

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 2, 2019**  
**6:00 PM**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Rich Krapf  
Tim O'Connor  
Frank Polster  
Julia Leverenz  
Odessa Dowdy

**Planning Commissioners Absent:**

Danny Schmidt

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Max Hlavin, Deputy County Attorney  
Ellen Cook, Principal Planner  
Terry Costello, Deputy Zoning Administrator  
José Ribeiro, Senior Planner II  
Thomas Leininger, Planner

**C. PUBLIC COMMENT**

Mr. Haldeman opened Public Comment.

Ms. Sharon Dennis, 100 St. Georges Boulevard, addressed the Commission regarding the lack of sidewalk connectivity on the eastern section of Ironbound Road.

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

**D. REPORTS OF THE COMMISSION**

Mr. Frank Polster stated that the Development Review Committee (DRC) met on September 18, 2019 to consider two cases.

Mr. Polster stated that SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal was brought before the DRC because a Special Use Permit (SUP) condition for Chickahominy Riverfront Park requires that tree clearing on the entire property is limited to the minimum necessary to accommodate the Master Plan as determined by the Director of Planning and the DRC.

Mr. Polster stated that the applicant is requesting to remove about 65 trees as part of a project to stabilize portions of the park's shoreline along both the Chickahominy River and Gordon Creek that are experiencing excessive erosion. Mr. Polster further stated that the bank erosion is reducing the existing riparian buffer as the shoreline moves inland and the eroded banks present a safety hazard for park patrons.

Mr. Polster stated that staff from the Stormwater and Resource Protection Division provided an overview of the various elements of the project intended to stabilize the shoreline erosion and stabilization of marshlands. Mr. Polster stated that staff further indicated that they hope to start in February and finish by Memorial Day to limit the disruption to the park's operation. Mr. Polster stated that staff noted that there is a potential stipulation by the state's Marine Fisheries Commission to limit the construction timeframe to the non-spawning period of the year, which would conflict with the proposed plan.

Mr. Polster stated that the Committee was supportive of the tree removal and voted 4-0 to recommend approval of SP-19-0065, Chickahominy Riverfront Park Shoreline Stabilization - Tree Removal to the Director of Planning.

Mr. Polster stated that Colonial Heritage Deer Lake Estates Rezoning was presented to the DRC as a conceptual plan. Mr. Polster stated that the applicant is proposing to rezone the area comprising Deer Lake Estates from A-1, General Agricultural, with Proffers and Rural Cluster SUP, to MU, Mixed Use, with Proffers. Mr. Polster stated that the case was brought before the DRC to discuss the project and seek input from the Committee members. Mr. Polster noted that no action by the DRC was required.

Mr. Polster stated that the property is currently zoned A-1, General Agricultural and designated Rural Cluster Low Density Residential. Mr. Polster further stated that the property is not age-restricted, has a maximum of 50 units with its own entrance on Jolly Pond Road, and is in the Primary Service Area (PSA).

Mr. Polster stated that the request would substitute the current 50 units for 150 single-family homes with proffers and would provide an additional  $\pm$  77 acres of a conservation area and a potential four-acre lot for a future fire station.

Mr. Polster stated that the change is based on Lennar's market analysis showing challenges with large lot development versus home buyer preference for smaller, lower maintenance yards and single-story floor plans offered in the age-restricted community.

Mr. Polster stated that the proposed 150 single-family detached units would have the same land disturbance as the current approved 50 units. Mr. Polster further stated that the view shed enjoyed by current adjacent homeowners bordering Deer Lake by the dam would not be developed. Mr. Polster noted that the view shed also includes the proposed conservation area of 77 acres on the opposite side of Deer Lake. Mr. Polster noted that the Committee suggested that this area would be ideal for recreational trails for the residents.

Mr. Polster stated that the Commission found no objections to the proposed rezoning of the Deer Lake Estate to Mixed Use, liked the additional 77-acre conservation area proffer to the current adjoining 282-acre conservation area, and the elimination of the Jolly Pond Road entrance.

Ms. Julia Leverenz stated that the Policy Committee did not meet in September.

## **E. CONSENT AGENDA**

1. Minutes of the September 4, 2019 Regular Meeting
2. Development Review Committee Action Item: Case No. SP-19-0065. Chickahominy Riverfront Park Shoreline Stabilization

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

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

## **F. PUBLIC HEARINGS**

1. SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

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

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster

Absent: Schmidt

Mr. José Ribeiro, Senior Planner II, stated that Mr. Joseph Stanko, of Diverging Approach Incorporation (DAI), has applied for an SUP to allow for the processing, assembly, and storage of light industrial products within a portion of an existing structure located at 6623 Richmond Road. Mr. Ribeiro stated that the site is split zoned B-1, General Business, and A-1, General Agricultural, with the structure entirely within the B-1 portion of the property. Mr. Ribeiro stated that processing, assembly, and storage of light industrial products require an SUP in the B-1 Zoning District.

Mr. Ribeiro stated that until the early 2000s, the existing structure was used entirely by the Wythe-Will Company. Mr. Ribeiro stated that in 2006, the Board of Supervisors approved an SUP request to allow a skate park within a section of the building; however, the skate park was never built. Mr. Ribeiro further stated that in 2018 the Board of Supervisors approved an SUP request to allow an outdoor flea market in the front parking lot area.

Mr. Ribeiro stated that this SUP application proposes no additional impervious surfaces or building expansion. Mr. Ribeiro stated that operation of the business will take place in the back portion of the structure while the existing commercial and office uses will remain at the front portion of the structure.

Mr. Ribeiro stated that DAI is a train signal and communications contractor. Mr. Ribeiro further stated that they do not manufacture any materials, rather, DAI assembles light industrial components from different sources to produce train signal systems. Mr. Ribeiro stated that these components include ground materials such as cable, train control loops, junction boxes, programmed microprocessors, and instrument shelters. Mr. Ribeiro stated that ground materials and microprocessors are purchased, stored, and shipped to installation contractors at project sites. Mr. Ribeiro stated that the instrument shelter is manufactured off-site and delivered to DAI for final assembly, which is then shipped to different clients across the country.

Mr. Ribeiro stated that all operation associated with this use will occur indoors, therefore potential impacts such as visual, noise, dust, and storage of materials will be contained within the structure. Mr. Ribeiro stated that the proposal will generate a limited amount of traffic with no impact to the right-of-way. Mr. Ribeiro stated that according to the applicant, delivery traffic typically consists of a box truck once to twice a week, FEDEX trucks daily, and a tractor trailer once a month.

Mr. Ribeiro stated that staff notes that Richmond Road is designated by the Comprehensive Plan as a Community Character Corridor. Mr. Ribeiro stated that the proposed operation will occur indoors at the back portion of the structure with limited visual impacts to the right-of-way. Mr. Ribeiro stated that a previous SUP application for an outdoor flea market located at the front parking lot area of the property has addressed landscaping along the frontage of the property.

Mr. Ribeiro stated that the property is designated Mixed Use; Lightfoot Area, by the 2035 Comprehensive Plan. Mr. Ribeiro stated that principal suggested uses are moderate density housing, and commercial and office development. Mr. Ribeiro further stated that from a use stand point, the current proposed use is considered light industrial, which is not a principal suggested use; however, the existing structure continues to contain commercial uses, and the proposed use will include office elements as part of the light industrial use. Mr. Ribeiro stated that given this mix for the structure overall, and the fact that the proposed use has impacts that are similar or less than many retail and commercial uses, staff finds the use consistent with the Comprehensive Plan. Mr. Ribeiro further stated that staff also finds the proposal compatible with surrounding development

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

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck, and Hickman, LLP, 1177 Jamestown Road, representing the applicant, made a presentation in support of the application.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing. Mr. Haldeman opened the floor for discussion by the Commission.

Ms. Leverenz made a motion to approve the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage, subject to the proposed SUP conditions. (6-0)

2. SUP-19-0016. 3021 Ironbound Road Tourist Home

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

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

Ayes: Dowdy, Haldeman, Krapf, Leverenz, O'Connor, Polster

Absent: Schmidt

Ms. Terry Costello, Deputy Zoning Administrator, stated that Ms. Sharon Dennis has applied for an SUP to allow the operation of a Tourist Home at 3021 Ironbound Road. Ms. Costello stated that the SUP will allow for the short-term rental of a two-bedroom home with no changes to the size or footprint of the home. Ms. Costello further stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map, and is located inside the PSA, as are all surrounding parcels.

Ms. Costello stated that staff considered the home's location, parking provisions, and screening to be favorable factors in the evaluation of this application. Ms. Costello further stated that the property has an existing driveway and parking area sufficient to accommodate guests, and is screened from adjacent properties through fencing and vegetation. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello stated that such conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello stated that staff notes that there was a previously approved SUP for a tourist home which expired due to a condition not being met within the required time frame.

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

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

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

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

Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0016. 3021 Ironbound Road Tourist Home. (6-0)

3. AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal

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

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, Leverenz

Nays: O'Connor, Polster

Absent: Schmidt

(Secretary's Note: Consideration of this case was combined with item #4 below).

4. SUP-19-0017. Hill Pleasant Farm Solar Farm

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, Leverenz, Polster

Nays: O'Connor

Absent: Schmidt

Mr. Haldeman noted that AFD-19-0001, 7150 Richmond Road, Hill Pleasant Farm AFD

Withdrawal and SUP-19-0017, Hill Pleasant Farm Solar Farm would be considered by the Commission concurrently, with one Public Hearing, but each case would require a separate vote.

Mr. Thomas Leininger, Planner, stated that Mr. Ben Vollmer has applied, on behalf of Strata Solar, for an SUP to construct a solar farm and an Agricultural and Forestal District (AFD) Withdrawal to remove a 192.76-acre portion of the 391.30-acre parcel within the Hill Pleasant Farm AFD. Mr. Leininger stated that the subject parcel is one of three currently in the Hill Pleasant Farm AFD, which total 529.39 acres. Mr. Leininger stated that the parcel is located at 7150 Richmond Road and is currently zoned A-1, General Agricultural and is designated Economic Opportunity on the 2035 Comprehensive Land Use Map and is located outside the PSA.

Mr. Leininger stated that prior to the approval of an SUP for the solar farm, the area subject to this SUP is required to be withdrawn from the AFD.

Mr. Leininger further stated that outside of the AFD renewal period, withdrawals must be approved by the Board of Supervisors according to a specific set of criteria. Mr. Leininger stated that the AFD Withdrawal was reviewed by staff, and found that it only met two of the four criteria listed in the adopted Board of Superiors' Policy Governing the Withdrawal of Property from AFDs. Mr. Leininger stated that staff recommended that the AFD Advisory Committee recommend denial of the application at its July 25, 2019 meeting. Mr. Leininger further stated that the AFD Advisory Committee voted 8-0 to recommend approval of the withdrawal request to the Planning Commission and Board of Supervisors.

Mr. Leininger stated that the major elements of the proposed solar farm are the ground-mounted arrays of solar panels. Mr. Leininger stated that each array is made of a number of panels and the arrays are mounted on single-axis trackers, which are devices that automatically orient the arrays toward the direction of the sun. Mr. Leininger stated that all new utilities will be placed underground and the solar farm will connect to an existing Dominion Energy utility pole. Mr. Leininger stated that a 50-foot vegetated buffer is shown along the perimeter of the development. The buffer is increased to 75 feet along areas nearest to Richmond Road. Mr. Leininger stated that the lease will be for 30 years with two 5-year extension options. Mr. Leininger stated that the proposed solar farm will take access from Rochambeau Drive and construction activities such as pile driving, clearing, and grading have limited hours per the SUP conditions.

Mr. Leininger stated that the 2035 Comprehensive Plan Land Use Map designates the property Economic Opportunity (EO). Mr. Leininger stated that the Comprehensive Plan does not specifically identify solar power or utilities in general, in EO; therefore, staff has reviewed this application as a transitional use for the District given the limited lease.

Mr. Leininger noted that Section 15.2-2232 of the Code of Virginia requires that unless a utility facility is shown on the adopted Comprehensive Plan or other Master Plan for the County, the local Planning Commission and a governing body shall review the facility to determine whether the location, character, and extent of the project is in substantial accordance with the Comprehensive Plan. Mr. Leininger stated that a Resolution of Consistency with Section 15.2-2232 of the Code of Virginia has been included for consideration.

Mr. Leininger stated that based on an evaluation of criteria listed in the Board of Supervisors' Policy Governing the Withdrawal of Properties from AFDs, staff recommends that the Planning Commission recommend denial of the AFD Withdrawal to the Board of Supervisors.

Mr. Leininger further stated that staff recommends that the Planning Commission recommend

approval of the proposed SUP subject to the proposed conditions and approving Case No. AFD-19-0001 to the Board of Supervisors.

Mr. Leininger stated that staff recommends that the Planning Commission find this application consistent with the Code of Virginia § 15.2-2232.

Mr. Greg Davis, Kaufman & Canoles, PC, 4801 Courthouse Street, representing the applicant, made a presentation to the Commission.

Mr. Krapf inquired if the low-growing plants would be under the solar panel arrays as well as in the garden.

Mr. Davis confirmed that a clover mix would be planted under the arrays.

Mr. Krapf inquired if native grasses would be used for portions of the site.

Mr. Davis stated that the proposal is to use turf grass. Mr. Davis further stated that the clover and grass mix was chosen because it will establish quickly to minimize erosion.

Mr. Krapf inquired if the applicant would be agreeable to an SUP Condition specifying the types of plantings to be used under the arrays.

Mr. Davis confirmed that the applicant would be amenable to that condition.

Mr. Polster inquired about the location of the five acres of pollinators.

Mr. Davis confirmed that the pollinators will be located adjacent to the farmhouse as shown on the Master Plan.

Mr. Polster inquired if the eastern buffer followed the Resource Protection Area (RPA).

Mr. Davis stated that the boundary for the parcel being withdrawn from the AFD generally follows the ravine system which is in the RPA.

Mr. Polster inquired if the trees within the buffer area would be preserved and protected from harvesting for the life of the lease.

Mr. Davis stated that the trees in the RPA would not be harvested; however, there would be some harvesting of trees outside the RPA among the arrays.

Mr. Polster inquired if the applicant might plant the swales of the Best Management Practice (BMP) with larger pollinator friendly plants.

Mr. Joe Davis, Civil Engineer, STRATA, stated that they had considered using pollinator friendly plants; however, the areas around the BMP are extremely steep and prone to erosion, so they need a mix that establishes quickly.

Mr. Polster inquired about how the habitat would be restored at the end of the project life.

Mr. Joe Davis stated that they would need an erosion control plan to re-stabilize the property.

Ms. Leverenz inquired if the life-expectancy of the arrays is 40 years or if significant components will need to be replaced through the life of the project.

Mr. Jackson Naftel, STRATA, stated that the solar panels have a 20- to 30-year guarantee.

Mr. Naftel further stated that even after that time, the panels function at a high percentage of their original capacity. Mr. Naftel noted that components will need to be replaced throughout the life of the project; however, the process is more piecemeal rather than a massive overhaul.

Ms. Leverenz noted that in 30 or 40 years technology will have evolved such that a major overhaul might be necessary.

Mr. Naftel responded that a large overhaul might be financially beneficial under those circumstances.

Mr. O'Connor inquired if there was any consideration in the lease agreement or the project design that would accommodate the Mooretown Road extension if and when it might be constructed.

Mr. Greg Davis stated that there is no accommodation for the Mooretown Road extension. Mr. Davis stated that this had been a subject of discussion with the County prior to bringing the application forward. Mr. Davis stated that neither the state, nor the County would fund construction of a road just to make the area attractive to a developer, therefore, it would fall to the developer to fund part or all of the road construction if it would benefit their project. Mr. Davis stated that it has been 10 years since the property was designated Economic Development and no one has come forward with a project that would incorporate the road extension.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearings for AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal, and SUP-19-0017. Hill Pleasant Farm Solar Farm

As no one wished to speak, Mr. Haldeman closed the Public Hearing. Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf stated that he is supportive of the AFD Withdrawal. Mr. Krapf stated that he believes the Board of Supervisors' AFD Withdrawal Policy was not established to completely prohibit withdrawals, but rather a way to discourage them. Mr. Krapf stated that he finds the solar farm use to be a public benefit. Mr. Krapf further stated that this is a small step that the community can take to reduce the carbon footprint. Mr. Krapf stated that the solar farm is an appropriate use of the land and is supportive of a number of County initiatives.

Ms. Odessa Dowdy stated that she is supportive of the application and eager for citizens to have the option for renewable energy.

Ms. Leverenz stated in light of the recent legislative changes, she finds the application to meet the three of the four criteria for withdrawal from the AFD. Mr. O'Connor stated that he does not find the application consistent with the Comprehensive Plan. Mr. O'Connor stated that because of future development needs, he has concerns about this parcel being tied up for 30 or 40 years.

Mr. Krapf inquired about the process if the AFD Withdrawal were approved but the SUP was not approved.

Mr. Holt stated that it would have to be resolved prior to action by the Board of Supervisors.

Mr. Krapf made a motion to approve the AFD Withdrawal.



On a roll call vote, the Commission voted to recommend approval of AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal. (4-2)

Mr. Krapf made a motion to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan.

On a roll call vote, the Commission voted to adopt the resolution finding the general location, character, and extent of the proposed use to be substantially in accord with the adopted Comprehensive Plan. (5-1)

Mr. Krapf made a motion to recommend approval of the application for an SUP subject to the associated conditions and development of additional condition regarding the type and extent of pollinator plantings along with a maintenance schedule for the life of the project which would be subject to approval by the Director of Planning at Site Plan stage.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0017. Hill Pleasant Farm Solar Farm subject to the proposed conditions. (5-1)

5. Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Leverenz, Polster

Nays: Dowdy, O'Connor

Absent: Schmidt

Ms. Ellen Cook, Principal Planner, stated that on behalf of the current development group within the Stonehouse Planned Unit Development, Mr. Tim Trant has submitted applications to achieve several legislative actions.

Ms. Cook stated that first, a rezoning application has been submitted to rezone approximately 2,659 acres of land from Planned Unit Development (PUD) to A-1, General Agricultural. Ms. Cook stated that the new A-1 area would consist of two sub-areas, shown on the Master Plan as the Stonehouse Preserve and the Riverfront Preserve. Ms. Cook further stated that the application seeks to allow some flexibility in future use of this area, while also putting in place parameters through two restricted use easements that would be granted to the County. Ms. Cook stated that through the easements and the Master Plan, up to four residential units would be allowed in the Riverfront Preserve, and up to 15 residential units and a maximum of 130,000 square feet of commercial uses would be allowed in the Stonehouse Preserve.

Ms. Cook stated that with regard to utilities, this property is currently inside the PSA and development of 19 lots would require extension of public utilities; however, should the PSA status change in the future, the requirement for a central water system might be triggered. Ms. Cook stated that the applicant has proceeded with submitting a central water system waiver request concurrent with this rezoning, which if approved, would allow the future lots to be served by individual private wells. Ms. Cook stated that in addition, the parcels would be served by individual on-site sewage disposal systems.

Ms. Cook stated that the second set of legislative actions are changes to the 2008 Master Plan and Proffers that are comprehensive in nature, substantially revising both.

Ms. Cook stated that proposed changes to the Master Plan include:

- A change in the zoning designation of approximately 735 acres from PUD-Commercial, with proffers, to PUD-Residential, with Proffers.
- A reduction in both the proposed overall residential unit number and the amount of commercial square footage as compared with the 2008 Master Plan, reflective of the reduction in the size of the PUD overall. The new Master Plan would allow for up to 2,392 residential units and up to 740,000 square feet of non-residential within the PUD.
- Areas planned for commercial, office, and industrial uses along Fieldstone Parkway and Mount Laurel Road north of I-64 would now be used primarily for residential units, with the commercial component concentrated in the planned Preservation Square focal point in Tract 10B. The school site would be relocated from an internal area along Six Mount Zion Road to Tract 9 which fronts on Rochambeau Drive. The road network shown on the Master Plan will be revised to eliminate the major new roadway that would have started at Rochambeau Drive, crossed over I-64, and served as the major access road for the eastern and northern portions of Stonehouse.

Ms. Cook stated that with the downzoning to A-1 and the concurrent significant reduction in development potential, a number of the proffered transportation improvements that were originally envisioned to serve this area are now proposed to be eliminated, including the new internal parkway, and a set of improvements planned to Rochambeau Drive, Croaker Road, and the Croaker/I-64 interchange. Ms. Cook further stated that the applicant has submitted an updated traffic study to demonstrate that adequate levels of service can be maintained under this scenario, and the Virginia Department of Transportation (VDOT) and the County's traffic consultant, Kimley-Horn and Associates, have concurred with the proposed changes.

Ms. Cook stated that the improvements that continue to be proffered are generally located at the existing development entrance/exit points, the Route 30/I-64 interchange, and the internal roadway intersections.

Ms. Cook stated that the applicant has also continued to commit to exploring disconnection of Ware Creek Road west of its intersection with Mt. Laurel Road, internal to the land owned by Stonehouse, or putting in place other measures to discourage Stonehouse traffic from using this rural roadway.

Ms. Cook stated that for the area proposed to be zoned A-1, access to/from this area would be directly onto Sycamore Landing and Croaker Road or Ware Creek Road. Ms. Cook stated that the updated traffic study submitted by the applicant indicates that compared to the estimated existing volumes on Croaker Road in 2017, the proposed development is anticipated to increase the volume by only 3% and that the impact on this section of Croaker Road is anticipated to be minimal. Ms. Cook stated that no improvements have been proposed in the restricted use easements or proffers.

Ms. Cook stated that with regard to public schools, as already noted, the applicant proposes a different school site, to accommodate one school, in Tract 9. Ms. Cook stated that the past use of this proposed site has led to the applicant proffering to adhere to a detailed procedure that would allow for the site to be conveyed to the County without any unusual site development, foundation, or environmental requirements. Ms. Cook stated that should the site conditions determined during this procedure indicate that the site is not suitable for a school, then the applicant has proffered to provide cash-in-lieu. Ms. Cook stated that the proposed proffers also include a per-unit and a lump sum cash contribution for the schools. Ms. Cook stated that overall, the proposed proffers would equate to either one prepared and graded

school site and up to approximately \$6.95 million or with the cash-in-lieu scenario, no physical school sites and up to approximately \$7.79 million.

Ms. Cook stated that moving from public impacts to the Comprehensive Plan, the main portion of Stonehouse is designated as Low Density Residential (LDR) and Mixed Use, with a very small portion of Tract 9 designated Rural Lands. Ms. Cook stated that the overall density remains within the recommended range for LDR. Ms. Cook stated that with regard to the Mixed Use area, the further development of the Stonehouse Commerce Park and the commercial Preservation Square area are most consistent with the Mixed Use description language, as are many of the commitments in the proffers to certain design, environmental protection, and access standards. Ms. Cook stated that the residential development shifted into Tract 11 does replace planned industrial and commercial uses which is less consistent with the description. Ms. Cook stated that staff finds the proposed amended Master Plan to be consistent with the LDR Land Use Designation, and generally consistent with the Mixed Use Land Use Designation.

Ms. Cook stated that the approximately 2,659 acres proposed to be rezoned from PUD to A-1 is designated LDR. Ms. Cook stated that overall, this proposal achieves certain goals consistent with the Comprehensive Plan and with certain LDR development standards, and reduces the demand for and impact on public services and facilities. Ms. Cook stated that as a downzoning from PUD to A-1, the proposed density is significantly less than that recommended by LDR.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD Proffer and Master Plan Amendments, and acceptance of the voluntary proffers.

Ms. Cook stated that staff recommends that the Planning Commission recommend approval of the PUD to A-1 rezoning, and acceptance of the restricted use easements.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf stated that he had a telephone conversation with Mr. Trant.

Mr. Polster stated that he discussed the application with Mr. Trant.

Ms. Dowdy stated that she spoke with Mr. Trant.

Ms. Leverenz stated that she spoke with Mr. Trant.

Mr. Haldeman stated that he, also, spoke with Mr. Trant.

Mr. O'Connor stated that he spoke with Mr. Trant.

Mr. Haldeman opened the Public Hearing.

Mr. Tim Trant, Kaufman & Canoles, PC, 4801 Courthouse Street, representing the applicant, made a presentation to the Commission

Mr. Krapf inquired about the restrictive easements for the Stonehouse Preserve.

Mr. Trant stated that two separate easements have been created since there are two distinct Preserve areas, each with different restrictions. Mr. Trant further stated that for the Stonehouse Preserve, an easement has been proposed that would limit the uses that could occur on the property to those allowed in the A-1 District, and further restricted by intensity. Mr. Trant stated that the limitations included no more than 15 homes, no more than 130,000 square feet

of A-1 businesses, silviculture, and agriculture in accordance with a best management plan. Mr. Trant further stated that any end user of the property would be bound by the terms of that easement. Mr. Trant stated that it would be a private property right that would convey to the County in connection with the rezoning and would be binding on all successive property owners.

Mr. Krapf stated that he appreciated the clarification. Mr. Krapf further stated that this answered his next question regarding the applicability of the easement to future property owners should the state change its plan to augment the Ware Creek Wildlife preserve with the Stonehouse Preserve property.

Ms. Leverenz inquired if the easement applied to the state. Ms. Leverenz stated that her understanding is that the state is exempt from zoning regulations.

Mr. Trant stated that the state would still be bound by private property rights such as an easement. Mr. Trant further stated that is a contract, which would be binding on any successor in title including the state.

Ms. Leverenz inquired if future homes would be prohibited from applying for wells.

Mr. Trant inquired if this was for the PUD property or for the A-1 property.

Ms. Leverenz stated that this is where she is seeking clarification. Ms. Leverenz stated that her understanding is that in the A-1 property it would be possible to apply for a well. Ms. Leverenz inquired if the well could also be used for irrigation.

Mr. Trant stated that for the residences within the PUD, the applicant has proffered water conservation measures and made a commitment to entering into water conservation agreements with the James City Service Authority (JCSA). Mr. Trant stated that there are agreements currently in place that cover water conservation for Stonehouse; however, he was not certain whether those agreements prohibited irrigation wells.

Mr. Max Hlavin stated that there is a water conservation agreement in place for Stonehouse, which has been amended several times. Mr. Hlavin stated that the agreement covers both commercial and residential components of the development. Mr. Hlavin further stated that the most recent iteration does prohibit irrigation for residential uses within the Stonehouse PUD.

Ms. Leverenz inquired if waivers would be possible for non-residential uses on A-1 parcels.

Mr. Trant stated that the applicant, staff, and JCSA are discussing the conditions for a well waiver or a central water system waiver that would allow for private wells. Mr. Trant further stated that it would be infeasible to have the homes and businesses on a central water system in the Stonehouse and Riverfront Preserves. Mr. Trant further stated that private wells will be the only option. Mr. Trant stated that there is a general agreement allowing private wells for residential uses and A-1 business uses. Mr. Trant stated that JCSA is generally satisfied with the overall reduction in water demand associated with the down zoning; however, leaving the parameters of the water use unaddressed is of concern. Mr. Trant stated that a tentative agreement has been reached on capping the water usage for the A-1 business uses to an average of 50,000 gallons per day.

Ms. Leverenz inquired if the cap applies to both the business use and any irrigation.

Mr. Trant confirmed.

Ms. Leverenz inquired if the cap is individual or cumulative.

Mr. Trant stated that it is cumulative, covering all businesses. Mr. Trant stated that it has been proposed that the developer allocate the water rights at the time of sale.

Ms. Leverenz inquired if the limitations would still apply if the state purchased the property.

Mr. Holt stated that the well waiver is a function of the Subdivision Ordinance and, therefore, would likely not apply unless it were incorporated in the easement.

Mr. Hlavin stated that the central well waiver is a condition on a major subdivision. Mr. Hlavin further stated that it would depend on what the state's use would be. Mr. Hlavin stated that if the property is used for a public use, then the central well waiver would not require any limitation. Mr. Hlavin further stated that if the property were sold to someone else, then the limitations would be in place.

Mr. Hlavin stated that to amend a prior response, for non-residential uses in the PUD, there is no irrigation and there are a number of limitations on residential irrigation in the PUD; however, it is allowed with square-footage and gallon per minute limitations.

Ms. Leverenz inquired about how the community association will work. Ms. Leverenz stated that her concern is about access to the community amenities and who will pay for them.

Mr. Trant stated that there are three primary community associations within Stonehouse. Mr. Trant stated that the Millpond Owners Association is the master homeowners association (HOA) for the first phase of Stonehouse and areas surrounding the golf course. Mr. Trant further stated that there is a second separate and distinct HOA for the remainder of Stonehouse, the Stonehouse Owners' Foundation, which includes Stonehouse Glen, Land Bay 5, and the residual PUD areas. Mr. Trant stated that it would not serve the two Preserve parcels. Mr. Trant further stated that there may be a number of sub-associations to serve individual neighborhoods; however, they will fall under the master association which will control all the community amenities. Mr. Trant stated that the third community association serves the Business Park.

Ms. Leverenz inquired if the property owners in the Millpond Owners' Association would have access to the amenities that will be constructed under this application.

Mr. Trant stated that they would not have access or be responsible for the associated costs.

Mr. O'Connor inquired about the average market value of homes in Stonehouse Glen.

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

Mr. O'Connor stated that the question is related to the reduction in the number of homes to comply with the Housing Opportunities Policy. Mr. O'Connor noted that putting affordable housing in a PUD is not always successful and is not always affordable long term.

Mr. O'Connor inquired about the reasoning behind the change in proffers eliminating the property for the public safety facility and one school site.

Mr. Trant stated that the proposed proffer includes a lump sum cash payment for school facilities and provides an alternate site for a school. Mr. Trant stated that this was due to land planning and the reduction of homes. Mr. Trant stated that the new location is more accessible to the entire district that it will serve and is located in proximity to the existing elementary school.

Mr. O'Connor inquired about the 130,000-square-foot commercial area.

Mr. Trant stated that the 130,000-square-foot commercial areas was limited to the Stonehouse preserve and further limited those business uses permitted in the A-1 Zoning District. Mr. Trant clarified that this limitation would be for the structures only and not apply to open land.

Mr. O'Conner inquired about the access to Stonehouse Preserve.

Mr. Trant stated that silviculture currently occurs on surrounding properties and that the access would remain the same.

Mr. O'Connor stated that the question stems from comments from constituents about the width of Croaker Road and Sycamore Landing Road.

Mr. Trant stated that the preferred option to access the Stonehouse Preserve is via a dirt access road that intersects with Sycamore Landing Road. Mr. Trant stated that other options include access from Ware Creek Road or finding access across parcels.

Mr. O'Connor inquired about the Covenants Committee.

Mr. Holt stated that the language may have been in regard to how the central well waiver would be administered.

Mr. Ben Arney, 3501 Splitwood Road, representing the Mill Pond Owners Association addressed the Commission in support of the application.

Mr. Richard Costello, 10020 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Art Michel, 9420 Ottoway Court, addressed the Commission in support of the application.

Mr. Scott Mallory, 10210 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. James Miller, 10031 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Ms. Nancy Vaughn, 10124 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road.

Mr. John Davidson, 10016 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Ms. Kelly Fulton, 9888 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Croaker Road and Sycamore Landing Road.

Mr. Mark Rinaldi, 10022 Sycamore Landing Road, addressed the Commission regarding traffic concerns related to Sycamore Landing Road. As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

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

Mr. Krapf inquired whether the state would require an SUP for those commercial uses that are special permitted if the entire 23,000 acres is included in the easement.

Mr. Hlavin stated that if the state is using the land for commercial uses, it is subject to zoning regulations in addition to the stipulations in the easement. Mr. Hlavin further stated that it is when the state uses property for a public purpose that it is exempt from zoning regulations.

Ms. Leverenz inquired if access via Sycamore Landing Road was part of the previous Master Plan.

Mr. Trant stated that the existing proffers state that there shall be no road connection from the property directly onto Croaker Road. Mr. Trant further stated that there is no prohibition on access to Sycamore Landing Road.

Mr. O'Connor noted that the reference to the Covenants Committee is found in the draft document regarding the management of the Well Waiver. Mr. O'Connor inquired what the role of the Covenants Committee would be and how members would be appointed.

Mr. Holt stated that the language referencing the Covenants Committee is old language and is not included in the active working document.

Mr. Trant stated that the applicant would prefer not to establish a Covenants Committee and to have the Covenants binding and running with the land so that they are enforceable by the County.

Mr. O'Connor inquired whether public funds were used to put in infrastructure.

Mr. Trant stated that it is the applicant's understanding is that the majority, if not all, of infrastructure has been done with private funds. Mr. Trant further stated that he cannot guarantee that no public funds have been used; however, it would be an insignificant amount. Mr. Trant stated that whatever investment is in place, all capacity will be used, even if the property is rezoned.

Ms. Leverenz inquired if the applicant would be willing to consider an alternate option for the access to Stonehouse Preserve.

Ms. Dowdy inquired if the applicant has already considered alternatives.

Mr. Trant stated that the applicant has looked at many alternatives; however, the property is constrained by topography and wetlands and there is no reasonable alternative.

Ms. Leverenz inquired if there would be a way to impose restrictions on the amount of traffic.

Mr. Trant stated that the applicant is not willing to risk the economic viability of the project; especially since the downzoning represents a substantial economic concession. Mr. Trant stated that, for better understanding, for the 130,000 square feet of commercial buildings, there are only a few by-right uses: farmers markets limited to 2,500 square feet or less, commercial greenhouses, home occupations, horse and pony farms, riding stables, house museums, nurseries, rest homes for fewer than 15 adults, limited farm brewery, and wineries with an accessory building for the sale of wine, but not other commercial uses, among others. Mr. Trant further stated that the types of uses that would generate traffic concerns would require an SUP. Mr. Trant noted that there are a number of safety nets built into the Zoning Ordinance to address the types of concerns that have been noted.

Mr. Krapf stated that he feels comfortable that the SUP process would mitigate some of the

issues. Mr. Krapf stated that the condition of the roads is a separate issue. Mr. Krapf further stated that the residents might wish to approach their Board of Supervisors Representative regarding potential improvements. Mr. Krapf stated that the issues he had to balance are the beneficial impacts on the County of fewer residential units and the impact on traffic if several commercial uses were developed at the same time. Mr. Krapf stated that the benefits of the proposal outweigh the concerns in light of the safety net provided through the Zoning Ordinance. Mr. Krapf stated that he also concurs with the use of the easement to ensure that the state will conform to the Zoning Ordinance. Mr. Krapf stated that he would support the application.

Mr. O'Connor inquired if the state has the ability to condemn the easement if they wish to put in a use that the County does not support.

Mr. Hlavin stated that it is theoretically possible; however, it would likely be easier to simply apply for the SUP or a change in the easement.

Mr. O'Connor inquired if the applicant wishes for the state to acquire both parcels.

Mr. Trant stated that it is only the Stonehouse Preserve.

Mr. O'Connor stated that he is typically supportive of a developer's right to amend proffers and amend the Master Plan to adapt to changing market conditions. Mr. O'Connor stated that there are a lot of unknowns in this application. Mr. O'Connor stated that he is disappointed that the County will only receive one school site and no public safety site. Mr. O'Connor stated that removing the housing units could put growth pressure on the wrong areas of the County, when Stonehouse is well situated with access to the interstate. Mr. O'Connor stated that he will not support the application.

Mr. Polster stated that this application provides some unique benefits. Mr. Polster stated that the reduction in housing units removes pressure from water use, infrastructure, and the schools. Mr. Polster further stated that the application promotes better land conservation by seeking a single buyer for the Stonehouse Preserve. Mr. Polster stated that the parcel has been recognized as a high core area and is part of the vision for preserving Virginia.

Ms. Leverenz asked Mr. Polster if that by selling the property to the state or a conservation agency, the homes and the commercial uses would not be developed.

Mr. Polster confirmed. Mr. Polster noted that the key is the adjacent Ware Creek Reserve which would be extended by the addition of this parcel.

Ms. Leverenz noted that the state approached the applicant about the parcel which has been the impetus for the application.

Mr. O'Connor noted that there is still no contract between the applicant and the state.

Mr. Polster made a motion to approve the application with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Preserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency.

On a roll call vote, the Commission voted to recommend approval of Z-18-0002/Z-19-0010/MP-18-0002 Stonehouse Rezoning and Proffer and Master Plan Amendment, with a recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse Reserve parcel through a conservation easement of property under the Commonwealth of Virginia or a conservation agency. (4-2)



**G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - October 2019

Mr. Holt stated that he did not have anything in addition to what was included in the agenda materials.

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Haldeman noted that Ms. Dowdy has Board of Supervisors coverage for October.

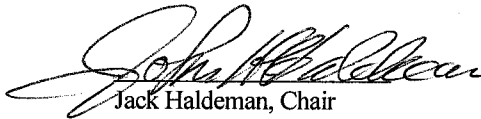
Mr. Polster commended Ms. Cook for her work on the Stonehouse case.

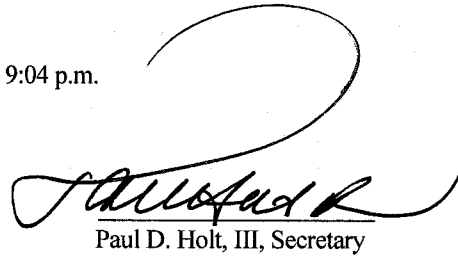
Mr. Polster stated that the Commission has an opportunity as the Comprehensive Plan is reviewed, to look at the scenario planning model and revisit prior decisions, in particular the EO designation for the Hill Pleasant/Mooretown Road area. Mr. Polster stated that the exercise will look at growth; what drives it, the cumulative impacts and what it means for economic development.

**J. ADJOURNMENT**

Ms. Leverenz made a motion to Adjourn.

The meeting was adjourned at approximately 9:04 p.m.

  
Jack Haldeman, Chair

  
Paul D. Holt, III, Secretary