

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 4, 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
Danny Schmidt
Frank Polster
Julia Leverenz
Odessa Dowdy

Planning Commissioners Absent:

Tim O'Connor

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Tori Haynes, Planner
Thomas Leininger, Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one 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 November 20, 2019 to consider SP-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amendment. Mr. Polster stated that James City County Parks & Recreation is seeking to relocate the RV/boat storage to a larger area south of its current location to allow for additional revenue generation and to provide better services to patrons via a boathouse area expansion. Mr. Polster stated that the proposed RV/boat storage will be approximately 400 x 140 square feet and store a combination of up to 50 large RVs or boats.

Mr. Polster stated that the Special Use Permit (SUP) requires that both the Planning Director and DRC approve the removal of trees on the property.

Mr. Polster stated that the DRC previously approved a conceptual plan for the relocation of the RV/boat storage to the site represented in this site plan, SP-19-0101 in June of 2018.

Mr. Polster stated that the Committee had questions concerning what appeared to be dual siting of the proposed RV/boat storage site and the Water Treatment Plant depicted in the proposed update to the approved 2009 Master Plan shown in the updated Shaping Our Shores document.

Mr. Polster stated that Parks & Recreation staff indicated that the proposed siting of the RV/Boat storage area was a temporary solution and would be moved to the location on the proposed updated 2009 Master Plan if the Water Treatment Plant were required.

Mr. Polster stated that the RV/boat Storage area on the proposed updated 2009 Master Plan would require the programming of a Capital Improvements Program (CIP) project to build a road to its final location. Mr. Polster stated that the temporary relocation of the RV/boat storage area allows time for the programming of the CIP project and at the same affords the programmed boathouse area expansion to proceed in the near future.

Mr. Polster stated that the DRC voted 4-0 to approve the site plan amendment for the removal of trees for the RV and boat storage area.

Mr. Krapf stated that the Policy Committee met on November 14, 2019; however, a quorum was not met so no votes were taken.

Mr. Krapf stated that staff presented Stage II language for amendments to the Zoning Ordinance for inoperable vehicles and oversize vehicles. Mr. Krapf stated that a recent change to the County Charter gave the County the authority to regulate inoperable vehicles on properties zoned agricultural and less than two acres in size. Mr. Krapf stated that the Committee requested that staff move to the next stage of developing the amendments.

Mr. Krapf stated that regarding the parking of oversized vehicles in areas zoned residential, the Committee reviewed definitions and regulations from various jurisdictions in the Commonwealth. Mr. Krapf stated that the Committee and staff found it important not to over-regulate in order to avoid unintended consequences for business and property owners. Mr. Krapf stated that the Committee directed staff to draft regulations similar to those in effect in Prince William County for further review by the Committee.

Mr. Krapf stated that the Committee also reviewed changes to the Wireless Communications Facilities Ordinance. Mr. Krapf stated that changes to the Virginia state code as well as federal regulations have made it necessary for the County to update the ordinance to be consistent with these changes. Mr. Krapf stated that the Committee did not have any concerns about the proposed changes and directed staff to finalize the amendments.

Mr. Krapf stated that the Committee also considered amendments to the Zoning Ordinance regarding warehouse storage and distribution centers in the Mixed Use Zoning District. Mr. Krapf noted that the review is being done at the direction of the Board of Supervisors. The request was to consider either removing the use from the Use List or making it a Specially Permitted Use subject to legislative consideration. Mr. Krapf stated that the Committee determined that the use could be a valid component of some Mixed Use developments and requested that staff develop an amendment making the use a Specially Permitted Use.

E. CONSENT AGENDA

1. Minutes of the November 6, 2019 Regular Meeting
2. Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Wireless Communication Facilities to Address Changes to the Code of Virginia and the Federal

3. Development Review Committee Action Item: SP-19-0101. Chickahominy Riverfront Park RV and Boat Storage Area SP Amend.

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. AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road

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

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

Ayes: Dowdy, Haldeman, Krapf, Leverenz, Polster, Schmidt

Absent: O'Connor

Ms. Tori Haynes, Planner, stated that Ms. Kelly Fulton has applied to enroll 3.85 acres of land located at 9896 Sycamore Landing Road into the Croaker Agricultural and Forestal District (AFD). Ms. Haynes stated that the parcel is currently undeveloped and forested, and is located more than one mile away from the core of the District. Ms. Haynes stated that when a parcel is located more than one mile from the core, State Code allows it to be added to the AFD if the governing body finds that it contains agriculturally and forestally significant land.

Ms. Haynes stated that a forest management plan has been prepared for the owner, which has found that the property consists of an upland hardwood timber type, including red oak, yellow poplar, sweet gum, and loblolly pine.

Ms. Haynes stated that at its October 24, 2019 meeting, the AFD Advisory Committee found that the subject parcel is agriculturally and forestally significant, and recommended its addition to the Croaker AFD. Ms. Haynes further stated that with the AFD Advisory Committee's findings and recommendation of approval, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions, consistent with other properties in the District.

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 discussion by the Commission.

Mr. Polster stated that he appreciated the thoroughness of the staff report and the materials included with the application. Mr. Polster noted that he always looks for documentation that provides a clear reason why the parcel should be included in an AFD and the Forest Management Plan met that criteria. Mr. Polster further noted that this parcel will serve as a buffer in the Stonehouse Reserve area.

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

On a roll call vote, the Commission voted to recommend approval of AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road. (6-0)

2. Z-19-0018/SUP-19-0024. Monticello Avenue Shops

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

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

Ayes: Dowdy, Krapf, Leverenz, Polster, Schmidt

Nays: Haldeman

Absent: O'Connor

Mr. Thomas Leininger, Planner, stated that Mr. Jeremy Gorovitz of Tricor has submitted an application to rezone three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. Mr. Leininger further stated that a commercial SUP application has also been submitted. Mr. Leininger stated that the parcels are currently zoned R-8, Rural Residential, and are designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map.

Mr. Leininger stated that this proposal is to rezone 2.75 acres from R-8 Rural Residential to B-1, General Business with proffers. Mr. Leininger stated that the commercial SUP is to permit more than 10,000 square feet of commercial development and to allow a commercial building or group of buildings which would be expected to generate a total of 100 or more additional trips to and from the site during peak hour of the operation.

Mr. Leininger stated that a limited access break would need to be approved by the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) to allow access on Monticello Avenue at the existing WindsorMeade Way intersection. Mr. Leininger stated that the proposed site would take access from the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes.

Mr. Leininger stated that the proposed site is located along the Monticello Community Character Corridor and is within the New Town Community Character Area. Mr. Leininger stated that the applicant has proffered design guidelines to ensure consistency with the character of the area.

Mr. Leininger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Mr. Leininger further stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors subject to the proposed proffers and SUP conditions.

Mr. Krapf inquired about the reduction along the front of the property on Monticello Avenue.

Mr. Leininger stated that the Master Plan shows a landscape buffer reduction to 20 feet. Mr. Leininger further stated that this does not include the building setback, which remains at 50 feet from the property line.

Ms. Julia Leverenz inquired if there are tenants lined up for the proposed retail.

Mr. Leininger stated that he would defer to the applicant. Mr. Haldeman inquired about the Floor to Area Ratio (FAR) for this project. Mr. Leininger stated that, while he does not have the exact figure, it is below what is set forth in the Comprehensive Plan.

Mr. Holt noted that the FAR is 0.11.

Mr. Haldeman inquired about lighting for the project.

Mr. Leininger stated that lighting would not be able to project past the property line by more than 0.1 iso-foot candles.

Mr. Haldeman inquired if the buffer would use existing specimen trees.

Mr. Leininger stated that he would defer to the applicant.

Mr. Haldeman inquired if it would be possible to extend Old News Road through to Ironbound Road.

Mr. Holt stated that it would not be possible since actions had been taken previously to abandon that right-of-way.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf, Mr. Polster, Mr. Schmidt, Mr. Haldeman, and Ms. Leverenz each stated that they had spoken with the applicant's representative regarding the application.

Mr. Haldeman opened the Public Hearing.

Mr. Curt Miller, 966 Warehouse Road, Orlando, FL, representing Tricor, made a presentation to the Commission.

Mr. Polster inquired about the Route 199 to News Road Average Daily Traffic (ADT).

Mr. Carl Hultgren, Ramey Kemp & Associates, Inc., stated that the numbers provided by VDOT seem reasonable.

Mr. Polster noted that the application states that the Traffic Impact Analysis (TIA) has been approved by VDOT. Mr. Polster inquired if the scope of the TIA is for peak hour traffic for the proposed ingress/egress across from WindsorMeade Way.

Mr. Hultgren stated that the TIA includes the proposed ingress/egress, the interchange with Route 199, and the next two intersections to the west.

Mr. Polster inquired if there was any analysis of the impact to the interchange with Route 199, and the intersection with Monticello Avenue and News Road outside the peak hour impacts.

Mr. Hultgren stated that it is the peak hour traffic that was studied.

Mr. Polster noted that he wanted to come back to the TIA later in the discussion to better understand the data for the forecast for 2034. Mr. Polster further stated that he wants to understand how the applicant will mitigate the traffic impacts. Mr. Polster further noted that the scope and timeframe of the TIA were extremely narrow.

Mr. Hultgren stated that the TIA provided is consistent with those done for most other projects.

Mr. Polster stated that he has concerns about the impact to Monticello Avenue beyond the build-out year of 2020 which is anticipated to be a Level of Service (LOS) F.

Mr. Hultgren stated that long-term improvements to the corridor would fall to the County and to the Hampton Roads Transportation Planning Organization to identify a project and allocate the necessary funding.

Mr. Polster stated that two mitigation projects have already been completed for the corridor and that there are no future improvements scheduled. Mr. Polster stated that the only future option is to restrict development along the corridor. Mr. Krapf inquired about the number of trips generated by the project.

Mr. Hultgren stated that it was estimated to be 521 trips in and 521 trips out.

Mr. Krapf inquired how trip generation is derived.

Mr. Hultgren stated that it is based on the land use trip rate tables developed by the Institute of Transportation Engineers (ITE).

Mr. Schmidt inquired about the timing of the signal.

Mr. Hultgren stated that it would add approximately nine seconds.

Ms. Leverenz inquired if the figures include the traffic improvements.

Mr. Hultgren stated that the build-out scenario includes the improvements.

Mr. Polster inquired about landscaping along the front of the property.

Mr. Jason Grimes AES, Consulting Engineers, the front of the property incorporates the drainage ditch and would have a more manicured appearance.

Mr. Polster inquired about maintenance of the drainage ditch and right-of-way.

Mr. Grimes stated that, while nothing could be done in the ditch area, the applicant would work with VDOT for permission to plant in the right-of-way to create pleasing landscape which is similar to the adjacent retail center.

Mr. Krapf inquired if the landscaping was addressed in any of the SUP conditions.

Mr. Holt stated that under the current landscaping requirements, there are requirements both for the front landscape buffer and for street trees. Mr. Holt further stated that with one of the SUP does address the landscaping requirements. Mr. Holt noted that the details of the landscaping would be addressed at the Site Plan stage.

Mr. Leonard Sazaki, 3927 Ironbound Road, addressed the Commission in opposition to the application.

Mr. Craig Hardison, 3741 Cherry Walk, addressed the Commission in opposition to the application.

Mr. Richard Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the application.

Ms. Susan Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the application.

Mr. Lawrence Rouse, 211 Old Cart Road, addressed the Commission in opposition to the application.

Ms. Rachel Lenahan, 136 Sharps Road, addressed the Commission in opposition to the application.

Mr. Bob Myers, 143 Waters Edge, addressed the Commission in opposition to the application.

Ms. Judith Collard, 3731 Shakleton Lane, addressed the Commission in opposition to the application.

Ms. Pamela Hardison, 3741 Cherry Walk, addressed the Commission in opposition to the application.

Ms. Angie Weheliye, 205 Braemar Creek, addressed the Commission in opposition to the application.

Ms. Beverly Rouse, 211 Old Cart Road, addressed the Commission in opposition to the application.

Mr. Barry Carroll, 122 Indigo Dam Road, addressed the Commission in support of the application.

Ms. Connie Volkman, 4860 Mildens Road, addressed the Commission in opposition to 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.

Mr. Krapf stated that the application does support the Comprehensive Plan by encouraging infill development. Mr. Krapf further stated that the applicant is willing to provide an enhanced product by committing to improved landscaping and architectural guidelines. Mr. Krapf stated that he does have some serious concerns about the application, specifically that the proposed use is too intense for the Neighborhood Commercial designation. Mr. Krapf noted that he has concerns about the impacts to the LOS and the addition of another stoplight. Mr. Krapf stated that he would not support the application.

Mr. Polster stated that he concurs with the two positive aspects of the application. Mr. Polster noted that his concern with the traffic analysis is the constrained timeframe and scope. Mr. Polster stated that the Comprehensive Plan identified problems along the Monticello Corridor and the County took action to implement remedies. Mr. Polster further stated that this has exhausted all the possible remedies. Mr. Polster stated that based on the new Comprehensive Plan tools to model future traffic and economic impact along the corridor, he will not support the application.

Ms. Leverenz stated that she would not support the application. Ms. Leverenz stated that if it were a stand-alone application, there are some appealing aspects; however, the potential cumulative impacts to the corridor cannot be justified or mitigated. Ms. Leverenz further stated that she does not believe that the application meets the definition of Neighborhood Commercial. Ms. Leverenz stated that there does not appear to be a demand for more retail space from citizens or businesses.

Ms. Odessa Dowdy stated that she concurs with the thoughts of her colleagues. Ms. Dowdy

stated that she questions whether developers are in tune with the needs of the community when such projects are proposed.

Mr. Schmidt stated that no matter what is decided by the Commission, the LOS on Monticello Avenue will be degraded due to future population and traffic increases. Mr. Schmidt stated that his concern is safety. Mr. Schmidt noted that the subject portion of the road is the most prone to accidents. Mr. Schmidt stated that he would not support the application.

Mr. Haldeman stated that he has concerns about the additional traffic around the Route 199 interchange, as well as the addition of another stoplight. Mr. Haldeman noted that with the development that is scheduled to be built out, delays and backups are inevitable. Mr. Haldeman noted that 25 years ago, all of this land was rural farmland. Mr. Haldeman noted that the time to guide the development of the land is long past. Mr. Haldeman further noted that he empathizes with the owners of the four lots as they have property that will be difficult to sell if it cannot be developed commercially. Mr. Haldeman noted that the property is no longer suited for residential purposes. Mr. Haldeman stated that he hoped there would be some way for this property to be developed that would make it marketable.

Mr. Polster made a motion to recommend denial of the application.

On a roll call vote the Commission voted to recommend denial of Z-19-0018/SUP-19-0024. Monticello Avenue Shops. (5-1)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Krapf stated that the survey and visual preference questionnaire for the Comprehensive Plan update are available online through December 18, 2019. Mr. Krapf encouraged citizens to provide feedback on their thoughts for the future development of the County.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report December 2019

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

Mr. Holt noted appreciation for the efforts of the Commission in making the engagement portion of the Comprehensive Plan update vibrant and interesting.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

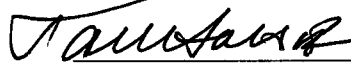
Mr. Haldeman noted that Mr. Schmidt is the Commission's representative to the Board of Supervisors for December.

Mr. Polster stated that, in regard to the Comprehensive Plan update, when the modeling scenarios are available, it would be helpful to get feedback from the citizens on those specific scenarios. Mr. Polster noted that the scenarios should generate information on the fiscal impacts, traffic impacts, and environmental impacts for each alternative.

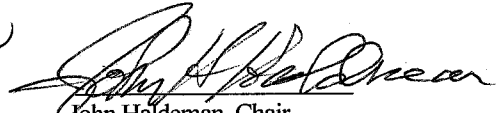
J. ADJOURNMENT

Mr. Krapf made a motion to Adjourn.

The meeting was adjourned at approximately 7:58 p.m.



Paul D. Holt, III, Secretary



John Haldeman, Chair