

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
April 1, 2020
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Mr. Paul Holt, Director of Community Development and Planning, stated that a physical quorum was present. Mr. Holt further stated that three Commissioners, Frank Polster, Julia Leverenz, and Rob Rose, have requested to participate remotely. Mr. Holt stated that the Commissioners present must vote to approve the remote participation.

Mr. Krapf made a motion to approve the three Commissioners remote participation.

On a roll call vote, the Commissioners present voted to approve that Mr. Polster, Ms. Leverenz, and Mr. Rose participate remotely. (4-0)

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Barbara Null

Planning Commissioners Present Via Telephone:

Frank Polster
Julia Leverenz
Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Alex Baruch, Senior Planner
Tori Haynes, Planner

Mr. Haldeman stated that the Commission's March 16, 2020, meeting was canceled due to the County Offices being closed. Mr. Haldeman stated that a motion is needed to temporarily suspend and set aside Article III, Section 6 of the Planning Commission Bylaws which calls for the Annual Organizational Meeting to take place the third week of March. Mr. Haldeman stated that a motion is also required to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment.

Mr. Krapf made a motion to temporarily suspend and set aside Article III, Section 6 of the Planning Commission Bylaws and to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment.

On a roll call vote, the Commission voted to temporarily suspend and set aside Article III,

Section 6 of the Planning Commission Bylaws and to amend the Agenda to allow the Organizational Meeting to take place prior to the Public Comment. (7-0)

ANNUAL ORGANIZATIONAL MEETING

Mr. Haldeman opened the floor for nominations for Chair.

Mr. Tim O'Connor nominated Mr. Krapf.

As there were no further nominations, Mr. Haldeman closed the nominations.

On a unanimous voice vote, Mr. Krapf was elected as Chair.

Mr. Haldeman opened the floor for nominations for Vice Chair.

Mr. Krapf nominated Ms. Leverenz.

As there were no further nominations, Mr. Haldeman closed the nominations.

On a unanimous voice vote, Ms. Leverenz was elected as Vice Chair.

Mr. Krapf thanked Mr. Haldeman for his leadership of the Commission over the last year. Mr. Krapf noted that he would be in touch with the Commissioners to establish Board of Supervisors coverage and Committee assignments.

Mr. Krapf stated that he is appointing Mr. Haldeman as Chair of the Development Review Committee and Mr. Polster as Chair of the Policy Committee.

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Krapf stated that he would provide the Policy Committee report on behalf of Ms. Leverenz.

Mr. Krapf stated that the Policy Committee met on March 5, 2020. Mr. Krapf stated that this was the fourth and final meeting of the Policy Committee to establish the final scoring and ranking recommendations for Fiscal Year (FY) 2021-2025 Capital Improvements Programs. Mr. Krapf stated that the Committee discussed and agreed on the rankings that will be presented to the Planning Commission for review, and then to the Board of Supervisors.

Mr. Krapf stated that the Policy Committee also met on March 12, 2020, to consider draft language for two proposed Ordinance amendments.

Mr. Krapf stated that staff presented Phase II proposed Zoning Ordinance amendments to address the keeping of bees in residential districts. Mr. Krapf stated that in a previous meeting, the Committee reviewed regulations in other jurisdictions, as well as the state's best management practices, and recommended allowing beekeeping in all zoning districts. Mr. Krapf stated that the Board of Supervisors' Initiating Resolution addressed beekeeping only in residential and agricultural districts. Mr. Krapf noted that if the Planning Commission wishes to

extend beekeeping to the entire County, then the Board of Supervisors would have to revise its Initiating Resolution. Mr. Krapf stated that the Committee revisited previously-discussed restrictions and permitting requirements, and discussed providing maximum protection to adjoining property owners while encouraging beekeeping. Mr. Krapf stated that staff will draft Ordinance language requiring notification of adjoining property owners and adherence to best management practices for Committee review at a future meeting. Mr. Krapf stated that the Committee recommended that the Board of Supervisors amend the Initiating Resolution to allow beekeeping County-wide.

Mr. Krapf stated that staff also presented Phase II proposed Zoning Ordinance amendments to address combat tactical training facilities. Mr. Krapf stated that in Phase I discussions, the Committee agreed with the Board of Supervisors' Initiating Resolution and recommended excluding such facilities from all zoning districts. Mr. Krapf stated that after considering provisions used in other jurisdictions, the Committee asked staff to prepare a definition of these facilities. Mr. Krapf stated that the Committee reviewed and agreed with staff's definition of "combat tactical training facilities." Mr. Krapf stated that staff will draft final Ordinance language for consideration at a future Committee meeting.

Mr. Frank Polster stated that the Development Review Committee (DRC) met on April 1, 2020, to consider SP-0020-0012, Axe Throwing Facility at Freedom Park. Mr. Polster stated that the adopted Special Use Permit (SUP) conditions for this development require DRC review of any proposed changes to the Master Plan for Freedom Park for general consistency. Mr. Polster stated that the proposal was to establish an axe throwing lane facility of approximately 384 square feet at Freedom Park. Mr. Polster stated that the proposed facility will be located next to the Ropes Courses within an area currently leased to Go Ape. Mr. Polster stated that the Committee voted 4-0 to recommend that the proposal is consistent with the adopted Master Plan.

E. CONSENT AGENDA

1. Minutes of the March 4, 2020 Regular Meeting
2. Proposed Calendar for 2020-2021
3. Development Review Committee Action Item: SP-0020-0012. Axe Throwing Facility at Freedom Park

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

On a voice vote, the Commission voted to approve the Consent Agenda. (7-0)

F. PUBLIC HEARINGS

1. Fiscal Year 2021-2025 Capital Improvements Program

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

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

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Ms. Tori Haynes, Planner, stated that after a series of meetings to discuss and evaluate this year's Capital Improvements Program (CIP) requests, the Policy Committee is forwarding its recommendations for the FY 2021 through 2025 CIP to the Commission for consideration.

Ms. Haynes stated that a total of 28 projects were submitted: 20 from County departments, two from Williamsburg Regional Library, and six from Williamsburg-James City County (WJCC) Schools. Ms. Haynes further stated that the projects total \$154.7 million dollars, with \$13.9 million of that identified for FY 2021.

Ms. Haynes stated that Committee members used a standardized set of ranking criteria to prioritize each application. Ms. Haynes further stated that individual Committee member scores were then averaged to generate the final project score and ranking.

Ms. Haynes stated that at its March 5, 2020 meeting, the Committee voted unanimously to forward the following priorities to serve as a recommendation to the Planning Commission.

1. Stormwater Capital Improvements Program
2. Transportation Match
3. Lower County Park
4. Fire Station 6
5. Grove Convenience Center
6. Police Firing Range Expansion
7. Warhill High School Auxiliary Gym/Emergency Shelter
8. Covered Parking for Specialty Police Vehicles and Trailers
9. Jamestown Corridor - Amblers House Utilities
10. Jamestown Beach Event Park Improvements
11. Chickahominy Riverfront Park Phase III Improvements
12. Chickahominy Riverfront Park - New Restroom and Concession Building
13. Jamestown Corridor - Marina New Building
14. James City County Marina Land Improvements
15. James City County Marina Phase 2
16. Lafayette High School Renovation
17. New School Site in Stonehouse: Site Preparation and Environmental Remediation
18. Jolly Pond Road at the Dam Termini Construction
19. New James City County Library Branch
20. Jamestown High School Expansion
20. Warhill High School Expansion
21. Warhill Sports Complex Baseball Field Expansion
22. Upper County Park Improvements
23. Freedom Park Phase IV - Active Recreation Facilities
24. Veterans Park Phase 2 Improvements
25. New Elementary School
26. James City County Library Playground
27. Buses for New 10th Elementary School

Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of these priorities to the Board of Supervisors for consideration during the budget process.

Mr. Krapf opened the Public Hearing.

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

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

Mr. Haldeman stated that he would like to see the utility work at Jamestown Beach Event Park and the Amblers House done concurrently which could result in a cost savings. Mr. Haldeman further recommended that the two projects at the Marina be done concurrently for

cost savings and to minimize operational impacts. Mr. Haldeman further stated that he concurs with the need for more library space; however, he was concerned that there is no clear idea of where the new facility would be located.

Mr. Frank Polster stated that he has concerns over the incomplete elementary school application and the lack of answers regarding why not adding new buildings for the New Beginnings program was not a viable option or fiscally appropriate. Mr. Polster further stated that he would like to have that explanation when the application comes back again. Mr. Polster stated that he finds the application lacking in detail for a project of that scope and cost.

Mr. Krapf noted that a summary of those concerns would be forwarded to the Board of Supervisors along with the Commission's recommendation.

Mr. Tim O'Connor stated that he was pleased to see that there would be parity among the high schools with the Warhill Auxiliary Gym application. Mr. O'Connor noted that he also appreciates that the structure will be designed so that it can also serve as an emergency shelter.

Ms. Julia Leverenz stated that she supports the prioritization of the stormwater improvements and improvements in the Grove community.

Mr. Haldeman made a motion to approve the FY 2021-2025 CIP priorities.

On a roll call vote, the Commission voted to recommend the list of CIP project priorities as ranked by the Policy Committee to the Board of Supervisors. (7-0)

2. Z-19-0003. Fords Colony Proffer Amendment

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

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

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Alex Baruch, Senior Planner, stated that Ms. Susan Tarley of Tarley Robinson, PLC has applied, on behalf of Realtec Community Services, for a proffer amendment to amend previously approved proffers for Ford's Colony to address traffic improvements and outstanding proffers. Mr. Baruch stated that the Ford's Colony development is nearing build-out. Mr. Baruch further stated that the Master Plan, not including the Continuing Care Retirement Communities on the south side of News Road, allows for up to 3,250 dwelling units. Mr. Baruch stated that approximately 2,857 units have been constructed to date and other lots have been platted but are not yet improved. Mr. Baruch stated that the subject properties listed on the application include those properties where new development is still planned.

Mr. Baruch stated that staff and the applicant are in agreement that there are 104 dwelling units that remain to be constructed on four parcels that have a residential designation on the Master Plan. Mr. Baruch stated that the overall purpose and intent of this proffer amendment is to specify the division of these units between those four parcels, specify the remaining traffic improvements that need to be constructed as a part of the build-out of Ford's Colony, and eliminate traffic related improvements which were listed in the original proffers, but which are no longer necessary.

Mr. Baruch stated that the parcels are zoned R-4, Residential Planned Community and are designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Mr. Baruch stated that staff finds the proposal to be compatible with the surrounding development and consistent with the adopted Comprehensive Plan. Mr. Baruch further stated that staff recommends that the Planning Commission recommend approval of this application and the amended proffers to the Board of Supervisors.

Mr. Rob Rose inquired about why the bike lane was eliminated. Mr. Baruch stated that the bike lane is no longer shown on the Longhill Road Corridor Study on that side of the road.

Mr. Baruch further stated that it is now shown as a multi-use path on the north side of the road.

Mr. Krapf called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with Mr. Drew Mulhare.

There were no further disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Drew Mulhare, General Manager, Ford's Colony at Williamsburg Homeowners Association (FCHOA), stated that FCHOA has been joined in this application by Windsor Healthcare Equities, LLC, the Dorothea M. Ford Trust, and Redus Va. Housing, LLC. Mr. Mulhare addressed the Commission in support of the application and commended staff for the efforts to find appropriate strategies to resolve outstanding issues.

Mr. O'Connor inquired if the unit counts on each parcel were locked in or if fewer units could be constructed on one parcel and the remaining units added to the unit count on another parcel. Mr. Mulhare stated that the unit counts could not be redistributed.

Mr. Mulhare stated that the application partners have agreed to the unit counts and further, that FCHOA has entered into a supplemental Declaration of Covenants regarding those parcels.

Mr. Holt noted that should any changes be requested, it would require a further proffer amendment.

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

Mr. O'Connor noted that there are likely several developments where the developer is no longer present or has made certain obligations that have carried over to a homeowners association (HOA) that do not necessarily belong under the HOA's purview.

Mr. O'Connor stated that the traffic study is one of those obligations. Mr. O'Connor stated that he appreciates FCHOA working through the issues to arrive at a resolution.

Mr. Rose noted that, in regard to the bike lane, for avid bikers, the multiuse path is not an equivalent option due to the other uses that would occur on the multiuse path.

Mr. O'Connor inquired if the Longhill Road Corridor called for dual lanes.

Mr. Holt stated that the Longhill Road Corridor Study recommendations were developed with a substantial amount of public engagement. Mr. Holt stated that based on citizen preferences for the road design, the multiuse path came forward as one of the recommendations. Mr. Holt stated that staff would need to review the recommendations regarding a separate on-street bike lane.

Mr. Polster stated that he participated in the three public meetings for the Longhill Road Corridor Study. Mr. Polster noted that the issue of bike safety was discussed extensively. Mr. Polster further stated that the consensus was that bikers could use the road or the multiuse path. Mr. Polster stated that he would like to see the multiuse path extend along the entire corridor.

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

On a roll call vote, the Commission voted to recommend approval of Z-19-0003. Ford's Colony Proffer Amendment. (7-0)

3. Z-20-0001. Norge Center Proffer Amendment

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

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

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Paul Holt stated that in order to minimize the number of people in attendance, he would present this case. Mr. Holt stated that Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP, on behalf of Norge Plaza, Inc. and Chesapeake Bank, has applied to amend the previously approved proffers to allow office use on the property. Mr. Holt stated that professional offices are permitted uses in the B-1 Zoning District; however, the existing proffers limit uses to a shopping center. Mr. Holt stated that the proposed use does not fit within the definition of a shopping center, and the proposed proffer amendment would allow for office use, in addition to the shopping center use.

Mr. Holt stated that the existing 52,915-square-foot building previously served as a grocery store. Mr. Holt Chesapeake Bank plans to use the building for its Chesapeake Payment Systems. Mr. Holt stated that those operations include phone support, electronic communications, or on-site support at a customer's place of business. Mr. Holt further stated that Chesapeake Bank also plans to use the building to consolidate the call center and other support personnel that are currently in multiple locations throughout James City County. Mr. Holt noted that according to information provided by the applicant, the location will not have retail banking. Mr. Holt stated that the existing vacant building will be repurposed, and no new development or construction is proposed other than the renovation of the interior of the building.

Mr. Holt stated that staff finds that the proposed use is compatible with the B-1, General Business Zoning District, surrounding zoning, and the adopted Comprehensive Plan. Mr. Holt stated that staff recommends that the Planning Commission recommend approval of this proffer amendment.

Ms. Barbara Null inquired if the fuel station would be removed.

Mr. Holt stated that the fuel station had been demolished within the past several weeks.

Ms. Leverenz inquired about the number of employees to be transferred to that location.

Mr. Holt stated that according to the applicant it would be 60 employees.

Ms. Leverenz stated that her question related to traffic impacts.

Mr. Holt stated that the traffic impacts would be greatly improved; reducing from 402 peak

hour trips to 75.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he spoke with Mr. Geddy and with one of the property owners.

Mr. Haldeman stated that he also spoke with one of the property owners.

Mr. Holt noted that after the agenda materials were published, staff received a letter of support from the property owners. Mr. Holt further noted that this information was provided to the Commissioners by email.

There were no further disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy, Harris Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Commission in support of the application. Mr. Krapf noted that there is a tremendous amount of impervious cover on the site and inquired if the applicant would be amenable to converting some of that to pervious cover and adding greenspace. Mr. Geddy stated that this is something that is being considered.

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

Mr. O'Connor stated that he commends the applicant for seeking to repurpose an existing structure. Mr. O'Connor stated that he would support the application.

Mr. Krapf stated that, since there had not been any interest from another grocery store for the property, this is an excellent reuse of the structure. Mr. Krapf stated that he will support the application.

Ms. Null stated that she supports the application. Ms. Null stated that it is important to ensure that buildings do not remain dormant and deteriorate.

Mr. Polster stated that this is the first project he has seen that falls under the category of infill development. Mr. Polster stated that repurposing a structure for economic development that will bring jobs to that area is a positive factor. Mr. Polster further stated that in light of what the County is doing to widen Croaker Road and improve access to the interstate, this makes good sense in terms of economic development.

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

On a roll call vote, the Commission voted to approve Z-20-0001. Norge Center Proffer Amendment. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2020

Mr. Holt stated that he appreciates the Commission's flexibility and willingness to try out new things to minimize contact, but still provide transparency with the meetings.

Mr. O'Connor inquired if applications are still being submitted and if staff is able to process them in a timely fashion. Mr. Holt stated that the County remains open for business.

Mr. Holt stated that in-office staff is being kept at a minimum; however, thanks to exceptional resources and IT staff, most staff members are able to work from home. Mr. Holt further stated that this proves the value of the PermitLink system which allows applications, resubmittals, and payments to be done online. Mr. Holt stated that arrangements have been made to accept the required paper copies of plans. Mr. Holt further stated that there are some small delays in moving those paper copies due to the recommendations on safely handling such items; however, everyone on the development side has been very understanding and appreciative of staff's efforts. Mr. Holt stated that some adaptations have been made to how building inspections are done, particularly when it involves an occupied dwelling, an age restricted community, or an assisted living facility. Mr. Holt stated that those inspection requests are being triaged and rescheduled to space them out as much as possible. Mr. Holt stated that he appreciates staff's willingness to adapt and still provide the necessary services. Mr. Holt stated that he was very appreciative of the development community's patience and understanding during this time.

Ms. Leverenz stated that there are three tourist home applications on the New Cases Spreadsheet. Ms. Leverenz stated that this highlights the need to review how those applications should be evaluated and where this type of use is appropriate.

Mr. Holt stated that there had been one change to the 2020-2021 Calendar. Mr. Holt noted that the Commissioners should be certain to use the latest version when setting their calendars.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf requested that Mr. Holt update the Commission on a special Planning Commission meeting.

Mr. Holt stated that at its meeting on March 24, 2020, the Board of Supervisors adopted an Ordinance to ensure the continuity of government. Mr. Holt stated that the Ordinance contained several provisions on how Boards and Commissions can operate. Mr. Holt stated that under those provisions, those entities can meet electronically in an effort to minimize in person contact. Mr. Holt further stated that the intent is that the Planning Commission Working Group (PCWG) meeting on April 6, 2020 will be held electronically. Mr. Holt stated that since the calendar was just adopted, the PCWG meeting could not be advertised as a Regular Meeting and would need to be advertised as a Special Meeting. Mr. Holt stated that it would be necessary to have a motion to have a Special Meeting of the Planning Commission for the purposes of accomplishing the work of the PCWG on April 6, 2020 at 4 p.m. to be held electronically, pursuant to Section D-2, Public Meetings of the Emergency Ordinance.

Mr. O'Connor made a motion to hold the Special Meeting.

On a voice vote, the Commission voted to have a Special Meeting of the Planning Commission for the purposes of accomplishing the work of the PCWG on April 6, 2020, at 4 p.m. to be held electronically, pursuant to Section D-2, Public Meetings of the Emergency Ordinance. (7-0)

Mr. Holt noted that even with the PCWG being advertised as a Special Meeting and being held electronically, the public is still able to provide comments in several ways: via email to community.development@jamescitycountyva.gov, or the Public Comment Hotline 757-253-6750. Mr. Holt noted that this information will also be included in the notice and published with the agenda materials. Mr. Holt stated that the meeting will also be televised live.

Mr. O'Connor stated that he looked up the Longhill Road Corridor Study recommendations for the bike facility. Mr. O'Connor stated that the preferred cross section incorporated the bike facility in the outside lane with sharrows - arrows built into the road designating the lane as a place for both bicycles and cars.

Mr. Polster stated that he wanted to thank staff, particularly Ms. Terry Costello, for answering his questions and making the documentation for the CIP available. Mr. Polster further stated that he likes the process that has been developed for evaluating CIP applications. Mr. Polster stated that the process not only evaluates the applications on their merits, but also allows for judgement to be made on where they should fall in the priorities.

Mr. Krapf stated that he would cover the Board of Supervisors meeting for April. Mr. Krapf further stated that he would contact the Commissioners to set that schedule for the remainder of the year.

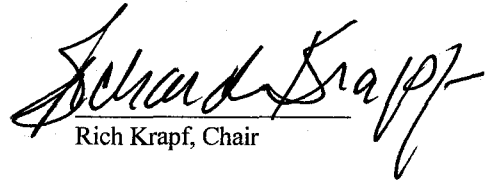
Mr. Krapf stated that he wanted to thank all of the essential workers who are providing necessary services.

J. ADJOURNMENT

Ms. Null made a motion to adjourn to the PCWG meeting on April 6, 2020, at 4 p.m.

The meeting was adjourned at approximately 7:01 p.m.

Paul D. Holt, III, Secretary


Rich Krapf, Chair