

MINUTES FOR THE STEERING COMMITTEE ON THURSDAY, JANUARY 29, 2009 AT 7 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

PARTICIPANTS:

MEMBERS PRESENT:

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

NOT PRESENT:

STAFF PRESENT:

Tammy Rosario, Planning
Ellen Cook, Planning
Jason Purse, Planning
David German, Planning
Kate Sipes, Planning
Leanne Reidenbach, Planning
Luke Vinciguerra, Planning
Brian Elmore, Planning
Rick Hanson, Housing and Community Dev.

I. CALL TO ORDER

Mr. Jack Fraley called the meeting to order at 7:00 p.m.

II. PUBLIC COMMENT

Mr. Skip Campana, 4 Hiawatha Court, stated he wanted to amend his request for a Land Use designation change from Community Commercial to Neighborhood Commercial. After speaking with citizens, he decided on a compromise proposal.

Ms. Linda Rice, 2394 Forge Road, stated that in regard to the Taylor Farm and Hill Pleasant Station applications, she asked the Steering Committee to defer any decisions until the Dubois/Virginia Department of Agriculture study is completed. She said the Toano moderate density application should include Mixed Use along Route 60 with extensive Low Density Residential buffers.

Mr. Robert Richardson, 2786 Lake Powell Road, stated the County's future development should be less intense than maximum by-right uses. He hopes to see a survey on residents' willingness for rural lands preservation taxes.

Mr. Fraley closed the public comment period.

III. APPROVAL OF MINUTES

Ms. Ruth Larson stated the January 12 meeting was held on "Tuesday" not "Monday" as written in the first page of the minutes.

Mr. Tom Tingle motioned for approval with corrections, with a second from Ms. Mary Jones. In a unanimous voice vote, the minutes were approved.

IV. LAND USE APPLICATIONS

Mr. Fraley stated the Steering Committee would first consider a proposed new Land Use designation. He said all of the evening's votes would be preliminary, with final votes in March. When the committee did not agree with staff recommendations, it will construct an alternate motion.

Mr. Tingle proposed an Economic Opportunity land use designation. He said if the committee supports the concept, staff could research it further. Economic Opportunity could guide long term economic development on large parcels. The lands would be reserved while master plans and economic impacts were debated. Safeguards should be in place to prevent residential or piecemeal development.

Mr. Rich Krapf asked about Economic Opportunity designations conflicting with state law. He disagreed with Economic Opportunity necessarily being inside of the Primary Service Area.

Mr. Chris Henderson stated Economic Opportunity designations could work better than Mixed Use at preserving commercial and discouraging residential development, and added that adding a prohibition on housing in the designation description might keep its purpose clear.

Mr. George Billups asked what benefits a new designation would provide over existing commercial designations.

Mr. Tingle then read details from his proposal on the Economic Opportunity designation.

Ms. Tammy Rosario stated if a majority of the committee wants to consider this designation, staff is generally comfortable with concept and examining it, possibly as a subset or overlay of Mixed Use.

Mr. Bill Porter stated he was concerned with including tourist attractions in Economic Opportunity, saying the land should be saved for highest value economic development. He was comfortable with the concept and staff exploring it.

Mr. Vaughn Poller stated he agrees with the designation's concept and a further review of it. He said James City County's enterprise zones should coordinate with York County's.

Ms. Julie Leverenz stated she was prepared to vote for the first portion of the Economic Opportunity concept, working out details at a later time.

Mr. Tingle stated the proposed designation needs more feedback, and time for staff to evaluate pros and cons.

Mr. Fraley asked for a straw vote on the concept and a directive for staff to work on the designation and come back to the committee at a later date.

In a straw vote, the committee's consensus was to approve the Economic Opportunity designation concept and request for staff feedback.

Mr. Krapf recommended any time the committee decides to investigate designating a property Economic Opportunity, the vote should be deferred.

Mr. Fraley agreed and asked for a reminder during the deliberations on those cases.

LU-0017-2008, 4744 Old News Road; LU-0026-2008, 3905 Ironbound Rd; LU-0027-2008, 3897 Ironbound Road

Mr. Fraley motioned to approve staff's recommendation of denial to designate the properties Community Commercial, with a second from Ms. Leverenz.

Responding to a question from Mr. Henderson, Ms. Rosario stated staff received an email from an adjacent property owner who had opposed the new designation, but now consents.

Mr. Porter recommended a new designation of Neighborhood Commercial. He also recommended removal of the Community Character Corridor for these parcels.

Mr. Fraley stated Neighborhood Commercial is lower in scale than Community Commercial, with no gas stations, 24-hour convenience stores, or shopping centers allowed.

Ms. Rosario requested to defer discussion of Community Character Corridors until that Comprehensive Plan section is reviewed. She said staff continues to recommend Moderate Density Residential but finds Neighborhood Commercial more appropriate than Community Commercial.

In a voice vote, the committee did not accept staff's recommendation of denial (5-6; Yes: Leverenz, Poller, Larson, Wenger, Krapf; No: Porter, Tingle, Fraley, Jones, Henderson, Billups).

Mr. Porter motioned the properties be designated Neighborhood Commercial, with a second from Ms. Jones.

Mr. Henderson offered a suggestion of Mixed Use and explained the benefits of such a designation.

The committee members discussed a Mixed Use designation with several expressing reservations about the size of the site and its application on this site.

In a voice vote, the committee recommended the properties be designated Neighborhood Commercial (9-2; Yes: Porter, Poller, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf; No: Leverenz, Larson).

LU-0023-2008, 7809 Croaker Road

Mr. Fraley stated that staff recommended denial of redesignating the parcel from Low Density Residential to Neighborhood Commercial.

Mr. Fraley motioned to approve staff's recommendation of denial, with a second from Ms. Leverenz.

In a voice vote, the committee approved staff's recommendation of denial (9-2; Yes: Porter, Leverenz, Poller, Larson, Tingle, Fraley, Jones, Billups, Krapf; No: Wenger, Henderson).

LU-0037-2008, 7605 Croaker Road

Mr. Fraley stated staff recommended denial of changing the property from Mixed Use to Community Commercial.

Mr. Fraley motioned for accept staff's recommendation of denial, with a second from Ms. Leverenz.

Mr. Tingle stated the site, limited to five developable acres, was a good fit for Community Commercial.

In a voice vote, the committee did not accept staff's recommendation of denial (5-6; Yes: Porter, Leverenz, Poller, Billups, Krapf; No: Tingle, Larson, Wenger, Fraley, Jones, Henderson).

Mr. Tingle motioned recommendation of Community Commercial, with a second from Mr. Mark Wenger.

Mr. Krapf stated a Community Commercial was too intense and conflicted with the Comprehensive Plan's call for a village in this area.

Mr. Porter questioned if the parcel had enough road access for an intense use.

Ms. Jones stated many less intense uses are available in Community Commercial.

Mr. Wenger stated the parcel was well placed along a major road for Community Commercial.

Mr. Poller expressed his concerns given the desire expressed by the community for a village feel.

Mr. Fraley stated it was very difficult to guess the intensity of Mixed Use developments.

Ms. Ellen Cook noted the specific Mixed Use language for this area calls for office uses.

In a voice vote, the committee recommended the property be designated Community Commercial (6-5; Yes: Larson, Tingle, Wenger, Fraley, Jones, Henderson; No: Porter, Leverenz, Poller, Billups, Krapf).

LU-0040-2008, 1332 Jamestown Road

Mr. Fraley stated the applicant modified his designation request from Community Commercial to Neighborhood Commercial. He said staff recommended denial of a change from Low Density Residential to Community Commercial. He said Community Commercial matches the parcel's General Business zoning.

Mr. Fraley motioned for approval of staff's recommendation to deny, with a second from Ms. Leverenz.

Mr. Porter offered that Neighborhood Commercial should be considered for the site.

Mr. Fraley stated that a commercial designation would provide more predictability.

Mr. Henderson stated neighboring land owners should cooperate to create a shared access.

In a voice vote, the committee did not accept staff's recommendation of denial (4-7; Yes: Leverenz, Larson, Billups, Krapf; No: Porter, Poller, Tingle, Wenger, Fraley, Jones, Henderson).

Mr. Porter motioned that the designation of this parcel and its neighboring parcel change from Low Density Residential to Neighborhood Commercial, with a second from Mr. Poller.

Mr. Porter stated Neighborhood Commercial would be a less intense use than a Community Commercial.

In a voice vote, the committee recommended the properties be designated Neighborhood Commercial (9-2; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson; No: Billups, Krapf).

Ms. Rosario requested clarification as to whether the approved recommendations included traffic modeling approvals.

Mr. Fraley stated that they did, although they would try and separate the votes now. He said the final March voting allows the community time to react to the evening's decisions.

Mr. Billups asked if these votes were preliminary and whether before final votes, the committee would have an opportunity to get additional community input and more clarification from staff on cases where the committee had overridden staff's recommendation. He felt that many of the committee's decisions seemed to be very pro-economic development or commercial and not in keeping with the community's desires. Therefore, he did not want the decisions to be final at this time.

Mr. Fraley and Ms. Jones reminded Mr. Billups about the extensive public input received on cases.

Mr. Billups stated that while the committee had received extensive public comment, much of it seemed to be discounted.

Ms. Rosario stated the evening's votes would inform staff research on traffic modeling, which would come before the committee on March 2nd. Land Use adjustments could be made at that time. Then, on April 13th, the final Land Use decisions would be made.

LU-0042-2008, 5925 Richmond Road

Mr. Fraley stated that staff recommended denial of changing the parcel's designation from Low Density Residential to Neighborhood Commercial.

Mr. Fraley motioned to approve staff's recommendation of denial, with a second from Ms. Leverenz.

Mr. Krapf stated changing the parcel to commercial would make it inconsistent with all nearby properties.

Mr. Tingle stated he supported Mr. Krapf's reasons, and that prospective business owners would still be able to attempt rezoning.

In a unanimous voice vote, the committee approved staff's recommendation of denial (11-0; Yes: Porter, Leverenz, Carson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #8, Treyburn Drive adjacent to High Street

Mr. Fraley stated staff had recommended changing two parcels from Low Density Residential to Neighborhood Commercial.

Mr. Fraley motioned approval of staff's recommendation of Neighborhood Commercial, with a second from Ms. Leverenz.

Ms. Leverenz stated the City of Williamsburg preferred the parcels be designated Mixed Use.

Mr. Tingle stated properties adjacent to Williamsburg presented future opportunities for regional planning.

Ms. Rosario stated staff considered Williamsburg's request, but decided on a purely commercial designation in an area where residential uses were already provided in abundance.

Mr. Henderson stated the properties' commercial viability depended on the traffic generated along Treyburn Drive, as well as size of the parcels.

Mr. Tingle stated if the County seeks to discourage growth in rural areas, then it needs to encourage residential growth in already developed areas.

Mr. Poller stated the adjacent property should be redesignated and included in the voice vote.

Ms. Fraley amended the motion to vote on both the original parcels and the adjacent parcel in the voice vote.

In a unanimous voice vote, the committee did not approve staff's recommendation (0-11; No: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Ms. Leverenz motioned to redesignate all properties from Low Density Residential to Mixed Use, with a second from Mr. Henderson.

In a unanimous voice vote, the committee recommended changing the designations from Low Density Residential to Mixed Use (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Mr. Porter suggested rescheduling the Housing presentation.

Ms. Rosario stated the Housing presentation could be pushed back to the next committee meeting, when Housing would be the sole topic of discussion. She said any citizens who had come to discuss Housing tonight should be allowed to speak.

Mr. Fraley opened the public comment session.

There being none, Mr. Fraley closed the public comment session.

LU-0016-2008, 6925 Richmond Road

Mr. Fraley stated that staff recommended changing the property from Low Density Residential to Mixed Use in the B-1 portion of the parcel.

Ms. Cook stated staff recommended leaving the A-1 portion of the property as Low Density Residential, although the applicant had asked for the entire parcel to be designated Mixed Use.

Mr. Fraley motioned for approval of the staff recommendation, with a second from Ms. Leverenz.

Ms. Leverenz stated that redesignating only portion of the parcel may encourage strip development along Route 60, so she would support redesignating the entire property.

Mr. Porter and Mr. Poller concurred, citing its increased redevelopment potential with all of it designated.

Ms. Jones stated language could be added in the mixed use description recommending buffers along the residential development to the north.

In a unanimous voice vote, the committee did not accept staff's recommendation of partial resignation to Mixed Use (0-11; No: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Mr. Henderson stated the commercial land stock in that area needed to be preserved.

Mr. Henderson motioned to designate the entire property Community Commercial, with a second from Mr. Krapf.

Mr. Poller stated the northern adjacent property needed to be considered concurrently with 6925 Richmond Road.

Ms. Cook stated if the northern adjacent property is changed to Mixed Use, it can include provisions focusing it on commercial development rather than residential development.

Mr. Henderson stated the parcel was one of few along Richmond Road with enough space for a large business, such as a car dealer or seasonal tourist businesses.

Ms. Cook stated staff's recommendation against redesignating the entire parcel came from the stock of Mixed Use and commercially designated land in the area.

Mr. Poller stated he favored Mixed Use in properties adjoining Colonial Heritage, saying Community Commercial could be too intense. All of the Colonial Heritage/Richmond Road properties should share the same designation.

Mr. Purse stated properties northward towards the Dodge dealership were being considered for land use redesignation.

Ms. Jones stated she supported Community Commercial for this parcel and then Mixed Use for the northern parcels up to the Dodge dealership.

Mr. Porter asked if the committee wanted to eliminate the separation between Norge and Lightfoot.

Ms. Larson stated the County had already developed in such a way as to eliminate the separation between Norge and Lightfoot.

Mr. Fraley proposed and Mr. Henderson agreed to amend the motion to include all properties between 6925 Richmond Road and the Dodge dealership for redesignation to Community Commercial.

Ms. Jones wanted to separate the voting, and several others agreed.

Mr. Henderson proposed to amend the motion to consider only 6925 Richmond Road for redesignation to Community Commercial, with a second from Ms. Leverenz.

In a unanimous voice vote, the committee recommended the parcel be redesignated Community Commercial (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #11, Lightfoot Mixed Use Expansion

Mr. Fraley stated that staff recommended changing four parcels from Low Density Residential to Mixed Use.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. Krapf stated Mixed Use was more compatible with its surroundings than the current Low Density Residential.

Mr. Wenger stated he did not sense a separation of the Norge and Lightfoot communities. He said the four parcels in questions were well placed for an intense commercial node.

In a voice vote, the committee approved staff's recommendation to change the parcels from Low Density Residential to Mixed Use (9-2; Yes: Porter, Leverenz, Poller, Larson, Tingle, Fraley, Jones, Billups, Krapf; No: Wenger, Henderson).

Staff #5, Five Forks Intersection (4399 John Tyler, 4449 John Tyler, 4455 John Tyler, 3175 Ironbound)

Ms. Sipes stated that staff recommended incorporating three parcels (4449 John Tyler, 4455 John Tyler, 4399 John Tyler), currently designated Low Density Residential, into the Five Forks Mixed Use Area, as well as changing another parcel (3175 Ironbound) currently designated Low Density Residential to Moderate Density Residential. The Moderate Density designation would better accommodate the possibility of a future affordable housing development within walking distance of commercial

establishments and the school. She said development on 4399 John Tyler could not exceed the intensity of the approved Governor's Grove Master Plan. She said specific language could be inserted into the Comprehensive Plan to limit the scale and intensity of any redesignated parcels. In addition, open space protected within a conservation easement on an adjacent parcel could be referenced, stating that it would not be developed.

Mr. Fraley stated this case received the most citizen opposition.

Ms. Sipes stated citizen complaints focused on increased development and traffic around Five Forks. Staff did not believe the redesignations were inconsistent with the Five Forks Area Study.

Ms. Leverenz stated that even though the parcels in question are small, any additional development could over-stretch the intersection's traffic capacity. She asked what the compelling reason was for redesignation.

Mr. Tingle stated the Five Forks Area Study was designed to improve the intersection's appearance, create a walkable community, and limit development further back from the crossroads.

Mr. Fraley motioned to approve staff's recommendation to change three parcels (4449 John Tyler, 4455 John Tyler, 4399 John Tyler), currently designated Low Density Residential and Moderate Density Residential, to Mixed Use, as well as to change another parcel (3175 Ironbound) currently designated Low Density Residential to Moderate Density Residential, with a second from Ms. Leverenz.

Mr. Fraley amended the motion to include the wording from staff regarding the Governor's Grove Master Plan, the restrictive wording on scale and intensity of future development, and the Five Forks Area Study.

Ms. Jones stated she understood increased traffic concerns, and said that any future development would have to go through a rezoning and legislative process. She said future development would not be much heavier than the removed trailer park.

Mr. Poller stated future growth should concentrate in already developed areas, such as Five Forks.

Mr. Fraley stated he hoped for more interaction with citizens before final voting in March. He suggested deferring voting on the case that evening.

Ms. Sipes stated if there was a deferral, staff would still include this application in the traffic modeling.

Mr. Billups stated the County should communicate to Five Forks property owners the full potential and value of their properties. The current residents may themselves develop their land in the direction the County hopes.

Mr. Fraley stated he could withdraw the motion to approve and defer the case. In the meantime, staff could conduct additional research and meet with concerned citizens and groups. He said the traffic model would include staff's recommendations and consider the most intense development scenario.

Mr. Fraley withdrew the motion for approval.

Mr. Fraley motioned for deferral, with a second from Ms. Leverenz.

In a voice vote, the committee deferred the case (8-3; Yes: Porter, Leverenz, Larson, Tingle, Fraley, Jones, Billups, Krapf; No: Poller, Wenger, Henderson).

LU-0022-2008, 8491 Richmond Road

Mr. Fraley stated that staff recommended denial of a change from Rural Lands/outside PSA to Mixed Use/Inside PSA.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. Fraley stated the Office of Economic Development identified the parcel for economic development opportunities.

Mr. Henderson stated the property was located for major economic development opportunities, although he was not sure he was supportive of a Mixed Use designation.

Mr. Fraley this property had the support of the Economic Development Authority (EDA), and he was comfortable considering an Economic Opportunity designation but not Mixed Use.

Mr. Poller said he agreed.

Mr. Tingle identified this property as one of the EDA's strategic locations for economic growth. It has major transportation assets and few environmental obstacles. He said designating the property as commercial could prevent future sprawl or strip development.

Ms. Leverenz stated she opposed the change due to its highly visible location along an entry corridor to the community and Rural Lands neighboring properties.

Mr. Krapf stated he was in agreement with Ms. Leverenz.

Ms. Larson questioned the validity of leaving the property outside of the PSA when several major Anderson's Corner developments were within the PSA.

Ms. Rosario stated there were 47 acres that would remain in the PSA and that possible traffic at Anderson's Corner was a major concern in regard to expanding the area inside the PSA.

Mr. Krapf stated a large majority of citizens considered preservation of rural lands an important component of quality of life.

Ms. Jones stated she saw the benefits of its location at a major intersection that it might be appropriate for an Economic Opportunity designation, with the understanding that a master plan would be required.

Mr. Fraley stated the PSA in that area does not run along property lines or natural features. He would support a designation of Economic Opportunity.

Mr. Poller asked if the property would be a candidate for TDR (Transfer of Development Rights) or PDR (Purchase of Development Rights) if the designations were to stay as is.

Mr. Porter stated that the County does not have a TDR program.

Ms. Cook stated the property outside of the PSA could be a candidate for PDR.

Mr. Porter stated the County purchased a small parcel at Anderson's Corner to improve rural qualities (and remove billboards) and protect the intersection.

Mr. Fraley motioned for a straw vote for deferral to reconsider the property as Economic Opportunity Use.

Mr. Fraley asked for a straw vote for EO deferral, and there was no consensus.

Mr. Fraley motioned for approval of staff's recommendation for denial, with a second from Ms. Leverenz.

In a voice vote, the committee approved staff's recommendation of denial (6-5; Yes: Porter, Leverenz, Poller, Wenger, Billups, Krapf; No: Larson, Tingle, Fraley, Jones, Henderson).

Mr. Krapf stated he may reconsider his vote after staff has thoroughly researched Economic Opportunity designations.

Ms. Rosario stated a 'worst case' traffic modeling scenario would include modeling comparable to other mixed use areas.

LU-0021-2008, Hill Pleasant Farm

Mr. Krapf motioned for deferral, with a second from Ms. Jones.

In a voice vote, the committee deferred the case (10-1; Yes: Porter, Leverenz, Poller, Larson, Tingle, Fraley, Jones, Henderson, Billups, Krapf; No: Wenger).

Ms. Jones stated all Economic Opportunity traffic modeling would be done as Mixed Use.

Mr. Tingle stated Planning staff would have to look at some specific uses for the property under Economic Opportunity.

LU-0015-2008, 499 Jolly Pond Road

Mr. Fraley stated staff recommended denial of a change from Low Density Residential/Inside PSA (eastern one-third) and Rural Lands/Outside PSA (western two-thirds) to Low Density Residential/Inside PSA (eastern two-thirds) and Rural Lands/Outside PSA (western one-third).

Mr. Tingle asked if in recognition of the approved 50-lot subdivision and the various options for providing water to that subdivision, whether the Steering Committee could qualify the PSA extension to the density already approved.

Ms. Rosario stated while staff would try to accommodate that approach, staff was more comfortable layering that written qualification with a more traditional approach of limiting the PSA expansion area on the map to only that area needed for the re-clustered development, rather than the larger area proposed by the applicant.

Mr. Porter stated that both options had the same drawback in that the applicant could still come forward with a rezoning request and master plan amendment at any time. The committee should examine changing the County policy of acquiring and maintaining community wells.

Mr. Fraley stated he supported the concept of clustering. The Board of Supervisors currently has a policy of acquiring and maintaining community wells for health and public safety reasons.

Mr. Porter stated that the preliminary decisions could be based upon current policies, but the Steering Committee's final decisions could be different based upon recommended changes in policy.

Mr. Krapf pointed out that the Board of Supervisors has approved waivers to the community well provisions.

Mr. Fraley offered that the applicant could also apply for a special use permit to extend public water to the development even if the PSA line were not changed to include it.

Mr. Tingle stated incorporating the lots into the PSA makes more sense than 50 individual drain fields and septic tanks. He asked if the PSA line should be absolute or used to control water and sewer to existing neighborhoods already by-right and being developed.

Mr. Porter said from a long-term view, the applicant could request and receive more development approval for the expanded PSA area.

Mr. Krapf stated he was cautious of expanding the PSA when the PSA has the capacity to hold 15 years' worth of future development.

Mr. Wenger asked if the density was already approved within the current zoning and special use permit provisions, what the benefit of including this property in the PSA would be.

Ms. Rosario stated that although the 50-lot cluster has already been approved in the A-1 zoning district, entry into the PSA would allow the development to rezone to a residential zoning district with smaller minimum lot size (smaller lots) and therefore a different lot configuration. In addition, it would open up the possibility of public utilities.

Mr. Fraley stated the smaller-lot clustering would allow for better environmental and open space designs.

Mr. Wenger stated that in each area where the PSA is extended there should be significant return to the public.

Ms. Rosario stated that the committee will be weighing in on other land use policy decisions later in the process, such as amendments to the A-1 zoning district and open space design, which could influence the final decisions on land use applications where Rural Lands are involved.

Mr. Billups stated the expense of expanding the PSA and extending utilities to serve those areas might be better spent in other parts of the County where economic opportunities exist. He felt the developer should proceed with the development as it was originally approved rather than coming in for a modification.

Mr. Fraley motioned for approval of staff's recommendation of denial, with a second from Mr. Billups.

In a voice vote, the committee approved staff's recommendation of denial (8-3; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Billups, Krapf; No: Fraley, Jones, Henderson).

Mr. Fraley adjourned the meeting for a break at 10:25p.m.

Mr. Fraley called the meeting to order at 10:35p.m

LU-0024-2008, 4052 Cokes Lane

Mr. Fraley stated that staff recommended approval of a designation change from Low Density Residential to Mixed Use.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. Porter stated the 3924 Cokes Lane should be added to the Mixed Use area.

Mr. Fraley amended the motion to also include the redesignation of 3924 Cokes Lane to Mixed Use.

In a unanimous voice vote, the committee approved staff's recommendation of approval (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

LU-0038-2008, 7551 & 7567 Richmond Road (Candle Factory)

Mr. Fraley stated that staff recommended modified approval, changing one parcel from Limited Industrial to Low Density Residential and the other parcel from Mixed Use to Low Density Residential.

Mr. Fraley motioned for approval of staff's recommendations, with a second from Ms. Leverenz.

Mr. Tingle abstained from the discussion and vote since his firm is involved with a project on the parcel.

Mr. Fraley stated the rezoning case (Z-0003-2008/MP-0003-2008) currently before the Board is not consistent with the staff recommendation of Low Density Residential. He said the case, which includes Low Density Residential and Mixed Use, was approved by the Planning Commission by a 4-2 vote.

Mr. Tingle thought that Mr. Vernon Geddy, representing the applicant, had conveyed to the Steering Committee that he thought the rezoning was consistent with staff's recommendation.

Ms. Cook stated the case going before the Board has office space, but the businesses will be located on the Mixed Use section of the property.

Ms. Rosario stated that staff would double-check to verify whether the office space was within the Mixed Use section.

In a voice vote, the committee approved staff's recommendation of modified approval (9-1; Yes: Porter, Leverenz, Poller, Larson, Wenger, Fraley, Jones, Billups, Krapf; No: Henderson; Abstain: Tingle).

Staff #12, Candle Factory Mixed Use Area (7575 Richmond Road)

Mr. Fraley stated staff proposal of changing the parcel from Limited Industry to Mixed Use with included Mixed Use language.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. Tingle abstained from the vote since his firm is involved with a project on the parcel.

In a voice vote, the committee approved staff's recommended change (10-0; Yes: Porter, Leverenz, Poller, Larson, Wenger, Fraley, Jones, Henderson, Billups, Krapf; Abstain: Tingle).

Staff #6, Ironbound Road between New Town and VDOT (Virginia Department of Transportation)

Mr. Fraley stated staff recommendation of changing seven parcels from Limited Industry to Mixed Use.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #9, Toano Moderate Density Residential

Mr. Fraley stated that staff recommended changing eight parcels and portions of two others from Moderate Density Residential to Mixed Use.

Mr. Fraley motioned to accept staff's recommendation, with a second from Ms. Leverenz.

Mr. Krapf stated the properties currently have no restrictions; staff's proposal would include language to limit development to the lower end of the moderate density scale. He proposed the Forge Road portion of the property include a village green beside the existing farmer's market. The village green would provide a center point for Toano. He said several nearby property owners were concerned that a Moderate Density development would create noise and traffic. These property owners hoped to use Low Density Residential properties as buffers between the Mixed Use fronting Richmond Road.

Mr. Purse stated several parcels along Richmond Road, totaling approximately 20 acres with Moderate Density Residential designations, would continue the vision of Toano village. He said heavier development at that intersection would ease development further road Forge Road. He said the

redesignation would limit density to 4 units an acre, instead of the 12 possible under normal Moderate Density. Staff decided not to split the parcels because they were not deep enough to accommodate Mixed Use by themselves, so extra depth along Forge Road was recommended.

Mr. Krapf stated the Friends of Forge Road would agree with a village green concept, although they would prefer Low Density Residential.

Mr. Fraley stated proposals generally must have significant public benefits to be allowed a density of 4 per acres in Low Density Residential.

Mr. Purse stated the new Mixed Use boundaries were drawn to match the existing Moderate Density Residential boundaries.

Mr. Porter asked if the Mixed Use area could be modified to follow property lines.

Mr. Purse stated staff did not see a reason why it could not follow the property lines.

There was discussion as to which property lines the new boundaries would follow.

Mr. Fraley stated the Association of Stonehouse Inc. was in opposition to the redesignation as well, and it supported Friends of Forge Road's compromises.

Mr. Purse stated that staff's proposed Mixed Use/Low Density Residential lines could be redrawn along the east Cottrell property line.

Mr. Fraley asked if the language for the transition between Mixed Use and Low Density Residential was specific enough.

Mr. Krapf stated the new boundary lines and the addition of restrictive language for lower density Mixed Use and the village green created a much better proposal.

In a unanimous voice vote, the committee denied staff's recommendation (0-11; No: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Mr. Henderson stated the redesignation allowed an opportunity to preserve Toano's rural character. He suggested designating the parcels Rural Lands.

Ms. Rosario stated staff's proposal was designed to be consistent with and support the Board of Supervisor's adopted Toano design guidelines.

Mr. Purse stated the proposal was intended to revitalize previously developed areas of Toano by bringing additional rooftops and storefronts to an area already served by public utilities, facilities, and services. He said if the designations were changed to Rural Lands, they would have to be outside the PSA.

Mr. Henderson said changing the properties to Rural Lands would provide an opportunity to for the community to make a statement about its rural character right along the frontage.

Mr. Krapf stated the one of the original proposals was to focus the mixed use on the Richmond Road frontage.

Mr. Henderson suggested changing the land use designation for all of the properties involved to Rural Lands.

Mr. Purse stated Mixed Use areas have a five-acre minimum. If the minimum is not met, the designation should be changed to residential, Neighborhood Commercial, or Community Commercial. Rural Lands would not be appropriate for the B-1 zoned properties along Richmond Road.

Mr. Krapf stated the character study primarily focused on the Richmond Road frontage through Toano.

Mr. Tingle stated he would rather see Mixed Use along Richmond Road and Rural Lands to the rear of the properties, with the PSA separating the designations along the east Howell/Cottrell/Pearson property lines.

Mr. Tingle stated if the properties are to be taken out of the PSA, the owners need to be consulted first.

Ms. Rosario confirmed the traffic modeling would use the Mixed Use/Rural Lands concept being considered.

Mr. Tingle stated he would support the new proposal and saw a good opportunity to pull back the PSA line and discourage sprawl in rural lands.

Mr. Billups asked if there were any geopolitical line considerations.

Mr. Purse stated the entire Village of Toano/Toano Community Character Area was completely within the PSA.

Mr. Fraley motioned to defer the case until staff had further considered the proposal and discussed Rural Lands/PSA redesignations with the landowners of the Cottrell, Howell, and Bunting properties, with a second from Ms. Leverenz.

In a unanimous voice vote, the committee deferred the case (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

LU-0041-2008, 7581 Richmond Road

Mr. Fraley stated that staff recommended approval of changing the parcel from Low Density Residential (portion) and Moderate Density Residential (portion) to Moderate Density Residential (all).

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #3, Warhill Utility Lots

Mr. Fraley stated staff recommended changing two parcels at Warhill District Park (Sports Complex) from Mixed Use to Low Density Residential.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Ms. Rosario stated the parcels could not be merged into the larger Warhill Sports Complex (proposed to go to County, State, and Federal Land) because the County does not own the land. She said the properties are Dominion and Virginia Natural Gas utility lots.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #7, Regency Apartments

Mr. Fraley stated staff's recommendation of changing one parcel from Low Density Residential to Moderate Density Residential.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Ms. Rosario stated the property owner had discussed a Mixed Use designation with staff, but did not file an application or formal request.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

Staff #1, Public Facilities and Parks

Mr. Fraley stated that staff recommended a changing various parcels of varying designations to either Federal, State, or County Land (800 Jolly Pond, 850 Jolly Pond, 597 Jolly Pond, 4001 Brick Bat, 4615 Opportunity Way, portions of 5700 Warhill Trail, 4600 Opportunity Way, 4601 Opportunity Way, 4620 Opportunity Way, and 8528 Croaker) or Park, Public, or Semi-Public Open Space (4315 John Tyler, 123 Wellington, 3493 John Tyler, 2205 Jamestown, 8501 York River, 2751 Greensprings, and 9451 Merrimac).

Mr. Purse stated all properties to be designated Federal, State or County Land are already owned by the government at the various levels.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

In a voice vote, the committee approved staff's recommendations (10-1; Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Billups, Krapf; No: Henderson).

LU-0020-2008, 282, 290, 391, 308 Bush Springs Road

Mr. Fraley stated that staff recommended denial of changing the parcels from Rural Lands/ Outside PSA to Low Density Residential/Inside PSA.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

LU-0003 through LU-0014, LU-0018, LU-0019, LU-0036, LU-0039, LU-0043-2009 (Bush Springs Road Properties)

Mr. Fraley stated that staff recommended denial of removing 20 parcels from the PSA.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. German stated that JCSA had sent letters to all residents of Bush Springs Road informing them they could keep their wells and drain fields unless the Health Department determined those systems to be failing.

In a voice vote, the committee approved staff's recommendations (10-1; Porter, Leverenz, Poller, Larson, Tingle, Fraley, Jones, Henderson, Billups, Krapf; No: Wenger).

LU-0002-2008, 8510 Croaker Road

Mr. Fraley stated staff recommendation of denial of changing the parcel from Rural Lands to Low Density Residential.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Ms. Cook communicated that the applicant was concerned about changing to a park use. She said the applicant wrote on her application the property could be suitable for park or public facility designation, but now wanted to strike that part of the application.

In a unanimous voice vote, the committee approved staff's recommendation (11-0; Yes: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf).

LU-0029-2008, 4200 Longview Landing

Mr. Fraley stated that staff recommended denial of changing the parcel from Rural Lands to Low Density Residential.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Mr. Fraley stated this application had received a lot of citizen opposition. Mr. Fraley had a letter from the applicant addressing the public's concerns. Mr. Fraley suggested that the applicant could instead submit an amendment to his already approved Master Plan.

Mr. Tingle stated the applicant was previously denied by the Board of Supervisors due partly to the Comprehensive Plan designation for the property. He said although the applicant had staff approval and some community support back then, the current process would better suit the applicant's intentions.

Mr. Jones suggested the applicant go through the legislative process again.

Mr. Poller stated if the application was approved, it could set precedent for large Rural Lands developments to join the PSA.

Ms. Rosario stated if Greensprings West was redesignated Low Density Residential, then the PSA line would need to be moved to include Greensprings West as well.

In a voice vote, the committee approved staff's recommendation of denial (9-2; Yes: Porter, Leverenz, Poller, Larson, Wenger, Fraley, Jones, Billups, Krapf; No: Tingle, Henderson).

Staff #10, Hazelwood Holdings

Mr. Fraley stated that staff recommended changing two parcels from Mixed Use (portion of each) and Rural Lands (portion of each) to Rural Lands/Outside PSA (all) for the property zoned A-1 and Mixed Use/Inside the PSA (all) for the property zoned B-1.

Mr. Fraley motioned for approval of staff's recommendation, with a second from Ms. Leverenz.

Ms. Jones stated the parcels were a well suited for Economic Opportunity designations.

Ms. Leverenz stated Economic Opportunity in the area should be limited to the two parcels zoned B-1. She preferred staff's Rural Lands recommendation for the property zoned A-1.

Mr. Purse stated the PSA would be redrawn to match a natural ravine on the parcels.

Mr. Tingle stressed careful development of the I-64 interchange properties.

Mr. Fraley suggested leaving the designations and PSA line as is and considering it for EO or deferring it.

Mr. Fraley stated the committee could take a straw vote to direct staff to study the parcels under Economic Opportunity conditions. He said he would recommend "worst case" traffic modeling, or Mixed Use, with the boundary lines as is.

In a straw vote, the committee's consensus was to study the parcels for Economic Opportunity designation.

In a voice vote, the committee denied staff's recommendation (4-7; Yes: Porter, Leverenz, Wenger, Krapf; No: Poller, Larson, Tingle, Fraley, Jones, Henderson, Billups).

The committee asked questions and clarified answers on various votes and modeling approaches.

V. OTHER ITEMS

Ms. Rosario stated the next meeting would be Monday, February 2 at 4:00 p.m. The topic will be the Housing section.

V. ADJOURNMENT

Mr. Billups motioned for adjournment, with a second from Mr. Krapf. The committee unanimously approved the motion.

The meeting was adjourned at 12:00 a.m.

Mr. Jack Fraley, Chair