

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
November 7, 2018
6:00 PM

A. CALL TO ORDER

Mr. Danny Schmidt called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Rich Krapf
Danny Schmidt
Jack Haldeman
Frank Polster
Julia Leverenz

Planning Commissioners Absent:

Heath Richardson
Tim O'Connor

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney

C. PUBLIC COMMENT

Mr. Schmidt opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Rich Krapf stated that the Development Review Committee (DRC) met on October 24, 2018 to consider two cases.

Mr. Krapf stated that SP-0047-2018, 4521 John Tyler Highway McDonald's Site Improvements was before the Committee because the applicant requested approval to use a new color for the exterior of the existing building. Mr. Krapf stated that the 1993 Special Use Permit requires DRC review and approval of all building designs including paint color. Mr. Krapf stated that the Committee unanimously approved the proposed color for the building.

Mr. Krapf stated that C-18-0091, 4621 Ware Creek Road - Overhead Utility Waiver was before the Committee because the Zoning Ordinance requires all new utility connections to be placed underground. Mr. Krapf stated that the applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC. Mr. Krapf stated that the applicant received permission from the adjacent property owner to use an existing power pole and extend the overhead line through a utility easement over Ware Creek Road to a pole on his property. Mr. Krapf stated that the

line would be an extension of existing overhead service, the adjacent property owner will only grant an overhead utility easement, the extension would be a short distance from the existing service to the property and once the power line reaches the transformer the power line will be buried underground to the proposed house. Mr. Krapf stated that because of these factors the Committee voted to approve the waiver with the condition that the easement be recorded in the office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City within 30 days of Planning Commission approval.

Mr. Krapf noted that the Committee discussed the timeline for the Planning Commission to provide discussion topic suggestions for the upcoming Comprehensive Plan review. Topics of interest include Agricultural and Forestal Districts, Purchase of Development Rights, the Primary Service Area and Rural Lands. Mr. Krapf stated that staff would research and respond.

E. CONSENT AGENDA

1. Minutes of the October 17, 2018 Special Meeting
2. Development Review Committee Action Item: Case No. C-18-0091. 4621 Ware Creek Road - Overhead Utility Waiver
3. Development Review Committee Action Item: Case No. SP-0047-2018. 4521 John Tyler Highway McDonald's Site Improvements

Mr. Krapf 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

There were no Public Hearing items.

G. PLANNING COMMISSION CONSIDERATIONS

1. Initiation of Consideration of Amendments to the Zoning Ordinance to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act

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, Schmidt

Absent: O'Connor, Richardson

Mr. Paul Holt, Director of Community Development and Planning, stated that during the 2018 session of the General Assembly amendments were made to Section 15.2-2259 of the Code of Virginia. The amendment language states: "the local planning commission or other agent shall not delay the official submission of any proposed plat, site plan or plan of development by requiring presubmission conferences, meetings or reviews." Mr. Holt stated that after consultation with the County Attorney's office, it is staff's understanding that this language prohibiting the requirement of "presubmission reviews" would also prohibit the requirement for conceptual plan submissions.

Mr. Holt stated that conceptual plans have been a part of the County's Zoning and Subdivision Ordinances for many years. Mr. Holt stated that for most of that time, the sections covering

conceptual plans were worded to encourage their submission, but not require it. However, in 2016 the site plan section of the Zoning Ordinance was amended to require “enhanced conceptual plans” prior to the submission certain types of development. Mr. Holt stated the recent change now effectively prohibits that requirement.

Mr. Holt stated that staff proposes to revise the Zoning and Subdivision Ordinance in order to ensure compliance with the current State Code language. Mr. Holt stated that staff recommends the Planning Commission adopt the attached resolution to formally initiate consideration of such amendments to the Zoning and Subdivision Ordinance. Mr. Holt noted that adoption of this Ordinance is a procedural step required under State Code and will not constitute a change to County Code.

Mr. Krapf inquired if applicants would still be able to submit a conceptual plan voluntarily.

Mr. Holt stated that the proposed amendments would closely resemble the language used prior to the 2016 changes. Mr. Holt noted that the earlier language encouraged submission of a conceptual plan.

Mr. Jack Haldeman inquired if the resolution could be revised to state that the amendment is being made to conform to State Code mandates.

Mr. Max Hlavin, Deputy County Attorney, stated that process requires that the resolution identify one of the public purposes referenced in State Code which are public necessity, convenience, general welfare or good zoning practice. Mr. Hlavin noted that the language provided in the proposed resolution is the County’s standard Initiation Resolution language.

Mr. Haldeman inquired if it is necessary to identify the public necessity, convenience, general welfare or good zoning practice that is advanced by the amendment.

Mr. Hlavin stated that the Commission does not need to have a substantive discussion of what those are. Mr. Hlavin further stated that the suggested edit would meet State Code requirements.

Ms. Julia Leverenz inquired if conforming to State Code would constitute public necessity.

Mr. Hlavin stated that it would.

Mr. Frank Polster requested that staff and the Policy Committee consider the need for detailed information about projects, especially small residential subdivisions, in regard to environmental impacts.

Mr. Schmidt stated that he concurs with the proposed amendment to the resolution.

Mr. Krapf stated that he would be surprised if the amendment reduces the number of conceptual plans submitted. Mr. Krapf further stated that he believes applicants prefer the conceptual plan process to receive feedback before they invest in detailed engineered drawings.

Mr. Polster noted that this is his point regarding the lack of detailed information.

Mr. Krapf stated that the more detailed drawings come after the legislative process at the site plan or construction drawings stage. Mr. Krapf stated that he finds conceptual plans very valuable to the review process and hopes applicants will continue to submit them. Mr. Krapf further stated that he also concurs with the proposed edit to the resolution.

Mr. Haldeman made a motion to amend the fourth paragraph to read "Whereas, the Commission is of the opinion that conforming to State Code is good zoning practice and warrants the consideration of amendments to the Subdivision and Zoning Ordinance."

Mr. Holt inquired if Mr. Haldeman was including approval of the Initiating Resolution in his motion.

Mr. Haldeman confirmed.

On a roll call vote the Commission voted to adopt the Initiating Resolution as amended (5-0).

2. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinance to Address a Code of Virginia Change Prohibiting Mandatory Conceptual Plans

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, Schmidt

Absent: O'Connor, Richardson

Mr. Holt stated that during the 2018 session of the General Assembly, amendments were made to Section 15.2-2309 of the Code of Virginia that provide authority to the Board of Zoning Appeals to alleviate a hardship by granting a reasonable modification to a property or improvement thereon requested by, or on behalf of, a person with a disability in accordance with the Americans with Disabilities Act.

Mr. Holt stated that staff recommends the Planning Commission adopt the attached resolution to initiate consideration of such amendment to the Zoning Ordinance to ensure compliance with the Code of Virginia and refer this matter to the Policy Committee.

Mr. Haldeman made a motion to recommend approval and amend the fifth paragraph to read "Whereas, the Commission is of the opinion that conforming to State Code is good zoning practice and warrants the consideration of amendments to the Subdivision and Zoning Ordinance."

On a roll call vote the Commission voted to adopt the Initiating Resolution as amended (5-0).

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - November 2018

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

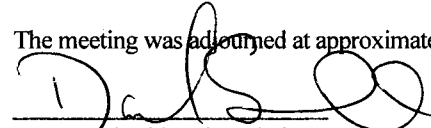
Mr. Haldeman inquired about the schedule for the Capital Improvements Program process.

Mr. Holt stated that department heads are in the process of submitting their applications. Mr. Holt noted that the process has moved to an online application and review system. Mr. Holt stated that the Policy Committee's December meeting will include training on the new elements of the process and that the review would begin in January.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:25 p.m.



Danny Schmidt, Vice Chair



Paul D. Holt, III, Secretary