

MINUTES FOR THE WEEKLY MEETING OF THE STEERING COMMITTEE ON MONDAY, JANUARY 12, 2009 AT 4 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

PARTICIPANTS:

MEMBERS PRESENT:

Chris Henderson
George Billups
Bill Porter
Mary Jones
Vaughn Poller
Ruth Larson
Julie Leverenz
Tom Tingle
Jack Fraley
Mark Wenger
Rich Krapf

NOT PRESENT:

STAFF PRESENT:

Tammy Rosario, Planning
Jason Purse, Planning
Ellen Cook, Planning
Allen Murphy, Development Mgmt.
Luke Vinciguerra, Planning
David German, Planning
Leanne Reidenbach, Planning
Terry Costello, Planning

I. CALL TO ORDER

Mr. Jack Fraley called the meeting to order at 4:10 p.m. with Mr. George Billups, Mr. Chris Henderson, and Mr. Vaughn Poller arriving later.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES

Mr. Bill Porter motioned adoption of the January 5th minutes, with a second from Ms. Julie Leverenz. In a unanimous voice vote, the minutes were approved.

IV. LAND USE APPLICATIONS – STAFF PRESENTATIONS

Ms. Ellen Cook stated that the goal for today’s meeting was to allow applicants and the public to present comments and concerns. Staff did not receive any requests for presentations from the committee; therefore, the public hearing could begin. Ms. Cook did mention for the public’s benefit that information concerning applications not presented last week are available on the website at www.jccplans.org. She asked members to complete the discussion voting sheet so that staff could prioritize the discussion next week on the land use cases. She stated that responses and comments in reference to the bus tour and first meeting are now posted to the material section of the Steering Committee section on the website.

Ms. Tammy Rosario encouraged members to check the website for new written public comments concerning land use cases.

LAND USE APPLICATIONS – APPLICANT PRESENTATIONS / PUBLIC COMMENT

Mr. David Ware spoke on behalf of application LU-0016-2008, 6925 Richmond Road. He stated that he has made in comments in writing and distributed them to members and staff.

Mr. Doug Gephardt spoke on behalf of the Economic Development Authority (EDA) concerning applications LU-0016-2008 and Staff #11. He stated that redevelopment opportunities allow for the redeployment of underutilized or obsolete properties and encourage uses that are more efficient, sustainable, and attractive. This is also done by encouraging infill development on properties within the Primary Service Area (PSA). Mr. Gephardt stated that from an economic development perspective combining the twenty-five acre parcel into a single mixed use designation will enhance the viability of redevelopment opportunities. He stated that the designation of mixed use will make it consistent with the similarly sized mixed use parcel on the opposite side of the Colonial Heritage entrance. Mr. Gephardt stated that with the split designation this would not allow for infill development on the back half of the parcel. He stated the EDA supports the application to have the entire parcel designated as mixed use. He also stated that the EDA supports staff's recommendation to change the designation on Staff #11 to mixed use. The EDA believes that significant opportunities exist to augment the goals and strategies of the Lightfoot mixed use area and concurs with staff's recommended comprehensive plan language for the Lightfoot mixed use section description.

Mr. Greg Davis of Kaufman and Canoles spoke on behalf of the application LU-0021-2008, Hill Pleasant Farm. This case involves a group of landowners who wish to change the designation to mixed use. He stated that these properties will no longer be used as farms, and they are located in an area that is of critical strategic importance. Mr. Davis stated these properties are adjacent to the Williamsburg Pottery. There is infrastructure to support development here, and York County plans for the extension of Mooretown Road in their comprehensive plan. He stated the applicant felt that the designation of this parcel to mixed use would make the property available for the future economic security of the County. Mr. Davis felt this was an opportunity for planning and vision in this area of the County. He stated there were no plans to remove this property from the Agricultural and Forestral District (AFD).

Mr. Henderson asked what percentage of the properties was developable.

Mr. Davis stated he did not know.

Mr. Henderson stated this information would be helpful to the committee when making their deliberations concerning these cases. It would be helpful to know what type of development that may be allowed.

Mr. Davis stated that the consulting engineers on the project will be contacted and they will get the information to the committee in a supplemental letter.

Mr. Krapf stated that York County is not contributing any money toward the extension of Mooretown Road, but would require the developer to complete as part of developing that area.

Mr. Tingle asked about the extension beyond James City County and York County line, Route A and B noted on the diagram, if that came from York County's Comprehensive Plan.

Mr. Davis stated this was prior consideration of the issue informally by James City County.

Ms. Larson asked about the other properties that are in-between the properties listed on the application.

Mr. Davis answered that those owners did not want to be a part of this initiative.

Mr. Fraley stated he felt this area was important for economic development in James City County. He expressed his concerns that there is a need for comprehensive planning in this area, to include this property and other property in the area. This might cause development to occur in part of the area without consideration of bringing it all together in a more comprehensive manner.

Mr. Davis stated that without action now an opportunity may be lost to have more desirable development and economic development.

Mr. Fraley stated another option may be if the committee accepts the applicant's proposal, is to have the applicant write the mixed use commentary that would be included with the property.

Mr. Davis stated they would be willing to do this, and have drafted mixed use descriptive areas for this region and this property.

Mr. Tingle asked for this information before the committee begins their deliberations next week.

Mr. Mac Mestayer, of 105 Gilley Drive, spoke on this application. He stated he felt there were enough residential and commercial areas currently in the County. He stated that residents have overwhelmingly stated there is a need to preserve as much open space as possible. Mr. Mestayer stated the need for more innovative uses of agricultural lands, such as specialty agriculture. He expressed the interest of citizens to have local grown food, and would like to see this land kept as rural land and not become a residential development.

Mr. Wayne Moyer, of 268 Peach Street, spoke concerning the application of Hill Pleasant Farm. He supports staff recommendation denying the change requested, pending further study over the years. He believes this land to be prime farmland but easily eroded with deep ravines along the waterways. Mr. Moyer stated the property has been identified with the Native Plant Society as a significant Virginia plant registry site. He wanted the committee to realize this land has a long history and is more than raw material for mixed use development. He would encourage the landowners to work with James City County and York County to develop a plan for the wise use of this land. Mr. Moyer suggested a variety of uses, such as agricultural, the preservation of wetlands, and well as light industry and business. He stated his family is strongly opposed to the extension of Mooretown Road to Croaker as expensive, destructive of wetlands, and unnecessary if Rochambeau Road is widened to accommodate increased traffic.

Mr. Mark Rinaldi, of the EDA, spoke in support of changing the designation of Hill Pleasant Farm. He stated that some of the recommendations made by the Business Climate Task Force would be achieved by changing this land use designation. He stated mixed use designations may reduce the need for special use permits. There is existing utility infrastructure in close proximity to the area and opportunities for incremental expansions exist. Mr. Rinaldi stated that York County has already made a sizable investment in the area with regards to infrastructure to encourage economic development in that area. This area is one area that the EDA will recommend the establishment of research and technology zones with incentives, which will encourage economic growth. By redesignating this area to mixed use, it will land bank the property and protect it from premature sprawling development. Mr. Rinaldi stated that with the extension of Mooretown Road, and the plan of light rail development, it would enhance transportation through the Peninsula and to the ports.

Mr. Fraley stated the in the economic development section of the Comprehensive Plan staff has recommended wider master planning to be included in the goals, strategies, and actions. Recommendations from the Business Climate Task Force will be included in this section as well.

Mr. Gerre Johnson, 4513 Wimbledon Way, also spoke on the Hill Pleasant Farm application. He felt this is prime farmland, which is very rapidly disappearing. He supports staff's recommendation.

Ms. Beverly Hall, 8509 Richmond Road, spoke on behalf of the owners of the property associated with LU-22-2008. She stated that six acres in the front of the parcel is currently in the PSA, with the majority of the parcel outside the PSA. She stated that 99% of the time the PSA lines follow the property lines, but not on this property. In the cases where it does not follow the property, it is usually a straight line, where in this case there is no definitive line across the property. Ms. Hall stated the surrounding property is in the PSA. She feels that this is not consistent and spot zoning. She stated that in relation to preserving farmland, there are no farmers in the County. The property is currently being rented out to a farmer from New Kent County. Ms. Hall stated there are no plans to develop the property.

Mr. Stewart Taylor, spoke on behalf of his mother, Ms. Judy Taylor who lives adjacent to this property. She supports this application and feels that it would not adversely affect the area.

Mr. Poller asked if there is a demand for land for farmers to land.

Ms. Hall answered that the owners had to search for a farmer.

Mr. Tingle asked if the PSA line always been drawn this way.

Ms. Hall stated yes she believes so.

Ms. Phyllis Taylor, of 114 Greenway Circle, spoke on application LU-0002-2008, 8510 Croaker Road. This land has been farmed in the past, but there are no more farmers in the County. It is too expensive between the equipment and the renting of the land. Her motivation to change the designation was not for low density development but rather for County use. Ms. Taylor mentioned uses such as a youth center, or some other recreational use, or some other County use.

Mr. Fraley asked about the application since it is stated that the change be made to low density residential. He asked staff if there was a more appropriate land use designation that coincides with the comments made.

Ms. Cook stated there are a couple designations that are used for parks, open space, or with State and County facilities. Staff did have dialogue with other County divisions and there did not appear to be a pressing public service need closely related to this property.

Mr. Fraley asked staff to consider that the comments made by Ms. Taylor did not match the request for low density residential.

Ms. Linda Rice spoke on behalf of Friends of Forge Road in Toano. The organization supports staff's recommendation for the denial in change of designation for Hill Pleasant Farm. She stated this case supports the need for further study of non-residential uses for rural lands. She felt this was important to preserve rural lands. Ms. Rice felt the County was past the point of just looking at residential and retail development.

Ms. Larson asked about the specialty farming and whether any inquiries have been made about specialty farming in the County. She also asked if the County had searched and tried to bring this type of business in the County.

Mr. Fraley asked staff to incorporate some type of language concerning this into the economic development section.

Mr. Henderson stated his knowledge is that most inquiries into the County have been primarily related to the field of energy, and the development of biodiesel sources and ethanol.

Ms. Jones stated it was important to identify viable businesses that could accommodate rural lands.

Mr. Tingle stated the EDA has started researching the idea of nonresidential uses of rural lands.

Ms. Cook stated the Renaissance Planning Group memo that was posted contains a section on nonresidential uses of rural lands and a discussion of what other localities in Virginia have done.

Ms. Erin Hogg spoke on behalf of application LU-0024-2008, 4052 Cokes Lane. She stated the land use change will make the parcel consistent with the surrounding area while allowing expansion of the business that is located there, along with offering employee housing.

Mr. Porter mentioned contacting the landowner adjacent to the property to include them in this application.

Mr. Purse will attempt to contact this landowner.

Mr. Henderson stated that where there is not a logical and defensive line as to a designation, staff should be encouraged to contact adjoining property owners.

Mr. Fraley stated the committee will be addressing the PSA in a more general and comprehensive way later at another session.

Mr. Geddy spoke on behalf of application Staff #12. He stated the owner has withdrawn the application for mixed use, and support staff's recommendation for low density residential.

Mr. Henderson stated the Planning Commission acted on the Candle Factory case at its most recent meeting.

Mr. Tingle reminded the committee that he will be abstaining from any discussion since he is a consultant on the Candle Factory project.

Ms. Jones would like the committee to look at designations other than residential as a transition from business areas to residential areas.

Ms. Linda Rice spoke on behalf of Friends of Forge Road in Toano regarding application Staff #9. She expressed concerns on the mixed use designation with its lack of specificity regarding transitions to the rural areas. She stated the mixed use request is very broad and will potentially create the same

problems with traffic and diminish the rural character of the area's previous proposals. It would be more beneficial to add this property to the County's list of greenspace acquisitions to set property restrictions regarding its future development. Ms. Rice stated this parcel is situated between two Community Character Corridors. She suggests development should be concentrated to the front of Richmond Road, with the use of buffers to preserve and protect the rural character of adjoining properties to the rear. Her concern is that without sufficient buffers adjacent land owners may eventually sell their property to residential developers and this would lead to a gradual decline in the rural quality of life. Ms. Rice stated that with a mixed use designation, the property could have a potential development of 630 housing units. Her opinion is that this potential development appears unnecessary because of the proximity of the approved 419-unit complex known as Village at Whitehall and the 110 units at Michelle Point. She mentioned the vacant retail spaces on Richmond Road.

Mr. Krapf asked staff about labeling various width buffers on the map for the next meeting.

Mr. Robert Hazelwood, Jr., of 3010 Stage Road, spoke on behalf of application Staff#10. He showed how the PSA line does not follow the property line. He felt this land should have always been in the PSA.

Mr. Rinaldi of the EDA spoke on behalf of the Hazelwood staff application. He felt this land is better suited for mixed use than low density residential. The EDA supports staff's recommendation for the two properties closest to Old Stage Road, but felt with a sensitive connection to the Barnes Road property and appropriate buffering, the third property closest to Barnes Road could also support mixed use as an economic development opportunity. He previously encouraged the County to endorse a gateway concept in the County along the interstate corridor entry. He would also encourage the County to adopt language that provides for adequate transitioning of land use intensity, buffering and screening along Barnes Road and the other rural properties in that area.

Mr. Larry Cooke, spoke on behalf of applications LU-0017-2008, LU-0026-2008, and LU-0027-2008. He stated this property demonstrates the concept of spot zoning. He stated the commercial properties in the area adjoin residential areas. Mr. Cooke stated he has had several inquiries as to commercial uses for this property, with no interest in residential use.

Mr. Henderson asked about the third property owner in that area that is not part of this application.

Mr. Cooke stated he is not opposed to this application, but did not want to go through the process.

Mr. Henderson asked for some kind of documentation to his position.

Mr. Tingle asked about access to the property.

Mr. Cooke stated he has access currently to Monticello Avenue. He stated the property fronts on Ironbound but there is not a use engaged where that access to Ironbound Road is desired.

Mr. Jason Mitchell spoke on behalf of the Meadows Homeowners Association. He stated there are at least 30 properties within the County that have vacant real estate openings, 21 are within a mile of this location. The Association does not feel a need for any more commercial property in this area. Some of the major concerns include the noise, traffic, lighting issues, and stormwater issues when trees are removed.

Ms. Larson asked who maintains the road once through the light.

Mr. Purse will bring that information to the next meeting.

Mr. Gary Massie, of 8644 Merry Oaks Lane, spoke on behalf of application LU-0023-2008, 7809 Croaker Road. He stated the request is for this property to have a change in designation to neighborhood commercial. The parcel is in the PSA and is not connected to the Mirror Lakes Subdivision. He stated the parcel is flat and has little environmental sensitivity. Mr. Massie stated this parcel is approximately 1000 feet from the interstate, and also is on Croaker Road which serves as a connector between the interstate and Richmond Road. He stated improvements that are possible in the future given the right of way that VDOT has in that area. He stated the parcel is not sufficiently deep to provide a buffer between a residence and the road, but can accommodate a neighborhood commercial use. Mr. Massie also suggested using the parcel as a buffer from the intensity of a commuting corridor that is within 1000 feet of a major interchange with intense mixed use designations. It would also be used as a transitioning corridor between the neighboring B-1 business area and the Mirror Lakes community.

Mr. Henderson asked if the owner of the adjoining parcel and if they would want to be part of the application.

Mr. Purse agreed to look into this.

Mr. Leverenz asked for examples where commercial uses have been approved in low density residential areas.

Mr. Purse will research and report back to the committee.

Mr. Geddy spoke on behalf of application LU-0037-2008, 7605 Croaker Road. The property is located at a major arterial and there are commercial designations in the area.

Mr. Henderson asked what percentage of the land is developable.

Mr. Geddy stated it is a relatively small portion but he will get this information to the committee.

Mr. Skip Campana spoke on application LU-0040-2008, 1332 Jamestown Road. He stated the property is zoned business; therefore, the designation should coincide with the zoning.

Mr. Henderson asked what his vision is for the property.

Mr. Campana answered that he does not have an immediate plan for the property. He is aware that if the zoning and designation match, it becomes easier for him to develop, and easier for the County.

Mr. Henderson asked if Mr. Campana was aware of the concerns of adjacent properties of the intrusion of a more intensive commercial use on the property.

Mr. Campana stated that when there is always caution taken when business property is adjacent to residential communities. The property owner's rights and concerns need to be addressed also, and there needs to be a balance.

Ms. Tabb Broyles spoke on behalf of the James Square Homeowner's Association. She expressed her concerns about future development and the future quality of life if a more intensive use of the property was allowed. She stated there are concerns of lighting, noise, and traffic. Ms. Broyles also mentioned the drainage and stormwater management concerns. She suggested neighborhood commercial as a compromise instead of the higher intensity of community commercial.

Ms. Betty Jo Terrell, of 32 James Square, wanted to verify that if this property was redesignated that it did not necessarily redesignate any of the other low density residential properties in that area.

Mr. Fraley stated this was correct.

Mr. John McMahon, of 66 James Square, stated his concerns about the drainage problems and traffic on Jamestown Road.

Ms. Jones stated she did relay stormwater concerns that were mentioned at the last meeting to Mr. McGlennon.

Ms. Thelma Jackson, of 5929 Richmond Road, spoke on application LU-0042-2008, 5925 Richmond Road. She supports staff's recommendations.

Mr. Tingle asked if there were any comments from the City of Williamsburg concerning application Staff #8.

Mr. Purse stated no comments were received.

Ms. Vivian Morgan, of 156 Bush Springs Road, stated she represented 17 property owners who have submitted applications to remove property from the PSA. She stated the owners do not want to connect to public water and sewer, and should not be mandated to connect to service.

Mr. David German spoke on the connecting to public water and sewer. He stated that the James City Service Authority (JCSA) does not mandate homeowners connect to public water and sewer. The only time it would be mandated is in the situation where the current septic or well was failing.

Mr. Fraley requested this in writing from JCSA to the residents on Bush Springs Road.

V. OTHER ITEMS

Mr. Krapf distributed an article he thought the Committee would find useful geared toward comprehensive plan reviews.

Ms. Rosario distributed an updated schedule that included some evening meetings. The April 20th meeting will need to be rescheduled to April 23rd, due to a Board of Supervisors budget meeting. She also recommended moving April 27th meeting to April 30th because of the short time frame to respond back to comments from the committee.

Ms. Larson stated that she has a couple of conflicts with School Board meetings but she will try and stay as long as possible.

VI. PUBLIC COMMENT

Ms. Rice asked when the committee will vote on these applications.

Mr. Fraley stated that it would be optimistic to think that comments and presentations would be completed at the next meeting, along with Committee discussions. He suggested staff re-evaluate the schedule and the subject matter.

VII. ADJOURNMENT

Mr. Krapf made a motion to adjourn, with a second from Mr. Poller.

There being no objections, the meeting was adjourned at 6:40 p.m.

Mr. Jack Fraley, Chair