

MINUTES FOR THE WEEKLY MEETING OF THE STEERING COMMITTEE ON MONDAY, MAY 4th, 2009 AT 3 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

PARTICIPANTS:

MEMBERS PRESENT:

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

NOT PRESENT:

STAFF PRESENT:

Tammy Rosario, Planning
Allen Murphy, Planning
Jason Purse, Planning
Ellen Cook, Planning
Terry Costello, Planning

I. CALL TO ORDER

Mr. Jack Fraley called the meeting to order at 3:05 p.m. Mr. Vaughn Poller and Ms. Ruth Larson arrived later in the meeting.

Mr. Fraley stated that the Committee will discuss some of the land use cases based on members requesting certain cases to be pulled for discussion. For all of the cases that are not pulled for discussion, the Committee will vote to affirm the preliminary vote as the final vote.

II. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Mr. Wayne Moyer spoke on Case No. LU-0021-2008, Hill Pleasant Farm and the creation of a new land use designation, Economic Opportunity (EO). He would like the Committee to limit the EO designation to the undeveloped properties, which are the Pottery, the Hill Pleasant, and the Stevens properties. He feels that the remainder of the properties proposed to change should remain as rural. Mr. Moyer strongly urged the Committee to not include the Mooretown Road extension at this time. He felt that this would sharply limit the use of his property. He felt that this proposal would be premature, and that the overall transportation issues and needs assessment study need to take place first. Mr. Moyer asked the Committee to be conservative due to the uncertain economic times, and limit the land added to the new EO designation.

Mr. Gary Massie of 8644 Merry Oaks Lane, spoke on Case No. LU-0023-2008, 7809 Croaker Road. He stated that the Croaker Road corridor needs to be improved to a five lane section with a raised concrete median. He stated the County has already purchased the right of way to do this, but the funds have not been secured to put the facilities in place. Mr. Massie stated since this will happen sometime in the future, it was important to find a way to buffer the residential uses along this corridor. He felt that a neighborhood commercial designation in this area could transition between the residential uses from a highly travelled two lane, and eventually five lane, urban corridor.

Mr. Timothy Trant, of Kaufman and Canoles, spoke on behalf of the Case No. LU-0015-2008, 499 Jolly Pond Rd, and Case No. LU-0021-2008, Hill Pleasant Farm. He stated that in Case No. LU-0015-2008, with regard to the Primary Service Area (PSA), that this is a tool for effectively managing

growth. He felt that if this tool is applied inflexibly that it might miss an opportunity to make a net positive for managing growth. He addressed the concern that, if approved, the change might be exploited to accomplish objectives that are not consistent with managing growth. Mr. Trant stated that a conceptual rezoning application was filed so that Committee members could see what is being proposed and the net positives. He stated it was not necessary to have all of the land inside the PSA and that some could be preserved as conservation and would remain outside the PSA. He also mentioned the enhanced buffering that would be proffered. Mr. Trant then addressed the Hill Pleasant Farm case, in that this property was deemed important to the County, and that it was important to include this in the PSA.

Mr. Dick Jones, a resident of the Pineridge subdivision, stated that his property was part of the area being considered for a change in land use designation to EO. He felt that this designation does not fit with the residential character of the neighborhood. He stated that the residents in the neighborhood met with Ms. Ellen Cook and Mr. Rich Krapf to try and get a better understanding of how the change, if approved, will affect their properties. Mr. Jones stated there are twenty-eight homes in this subdivision, and it is a very rural residential community. He stated there is a natural buffer which he believes has not been considered in that it is in the wetlands. He stated the residents would prefer the designation remain agricultural.

Mr. Fraley stated that Mr. Krapf did report back to the Committee concerning the meeting, and information is posted on the website.

Mr. Steve Roberts, of 108 Wilderness Lane, stated he was also a resident of the Pineridge subdivision. He stated that the residents of the community are unanimous in that they do not want their designation changed to EO. He thanked Mr. Krapf and Ms. Cook for meeting with the residents. He felt this area is an integral part of the rural section of the County. Mr. Roberts gave the Committee a petition stating concerns with the proposed change, and signed by the residents of the Pineridge subdivision.

III. MINUTES

- April 23, 2009 Minutes

Ms. Julie Leverenz moved to approve the minutes, and Mr. Krapf seconded the motion.

In a unanimous voice vote the minutes were approved. (9-0, Absent: Poller, Larson.)

IV. LAND USE

Mr. Fraley stated that the cases that will definitely be pulled for discussion since they had been deferred or recommended to be considered for EO are as follows:

LU-0021-2008, Hill Pleasant Farm
Staff #9 Application – Toano MDR
Staff #5 Application – Five Forks Intersection
Staff #10 Application – Hazelwood Holdings
LU-0022-2008, 8491 Richmond Road

Mr. Chris Henderson requested LU-0023-2008, 7609 Croaker Road, and LU-0037-2008, 7605 Croaker Road, and Staff #11 Public Facilities and Parks, be pulled for discussion.

Ms. Leverenz requested LU-0017-2008; LU-0026-2008; LU-0027-2008, Ironbound Road; and LU-0040-2008, 1322 Jamestown Road, be pulled for discussion.

Mr. George Billups requested that LU-0024-2008, 4052 Cokes, be pulled for discussion.

Mr. Fraley requested that LU-0015-2008, 499 Jolly Pond Road, be pulled for discussion.

Mr. Fraley moved to affirm the preliminary vote of the remaining land use cases that have not been pulled.

Ms. Leverenz seconded the motion.

In a unanimous voice vote the motion was approved. (9-1, NAY: Wenger, Absent: Poller.)

LU-0017-2008, LU-0026-2008, LU-0027-2008

The first group up for discussion was LU-0017-2008, LU-0026-2008, and LU-0027-2008, Ironbound Road. Ms. Leverenz stated these properties were designated moderate density residential in the 2003 Comprehensive Plan. She supports keeping this designation, to discourage any more strip shopping centers. She stated the County is looking for opportunities for moderate density residential, and the residents in the Meadows Subdivision are opposed to this change. Ms. Leverenz supports staff's recommendation to deny the change.

Ms. Mary Jones felt that the change to neighborhood commercial as opposed to community commercial would be a much lower impact on the area. One of the positives to the neighborhood commercial is that the uses are less intense, and to encourage more office type uses as opposed to strip mall uses. She stated that with regards to the concerns of nearby residents, anything that was proposed would have to comply with traffic thresholds, etc. Ms. Jones supports the designation of neighborhood commercial since the property is on Monticello Avenue.

For Case Nos. LU-0017-2008, LU-0026-2008, and LU-0027-2008, Mr. Fraley moved to affirm the preliminary vote (instead of the parcels remaining as moderate density residential, the parcels would be re-designated as neighborhood commercial), including the parcel adjacent to Route 199.

Ms. Leverenz seconded the motion.

In a roll call vote, the motion was approved. (7-3, AYE: Porter, Tingle, Wenger, Fraley, Jones, Henderson, Krapf; NAY: Leverenz, Larson, Billups, Absent: Poller.)

LU-0023-2008

Mr. Henderson initiated discussion on Case No. LU-0023-2008, 7809 Croaker Road, and Case No. LU-0037-2008, 7605 Croaker Road. He agreed with Mr. Massie as to what is an appropriate use adjacent to a primary arterial. He stated that steps are being taken to designate this area as economic opportunity across the street. Mr. Henderson does not feel that a designation of low density residential is appropriate for this area.

Mr. Fraley expressed his concerns about spot zoning and spot designation. He stated the adjacent parcels are all designated low density residential.

Mr. Tom Tingle expressed his ideas about what this corridor could become and agreed with Mr. Henderson.

Mr. Mark Wenger asked the Committee to consider what they envision Croaker Road to be. It connects Route 60, a major center designated for commercial, with one of the few interchanges on the interstate. The right of way is already there. He believes that it will become an important commercial corridor for the County.

Ms. Cook stated that if the Committee wishes to consider other adjacent properties for re-designation, that these owners would not have been notified of any proposed changes.

Mr. Krapf expressed his concern about singling out this one parcel. He stated the current designation does allow for community type commercial facilities on a small scale, schools and office type uses. He supports staff's initial recommendation for denial.

Mr. Billups also supports staff's recommendation.

For Case No. LU-0023-2008, 7609 Croaker Road, Mr. Fraley moved to affirm the preliminary vote which was a recommendation for denial and which will keep the parcel designation as low density residential.

Ms. Levernez seconded the motion.

In a roll call vote, the motion was approved. (7-3, AYE: Porter, Leverenz, Larson, Fraley, Jones, Billups, Krapf; NAY: Tingle, Wenger, Henderson, Absent: Poller.)

LU-0037-2008

Regarding Case No. LU-0037-2008, 7605 Croaker Road, Mr. Fraley moved to keep the preliminary vote as the final vote, which was to re-designate the parcel from mixed use to community commercial.

Ms. Leverenz seconded the motion.

In a roll call vote, the motion failed. (5-6, AYE: Tingle, Wenger, Fraley, Jones, Henderson; NAY: Porter, Leverenz, Poller, Larson, Billups, Krapf.)

LU-0040-2008

Ms. Leverenz started the discussion on Case No. LU-0040-2008, 1332 Jamestown Road. She stated that in the technical report it discusses inconsistency between zoning and the land use designation, specifically to T.K. Oriental on Jamestown Road. She felt that the low density residential designation is appropriate for this area and should not be changed.

Ms. Jones stated she would prefer to change the designation so that the zoning matches the land use designation. She stated the neighborhood commercial designation provides for a lower impact of uses and would also have to comply with other regulations, such as special use permit traffic thresholds.

Mr. Henderson pointed out that 1332 Jamestown Road is surrounded by higher density property, which he feels is not the case with T.K. Oriental. He feels that neighborhood commercial is more consistent with the surrounding area.

Mr. Billups expressed his concerns about changing the designation on this property. He felt that it is important for the designation to remain low density residential due to multiple unfinished developments in that area and the existing traffic problems.

Ms. Leverenz stated that the Comprehensive Plan is a vision, and she does not feel that the designation should be changed just because the zoning is a commercial zoning. She feels the process would be better served if the zoning was changed to match the land use designation, if the concern is for the two (land use and zoning) to match.

Mr. Jason Purse stated that neighborhood commercial allows for a building not more than 40,000 square feet and the floor ratio recommendations were for no minimum up to 0.19 floor area ratio.

Ms. Jones stated that also in the Comprehensive Plan it states that in neighborhood commercial there is a limited impact on adjacent residential areas especially in terms of visible parking areas, lighting, signage, traffic and noise.

Mr. Tingle felt this application was concerning a concentration of existing commercial uses around the intersection of Jamestown Road and Route 199.

Mr. Billups stated that most of the businesses in that area are similar in scale and character to homes, or are actually converted from single family homes. He felt that the neighborhood commercial designation may change this.

Mr. Poller felt this change may discourage businesses from encroaching down Jamestown Road.

For Case No. LU-0040-2008, 1322 Jamestown Road, Mr. Fraley moved to reaffirm the preliminary vote, which was to designate this parcel as neighborhood commercial from low density residential, and to also include the adjacent Cherry Realty parcel.

Ms. Leverenz seconded the motion.

In a roll call vote, the motion was approved. (9-2, AYE: Porter, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Krapf; NAY: Leverenz, Billups.)

LU-0024-2008

Mr. Billups had no questions on Case No. LU-0024-2008, 4052 Cokes Lane.

For Case No. LU-0024-2008, 4052 Cokes Lane, Mr. Fraley move to affirm the preliminary vote, which was to approve the designation be changed from low density residential to mixed use, with mixed use language.

Ms. Leverenz seconded the motion.

In a roll call vote, the motion was approved. (11-0, AYE: Porter, Leverenz, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Billups, Krapf.)

Staff #9 – Toano MDR

Mr. Krapf started the discussion for Case No. Staff #9, Toano MDR. He stated the current proposal is to change the Cottrell property to rural lands and outside the PSA, and to change the remaining parcels to low density residential inside the PSA. He stated the idea behind going with low density residential is that it allows for some commercial, churches, and offices. It would allow for residential along with some neighborhood businesses, and this he feels supports the objectives in the Toano Design Study that was adopted by the Board of Supervisors. He felt that a mixed use designation was more intense, and it would be adjacent to rural lands, and there would not be a transition between the two.

Mr. Wenger asked if low density residential was the best buffer to use in agricultural lands. He stated from the reading he has been doing this may not be the most appropriate.

Mr. Krapf stated that of the available options, low density residential is probably the less intense of uses. He did not know if there was a more appropriate designation.

Mr. Tingle stated that planning in this area has come a long way. He supports the Cottrell property being removed from the Primary Service Area and the designation being changed to rural lands. He does not feel that low density residential is the best buffer between a village and rural lands. He feels that the mixed use descriptions can be written in a way that allows for buffers around existing properties.

Mr. Krapf's concern was that with a mixed use designation there is chance of developing townhomes and condominiums. He felt it was important to preserve the character of the village of Toano. His concern with the mixed use designation is that restrictive language would be needed to address density.

Mr. Fraley stated he was comfortable with mixed use in this area since staff has developed some restrictive language.

Mr. Henderson thought this application was a good way to preserve rural lands and the rural character. He had proposed moving the PSA line back to Richmond Road, but understands that there are property owners who do not want their property removed from the PSA. He suggested the County consider purchasing the thirty acres under the greenspace acquisition program. Mr. Henderson felt that if the County wants to allow for development his idea would be to designate it mixed use with some restrictive language.

Mr. Krapf stated he would support this with more restrictive language.

Mr. Porter stated this designation may encourage redevelopment.

Mr. Poller asked for clarification as to what is being proposed with regards to the PSA line.

Mr. Fraley stated that the proposal of moving the PSA line back to Richmond Road is not being considered since the owners of 8021 Richmond Road, 3118 Forge Road, and 3126 Forge Road do not want their property removed from the PSA. He suggested that the Committee vote for a deferral on this case so that staff can revise some mixed use language and have additional time to consider the PSA line.

Mr. Purse stated language has already been written concerning the densities on the western properties, which would suggest densities on the lower end of moderate density residential, which would

be about 4 dwelling units per acre. He asked the Committee if they would like to see densities less than that.

The Committee stated yes.

Mr. Wenger asked if a mixed use designation still allowed for some uses deemed agricultural.

Mr. Purse stated yes, the land use designation would, but the zoning would not.

Mr. Porter stated that one of the most important ideas is the redevelopment of the strip along Richmond Road. He would like to see redevelopment as opposed to each parcel being developed as commercial on its own. He questioned what needed to be done to encourage redevelopment.

Mr. Krapf would like to see the economic base in Toano developed, but not to bring in a lot of residential units, and maintain the small type of village environment.

Mr. Fraley asked if there was a consensus of moving the PSA line up to Richmond Road. He asked Mr. Krapf if he was comfortable with having discussions with the residents in that area concerning this change.

Mr. Krapf agreed to do so.

Mr. Purse asked if the Committee wanted the language to state that all residential units be above commercial and retail space.

Mr. Fraley stated yes.

Ms. Leverenz stated she was not sure if the Committee should preclude freestanding residential units if they were compatible with the character of the area.

Mr. Fraley stated that these units should be discouraged in the language.

Mr. Tingle stated he was not sure if he could support allowing only residential units above commercial and retail space.

Mr. Krapf stated that he will contact residents in the area and inquire as to what they would like to see in that area.

Mr. Fraley encouraged the Committee to give input to staff as far as what should be included in the language for mixed use in that area.

Mr. Henderson felt that an important consideration would be the type of housing preferred, and the scale of the development. He felt that anything two or three stories high should be discouraged, and felt that commercial or retail should not be more than 15,000 – 20,000 square feet in size. He felt that anything beyond these limits would distract from the rural character.

Mr. Purse asked the Committee for specific examples of types of units, descriptions, etc. within the next week. He hopes to bring something back at the next meeting.

Mr. Fraley moved to defer Case No. Staff #9, Toano MDR.

Ms. Leverenz seconded the motion.

In a unanimous voice vote the motion was approved. (11-0)

LU-0015-2008

Mr. Fraley began the discussion on Case No. LU-0015-2008, 499 Jolly Pond Road. He stated the applicant has submitted a rezoning plan to staff for development on this property. He stated the applicant has requested that no action be taken on the rezoning application but filed it for public and staff comments. According to the master plan, Colonial Heritage is able to have a maximum of 2000 units. The application filed is for 50 units that are proposed as workforce housing and would be part of the 2000. However, where the 50 units would be currently lies outside the PSA. Mr. Fraley stated that this land use application seeks to move the PSA line so that these 50 units would be included in the PSA. The conservation area proposed would remain outside the PSA and would afford protection around Deer Lake.

Mr. Krapf asked how many acres would be included in the conservation easement.

Mr. Purse answered approximately 90 acres. He stated the addition to the PSA, not including the conservation easement, would be approximately 130 acres.

Mr. Fraley stated that under the current zoning clustering is not allowed. This application, if approved, would give them this opportunity plus it gives more protection to Deer Lake and converts a new parcel to conservation.

Mr. Allen Murphy pointed out that the conceptual plan for the 50 units that was filed with staff is not binding.

Ms. Leverenz asked if Colonial Heritage could extend lots in the existing master plan to the area that is now outside the PSA.

Mr. Purse stated that was correct.

Mr. Fraley stated he saw many public benefits with the plan that has been filed. These benefits are the conservation easement, the enhanced protections for Deer Lake, and affordable housing.

Mr. Porter stated he views this as a move in the PSA line and that the plan submitted may be completed or may not. There is no binding agreement that mandates that the conservation area will be created. He feels the Committee needs to view it as a move in the PSA line, not based on the application filed.

Ms. Leverenz agreed. She felt that if the lake needs protection, then the PSA line needs to remain as is.

Ms. Jones looks at this land use case by looking at what could be done currently, and what is being proposed.

Mr. Porter stated that the Committee should deal with the land use change as far as the PSA move, not the application submitted. He felt that was more of a legislative issue, where the Planning Commission and the Board of Supervisors would decide on that application.

Mr. Tingle felt that this issue is more appropriately addressed in a rezoning application. He does acknowledge the problem in that the rezoning may not be approved due to Comprehensive Plan consistencies.

Mr. Krapf has concerns with any movement in the PSA line. He sees a number of issues with this, such as a nonbinding master plan and that it opens up 130 acres and puts it in the PSA.

Mr. Fraley stated that moving land into the PSA is not about density. It is about controlling concentrated growth and density. He believes that it provides less stress on the aquifers and is a better environmental plan which includes workforce housing.

Ms. Leverenz wanted to mention the precedent of moving land into the PSA.

Mr. Fraley moved to affirm the previous vote on Case No. LU-0015-2008, 499 Jolly Pond Road, which was to deny the request of partial low density residential and the PSA change.

Ms. Jones seconded the motion.

In a roll call vote, the motion was approved. (6-5, AYE: Porter, Leverenz, Poller, Tingle, Billups, Krapf; NAY: Larson, Wenger, Fraley, Jones, Henderson.)

Staff #5 – Five Forks Intersection

The next case discussed was Staff #5, Five Forks Intersection. Ms. Cook stated that staff provided an update memo regarding the community meeting that had been held to the Committee on April 6, 2009. In addition, staff had provided a response to the suggestion to change the land use designation to all mixed use via a memo to the Committee on April 23rd.

Ms. Leverenz attended the community meeting and stated the residents felt strongly about the parcel adjacent to the school remaining low density residential. The residents expressed their concerns about safety with the traffic and the fact there are no sidewalks. She stated that the residents did not object to the other parcels being designated mixed use.

Ms. Jones stated that changing the designations to mixed use provides more consistency with the Five Forks area and for what the uses are currently in that area.

Mr. Henderson asked if the Governor's Grove master plan was reviewed when this proposal was brought forth originally.

Ms. Tammy Rosario stated it was displayed and discussed during the preliminary discussions.

Mr. Henderson asked if the master plan included plans for the current area designated for moderate density.

Ms. Cook answered that it includes the land that is shown as 4399 John Tyler Highway.

Ms. Leverenz stated the master plan includes the area over to Ironbound Road.

Mr. Henderson asked if 3175 Ironbound Road should be included in the mixed use designation. This would limit the points of access and would provide pedestrian access to the school property.

Ms. Jones stated that there is strong citizen opposition to anything intensive on that property.

Mr. Tingle feels that 3175 Ironbound Road is a great opportunity for infill development or low to moderate income housing. This also might encourage the area to become more pedestrian friendly.

Mr. Henderson asked what was approved on the Governor's Grove master plan for 4399 John Tyler Highway.

Ms. Cook stated she believes it is a bubble master plan so there are no specific buildings drawn on the plan. This would be the commercial portion of the overall master plan.

Ms. Jones suggested deferring the case until the master plan is reviewed by Mr. Henderson.

Ms. Rosario stated she thought it was commercial and office with limitations on square footage and some connection to traffic generation.

Mr. Billups asked if there was something in the current Comprehensive Plan that would preclude this case from going forward.

Ms. Jones stated this was a staff initiated land use application that would provide consistency in the Five Forks area.

Mr. Fraley stated the citizens are in agreement with staff's recommendation on three out of the four parcels proposed for changes.

Ms. Leverenz moved to support staff's recommendation to change the designation to mixed use for 4439 John Tyler Highway, 4455 John Tyler Highway, and 4449 John Tyler Highway, which are a part of Staff #5, Five Forks Intersection.

Ms. Jones seconded the motion.

In a roll call vote the motion was approved unanimously. (11-0)

Ms. Leverenz moved to support staff's recommendation to change the designation to moderate density residential for 3175 Ironbound Road, which is a part of Staff #5, Five Forks Intersection.

Ms. Jones seconded the motion.

In a roll call vote, the motion failed. (5-6, AYE: Porter, Poller, Tingle, Fraley, Henderson; NAY: Leverenz, Larson, Wenger, Jones, Billups, Krapf.)

Mr. Henderson moved to change the designation to mixed use for 3175 Ironbound Road, which is a part of Case No. Staff #5, Five Forks Intersection.

Mr. Fraley seconded the motion.

Mr. Tingle asked about mixed use language to limit the curb cuts onto Ironbound Road and asked for it to be integral to the rest of the mixed use parcels.

Mr. Billups asked if the owner of 3175 Ironbound is in agreement with the designation being changed to mixed use.

Ms. Jones stated that all owners are notified that their property is being considered for a change.

Ms. Cook stated several notifications have been sent to owners letting them know that their property is being considered for a change.

Ms. Rosario also stated that along with these notifications, a meeting was held and notifications have been publicized. Staff has exceeded the requirements for notification.

Mr. Tingle asked if this motion was approved, then staff would have to draft language for the mixed use designation.

Ms. Leverenz stated that the mixed use language for Five Forks that has already been established should be sufficient.

Ms. Cook stated that the mixed use language was specifically written for the three properties on John Tyler Highway, not 3175 Ironbound Road. Staff might need to revise language somewhat to include this parcel.

In a roll call vote, the motion failed. (5-6, AYE: Porter, Poller, Tingle, Fraley, Henderson; NAY: Leverenz, Larson, Wenger, Jones, Billups, Krapf.)

Staff #1 – Public Facilities and Parks

Mr. Henderson questioned 4315 John Tyler Highway that was a part of Staff #1, Public Facilities and Parks.

Ms. Leanne Reidenbach stated that currently the parcel's designation is low density residential and its zoning is PL, Public Lands.

Mr. Henderson stated that the Friends of Greensprings organization had brought up the possibility of putting on this property the facilities necessary to support and interpret activities that occur on the nearby Greensprings National Park property. He wanted to make sure that whatever decision was made, it would not preclude that type of activity from occurring on the property.

Ms. Reidenbach stated that the proposal is to change it to park, public and semi-public open space, so any support functions for the National Park Service would be permitted.

Mr. Henderson asked if it that would still be the case if the activity were to occur through a public-private partnership.

Mr. Purse stated he believed that this might be addressed through zoning.

Ms. Rosario stated there would be a secondary question concerning the easement on the property.

Ms. Jones expressed citizens' concerns about the potential for development. She stated the citizens would prefer to leave it as is due to the bike trail and the existing traffic flow.

Ms. Leverenz stated that the Friends of Greensprings are still working with the National Park Service to put some type of interpretative structure on this parcel.

Mr. Fraley moved to change the parcels to park, public and semi-public open space on Staff #1, Public Facilities and Parks.

Ms. Leverenz seconded the motion.

In a roll call vote the motion was unanimously approved. (11-0)

The Committee recessed at 5:55 p.m. for a five minute break.

Economic Opportunity Designation Language

The Committee reconvened at 6:05 p.m.

Mr. Wenger initiated the discussion on the creation of a new land use designation, Economic Opportunity (EO). He asked if the Committee's direction was similar to the designation that York County currently has.

Mr. Tingle stated he was suggesting another designation other than mixed use that would allow a part of the County to be designated that would clearly achieve a higher level of economic development. He would also suggest that property in this designation would be viewed in a master plan in conjunction with private and public entities in partnership. The master plan would have to take into account utilities, infrastructure, the environment, adjacent land uses, and adjacent localities. Mr. Tingle stated he did not specifically look at York County's EO designation.

Mr. Fraley does not consider this designation the same as York County's or the City of Williamsburg's. He would hope that this designation would entail a regional master planning process which brings together all of the elements of a viable economic zone. It would include language to protect sensitive environmental areas, elements of community character, adjacent land uses, and would reserve important large parcels to maximum economic development of those properties. It would create a positive financial impact to the County, and create high quality jobs. Mr. Fraley could envision components of affordable housing, transportation, and light rail.

Mr. Krapf felt that this designation should be rarely used and only for certain parcels that are of strategic importance where mixed use with restrictive language would not benefit the County or the citizens. He does not support adding these parcels to the PSA if they are designated EO.

Mr. Fraley believes that development should be phased so that the income producing part of the development precedes or is concurrent with non-income producing development. He stated that with mixed use developments, the residential units tend to be developed first.

Mr. Porter agreed with Mr. Krapf about adding land to the PSA. He does not feel there should be a residential component to parcels designated EO. He suggested maybe having housing close by, but that would be a different designation.

Mr. Fraley suggested workforce housing where it has the most benefit.

Mr. Tingle felt that it should be addressed on a case by case basis. If the County wants to create walkable communities and if the potential is there for high speed or light rail, the County should look at those strategic areas that a combination of residential and economic uses are appropriate.

Ms. Leverenz believed the concept of an EO designation was beneficial. She stated she believes the County needs a labor force to attract industry, so it seems like workforce housing should be made available first if the County is to attract industry. She stated concerns with applying this designation anywhere in the County when there is a population of citizens that are strongly in favor of preserving rural lands.

Mr. Henderson stated that currently what is allowed by right in the rural lands is low density residential and potentially could create sprawl. He felt that in order to preserve land, it would be beneficial to direct where development should occur.

Ms. Leverenz stated that in the land use technical report, it states that there is sufficient land in the PSA to meet the requirements as outlined by the Business Climate Task Force (BCTF) for commercial development. Ms. Leverenz noted that the Committee was in the middle of discussing a tool kit for preservation of the Rural Lands in the Land Use GSAs.

Mr. Tingle felt that this statement was a significant oversimplification of what the BCTF was suggesting as potential economic growth over the next 15 to 20 years. Certain items need to be examined such as how large the parcel is, how much developable area is there, how much land is in steep slopes or in environmentally sensitive areas, etc. Mr. Tingle also suggested that uses of adjacent lands would need to be reviewed along with other factors.

Ms. Larson recognizes that the Hunt property is in a strategic location in the County. She felt she was unsure about how much opportunity there was to have this property used as farmland. She expressed her concerns as to whether this was the right time to create a new designation or perhaps it would be better to wait.

Mr. Wenger asked whether the EO designation was similar to an industrial type zoning.

Mr. Fraley stated it includes industrial, light industrial and office uses.

Ms. Cook stated this language was written specifically to address the Hill Pleasant / Lightfoot area. There is not an overall EO designation that could apply to any property that staff has developed so far. Ms. Cook stated staff could develop a more generic version of EO language with input from the Committee.

Mr. Porter stated that he felt that there was not enough land in the County that was designated to support Tier 1 and Tier 2 type businesses that were listed in the BCTF report. His concern was that if this is not done carefully, the workforce housing might be developed, and then those in the residential may have concerns with industry developed next to the residential area.

Mr. Tingle felt that the language suggests to look at the area as a whole, not to try and piecemeal it. He felt that if workforce housing fits into the plan, that it should be developed.

Mr. Fraley stated that this is a regional master planning process that brings all of the elements together. He stated the public and the land owners would be fully engaged and involved in the planning. He stated that one would not piecemeal a project in the EO; the entire parcel would be subject to a master plan.

Mr. Porter asked how that is accomplished with a land use designation with more than one owner.

Mr. Fraley stated that the property would be designated EO, can generate a positive cash flow, and create quality jobs so that it is not used as a less productive use.

Mr. Tingle stated applying this designation is not easy. He said it states in the language that no development should occur unless incorporated into regional master planning efforts. The result of this will be a single master plan development. Mr. Tingle stated this would force the owners to work together and it would have to be a consensus building process.

Mr. Fraley stated there is an item in the goals, strategies and objectives that addresses master planning of certain areas of the County.

Ms. Jones stated this involves identifying appropriate properties for this application. There are suggestions that the County needs to be more business friendly and to broaden the tax base. She stated the adjacent property in York County has designated that land as EO. She feels this is an opportunity to do something regional that could broaden the economic base.

Mr. Henderson stated that in York County's EO land designation along Mooretown Road, the single largest land use currently there is for a regional medical center. These are high income, high producing jobs that the County would like to attract.

Mr. Porter felt there needed to be more discussion as to what economic opportunity would include. The Committee members themselves have different opinions as to what should be included.

Mr. Fraley stated that if the Committee adopts an EO designation, it does not necessarily have to be applied. He stated the other consideration is mixed use. He stated that citizens have stated repeatedly that rural lands need to be protected, but they also speak about diversifying our tax base. Mr. Fraley stated citizens want to diversify the business base so there is not so much reliance on seasonal jobs and tourism.

Ms. Leverenz felt that the biggest part missing from a business standpoint from mixed use is the master planning process.

Ms. Jones stated there is a strong desire in the County for more job opportunities and more diversification of jobs.

Mr. Henderson felt there are lessons to be learned from applications in the adjacent localities for the EO districts. He stated there may be uses in the adjacent localities' districts that the County would not like to have in its EO district. He gave examples of projects in the City of Williamsburg and York County in their EO districts.

Mr. Fraley moved to create a new land designation, EO, Economic Opportunity. He clarified it was the concept only not the language written specifically for the land use application.

Ms. Leverenz seconded the motion.

In a roll call vote the motion was unanimously approved. (11-0)

Economic Opportunity Designation Areas

Ms. Larson asked for clarification as to whether the Pineridge subdivision would be included in the EO designation.

Ms. Cook answered that this subdivision was not recommended by staff to be included in the EO designation.

Mr. Wenger asked staff to show all properties that were part of the original mixed use application.

Ms. Cook pointed out all of the parcels in the original application.

Mr. Fraley asked Mr. Donald Hunt if he supported the land use designation of EO.

Mr. Donald Hunt, of 7152 Richmond Road, one of the property owners initiating the application, answered yes.

Mr. Fraley asked about Pineridge subdivision, and if this was adopted, how would that area be protected.

Ms. Cook stated it would also depend on decisions about the PSA line, and whether there would be a more appropriate land use designation for the Pineridge subdivision.

Ms. Rosario stated the protections could be addressed a number of ways. The Committee may decide to scale back the amount of area designated EO and brought into the PSA, or it may have to be considered in the overall master plan for the area.

Mr. Billups asked what the total acreage was that is proposed by Mr. Tingle to be designated as EO.

Ms. Cook stated 1,365 acres of land would be included. This would include the Pineridge subdivision.

Ms. Larson asked about the impact to that neighborhood and the extension of Mooretown Road.

Mr. Fraley stated the Committee would have to discuss it.

Ms. Leverenz asked if it were still staff's recommendation not to change the designation.

Ms. Cook stated staff recommends no change for this area.

Ms. Leverenz suggested voting on staff's recommendation.

Mr. Wenger stated he was uncomfortable with this.

Mr. Krapf stated that one of the issues is that this change to EO is so complex. There may be a case where he would support an EO designation and other parcels where he may not. He would rather have discussions first.

Mr. Porter moved that the Pottery property, the Stevens and Hunt property be designated EO and the rest would remain rural lands.

Mr. Billups would like to vote on staff's recommendation.

Mr. Krapf stated his preference would be for the Committee to agree what parcels should be included in an EO district and then vote on it as a primary, and then fall back on staff's recommendation.

Mr. Tingle stated this part of the County was designated by the Economic Development Authority (EDA) and discussed by the BCTF as a strategic area for economic development. The access will be through York County by some type of extension of Mooretown Road. There is not ample access from Richmond Road. Mr. Tingle stated what he feels is attractive is the access to Route 199. The potential here is for a regional master plan. He felt that all of the property should be included in EO except those sections that staff has proposed for exclusion. He was comfortable with having additional language added to ensure buffers are sufficient for the residential areas.

Mr. Henderson agreed with Mr. Tingle but wanted to add the area labeled eight and area labeled 9, although staff has recommended exclusion. He would prefer to have the EO line follow the CSX right of way. He would recommend excluding anything west of the CSX right of way. Mr. Henderson stated he spoke with residents in these two areas and they would like to see a cohesive plan for this area.

Mr. Tingle asked staff if any property owners in areas labeled eight and nine have stated any concerns or objections.

Ms. Cook stated one owner has contacted her and he had some questions because he was selling his home.

Mr. Fraley asked the Committee to discuss Case No. LU-0022-2008, 8491 Richmond Road, since the owner was present. He stated the property owner requested mixed use. Staff recommended the parcel remain partially mixed use / low density residential inside the PSA, and partially rural lands outside the PSA, as currently designated. The Committee had asked staff to research a possible EO designation.

Mr. Tingle stated he was unsure about the parcel designated as EO.

Mr. Krapf did not feel that this parcel was a strategic location for the County. He supported staff's recommendation to leave the designation as is.

Mr. Henderson believed that this parcel was in a strategic location and that it provided a better development opportunity since the topography was more conducive to such.

Mr. Fraley moved to affirm the preliminary vote, which was to keep the designations the same with no change, for Case No. LU-0022-2008, 8491 Richmond Road.

Ms. Leverenz seconded the motion.

In a roll call vote the motion was approved. (6-5, AYE: Porter, Leverenz, Poller, Tingle, Billups, Krapf; NAY: Larson, Wenger, Fraley, Jones, Henderson.)

Regarding Case No. Staff #10, Hazelwood Holdings, discussions revealed there was not a consensus among the members to consider this for EO.

Mr. Fraley moved to approve staff's recommendation on Staff #10, Hazelwood Holdings. Staff's recommendation was to change two parcels from mixed use / rural lands to mixed use inside the PSA, and to change one parcel from mixed use / rural lands to rural lands outside the PSA.

Ms. Jones asked Mr. Tingle why he thought the area was better left as mixed use rather than EO given its proximity to the interstate.

Mr. Tingle stated that mixed use includes much of the area, including the Stonehouse Development and Stonehouse Commerce Park. He looked for continuity in the area. He believed EO is better for larger parcels and parcels as part of a master plan.

Mr. Wenger stated that with the change in the PSA line follows a line of wetlands. He felt that it might be more developable as proposed by staff.

Ms. Leverenz seconded the motion.

In a roll call vote the motion was approved. (7-4, AYE: Porter, Leverenz, Poller, Larson, Wenger, Billups, Krapf; NAY: Tingle, Fraley, Jones, Henderson.)

Mr. Fraley moved to approve staff's recommendation for Case No. LU-0023-2008, Hill Pleasant Farm.

Ms. Leverenz seconded the motion.

In a roll call vote, the motion failed, (2-9, AYE: Leverenz, Billups; NAY: Porter, Poller, Larson, Tingle, Wenger, Fraley, Jones, Henderson, Krapf.)

Mr. Henderson moved to add lands surrounding in red on the map except for group ten, land west of the CSX right of way, and group seven.

Ms. Jones seconded the motion.

Mr. Wenger asked how many property owners, not part of the application, have contacted staff about being added to the EO designation.

Ms. Cook stated she believed Mr. Moyer was the only one who provided written comments, and he is in area three on the map.

Mr. Wenger asked if these property owners were added to the EO designation, would they all have a say in the master planning.

Mr. Fraley answered yes.

Mr. Wenger asked how many properties that would entail.

Ms. Cook stated this would involve more than 180 property owners.

Mr. Fraley stated it would be about 100, given the sections that would be excluded.

Ms. Cook stated that the language states that no development shall occur unless it is master planned because it may put constraints on certain property owners.

Mr. Billups asked if the Pottery property owners agreed to this change.

Mr. Poller asked why the Committee would remove the portion of the Pottery west of the CSX from consideration for the EO designation.

Mr. Henderson stated because of the lack of access to the primary parcel which is for the purpose of inducing economic development. He felt those parcels fronting Richmond Road serve a different purpose.

Mr. Fraley proposed to defer this decision until next week. He asked Mr. Henderson to withdraw his motion and reexamine it for next meeting. The Committee agreed.

Mr. Henderson withdrew his motion.

Ms. Jones agreed.

V. OTHER ITEMS

Ms. Rosario stated the next meeting will be Monday May 11th at 3 p.m. She encouraged Committee members to give suggestions to staff on definitions of economic opportunity.

VI. PUBLIC COMMENT

There was no public comment.

VII. AJOURNMENT

Ms. Leverenz moved for adjournment, with a second from Mr. Billups.

The meeting was adjourned at 7:40 p.m.

Mr. Jack Fraley, Chair