

**MINUTES**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 14, 2018**  
**4:00 PM**

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**A. CALL TO ORDER**

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

**B. ROLL CALL**

Present:

Jack Haldeman, Chair  
Tim O'Connor  
Julia Leverenz  
Rich Krapf  
Heath Richardson

Staff:

Paul Holt, Planning Director  
Ellen Cook, Principal Planner  
Max Hlavin, Assistant County Attorney

**C. MINUTES**

1. May 10, 2018 Meeting Minutes

Mr. Heath Richardson made a motion to Approve the May 10, 2018 meeting minutes.

The motion passed 5-0 by voice vote.

**D. OLD BUSINESS**

There was no old business.

**E. NEW BUSINESS**

1. Planning Commission Legislative Application Deferral Policy

Mr. Haldeman opened the discussion.

Mr. Paul Holt presented the Planning Commission Legislative Application Deferral Policy. He stated that the Planning Commission (PC) had 100 days to hear an application or the application would be approved and heard by the Board of Supervisors (BOS). He stated that if the staff or PC defer the application, the clock continues to run against the 100 days. He stated that currently an application could potentially be deferred indefinitely. He stated that the PC new policy was similar to BOS policy. He stated that there are applicants who will request a deferral prior to advertising.

Mr. Heath Richardson stated that the current policy allows for an application to be deferred and makes it more difficult for citizens to know when the application will be heard.

Ms. Julie Leverenz stated that the proposed policy does not state the total number of days that an applicant can request a deferral. She stated that the policy should state "100 days in total".

Mr. Holt stated that a deferral cannot be more than 100 days.

Mr. Max Hlavin stated that the total time of deferral cannot exceed 100 days regardless of the number of requests.

Ms. Leverenz asked if an applicant's options at that point would be to withdraw or go forward.

Mr. Hlavin confirmed.

Mr. Krapf stated that the policy should state "100 days in total" so as to not confuse applicants.

Mr. Haldeman asked if the first paragraph refers to the point prior to advertising.

Mr. Holt confirmed. He stated that the application will be active, but never show up on a public hearing agenda.

Mr. Haldeman asked why the BOS used 90 days for its policy and PC's policy would be 100 days.

Mr. Hlavin stated that the timelines are consistent with State Code.

Mr. Krapf asked for the word "matter" to change to "case" in the first sentence.

Ms. Leverenz asked for the removal of the word "his".

Mr. Holt stated that the changes will be made.

Mr. Tim O'Connor asked what criteria the Planning Director would use to make the decision on a deferral.

Mr. Holt stated that he would use the factors listed in Item No. 4.

Mr. O'Connor stated that the PC has required applicants to host a neighborhood meeting for the citizens.

Mr. Holt stated that the PC will ask if the applicant can host a meeting.

Mr. Krapf stated that the PC will vote on a case without a neighborhood meeting.

Mr. O'Connor stated that often the PC will request a neighborhood meeting.

Mr. Krapf stated that the meeting would be an addendum to the deferral request.

Mr. O'Connor stated that applicants have asked for a deferral to allow for a neighborhood meeting. He stated that he does not feel completely comfortable with the policy. He stated that the timeline can be tight for an applicant to organize the different pieces within 100 days.

Mr. Richardson stated that the PC will suggest that the applicant host a neighborhood meeting based on the public comment.

Ms. Leverenz asked if staff recommends a public meeting.

Mr. Holt confirmed.

Mr. O'Connor stated that a public meeting is not required, but the PC will make it a requirement based on the public comment. He stated that applicants will do everything according to the Zoning Ordinance and the added public meeting adds an additional time and expense.

Mr. Haldeman asked what concern Mr. O'Connor had with the policy.

Mr. O'Connor stated that the 100-day deadline is one of his concerns. He stated that he would like to see a limit on the number of deferrals. He stated that he would like to see the deferral deadline be a specific date and not a specific number of days. He stated that he would not like to see an applicant defer their application multiple times.

Mr. Richardson asked if the policy should be the number of deferrals or the amount of time allowed to defer.

Mr. Hlavin stated that after advertising, the PC has 100 days to make a decision according to State Code. He stated that after 100 days, the applicant has to go to the PC or withdraw.

Ms. Leverenz asked what the downside is for withdrawing an application and resubmitting.

Mr. Holt stated that if an application has been advertised, the applicant would need to repay the County that cost if the case is withdrawn.

Mr. Richardson asked if there is limit to the number of deferrals and after the last deferral, the applicant would have to withdraw or go to the PC.

Mr. Hlavin stated that Item No. 2 could state that the applicant could request one deferral and not exceed 100 days.

Mr. Richardson stated that the limiting factor would be the one deferral not exceed 100 days. He stated that after 100 days the applicant should be withdrawn or go to the PC.

Mr. O'Connor asked when the 100 days begin.

Mr. Hlavin stated that the 100 days would begin after the first public hearing.

Mr. Krapf stated that he would prefer a limit of two deferral requests if the applicant would need the extra time, but not exceed 100 days.

Mr. Hlavin stated that currently, if the applicant will exceed 100 days, they need to submit a letter waiving any procedural rights they have under Sec. 15.2-2285(B). He stated that the PC would still need to make a recommendation to the BOS.

Mr. Holt stated that for consistency, regardless of PC or applicant asking for a deferral, the request must be within the 100 days.

Ms. Leverenz asked what is the downside of deferral before advertising.

Mr. Holt stated that there is no penalty. He stated that the applicants receive a refund.

Ms. Leverenz stated that it was her understanding that staff will notify the applicant if there are any expected issues.

Mr. Richardson stated that the public body is the hardest to predict as to whether there will be any issues.

Mr. Holt stated that it is best practice of the applicant to let the neighbors know and then issues are brought up at the beginning of the application.

Ms. Leverenz stated that she is in favor of two deferrals.

Mr. O'Connor stated that if the policy states 100 days, all applicants should be held to the 100 days. He stated that the PC must hold applicants to the policy.

Mr. Holt stated that if applicants want to wait for a date more than 100 days, the applicant will need to withdraw and resubmit.

Mr. Krapf stated that the proposed policy will result in different applications with different deferral lengths.

Mr. O'Connor stated that he would not want applicants to have multiple deferrals.

Ms. Leverenz stated that the most deferrals would be three per application.

Mr. Krapf stated that once there is a public hearing, the PC has to act on the application in 100 days.

Mr. Holt stated that if the applicant does not want to move forward, they should withdraw the application if it has already been advertised.

Ms. Leverenz stated that staff will be able to make applicants aware that they will need to have a full proposal before going to the PC.

Mr. O'Connor asked if the application will be advertised if there are comments outstanding.

Mr. Holt stated that it would depend on the agency and the importance of the outstanding comments. He stated that there could be times where the comments would impact the Master Plan and it is best to wait for the comments.

Mr. O'Connor stated that the Virginia Department of Transportation (VDOT) will often have comments that are outstanding.

Mr. Holt stated that there will be times when an agency like VDOT submits a comment that would impact staff's recommendation.

Mr. O'Connor asked if responses from the agencies are required to complete the application.

Mr. Holt stated that the Zoning Ordinance requires specific documents to be submitted for the application to be complete.

Mr. Holt stated that there are unique instances that come up that an applicant would not have seen beforehand. He stated that staff is recommending applicants to go through the conceptual plan stage to help bring the major issues to the Development Review Committee. He stated

that in some cases the applicant did not use a deferral at the PC or BOS because they went through the conceptual plan stage. He stated that the conceptual plan paid off for the applicant in the long run.

Ms. Leverenz stated that there are multiple opportunities for the applicant to correct any issues. She stated that the applicant would be allowed to defer their application after the PC has recommended it to the BOS.

Mr. Richardson stated that the public's disapproval for an application does impact the outcome.

Ms. Leverenz asked if members preferred the 100 days over limiting number of deferrals.

Mr. Krapf stated that 100 days is more preferable.

Mr. Holt confirmed the Committee's requested changes to the Policy.

Mr. Richardson made a motion to approve the PC Legislative Application Deferral Policy with the following conditions:

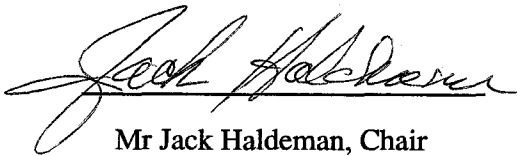
1. Removing the word "his" in paragraph one.
2. Addition of the phrase "in total" after 100 days.
3. Move sentence three in paragraph two to after sentence one in paragraph two.
4. Remove the word "matter" and insert the word "case" in paragraph three.

The motion passed 5-0.

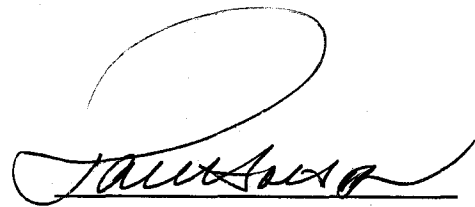
#### **F. ADJOURNMENT**

Mr. Krapf made a motion to Adjourn. The motion passed 5-0.

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.



Mr Jack Haldeman, Chair



Mr. Paul Holt, Secretary