

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
October 6, 2021
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

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

Planning Commissioners Absent:

Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Tori Haynes, Senior Planner
Tom Leininger, Senior Planner
Thomas Wysong, Senior Planner
Alister Perkinson, Parks Administrator, Parks and Recreation

Mr. Rich Krapf made a motion to amend the agenda to move the Consideration item after the Consent Agenda but before the Public Hearings due to the anticipated length of the meeting.

On a roll call vote, the Commission voted to approve amending the Agenda. (6-0)

On a roll call vote, the Commission voted to amend the Agenda as stated. (6-0)

(Secretary's note: The James City County Parks Master Plan Update was heard at this point in the Agenda. The Minutes for this item are recorded under item G below.)

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Ms. Barbara Null stated that the Development Review Committee (DRC) did not meet in September.

Mr. Frank Polster stated that the Policy Committee met on September 9, 2021, to consider ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-Residential Phase III.

Mr. Polster stated that at its July 14, 2021 meeting, the Policy Committee continued to review and discuss amendments to the Zoning Ordinance to address the keeping of bees in non-residential districts. Mr. Polster stated that the Committee reviewed proposed performance standards, which were based on the current County regulations on residential beekeeping and the Committee's discussions at the October 15, 2020, Policy Committee meeting.

Mr. Polster stated that staff was directed to draft an Ordinance that permits beekeeping in Residential Planned Community (R-4, Commercial Uses), Limited Business (LB), General Business (B-1), Limited Business/Industrial (M-1), General Industrial (M-2), Planned Unit Development (PUD-R, Commercial Uses), Planned Unit Development (PUD-C), Research and Technology (RT), Mixed Use (MU), and Economic Opportunity (EO) Zoning Districts.

Mr. Polster stated that the Policy Committee approved the draft Ordinance and recommends approval to the Planning Commission by a vote of 4-0.

E. CONSENT AGENDA

1. Minutes of the August 4, 2021 Regular Meeting

Mr. Krapf 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. Z-20-0002. 2280 Lake Powell Road Rezoning

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

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

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

Absent: Rose

Ms. Tori Haynes, Senior Planner, stated Mr. Benny Zhang of Kaufman and Canoles has applied on behalf of the Smith family to rezone 1.985 acres located at 2280 Lake Powell Road from R-8 Rural Residential to R-2 General Residential for the purpose of a single-family residential minor subdivision. Ms. Haynes stated that the property is designated Low Density Residential in both the current 2035 and draft 2045 Comprehensive Plans, and is inside the Primary Service Area (PSA) but per James City Service Authority (JCSA) must use private well and septic systems at this location.

Ms. Haynes stated that under the current R-8 zoning, the minimum lot size is three acres, so a subdivision of the parcel would not be possible. Ms. Haynes further stated that should the property be rezoned to R-2, the minimum lot size is 30,000 square feet for lots served by well and septic. Ms. Haynes stated that staff reviewed a preliminary plat and found that the proposal can meet the R-2 Zoning District Ordinance requirements.

Ms. Haynes stated that the gross density would be about one unit per acre. Ms. Haynes stated that the maximum subdivision potential would be one residential lot, and the maximum by-right unit potential would be one single-family unit. Ms. Haynes stated that duplexes or multifamily

units would require a Special Use Permit (SUP). Ms. Haynes stated that staff estimates an average of one student could be generated, and can be adequately accommodated by the school system.

Ms. Haynes further stated that staff finds that the proposed rezoning is consistent with the current 2035 and draft 2045 Comprehensive Plans. Ms. Haynes stated that the impact of one single-family unit would not adversely impact surrounding development and would be consistent with by-right minor subdivisions currently permitted in the R-2 Zoning District.

Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors.

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

On a roll call vote, the Commission voted to recommend approval of Z-20-0002. 2280 Lake Powell Road Rezoning. (6-0)

2. Z-19-0006 and SUP-19-0005. Hazelwood Farms - The Enterprise Center

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

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

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

Absent: Rose

Mr. Thomas Wysong, Senior Planner, stated that Mr. Tim Trant of Kaufman & Canoles has applied on behalf of the Hazelwood Farm property owners to rezone approximately 328 acres from its current zoning of B-1, General Business and A-1, General Agricultural to the EO, Economic Opportunity Zoning District to allow for up to 2,920,000 square feet of warehouse/industrial/office use, up to 75,000 square feet of commercial use, and up to 250 residential dwelling units. Mr. Wysong stated that accompanying this rezoning is a request for an SUP to allow for the following uses:

- Apartments;
- Multiple-family dwellings;
- Fast food restaurants;
- Truck terminals;
- The manufacture and processing of textiles and textile products in structures more than 10,000 square feet;
- Heavy equipment sales and service with major repair under cover or screened with landscaping and fencing from adjacent property;
- Machinery sales and service with major repair under cover;
- A convenience store pursuant to Section 24-11(a)(1);
- Any commercial building or group of buildings that exceeds 10,000 square feet of floor area pursuant to Section 24-11(a)(2) of the County Code;
- Any commercial building or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to Section 24-11(a)(3)

of the County Code; and buildings, additions, and expansions requiring an SUP pursuant to Section 24-11(b) of the County Code; and

- Extension of public water and sewer facilities up Route 30 and along Route 746 to serve this property.

Mr. Wysong stated that the site is located inside the PSA and is designated for Economic Opportunity – Barhamsville Interchange Area in both the current 2035 and draft 2045 Comprehensive Plans. Mr. Wysong further stated that the recommended primary uses for this area include industrial, light industrial, office, medical/research, and/or tourist attraction uses with secondary uses such as retail commercial being limited in amount and type to support the primary uses.

Mr. Wysong noted that staff finds multiple favorable factors for this application and the proposed uses for this site align with the Comprehensive Plan. Mr. Wysong stated that the overall fiscal impact of this project is expected to be positive. The applicant is proposing proffers to mitigate the impacts associated with this rezoning, which include transportation improvements to the surrounding road network, design guidelines for development of the property, use limitation for certain commercial uses, commitments to sustainable residential construction, commitments to recreational facilities, commercial phasing, and the submittal of a water and sewer master plan prior to site development.

Mr. Wysong stated that, furthermore, the County is proposing conditions to mitigate impacts associated with the SUP. Mr. Wysong stated that these conditions include enhanced landscape buffering along the Barnes Road, Route 30, Route 746, and the Interstate 64 (I-64) right-of-way, enhanced site design and architectural design, and specific restrictions regarding location and site features for certain commercial uses.

Mr. Wysong stated that staff also finds that there are some unfavorable factors for this application including unmitigated impacts on the school system, no commitment to affordable and workforce housing as part of the application, and the project timeline not being guaranteed to align with the Economic Opportunity Construction Phasing Guidelines.

Mr. Wysong stated that, overall, staff finds that the proposed rezoning and SUP will not negatively impact surrounding development, and that the proffers and proposed conditions will help mitigate impacts generated by the proposal. Mr. Wysong further stated that staff finds that the development of the property is consistent with the recommended Land Use in the current 2035 Comprehensive Plan and the draft 2045 Comprehensive Plan.

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

Ms. Julia Leverenz requested clarification on an inconsistency on the build-out plan between residential and commercial space.

Mr. Wysong stated that there is a recommended Construction Phasing Policy for development on this property which requires building permits for 20% of the primary workplace square footage, as shown on the masterplan, to be issued prior to commencing any residential construction.

Mr. Wysong further stated that the second and third parts of the phasing plan would be more difficult to ensure:

Any certificate of occupancy must be issued for at least 50% of the primary workplace square footage prior to building permits being issued for any residential unit above 50%

of the total proposed units as shown on the Master Plan; and

Prior to issuance of building permits for construction of the final 10% of the residential units, any Certificate of Occupancy must be issued for at least 90% of the primary workplace square footage, as shown on the Master Plan.

Mr. Haldeman inquired whether item XI in the Community Impact Statement would allow the developer to construct all the residential units once Certificates of Occupancy for at least 1,000,000 square feet of industrial, warehouse and/or office space have been issued.

Mr. Wysong confirmed.

Mr. Haldeman inquired if the fiscal impact analysis is based on the full build-out of commercial, industrial, and warehouse space along with the build-out of the 250 housing units.

Mr. Wysong confirmed that it was.

Mr. Haldeman noted that the total fiscal impact a full build-out is \$643,000; however, if only 1,000,000 square feet is built, the positive impact from the commercial development no longer mitigates the negative fiscal impact of the residential development.

Mr. Wysong stated that it is not possible to predict how the property will be developed; however, conceptually this would be a possible scenario.

Mr. O'Connor requested that Mr. Wysong define "truck terminal" as opposed to "truck stop."

Mr. Wysong stated that the Zoning Ordinance defines "truck terminal" as a storage facility for the unloading, transferring, and storage of materials being transported by truck. A truck terminal may include facilities for the servicing and repair of trucks.

Mr. O'Connor noted that the SUP was for 60 months pending start of construction for the first commercial building. Mr. O'Connor requested confirmation that the SUP would become permanent once that requirement was fulfilled.

Mr. Wysong stated that the time limitation would end with the construction of the first commercial structure.

Mr. Krapf noted that the Master Plan was not very specific. Mr. Krapf inquired if staff felt this was a satisfactory Master Plan.

Mr. Wysong stated that this Master Plan was along the same lines as similarly large developments such as Stonehouse where you have the various land bays with land use designations and density caps.

Mr. Wysong stated that staff did work with the applicant to make the Master Plan as specific as possible. Mr. Wysong further stated that the application package was considered against the Zoning Ordinance and submittal requirement and the Master Plan met those requirements.

Ms. Leverenz inquired if the New Town Master Plan was equally vague.

Mr. Holt stated that New Town was unique in that the development was rezoned in multiple pieces with multiple Master Plans, multiple proffers. Mr. Holt stated that New Town is substantially different with a diverse mix of commercial uses and far more residential. Mr. Holt noted that with a property as large as the Hazelwood property and development of the site over time, it is not feasible to have the specificity at this level.

Mr. Haldeman called for disclosures from the Commission.

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

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

Mr. Polster and Mr. Haldeman stated that they also spoke with Mr. Trant.

Mr. Haldeman opened the Public Hearing.

Mr. Trant gave a presentation highlighting the history and the main features of the application. Mr. Trant also outlined the various items the Hazelwood family had done as an investment in making the property ready for development.

Mr. Polster inquired about what the applicant needed to move to the next tier in the Virginia Business Ready Site Program.

Mr. Trant stated that the project is currently at Tier 2 and looking to move to Tier 3. Mr. Trant stated that for Tier 3, it would be necessary to have the correct Zoning in place, which is part of the application. Mr. Trant further stated that having utilities in place was the criteria to move to Tier 4.

Mr. Polster inquired if the Hazelwood family had considered how the cost of infrastructure would be handled.

Mr. Trant stated that the Applicant team reviewed many factors to determine the cost to install adequate utilities to handle this development as well as existing commercial properties. Mr. Trant further stated that the process also included discussion of how the costs would be shared with the neighboring properties.

Mr. Polster inquired if the Applicant was prepared to cover the cost of installing the utilities or would that be left to the developer.

Mr. Trant stated that the Applicant is aware that to attract the type of development they intend for the property water and sewer must be available. Mr. Trant stated that it is likely that the applicant will be responsible for the connection to public utilities.

Mr. Polster stated that he would be more comfortable with the application if there were assurances in the proffers for the water and sewer connection.

Mr. Trant stated that this would be a significant expense for the applicant in addition to the investments the applicant has already made. Mr. Trant noted that this would be a windfall for the existing businesses and future development at the applicant's expense. Mr. Trant stated that without a mechanism to recoup that cost, the applicant could not commit to a proffer to be responsible for connecting to public utilities.

Ms. Leverenz inquired about the distance from the I-64 interchange to the entrance to the Spine Road.

Mr. Trant stated that the distance is approximately 1,500 feet.

Mr. Krapf stated that he is struggling with the lack of specificity for the anticipated uses. Mr. Krapf noted that there are restrictions on certain businesses to mitigate impacts on neighboring properties. Mr. Krapf further noted that other manufacturing uses were listed for several areas

on the Master Plan. Mr. Krapf inquired if those uses would be limited to one or if they could occur in multiple land bays.

Mr. Trant stated that if several similar manufacturers were identified, they could each go in a separate land bay. Mr. Trant noted that the SUP uses were carefully selected and most had the same or less impact than the by-right uses.

Mr. O'Connor inquired if anything would prevent a convenience store or fast food restaurant to be constructed on well and septic within the 60 months, making the SUP valid.

Mr. Wysong stated that connection to public water and sewer are required for commercial uses in the Economic Opportunity District.

Mr. Krapf inquired if there has been consideration of the amount of water required for the development at build-out.

Mr. Arch Marston, AES Consulting Engineers, stated that the applicant has been in discussion with the JCSA over the last five years. Mr. Marston stated that using figures from the Health Department, they developed an analysis based on acreage. At that time the JCSA determined that the supply would be adequate.

Mr. Polster inquired if the JCSA considered the upper limit placed on the County for its water draw.

Mr. Wysong stated that the JCSA considers this limit whenever it reviews a legislative case as part of its water and sewer impact report.

Mr. O'Connor inquired about the intensity of this development compared to what might be developed with fewer restrictions.

Mr. Jason Grimes, AES Consulting Engineers, stated that the applicant team considered the existing infrastructure to determine capacity to determine what types of uses could be accommodated with only modest improvements as opposed to setting a development plan and then looking at what improvements would be needed to handle the impacts.

Ms. Darlene Previs, 211 Old Stage Road, addressed the Commission with concerns about the impact of the development on the surrounding community.

Ms. Sharon Oakley, 18555 New Kent Highway, addressed the Commission with concerns about the traffic impacts.

Mr. Scott Maye, 2624 Meadow Lake Drive, addressed the Commission with concerns about lack of public notification, the size of the development, and the impact on the surrounding community.

Mr. Mike Ballard, 2640 Meadow Lake Drive, addressed the Commission with concerns about the impacts from the industrial park and residential development on traffic and schools.

Ms. Melanie Smith, 9347 Barnes Road, addressed the Commission with concerns about the impacts of the residential development on Stonehouse Elementary School. Ms. Smith also noted that there are existing industrial buildings that remain empty and previously approved projects that have not been built out.

Mr. Rick Newberg, 2637 Meadow Lake Drive, addressed the Commission with

concerns about quality of life decreasing as development occurs.

Mr. William Hewitt, 8641 Merry Oaks Lane, addressed the Commission with concerns about the traffic impacts on Merry Oaks Lane, Route 60, and Route 30.

Mr. Dale Ohmann, 2612 Meadow Lake Drive, addressed the Commission with concerns about the impact of development on the character of the community and the quality of life.

Ms. Sharon Seltzer, 9809 Fire Tower Road, addressed the Commission on the need for more public notification and public input. Ms. Seltzer also commented on the impact of development on the character of the community and the quality of life.

Mr. Chris Taylor, 3921 Powhatan Parkway, addressed the Commission in support of the application.

Mr. Kimber Smith 3051 Heritage Landing Road, addressed the Commission in support of the application.

Mr. Donald Prevish, 211 Old Stage Road, addressed the Commission on the impact of the development on traffic.

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

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

Ms. Null stated that the citizens have presented valid concerns that need to be addressed before moving the application forward. Ms. Null stated that she is especially concerned about the impact on traffic, schools, and public services with the residential development. Ms. Null noted that residential development rarely pays for itself.

Mr. Krapf stated that application, if approved, will forever change upper James City County. Mr. Krapf stated that there are a number of positive factors associated with the project. Mr. Krapf stated that it meets the criteria for the Economic Opportunity Zoning District. Mr. Krapf stated that a particularly positive factor is that this is a cohesive development plan for the parcel rather than piecemeal development. Mr. Krapf further stated that there are also enough concerns that call for further review and analysis. Mr. Krapf stated that his main concern is the open-endedness of the proposal. Mr. Krapf stated that until the full scope of the project is known, he would not be able to support the application.

Ms. Leverenz stated that the application is consistent with the Comprehensive Plan which is something the Commission is obligated to consider heavily. Ms. Leverenz further stated that she appreciates the Hazelwood family's desire to lock in a vision for development of the property. Ms. Leverenz stated that she does not find that the application is quite ready to move forward. Ms. Leverenz stated that there are too many open-ended questions to be addressed. Ms. Leverenz further stated that she is very concerned that the proposal does not adhere to the County's Economic Opportunity Construction Phasing Guidelines. Ms. Leverenz stated that there were too many unanswered questions for her to support the application at this time.

Mr. Polster stated that he remembers the Hazelwood family's presentation to the DRC in 2018. Mr. Polster stated that Mr. Hazelwood pointed out that the property is at the northern edge of the Foreign Trade Zone. Mr. Polster stated that having parts come in, be assembled, and the product distributed is the type of light industry with tool tax that the County envisioned. Mr. Polster stated that during the recent Comprehensive Plan review, he was very protective

of the existing language that described the County's vision for this property. Mr. Polster stated that the plan presented by the Hazelwood family in 2018, was very consistent with the Comprehensive Plan language. Mr. Polster stated that what has changed his perspective is the open ended proposal currently before the Commission. Mr. Polster stated that the Design Guidelines are well thought out; however, they may not adequately mitigate the size of the development that may occur. Mr. Polster noted that he wished there could be compromise on some of the SUP elements to make the scale more modest. Mr. Polster stated that he does not believe that the Commission has enough information to make a recommendation to the Board of Supervisors at this time.

Mr. Polster inquired if the SUP and the Rezoning for the Enterprise Center would be voted on individually.

Mr. Holt stated that for the Enterprise Center, there would be one vote for the SUP and the Rezoning together. Mr. Holt noted that the two are intertwined where it would not really be possible to cleanly separate them.

Mr. Holt stated that he wanted to clarify that there is a substantial amount of information in the Traffic Impact Study that talks about trip generations. Mr. Holt further stated that all of the data had been reviewed, validated, and approved by the Virginia Department of Transportation (VDOT). Mr. Holt stated that based on the size of the proposed development, the County hired an independent third party review the data. Mr. Holt stated that with the proposed improvements, of which there are many, there is agreement between VDOT and the independent third party that the traffic impacts should be mitigated and the Level of Service would be maintained as generally acceptable.

Mr. Holt stated that, as further clarification, there is the Rezoning that will cover all of the by-right uses for the Economic Opportunity District, a handful of SUP uses associated with that Zoning District, and the Commercial SUP that covers any building over 10,000 square feet or a use that generates more than 100 peak hour trips. Mr. Holt stated that it is important to know that warehouse and office uses are exempt from the SUP provisions. Mr. Holt noted that most of the development would be warehouses, therefore, the provisions that trigger the Commercial SUP would not apply.

Mr. Polster reiterated his question about whether the votes for the SUP and the Rezoning could be separated.

Mr. Holt stated that he would find it difficult to pull them apart at this time.

Mr. Polster stated that he concurs with the concerns about the open-ended application. Mr. Polster further stated that he is disappointed that there is no Affordable Housing component to the application which needs to be included for the Workforce needed for the various industries. Mr. Polster stated that he was also concerned by the lack of a proffer to mitigate school impacts; particularly for Stonehouse Elementary School. Mr. Polster stated that he would not support the application.

Mr. O'Connor thanked the applicant for coming forward with a thoughtful application. Mr. O'Connor stated that the Economic Opportunity Zoning has existed for roughly 20 years, yet this is the first application submitted. Mr. O'Connor stated that this application has all of the features established in the Comprehensive Plan. Mr. O'Connor stated that there would be similar conversations about other properties in the future. Mr. O'Connor noted that there would be the same issues and discussion regarding traffic then. Mr. O'Connor further stated that the Stonehouse Development has reduced its size by 1,000 homes which should mitigate some of the concerns about this proposal. Mr. O'Connor stated that he is concerned about the open ended Master Plan but he also sees the need for flexibility. Mr. O'Connor further

stated that he would like to see a single-family residential component to the project. Mr. O'Connor stated that after listening to the presentation and discussion, he has become more supportive of the application than he was previously.

Mr. Haldeman stated that his reservation is with the residential component. Mr. Haldeman stated that because that reservation is particularly grave he is unable to support the entire application. Mr. Haldeman stated that for this project, the residential component is out of place, unnecessary, places a substantial fiscal risk on taxpayers, and unnecessarily increases traffic. Mr. Haldeman further stated that there is no assurance that the development will include Affordable Housing. Mr. Haldeman stated that the housing will put additional pressure on Stonehouse Elementary which is near capacity and Warhill High School which is approaching its capacity. Mr. Haldeman stated that per the Zoning Ordinance, the purpose of the Economic Opportunity District is to facilitate economic development, increase the nonresidential tax base and create jobs. Mr. Haldeman stated that also in the Zoning Ordinance language, the principal uses and development form should optimize the economic development potential of the area and encourage development types that have attributes that offer a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support economic stability. Mr. Haldeman stated that all of this project meets the Ordinance description except the residential portion. Mr. Haldeman stated that the Comprehensive Plan description mirrors the language in the Zoning Ordinance and there is no mention of residential development. Mr. Haldeman stated that without the residential component, the project would be everything that the County is looking for.

Mr. O'Connor stated that from the Planning Commission perspective, consideration needs to be given to what the impacts to the community would be if the parcel was subdivided and developed by-right. Mr. O'Connor stated that by having a Master Plan and by having SUP conditions, it provides a controlled outcome. Without those guidelines, there would not be any congruity of design or scale. Mr. O'Connor stated that if the parcel were to be maximized, the end result might not be a good fit for the community.

Ms. Leverenz stated the plan has many favorable factors but it is not the right plan at this time. Ms. Leverenz stated that with additional work and some modifications the proposal could be what the County is looking for. Ms. Leverenz stated that locking in the development of this parcel would be very good for the County.

Ms. Null stated she is not opposed to the project other than the residential housing and the traffic impacts. Ms. Null stated that she finds the location to be appropriate for an industrial park, but has reservations about whether the demand will be enough to fill the available space given the Stonehouse Commerce Park and the Moss Creek development. Ms. Null stated that she would like for the applicant to clarify certain aspects and bring the application back for consideration.

Mr. Holt stated that the Commission has the option to make a motion and send the matter to the Board of Supervisors, defer the vote, or entertain a motion from the applicant should they wish to postpone.

Mr. Trant stated that the Hazelwood family has said from the beginning that they want to do this right and have an application that the County embraces. Mr. Trant stated that if it would please the Commission to have more time, the applicant would welcome that. Mr. Trant stated that the applicant is more than willing to work with the County and the community to address concerns.

Ms. Leverenz stated that this would address concerns from the community that they did not have enough time to consider and understand the proposal.

Mr. Polster stated that he also would welcome a deferral. Mr. Polster stated that he would like to better understand the scale of the development and how the traffic analysis triggers would modify the intensity.

Mr. O'Connor inquired about the parameters of the deferral.

Mr. Holt stated that the matter would be deferred to a date certain. Mr. Holt stated that he would lean to the applicant to determine the amount of time needed to provide the necessary responses.

Mr. Trant stated that the January meeting should give adequate time to come to some resolutions.

Mr. Holt stated that under the Planning Commissions Deferral Policy, the Commission can defer for up to 100 days which would take it to January 5, 2022. Mr. Holt further stated that there is a component of State Code that provides that if the Planning Commission does not act within 100 days, the application would automatically go to the Board of Supervisors.

Mr. Haldeman inquired about the form of the motion.

Mr. Holt stated that the motion would be to postpone the matter to January 5, 2022.

Mr. O'Connor inquired if staff had enough information from the Commission to have a dialogue with the applicant.

Mr. Holt stated that if the Commission was looking for specific items, data, or specific analysis, staff and the applicant would need to know what those were.

Mr. Polster stated that what he wanted to understand what the implications were that led the conclusion that the infrastructure would support a certain number of 10,000 square foot building or a certain number of square feet from that. Mr. Polster stated that he was trying to understand the intensity of the development for the 10,000 square foot components in the SUP. Mr. Polster further stated that he wanted to understand the modeling used to tie in the intensity of the development and the impacts of the traffic.

Mr. Grimes stated that they can provide the different scenarios considered and how they would fit within the project. Mr. Grimes stated that the flexible options are because the end users are not yet known.

Mr. Holt stated with the range of allowable uses, there is no feasible way to model all of the various scenarios and combinations. Mr. Holt stated that the Traffic Study only modeled three uses. Mr. Holt stated that ultimately the traffic cap in the proffers could not be exceeded. Mr. Holt stated that the protections in the proffers and the SUP conditions led staff to find that the impacts would be mitigated.

Ms. Leverenz stated that she would like to see a specific plan for providing water and sewer; information on the adequacy of the planned roundabouts for truck traffic; a revision to the phasing of the residential development, if not in compliance with the County's phasing policy, then skewed toward the end of the commercial development; and consider the potential of bringing forward more specific master plans for the land areas as they are developed.

Ms. Leverenz made a motion to postpone the consideration of the matter to January 5, 2022.

On a roll call vote the Commission voted to postpone consideration of Z-19-0006 and SUP-19-0005. Hazelwood Farms - The Enterprise Center to its Regular Meeting on January 5, 2022.

3. SUP-19-0006. Hazelwood Farms - The Village Center

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

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

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

Absent: Rose

Mr. Thomas Wysong, Senior Planner, stated that Mr. Tim Trant of Kaufman & Canoles has applied on behalf of Hazelwood Farms LLC and Hazelwood R M, III, Trustee, et al for an SUP on approximately 79 acres to permit up to approximately 510,000 square feet of commercial development to allow for the following specially permitted uses on the properties:

- A convenience store which sells and dispenses fuel;
- Extension of public water and sewer facilities;
- Commercial buildings or groups of buildings that exceed 10,000 square feet of floor area pursuant to County Code Section 24-11(a)(2) and within the square footage limits shown on the Master Plan;
- Commercial buildings or groups of buildings, not including office uses, which generate, or would be expected to generate, a total of 100 or more additional trips to and from the site during the peak hour of the operation pursuant to County Code Section 24-11(a)(3); and
- Any buildings, additions, and expansions requiring an SUP pursuant to County Code Section 24-11(b).

Mr. Wysong stated that the site is located inside the PSA and is designated for Mixed Use-Stonehouse in both the current 2035 and draft 2045 Comprehensive Plans. Mr. Wysong further stated that for the area between I-64 and Old-Stage Road, the Comprehensive Plan specifically recommends community-scale commercial uses such as shopping centers, hotels, restaurants, and office uses.

Mr. Wysong stated that staff is proposing conditions to mitigate impacts associated with the proposed uses. Mr. Wysong further stated that the conditions include construction of the transportation improvements recommended in the Traffic Impact Analysis for this project, enhanced landscape buffering along the Barnes Road, Route 30, and Interstate-64 right-of-way, enhanced site design and architectural design for each building, incorporation of sustainable design initiatives, and specific restrictions regarding location and site features for certain commercial uses to protect community character.

Mr. Wysong stated that staff finds that the SUP will not negatively impact surrounding development, and the proposed conditions will help mitigate impacts generated by the proposal. Staff also finds that the development of the property for the proposed commercial uses is consistent with recommended uses and GSAs in the current 2035 and draft 2045 Comprehensive Plans.

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

Mr. Polster inquired if condition for installation of water and sewer facilities for the commercial area was the same as for The Enterprise Center. Mr. Polster further inquired if there was a 60-

month condition for commencing construction of at least one of the specially permitted uses.

Mr. Wysong stated that the 60-month stipulation is the same as for The Enterprise Center. Mr. Wysong further stated that he would need to check the requirements of the B-1 Zoning District regarding whether public water and sewer is required.

Mr. Polster inquired about the scenarios that drove the traffic analysis for The Village Center.

Mr. Wysong stated that he would defer to the applicant on that question; however, the recommended traffic improvements were based on the analysis done by the County's consultant.

Mr. Holt stated that the traffic analysis was modeled on the amount of square footage for the shopping center. Mr. Holt further stated that he does not believe there is a requirement in the B-1 Zoning District to connect to public water and sewer.

Mr. Polster requested verification that there must be a first structure on the property within 60 months, not including the water and sewer facilities.

Mr. Holt confirmed that a first structure must be constructed within the 60-month timeframe. Mr. Holt noted that the SUP was necessary to extend water and sewer to this property so that it could also be extended for the uses on the Economic Opportunity property.

Mr. O'Connor inquired if there were plans to improve this interchange in the near future.

Mr. Holt stated that there were no plans at this time.

Mr. O'Connor inquired if it was a matter of land acquisition or simply not being designated as needing improvement.

Mr. Holt stated that the interchange was operating satisfactorily at this time and that the improvements proposed in the two applications would allow the interchange to continue to operate at acceptable levels.

Ms. Leverenz stated that there is a discrepancy where the SUP conditions state that no single building shall exceed 70,000 square feet and the Design Guidelines state that buildings over 70,000 square feet shall not be subject to the Design Guidelines.

Mr. Wysong stated that the SUP conditions would be the controlling document.

The Commission inquired if there was an update on whether the B1 Zoning District required connection to public water and sewer.

Mr. Wysong stated that the Zoning Ordinance did not require it.

Mr. Holt stated that staff would then look to the JCSA regulations which stipulate connecting to public water and sewer when within a certain distance from existing lines. Mr. Holt further stated that the SUP is required if water and sewer must be extended.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf, Mr. O'Connor, Mr. Polster, and Mr. Haldeman stated that they had spoken with Mr. Trant.

Mr. Haldeman opened the Public Hearing

Mr. Tim Trant, Kaufman & Canoles, PC, representing the Hazelwood family, made a presentation to the Commission on the proposed project.

Mr. Krapf noted that SUP would be valid for any commercial buildings or group of buildings that exceed 10,000 square feet of floor area and commercial buildings or group of buildings, not including office uses, which generates, or would be expected to generate, a total of 100 or more additional trips. Mr. Krapf stated that he was looking for specificity on how many buildings over 10,000 square feet would be permitted.

Mr. Krapf noted that there was already an approved Master Plan for the Moss Creek parcel that included office and warehouse, convenience store with fuel sales, restaurants and retail. Mr. Krapf further noted that there was the Stonehouse Land Bay V Master Plan which is designated for up to 180 residential units. Mr. Krapf inquired if the applicant had any concern that the Moss Creek development would impact this proposal.

Mr. Trant stated that there may be some overlapping uses; however, this is not an impediment to the project. Mr. Trant stated that there would be more than sufficient demand for those services in that location. Mr. Trant noted that, in regard to the size and arrangement of buildings on the property, the Design Team positioned the development in land bays with the associated square footage to give a sense of scale and order. Mr. Trant noted that there would be commercial outparcels along Route 60 and a larger shopping center area on the interior.

Mr. John Hopke, Hopke & Associates, stated that the design goal was for the complex to look like an assembly of building rather than having the giant monolithic buildings.

Mr. Norris L. Shave, 9563 Barnes Road, addressed the Commission with concerns about the traffic impacts of the proposal.

Mr. William Hewitt, 8741 Merry Oaks Lane, addressed the Commission about the impacts of the project on Barnes Road.

Mr. Kimber Smith, 3051 Heritage Landing Road, stated that he had provided comments in support of both proposals in his comments on The Enterprise Center.

Mr. John Lockwood, 20251 Triangle Road, addressed the Commission with Concerns about traffic impacts for both applications.

Ms. Carol Coomer, 9825 Hidden Nest, addressed the Commission with concerns about the lack of notification to Stonehouse residents.

Ms. Darlene Prevish, 211 Old Stage Road, addressed the Commission with concerns about the public notification process.

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

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

Mr. O'Connor stated that, for clarification, the traffic study was performed by the applicant's consultant. Mr. O'Connor further stated that staff had a third party traffic study done by the County's on-call consultant. Mr. O'Connor stated that staff reviewed and considered the findings of both studies. Mr. O'Connor stated that one of the unintended, but beneficial, consequences of the traffic study is the recommendation that the entrance to the Moss Creek Commerce Center be shifted to Barnes Road and signalized.

Mr. Polster stated that predictions for where growth would occur in the County focus on the upper part of the County. Mr. Polster further stated that the amenities proposed for The Village Center would be required to meet the demands of residents in that area. Mr. Polster stated that he appreciated the coordination between the applicant and the Stonehouse Development on the traffic study and the signalization. Mr. Polster stated that he would support the application.

Mr. Krapf stated that he finds the application to be favorable since the scale is more modest in scale, and the SUP was being requested to allow uses for the property as it is currently zoned. Mr. Krapf further stated that the development is envisioned as an entertainment, retail, office, and business support center. Mr. Krapf noted that these are services that could benefit the existing community and anticipated future growth.

Mr. Krapf stated that he has some concerns about an open-ended series of 10,000 square foot buildings; however, the applicant's explanation of trying to create the appearance of individual components was a very thoughtful solution. Mr. Krapf stated that he would support the application.

Mr. O'Connor inquired if the Director of Planning will review the building plans to ensure consistency with the Design Guidelines.

Mr. Holt stated that when building permits are pulled, they will be reviewed against the Design Guidelines. Mr. Holt stated that inconsistencies would be brought to the DRC for a determination.

Mr. Polster made a motion to recommend approval of the application with the conditions recommended by staff.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0006. Hazelwood Farms - The Village Center. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

1. James City County Parks Master Plan Update

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

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

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

Absent: Rose

Mr. Tom Leininger, Senior Planner, stated that over the past year and a half, a committee led by Parks and Recreation, Planning, and General Services had been working on the Master Plan updates to three parks, Upper County Park, James City County Recreation Center, and Warhill Sports Complex.

Mr. Leininger stated that on April 9, 2021, the James City County Board of Supervisors endorsed updating the Master Plans of three parks in the County. On July 21, 2021, this item was placed on the DRC agenda as a discussion item.

Mr. Leininger stated that Alister Perkinson from Parks and Recreation would provide additional details to the master plan updates and the next steps for each park.

Mr. Alister Perkinson, Parks Administrator, provided an overview of each Master Plan and the anticipated improvements and amenities. Mr. Perkinson stated that the next step after this meeting would be to present the update to the Board of Supervisors.

Ms. Null inquired about the use of synthetic turf at Warhill Sports Complex as proposed at the DRC.

Mr. Perkinson stated that the two lighted softball fields and the two lighted baseball fields would be synthetic turf.

Mr. Haldeman inquired about potential use of the small parcel on the other side of Longhill Road from the Warhill Sports Complex.

Mr. Perkinson stated that the parcel was considered; however, any development would be difficult at this time due to the infrastructure it would require.

Mr. Polster made a motion to recommend approval of the Master Plans to the Board of Supervisors.

On a roll call vote the Commission voted to recommend approval of the Master Plans for Upper County Park, JCC Recreation Center and Warhill Sports Complex. (6-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - October 2021

Mr. Holt stated that he had nothing to add to what was provided in the Agenda packet.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman noted that Mr. O'Connor was scheduled to represent the Commission at the October Board of Supervisors meeting; however, there were no cases going forward.

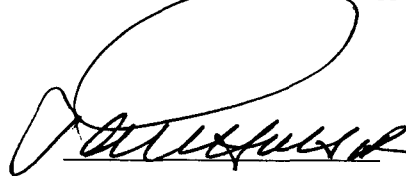
Mr. Polster inquired if the Commission would be reviewing the Comprehensive Plan process on November 6, 2021.

Mr. Holt stated that the process review would be held on November 10, 2021.

J. ADJOURNMENT

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 9:36 pm.



Paul D. Holt, III, Secretary



Jack Haldeman, Chair