulouff stated that the applicant would like to extend those services as an outpatient physical therapy office to the general public; however, this use, medical office as defined in the Zoning Ordinance, would no longer be considered accessory to the CCRC and would not be permitted under the current zoning of the property. Ms. Sulouff stated rezoning the property to MU, Mixed Use, would allow all three uses in one building. Ms. Sulouff stated that, while the applicant is proposing a new use, the proposal does not include any expansion to the physical footprint of the existing building.

Ms. Sulouff stated that the applicant is proffering conditions which are intended to limit the impact of the added use and preserve the existing protections provided by current proffers and Special Use Permit (SUP) conditions. Ms. Sulouff stated that the proffers include limits on occupancy and uses permitted on the property, as well as provisions for buffering, traffic, landscaping and signage. Ms. Sulouff further stated that the development would be subject to a binding master plan, which specifically calls out square footage and density limits for each use.

Ms. Sulouff stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development. Ms. Sulouff stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed proffer conditions.

Mr. Richardson called for disclosures from the Commission.

There were no disclosures. Mr. Richardson opened the Public Hearing.

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

Mr. Rich Krapf made a motion to recommend approval of the Rezoning.

On a roll call vote, the Commission voted to recommend approval of Case No. Z-0001-2018, Colonial Manor (5-0).

2. Agricultural and Forestal District 2018 Renewals (Cover Memo)
3. AFD-02-86-1-2018. Croaker AFD Renewal
4. AFD-03-86-1-2018. Hill Pleasant Farm AFD Renewal
5. AFD-05-86-1-2018. Barnes Swamp AFD Renewal
6. AFD-06-86-1-2018. Cranston's Pond AFD Renewal
7. AFD-07-86-1-2018. Mill Creek AFD Renewal
8. AFD-09-86-1-2018. Gordon Creek AFD Renewal
9. AFD-10-86-1-2018. Christenson's Corner AFD Renewal
10. AFD-11-86-1-2018. Yarmouth Island AFD Renewal
11. AFD-12-86-1-2018. Gospel Spreading Church AFD Renewal
12. AFD-01-89-1-2018. Armistead AFD Renewal
13. AFD-01-94-1-2018. Wright's Island AFD Renewal
14. AFD-01-02-1-2018. Carter's Grove AFD Renewal

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Haldeman, Krapf, Leverenz, Polster, Richardson

Absent: O'Connor, Schmidt

Mr. Paul Holt, Director of Community Development and Planning, stated that Mr. Max Hlavin, Deputy County Attorney, has advised that under Roberts Rules of Order, a Public Hearing may cover a series of related items and may be voted on with one comprehensive motion. Mr. Holt stated that staff would provide a brief report on all the districts. Mr. Holt stated one Public Hearing would be opened to encompass all the districts. Mr. Holt stated that the Commission could vote on the renewals in one all-inclusive motion or vote on the renewals individually or in groups.

Mr. Haldeman inquired if the withdrawal requests would be treated as separate items.

Mr. Holt stated that withdrawals during a renewal period are by-right under State Code and the property owners can request withdrawal up to the time the Board of Supervisors votes on the matter. Mr. Holt further stated that it was not necessary for the Commission to proactively affirm or deny the withdrawals.

Ms. Savannah Pietrowski, Senior Planner, provided the Commission with an overview of each of the districts under review and noted with each district if there were any withdrawal requests or changes to the recommended conditions. Ms. Pietrowski stated that the Agricultural and Forestal District Committee voted to recommend approval of the renewals to the Planning Commission and the Board of Supervisors. Ms. Pietrowski further stated that staff finds the districts compatible with State Code, the surrounding development and the Comprehensive Plan and Zoning Ordinance. Ms. Pietrowski stated that staff recommends that the Commission recommend renewal of the districts for a period of four years with the exception of the Wright's Island AFD which would be an eight-year term. Ms. Pietrowski noted that the districts would be subject to the conditions listed in the respective staff reports.

Ms. Julia Leverenz inquired about the renewal term for the Wright's Island AFD.

Ms. Pietrowski stated that when the district was established it was the preference of the property owners to set the term at eight years.

Mr. Richardson recognized the presence of Mr. Richard Bradshaw, Commissioner of the Revenue.

Mr. Holt provided the Commission with an overview of the AFD program. Mr. Holt stated that in 1977 the Virginia General Assembly created a process to "provide a means for a mutual undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and an economic and environmental resource of major importance." Mr. Holt further stated that the process also allows property owners to protect their land from pressures to develop. Mr. Holt stated that the process is identified in State Code as the Agricultural and Forestal Districts Act. Mr. Holt stated that the AFD Act allows property owners to voluntarily establish Agricultural Districts, Forestal Districts and Districts that contain a mix of Agricultural and Forestal lands. Mr. Holt stated that land in an AFD may qualify for use value taxation; however, that is a program administered by the Commissioner of the Revenue. Mr. Holt stated that enrollment in an AFD prevents local governments from restricting farming or forestry practices except to protect public health or safety. Mr. Holt further stated that local decisions, plans and ordinances affecting property adjacent to and AFD must take in to account both the district and the AFD Act. Mr. Holt stated that it is the policy of state Agencies to encourage farming and forestry within the districts. Mr. Holt stated that no special purpose assessments or tax levies may be imposed on the basis of frontage, acreage or value of land used for farming or forestry within a district. Mr. Holt further stated that land acquisition by agencies, or political subdivisions or public service corporations must be reviewed by the Board of Supervisors if the acquisition exceeds 10 acres from the district or one acre from any farm or forestry operation. Mr. Holt stated that the essential purpose of the AFD program is to provide a tool to preserve open space within the County.

Mr. Richardson opened the Public Hearing for Agenda Items 3 through 14 which include the following AFD renewals: Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD and Carter's Grove AFD.

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

Mr. Haldeman made a motion to recommend approval of Agenda Items 3 through 14.

On a roll call vote, the Commission voted to recommend approval of the Croaker AFD, Hill Pleasant Farm AFD, Barnes Swamp AFD, Cranston's Pond AFD, Mill Creek AFD, Gordon Creek AFD, Christenson's Corner AFD, Yarmouth Island AFD, Gospel Spreading Church AFD, Armistead AFD, Wright's Island AFD and Carter's Grove AFD renewals (5-0).

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2018

Mr. Holt stated that in addition to the report provided in the Agenda Packet, he wanted to make the Commission and the public aware of a public meeting regarding drainage and road improvements in the Toano area. Mr. Holt stated that the meeting would be on August 2 at Fire Station 1 at 4:00 p.m. Mr. Holt stated that the County has received Revenue Sharing funds through the Virginia Department of Transportation for the project and this meeting is to obtain input from the public to ensure that the right improvements will be implemented.

Mr. Haldeman inquired if this project would be reviewed by the Commission.

Mr. Holt stated that none of the project components would require a legislative application. Mr. Holt further stated that the Stormwater Advisory committee and the Stormwater and Resource Protection Division have taken the lead on the project. Mr. Holt stated that while making the drainage improvements was the primary focus of the project there would also be improvements to the roadway and implementation of some of the recommendations in the Toano Design Guidelines adopted by the Board of Supervisors.

Mr. Frank Polster noted that the funding for the County's share of the project was included in the Capital Improvements Program request for the Stormwater and Resource Protection Division.

Ms. Leverenz stated that she appreciated the information in the monthly spreadsheet of new cases and inquired if there is a master list of all active cases.

Mr. Holt stated that he would provide instructions to the Commission for finding this information through the PermitLink application.

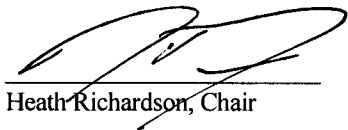
I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no requests or items for discussion.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:33 p.m.


Heath Richardson, Chair


Paul D. Holt, III, Secretary