

**A G E N D A**  
**JAMES CITY COUNTY POLICY COMMITTEE**  
**REGULAR MEETING**  
**Building A Large Conference Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 12, 2018**  
**4:00 PM**

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- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MINUTES**
  - 1. June 14, 2018 Meeting Minutes
- D. OLD BUSINESS**
- E. NEW BUSINESS**
  - 1. Master Plan Consistency Determinations
- F. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 7/12/2018  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Secretary  
SUBJECT: June 14, 2018 Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
☐	June 14, 2018 Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/3/2018 - 11:51 AM
Policy	Holt, Paul	Approved	7/3/2018 - 1:42 PM
Publication Management	Daniel, Martha	Approved	7/3/2018 - 1:53 PM
Policy Secretary	Secretary, Policy	Approved	7/5/2018 - 8:16 AM

**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.

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Mr Jack Haldeman, Chair

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Mr. Paul Holt, Secretary

**ITEM SUMMARY**

DATE: 7/12/2018  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Director of Community Development and Planning  
SUBJECT: Master Plan Consistency Determinations

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Draft revisions to Section 24-23, 24-276(b)(1) and 24-516 of the County Code	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	7/5/2018 - 4:51 PM
Publication Management	Daniel, Martha	Approved	7/6/2018 - 11:36 AM
Policy Secretary	Secretary, Policy	Approved	7/6/2018 - 11:47 AM



## MEMORANDUM

DATE: July 12, 2018  
TO: The Policy Committee  
FROM: Paul D. Holt, III, Director of Community Development and Planning  
SUBJECT: Master Plan Consistency Determinations

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During the Planning Commission and Board of Supervisors joint work session on May 22, 2018, the Board of Supervisors asked the Commission to consider limiting the percentage of residential dwelling units that could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance.

Upon a review of the Zoning Ordinance, similar Master Plan Consistency language is also found in the R-4 District and in the MU District.

To initiate a preliminary discussion, a draft County Code amendment for all three sections is attached.

PDH/md  
MasterPlnConsistDeter-mem

Attachment:

1. Draft revisions to Section 24-23, 24-276(b)(1) and 24-516 of the County Code

Draft revisions to Section 24-23, 24-276(b)(1) and 24-516 of the County Code

Sec. 24-23. - Submittal requirements.

- (a) The following information shall be submitted with any request for an amendment of this chapter, as provided for in section 24-13, or for any building or use and addition or expansion thereto which requires a special use permit under this chapter, provided however, applications for family subdivisions, manufactured homes and temporary classroom trailers shall be exempt from the requirements of this section.
- (1) The community impact statement shall describe the probable effects of the proposed development upon the community and at a minimum shall address the following topics regarding infrastructure and quality of life:
- a. A traffic impact analysis for all projects that expect to generate 100 or more weekday peak hour trips to and from the site during the hours of operation and/or those projects with an entrance or exit onto a roadway with a level of service "D" or lower shall be required pursuant to the Traffic Impact Analysis Submittal Requirement Policy. Vehicular access points and drives shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the board of supervisors after reviewing the applicant's traffic impact analysis; and
  - b. A water and sewer impact study for all projects with an anticipated average daily flow greater than 15,500 gallons, and/or for proposed residential projects containing 50 lots or more. Water conservation information shall be submitted in accordance with water conservation guidelines policy; and
  - c. Environmental information shall be submitted in accordance with the environmental constraints analysis for legislative cases; and
  - d. An adequate public facilities report in accordance with board of supervisors policy to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities. School information shall be prepared according to the adequate public school facilities test policy; and
  - e. Additional on-site and off-site public facilities or services which would be required as a result of the development; and
  - f. A Phase IA historic and archaeological study if the property is identified as being a highly-sensitive area on the James City County archaeological assessment. If the property is identified as a moderately-sensitive area on the assessment, studies shall be provided in accordance with the currently adopted archaeological policy; and
  - g. An environmental inventory in accordance with the James City County natural resource policy; and
  - h. A fiscal impact analysis, using the worksheet and assumptions provided by the planning division, when the proposal includes residential dwelling units. The analysis must estimate revenues to be generated versus the cost of public improvements to be financed by the county or the state using the fiscal impact model prepared by the county. If desired by the applicant supplemental studies may be prepared by an individual or firm qualified to conduct a fiscal impact study in a manner and form acceptable to the planning director; and
  - i. Parks and recreation information based on parks and recreation master plan proffer guidelines.
- (2) The master plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-way (with an indication of whether public or private), accesses, open spaces, public uses and other features

to be located on the site for which approval is sought. The planning director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the master plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The master plan shall be prepared by a licensed surveyor, engineer, architect, landscape architect or planner. A scale may be used so that the entire parcel can be shown on one piece of paper no larger than 30 inches by 48 inches. The master plan shall also include:

- a. An inset map at a scale of not less than one inch to one mile showing the property in relation to surrounding roads, subdivision or major landmarks;
- b. A north arrow, scale, the proposed use, approximate development phasing (if applicable);
- c. The location of existing property lines, watercourse or lakes, wooded areas and existing roads which are within or adjoining the property;
- d. If applicable, a table which shows for each section or area of different uses: the use; approximate development phasing, maximum number of dwelling units and density for residential areas, maximum square feet of floor space for commercial or industrial areas; and maximum acreage of each use;
- e. If applicable, schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans; and
- f. If more than one type of land uses is proposed, each use shall be designated on the master plan as follows:

Type of Development	Area Designation
Single family	<b>A</b>
Multi-family dwellings containing up to and including four dwelling units	<b>B</b>
Multi-family dwellings containing more than four dwelling units	<b>C</b>
Apartments	<b>D</b>
Commercial uses	<b>E</b>
Wholesale and warehouse uses	<b>F</b>
Office uses	<b>G</b>
Light industrial uses	<b>H</b>
Institutional or public uses	<b>I</b>
Areas of common open space, with recreation areas noted	<b>J</b>

Structures containing a mixture of uses	<b>M*</b>
Other structures, facilities or amenities	<b>X</b>

\* Areas of a master plan designated M (structures containing a mixture of uses) shall indicate in parentheses, following the M designation, the appropriate letter designations of the types of uses contained within the structure (e.g. M (CG)) in the order of their proportion in the mixed use structure.

A total of 12 copies of the master plan should be submitted along with an application for rezoning or a special use permit; if necessary, additional copies of the master plan may be required for submittal. The master plan shall be reviewed and approved and thereafter become binding upon approval of a rezoning or a special use permit by the board of supervisors. Thereafter, all amendments to the master plan shall be in accordance with section 24-13 of this chapter. Final development plans may be approved after approval of a master plan by the board of supervisors. All final development plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes that the development plan does not:

1. Significantly affect the general location or classification of housing units or buildings as shown on the master plan;
2. Significantly alter the distribution of recreation or open space areas on the master plan;
3. Significantly affect the road layout as shown on the master plan;
4. Significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case associated with the master plan.

If the planning director determines that a proposed change would deviate from the approved master plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the planning director disapproves the amendment, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. In no circumstance shall the number of dwelling units increase between section or area of different uses by more than {x} without an amendment being submitted and approved in accordance with section 24-13.

For additional information regarding master plan submittal requirements refer to the submittal sections for the following zoning districts: R-4, Residential Planned Community; RT, Research and Technology; PUD, Planned Unit Development; MU, Mixed Use; EO, Economic Opportunity; and Residential Cluster Development Overlay District.

- (3) Any other submittal requirement which may be required by this chapter.
  - (4) An application and fee in accordance with section 24-7 of this chapter.
- (b) Supplemental information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezoning" policy as adopted by the board of supervisors and any additional policies as deemed necessary by the planning director.
- (c) In addition to the paper copies of all documents required by this chapter, all information and plans required under (a)(1), (a)(2) or (a)(3) shall be submitted in an electronic format in accordance with

the "Electronic Submittal Requirements for Legislative Applications" policy, as approved by the planning commission.

- (d) Unless otherwise required by this chapter, upon written request by the applicant, the planning director may waive any requirement under (a)(1) or (a)(2) above after finding that such information would not be germane to the application.

In the R-4 District, Section 24-276(b)(1):

The above designation shall be the highest and densest use to which such land may be put without amending the master plan. However, where the planning director finds the project does not vary the basic concept or character of the planned community and where it does not exceed the maximum density permitted under [section 24-279](#), the planning director may approve final plans for projects with lower densities or a lower category of uses than those shown on the master plan without amending the master plan. **In no circumstance shall the number of dwelling units increase between section or area of different uses by more than {x} without an amendment being submitted and approved in accordance with section 24-13.**

In the MU District, Section 24-516 (a) and (b)

Development plans shall be submitted and reviewed in accordance with article III of this chapter or with the county's subdivision ordinance, whichever is applicable. Development plans may be submitted for review after approval of a master plan by the board of supervisors. All development plans shall be consistent with the master plan. Development plans may deviate from the master plan if the planning director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning. A conceptual plan may be submitted for this purpose in a form sufficient to illustrate the proposed deviations. If the planning director determines that a proposed change would significantly deviate from the approved master plan, the applicant may submit alternative proposed development plans or proceed with amendment of a master plan in accordance with [section 24-13](#).

Appeals. In the event the planning director disapproves the items specified in [section 24-516](#) (a) or recommends conditions or modifications that are unacceptable to the applicant, the applicant may appeal the decision of the planning director to the development review committee which shall forward a recommendation to the planning commission. **In no circumstance shall the number of dwelling units increase between section or area of different uses by more than {x} without an amendment being submitted and approved in accordance with section 24-13.**