

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**September 2, 2020**  
**6:00 PM**

**A. CALL TO ORDER**

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

1. The meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and will be aired live on the County's government public access channel, JCC TV 48, via Live Stream on the County website: <https://jamescitycountyva.gov/220/Live-Stream>, and via the County's YouTube channel: <https://www.youtube.com/user/jamescitycounty>. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to [community.development@jamescitycountyva.gov](mailto:community.development@jamescitycountyva.gov), or by leaving a message at 757-253-6750. Citizens may attend and participate in the electronic meeting via Zoom at <https://zoom.us/j/92933748911> or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 929 3374 8911. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

**B. ROLL CALL**

**Planning Commissioners Present:**

Jack Haldeman  
Rich Krapf  
Tim O'Connor  
Frank Polster  
Julia Leverenz  
Rob Rose  
Barbara Null

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Adam Kinsman, County Attorney  
Liz Parman, Assistant County Attorney  
Tori Haynes, Senior Planner  
Thomas Wysong, Senior Planner

1. Virtual Meeting Resolution

A motion to Approve was made by Barbara Null, the motion result was Passed.  
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Ms. Barbara Null made a motion to approve the resolution.

On a roll call vote the Commission voted to approve the resolution. (7-0)

**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. Jack Haldeman stated that the Development Review Committee did not meet in August.

Mr. Frank Polster stated that the Policy Committee did not meet in August.

**E. CONSENT AGENDA**

1. Minutes of the August 5, 2020, Regular Meeting

Ms. Julia Leverenz 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. AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

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, Senior Planner, stated that Mr. Jonathan Kinney has applied to enroll 196 acres located at 10039 Old Stage Road into the Barnes Swamp AFD. Ms. Haynes stated that the parcel is currently undeveloped and forested, with the exception of a telecom tower located at the northwestern end of the property.

Ms. Haynes stated that a forest management plan has been prepared for the owner, and the Virginia Department of Forestry has noted that the soils are well-suited for the cultivation of trees.

Ms. Haynes further stated that at its July 23, 2020 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the application.

Ms. Haynes stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of the application to the

Board of Supervisors.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf invited the applicant, to speak; however, Mr. Kinney did not have anything additional to provide.

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

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

Mr. Polster noted that he was pleased to see the forest management plan provided with the application, showing how this property is a valuable addition to the AFD. Mr. Polster further stated that he is happy to see that this parcel will be protected from development for the term of the AFD.

Mr. Holt requested confirmation that Mr. Haldeman's motion was to recommend approval of the application with the conditions in the Staff Report.

Mr. Haldeman confirmed.

On a roll call vote the Commission voted to recommend approval of AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road. (7-0)

2. SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

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

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

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

Abstain: Haldeman

Mr. Haldeman stated that he would recuse himself from considering this application as he has a personal interest in the matter.

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt of Kaufman & Canoles, PC has applied on behalf of Williamsburg Landing Inc. to amend the existing proffers and Special Use Permit (SUP) conditions for a parcel in Williamsburg Landing to allow four additional independent living units within two new structures on Boatwright Circle. Mr. Wysong stated that the property is zoned R-5 AA, Multifamily Residential and Airport Approach Overlay District, is located within the Primary Service Area and is designated Low-Density Residential on the Comprehensive Plan Land Use Map.

Mr. Wysong stated that the Low Density Residential land use designation recommends retirement and care facilities/communities as a use, provided the development complements the residential character of the surrounding area, has traffic, noise, and lighting impacts similar to surrounding uses, is generally located on collector or arterial roads at intersections; and provides adequate screening and buffering to protect the character of nearby residential areas.

Mr. Wysong stated that staff finds this portion of Williamsburg Landing meets all of these criteria and will continue to do so should this application be approved.

Mr. Wysong stated that additionally, the Comprehensive Plan recommends a gross density range of 1 to 4 units per acre, provided certain benefits are provided, such as a commitment to open space design and environmental protection. Mr. Wysong further stated that the subject parcel currently has 28 independent living units, with a gross density of 1.77 units per acre. Mr. Wysong stated that if this proposal were to be approved, the subject parcel would have 32 units and a gross density of 2.03 units per acre and the gross density for the entire Williamsburg Landing development would marginally increase from 3.80 to 3.83 units per acre. Mr. Wysong stated that given the enhanced environmental protections conditioned with this SUP amendment and Williamsburg Landing's commitment to open space design, staff finds this proposal to be with consistent with the Comprehensive Plan's recommended density.

Mr. Wysong stated that staff also considered the impacts resulting from this development. Mr. Wysong noted that this proposal is not projected to generate traffic beyond a typical residential use, nor is lighting or noise a concern. Mr. Wysong further stated that since Williamsburg Landing is an age-restricted community, no schoolchildren are anticipated to be generated as a result of this proposal. Mr. Wysong stated that in order to locate the two new structures within their proposed location on this parcel, a portion of the existing conservation acreage will have to be relocated. Mr. Wysong further stated that staff has included a condition requiring approval of the deed of exchange, and easement plat prior to site plan approval, with the relocated conservation easement acreage being of equal or greater amount than that which is displaced. Mr. Wysong stated that the relocated acreage will be required to be located on one of the Williamsburg Landing parcels. Mr. Wysong stated that in order to mitigate some of the impacts that may result from conservation easement relocation, the applicant has recommended including condition requiring for enhanced landscaping planting along Marclay Road. Mr. Wysong stated that overall, staff finds the impacts resulting from this proposal to be mitigated by the proposed conditions.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of the proposed SUP and proffer amendment to the Board of Supervisors, subject to the draft conditions and proffers.

Mr. Polster inquired if any of the existing open space remain open space.

Mr. Wysong stated that the open space requirement in the R-5 Zoning District is that 10% of developable land has to be conserved. Mr. Wysong further stated that, according to the information the applicant submitted, the open space remaining would exceed that requirement.

Mr. Polster inquired about the area that the applicant intends to supplement.

Mr. Wysong stated that the intent of that condition is for the applicant to provide additional plantings within the perimeter buffer. Mr. Wysong stated that he would defer to the applicant regarding the effect of the platted easement.

Mr. Rob Rose inquired about the acreage of the existing conservation easement and the acreage of the portion being relocated.

Mr. Wysong stated that the amount of open space currently on the Boatwright parcel is approximately 4.58 acres. Mr. Wysong further stated that after the proposed units are installed there will be 3.93 acres.

Mr. Rose inquired if the term open space referred to the conservation easement.

Mr. Wysong stated that he would defer to the applicant; however, it was his understanding that open space does refer to the conservation area.

Mr. Krapf inquired if there was any special consideration of this application because of the Airport Approach Overlay District.

Mr. Wysong stated that no concerns were raised over the height of the structures; however, one of the SUP conditions requires all prospective owners of the new units to be formally notified that these units are in close proximity to the Airport Approach Overlay District.

Mr. Krapf inquired if the Federal Aviation Administration had raised any concerns about the project.

Mr. Wysong stated that no concerns had been noted. Mr. Wysong further stated that there would be further review at the Site Plan stage.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he had a discussion with the applicant regarding the landscape buffer. There were no disclosures from the other Commissioners.

Mr. Krapf opened the Public Hearing.

Mr. Paul Gerhardt, Kaufman & Canoles, PC, 4801 Courthouse Street, stated that he represents Williamsburg Landing. Mr. Gerhardt stated that also present were Mr. Greg Storer, CEO of Williamsburg Landing, Mr. Ryan Stephenson, AES Consulting Engineers, and Brad Sipes with GuernseyTingle.

Mr. Gerhardt stated that the applicant has reviewed the SUP conditions and concurs with them. Mr. Gerhardt further stated that the applicant has also provided a Proffer Amendment to mitigate impacts.

Mr. Gerhardt stated that as a 501 (c) (3) Not for Profit, under the category of providing housing for older persons, Williamsburg Landing has the responsibility to effectively manage its funds, yet responsive to the market and successive generations of new residents. Mr. Gerhardt stated that the Marclay Road expansion of the facilities is still several years out due to the need for extensive infrastructure and substantial financing. Mr. Gerhardt noted that the Board looked at this as an opportunity to provide more units in an area where infrastructure is already in place and where there would be little disruption to the residents. Mr. Gerhardt further noted that a meeting was held with Boatwright Circle residents and the main concerns were disruptions to the buffer and walking trails, as well as the presence of the Yardworks facility in close proximity to the affected buffer.

Mr. Gerhardt stated that in response to resident concerns, the applicant has revised its plans for buffering and determined that an enhanced landscape with additional trees and shrubs would shield the neighborhood from activities along Marclay Road. Mr. Gerhardt noted that Williamsburg Landing intends to work closely with the County to meet conservation area requirements. Mr. Gerhardt stated that the walking trail would be moved slightly and some improvements would be made. Mr. Gerhardt stated that the end result would be that the trail would continue to serve residents as it does now.

Mr. Gerhardt stated that this project has been thoughtfully designed and requested that the Commission support the application.

Mr. Polster inquired if the current conservation easement along Marclay Road will remain a

conservation easement under the proposed SUP condition.

Mr. Ryan Stephenson, AES Consulting Engineers, 5248 Olde Towne Road, stated that the 40-foot buffer would remain a conservation easement, and would be supplemented with additional plantings.

Mr. Stephenson stated that the 6.5 acres of conservation easement where the building will be constructed, will be re-designated elsewhere on the property.

Mr. Polster inquired about the plan to restore the two temporary construction entrances.

Mr. Stephenson stated that the area would be revegetated in compliance with County requirements.

Mr. Polster stated that his concern is the impact on the Virginia Department of Transportation easement.

Mr. Gerhardt stated that the intention is to ensure that the entire area is restored to existing conditions.

Mr. Polster noted that the area of the walking trail along Marclay Road would be ideal for a conservation easement which would be a great benefit to Williamsburg Landing as well as the adjacent community.

Mr. Polster inquired about the language providing for future utility crossings through the buffer.

Mr. Gerhardt stated that staff would oversee and advise any use of the conservation easement.

Mr. Rose inquired if the relocated conservation easement would be added to an existing conservation easement to create a larger area or if it would be located separately.

Mr. Stephenson stated that the acreage would be located adjacent to other existing conservation easements.

Mr. Krapf inquired if the area designated as the conservation easement would be planted.

Mr. Stephenson stated that it would be wooded as it currently exists.

Mr. Krapf asked Mr. Gerhardt to confirm that the plan is to landscape the area around the new buildings and add plantings to the 40-foot buffer.

Mr. Gerhardt confirmed.

Mr. Holt stated that staff received three call in comments which would be played for the Commission.

Ms. Martha Copenhaver, 5630 Boatwright Circle, addressed the Commission in opposition to the proposal.

Ms. Christine Zuckerberg, 5632 Boatwright Circle, addressed the Commission in opposition to the proposal.

Mr. John Nicholson, 5628 Boatwright Circle, addressed the Commission in support of the proposal.

Mr. Alex Baruch, Acting Principal Planner, stated that he would now coordinate the live public comment.

Mr. Tim Wright, 5610 Boatwright Circle, addressed the Commission in support of the application.

Ms. Judy Knudson, 5638 Boatwright Circle, addressed the Commission in support of the application.

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

Mr. Polster stated that he understands the desire to expand the facility which is vital to the Community. Mr. Polster stated that he has been concerned about the preservation of open space and buffering; however, he is satisfied with the proposal to improve the buffer area, protect the area, and mitigate impacts. Mr. Polster noted that he would like to see the portion of the walking trail along Marclay Road be enhanced with plantings and included as a conservation area. Mr. Polster stated that he would support the application.

Mr. Krapf stated that he finds that the applicant has made efforts to mitigate impacts to the Conservation Easement and the buffer. Mr. Krapf noted that the application does address in small part the need for additional housing for older citizens. Mr. Krapf stated that he would support the application.

Ms. Leverenz stated that she appreciates all of the residents who took time to provide thoughts and opinions on the application. Ms. Leverenz stated that the disruptions would be temporary and within a year or so, the area would be improved. Ms. Leverenz stated that she would support the application.

Mr. Polster made a motion to recommend approval of the application with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant.

On a roll call vote, the Commission voted to recommend approval of SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant. (6-0-1)

## **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for Planning Commission consideration.

## **H. PLANNING DIRECTOR'S REPORT**

### **1. Planning Director's Report - September 2020**

Mr. Holt stated that he would like to provide an update on the Comprehensive Plan by giving the Commission a snapshot in time on where the process stands and then the next steps. Mr. Holt stated that from a timeline perspective, the process is just past the halfway point. Mr. Holt stated that looking at the Project Phase of the timeline, which corresponds most closely to the work of the Planning Commission Working Group (PCWG), we are working through Phase 3, Alternative Futures, which involves the scenario modeling results for two possible futures and arriving at a preferred future scenario. Mr. Holt stated that looking at the Community Engagement component, which corresponds to the work of the Community Participation Team (CPT), staff is wrapping up the Exploring Our Future assembly questionnaire. Mr. Holt stated that both the PCWG and CPT will receive a preliminary report on the questionnaire at the joint meeting on September 14, 2020. Mr. Holt stated that after the joint meeting, the PCWG

and the CPT will progress to the next round of community engagement which will run from mid-September through the end of 2020. Mr. Holt further stated that the work for the PCWG will ramp up quickly with review of the Comprehensive Plan chapters, with all of the technical reports. Mr. Holt stated that there would also be a series of briefing papers on topics that the Commission wanted to address. Mr. Holt noted that potential new policy directions and actions will be shared with the public and tested in round three of public engagement. Mr. Holt stated that early in 2021, the CPT will analyze the public engagement results and the PCWG will be finalizing the chapter text and the Goals, Strategies, and Actions (GSAs), and the Land Use recommendations. Mr. Holt stated that the process is on track for Planning Commission and Board of Supervisors adoption in summer of 2021. Mr. Holt noted that he anticipates a joint work session with the Board of Supervisors on October 27, 2020, to discuss public input, preferred scenarios, policies, and land use.

Mr. Krapf requested that the timeline be shared with the Commission.

Mr. Holt stated that all of this information will be in the next PCWG/CPT packet.

Mr. Polster inquired if the Planning Commission and the Board of Supervisors were still scheduled to meet to discuss short-term rentals.

Mr. Holt stated that the Board of Supervisors has adopted a resolution to defer those applications, pending further review. Mr. Holt further stated that this will be built in to the Comprehensive Plan review process.

Mr. Haldeman inquired if more details were available about the potential joint work session with the Board of Supervisors.

Mr. Holt stated that the information was still being developed and more details would follow shortly.

## **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Krapf noted that Mr. Polster would represent the Commission at the September Board of Supervisors meeting.

Mr. Polster stated that he felt it would be difficult to accomplish all of the work ahead of the Commission for the Comprehensive Plan Update using the virtual meeting format. Mr. Polster stated that it is hard to discuss these items and come to an understanding without being able to see facial expression and read body language. Mr. Polster noted that he was hoping for additional discussion outside the formal meetings that are scheduled.

Mr. Krapf stated that he and Mr. Holt have had preliminary discussions on the possibility of returning to in person meetings. Mr. Krapf noted that any additional meetings would need to be appropriately advertised and open to the public.

Mr. O'Connor stated that he concurs with Mr. Polster's comments. Mr. O'Connor further stated that he has concerns that lengthy email exchanges could be perceived as a meeting, particularly where land use and policy are being discussed. Mr. O'Connor noted that he would be comfortable meeting in person and recommended considering either a hybrid process or using the Zoom video function.

Mr. Holt stated that staff can adapt to the format that works most successfully for the Commission, the PCWG, and the CPT. Mr. Holt stated that as staff and the consultant begin sending out draft materials for review and comment, it is important to arrive at a format to



arrive at a format where staff and the consultant can get a consensus on the materials.

Mr. Krapf inquired if Commissioners could use Zoom in place of calling in when not able to attend an in-person meeting. Mr. Holt stated that staff would follow up on that option.

Mr. Holt noted that it would be necessary to have a physical quorum.

Mr. Haldeman stated that there seems to be consensus on the five broad themes of Nature, Community Character, Affordable Housing, Quality of Life, and Economic Development. Mr. Haldeman stated that he would like to reaffirm agreement on those themes at the upcoming meeting.

Mr. Polster stated that he is less concerned about the specific chapters and developing the GSAs, than the consensus on the important issues. Mr. Polster noted that the future vision will be a hybrid of the two scenarios. Mr. Polster further stated that it is discussing the hybrid vision in relation to the metrics of what is important and further, does the hybrid scenario address what is needed. Mr. Polster stated that to accomplish this, it requires discussion among the Commissioners, rather than presentations on the results of the analysis of the scenarios. Mr. Polster stated that the focus needs to be on the next steps and discussion about those steps that will dictate the GSAs and the shape of the Land Use Map.

Mr. Haldeman inquired if it would be possible to use the Zoom video function. Mr. Krapf confirmed. Mr. Krapf stated that staff would follow up.

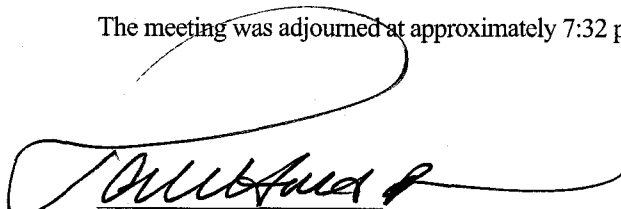
Mr. O'Connor noted that with some of the more intricate cases, it would be a better presentation to the community to have more of the Zoom functions available.

Ms. Leverenz stated that she concurs with the benefits of meeting in person and using the Zoom video function; however, she has concerns about having a quorum.

## J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn to September 14, 2020 at 4:00 p.m.

The meeting was adjourned at approximately 7:32 p.m.



Paul D. Holt, III, Secretary



Rich Krapf, Chair