

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF FEBRUARY, TWO-THOUSAND AND NINE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Deborah Kratter  
George Billups  
Reese Peck  
Jack Fraley  
Rich Krapf  
Joe Poole III  
Chris Henderson

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Adam Kinsman, Deputy County Attorney  
Luke Vinciguerra, Planner  
Leanne Reidenbach, Senior Planner  
Angela King, Assistant County Attorney  
Terry Costello, Development Management Assistant

2. PUBLIC COMMENT

Mr. Krapf opened the public comment period.

There being no public comments, the public comment period was closed.

3. MINUTES

A. January 7, 2009 Regular Meeting

Mr. Poole moved to approve the minutes.

Mr. Henderson seconded the motion.

In a unanimous voice vote the minutes were approved. (7-0)

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee

Mr. Krapf stated the Development Review Committee met on January 28<sup>th</sup> to discuss Case No. S-0075-2008. This case involved a request for a sidewalk waiver for McFarlin Park. McFarlin Park is located at the corner of Jamestown and Neck-O-Land Road so sidewalks are required along both roads. Mr. Krapf stated the applicant requested that the sidewalk along Neck-O-Land Road be waived but that the sidewalk along Jamestown Road remain. There are no existing sidewalks along Neck-O-Land Road and McFarlin's Park frontage is interrupted by three existing single family lots that do not have sidewalks. By a vote of 4-0, the DRC recommended that the sidewalk waiver for Neck-O-Land Road be approved.

Ms. Kratter moved to approve the DRC report.

Mr. Henderson seconded the motion.

In a unanimous voice vote the report were approved. (7-0)

B. Policy Committee

Mr. Peck stated the Policy Committee met on January 14<sup>th</sup> to discuss changes in the Capital Improvement Program. Information outlying both the FY 2010 process and suggestions for future processes were included in this month's Planning Commission packet. The Committee also examined Commission bylaw changes and has suggested several changes that have been distributed to the Commission. Mr. Peck stated meetings for the Committee have been scheduled for February 11<sup>th</sup> and 17<sup>th</sup> at 7 p.m. in Building A of the Government Complex. Discussions will include evaluating FY 2010 CIP projects.

Mr. Poole asked about the revisions to the bylaws and the discussions about ex parte communications. He asked what the status was.

Mr. Peck stated he would bring up this subject later in the meeting.

C. Other Committee/Commission Reports

Mr. Fraley gave an update on the Steering Committee. He stated the Committee met on February 2<sup>nd</sup> to discuss the housing section of the Comprehensive Plan. Staff made a presentation and also distributed the technical report. The Committee then reviewed the goals, strategies and actions of the technical report. The next meeting of the Committee is February 9<sup>th</sup> where the topic will be public facilities. There will also be a meeting on February 12<sup>th</sup> at 7 p.m. to review the economic development section of the Comprehensive Plan.

5. PLANNING COMMISSION CONSIDERATIONS

A. SUP-0015-2008 Franciscan Brethren of St. Philip Group Home and Day Care

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing to March 4, 2009.

B. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007 Monticello @ Powhatan North (Phase 3)

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing to March 4, 2009.

C. SUP-0024-2008 Windsor Meade Tower

Mr. Fraley stated he would be abstaining from making any comments or voting on this case. He stated the Board of Zoning Appeals and Cingular / AT&T have legal matters between the two, and he does serve on the Board of Zoning Appeals.

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf opened the public hearing and continued it until March 4, 2009.

D. SUP-0021-2008 Jamestown Road Mediterranean Restaurant

Mr. Luke Vinciguerra stated the case involved a sit-down restaurant in an existing building at 1784 Jamestown Road. Sit-down restaurants require a Special Use Permit in the Limited Business district. Furthermore, buildings over 2,750 sq ft in the Limited Business district with a Land Use designation of Neighborhood Commercial require a Special Use Permit.

The approximately 1.2 acre parcel is currently occupied by two existing structures formerly owned by Duke Communications. The applicant proposes to demolish the existing smaller structure and use the remaining building to house a 96 seat restaurant Mediterranean style restaurant. Additionally, the plan proposes a 24 space parking lot, outdoor dining patio with fountain and a storm water management facility at the rear of the property. There are no plans for exterior building renovations at this time.

Per the Commission's recommendation, the applicant has met with neighbors to discuss the project. The result was restrictions preventing the owner from using outdoor speakers after 10pm, forbidding private well use, and the inclusion of rain barrels. Overall, staff finds the proposal, with conditions, to be consistent with surrounding land uses, the land use policies of the comprehensive plan, and the Comprehensive plan Land Use Map. Staff recommends the Commission recommend approval of the application to the Board of Supervisors, with attached conditions and approve of the landscape modification request.

Ms. Kratter asked how the neighbors were notified of the application and the meeting that was held by the applicant.

Mr. Vinciguerra stated there were notified by mail and there was a red public hearing sign posted.

Ms. Kratter asked if members of staff attended the meeting between the neighbors and the applicant.

Mr. Vinciguerra stated staff from the Environmental Division did attend the meeting.

Mr. Vinciguerra stated staff does feel that the neighbors' concerns have been addressed.

Mr. Henderson asked what the minimum number of parking spaces that is required.

Mr. Vinciguerra stated that the restaurant has 96 seats, and the parking required is one space per 4 seats, which the applicant has met.

Ms. Kratter asked when the original date the application was filed.

Mr. Vinciguerra stated the application was filed on October 22, 2008.

Mr. Krapf stated that this application came before the Commission last month, but was deferred due to lack of time for neighbors and citizen groups to review the application.

Mr. Geddy stated that a meeting was held between the applicant and any concerned citizens that were interested. He felt that all concerns have been addressed.

Mr. Fraley stated he appreciated the applicant's willingness to work with the neighbors and citizens' groups.

Mr. Krapf asked for public comments.

There being none, he closed the public hearing.

Mr. Poole moved to approve the application. He recognized the existing zoning and the land use designation as neighborhood commercial, the significant redevelopment opportunity, and the applicant's sensitivity to existing vegetation. He expressed his appreciation that the applicant was willing to defer from last meeting to allow citizen comments to be addressed.

Ms. Kratter seconded the motion.

In a roll call the motion was approved. (7-0) AYE: Henderson, Billups, Poole, Fraley, Kratter, Peck, Krapf.

6. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he did not have anything to add to the report. He did state that it has been mentioned in the past, with regards to the CIP revisions, to obtain the full endorsement of the Commission before discussing it at the joint worksession with the Board of Supervisors.

Mr. Krapf thought it was a good idea to bring this up during the Commission's discussions and requests.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Krapf made a presentation to the Commission that was done by the Friends of Forge

Road with the assistance of the Junior Women's Group. This was a booklet to document some of the historical houses and buildings in and around Toano to help increase public awareness of the importance of Toano in the County's history.

Mr. Krapf then brought up the CIP documents that were included in the packets this month.

Mr. Peck stated this is a policy paper that has been worked on since June 2008. The goal is to more closely line the Capital Improvements Planning Process to the Comprehensive Plan, and also restructure the public input process so that the public and the Commission are able to have more discussion.

Mr. Henderson stated that one of the goals was to create a document that is a five year rolling financing plan that identifies the sources and uses of funding for the County for capital improvement projects. He felt this was a long range planning tool that would prove beneficial to the County.

Ms. Kratter asked if this proposal would still be effective given the current economic conditions. She also asked if the Board of Supervisors and Planning Commission need to be more involved in prioritizing maintenance items.

Mr. Peck answered that discussions are move toward the maintenance items being reviewed in a more programmatic approach. One idea, developing a comprehensive replacement schedule across all departments has been discussed. It would allow administrative staff to suggest what maintenance items should be prioritized. Mr. Peck also stated that the Committee has proposed a conceptual approach that will take a couple of years to implement.

Mr. Krapf stated he felt the process in the past was flawed in the sense that projects were ranked high, medium and low, and that far exceeded the available budget. He believes that by doing a more reasoned, prioritized segregated approach, it will be a more thoughtful recommendation that will be sent to the Board of Supervisors.

Mr. Henderson felt another advantage to this is that during the discussion of the public facility portion of the Comprehensive Plan it will be determined what facilities will be needed and constructed. So when the CIP process involves the ranking of projects, this list will be evaluated against that section of the Comprehensive Plan that states what facilities are needed.

Ms. Kratter stated she was focusing on the elimination of the review capital maintenance and / or equipment requests.

Mr. Fraley explained how the CIP works currently. He felt the recommendations made were positive in that it moves the process up earlier, and permits the public to comment in the beginning of the process. He thought it would be beneficial to get feedback before the budgets are completed.

Mr. Billups felt it was important to have specific documentation from a needs assessment

perspective when reviewing the CIP applications.

Mr. Henderson asked Mr. Billups if he would expect the needs assessment to be completed by an independent third party not associated with staff.

Mr. Billups felt it could be handled by staff.

Mr. Henderson used the police and fire department as an example. As part of their presentation they included response times that would justify their need for facilities and equipment. He felt that there would be some performance measures tied to some requests and then for others it may prove more difficult.

Ms. Kratter stated that she assumed that staff has available data as far as performance measures.

Ms. Reidenbach stated that the Comprehensive Plan does have service standards for certain facilities. She stated that these standards currently form the basis of developing CIP projects.

Ms. Kratter asked about competing needs. She gave the example of stating the police and fire needs are above the needs of the library system.

Ms. Reidenbach stated there is not a hierarchy currently in place. She stated the current process requires the Planning Staff to rank the projects according to the Comprehensive Plan and whether it fulfills the needs of other master plans that are in effect.

Mr. Krapf stated at the last Policy Committee meeting it was suggested to develop a more structured process that allows for flexibility to use discretion, but also try having some sort of priority type system. He stated that the Policy Committee can request the department making a request to provide more information and / or make a presentation and answer questions.

Mr. Peck requested the Commission to endorse the concept that the Policy Committee has presented.

Mr. Henderson seconded the motion.

In a unanimous voice vote the motion were approved. (7-0)

Mr. Peck requested presentations to the Planning Commission concerning the Shaping Our Shores Project and also on the regional water plan.

Mr. Murphy stated staff will take these requests under advisement and will report back to the Chairman and the rest of the Commission.

Mr. Poole understood the importance of the items mentioned by Mr. Peck, but wanted the Commission to be cognizant of the fact that staff is currently working on the Comprehensive

Plan and other projects and requests. He personally did not feel the need for a presentation on these, but will defer to his colleagues.

Mr. Peck clarified that he was interested in whoever was working on the project to make the presentations. He also stated that the Planning Commission had an affirmative responsibility under the County Charter to make a recommendation to the Board of Supervisors concerning the Shaping our Shores and the Regional Water Plan.

Mr. Krapf stated he would discuss this with Mr. Murphy and report back to the full Commission.

Mr. Henderson added to the list of requests for information, the feasibility study of the airport.

Mr. Peck stated the Policy Committee had some recommendations with regards to the bylaws. It was suggested that the Policy Committee work on these and refine the language. He asked for the Commission's input.

Mr. Krapf stated that this might be beneficial for the Policy Committee to review and make recommendations to the full Commission.

The Commission agreed.

Mr. Fraley suggested a special meeting or another date since the CIP discussions are on the agenda for the next two meetings. Mr. Fraley commented that staff is heavily involved in the Comprehensive Plan update, and they are also operating with a smaller number of positions. He wanted to the Commission to keep this in consideration that the Comprehensive Plan update and the CIP process is very time consuming.

Ms. Kratter asked for all prior communications for her review.

Mr. Kinsman stated he would provide the information.

Mr. Poole expressed his concerns over Commissioners being actively involved with a local political party.

Mr. Peck stated that this will be addressed by the Policy Committee.

Mr. Kinsman stated that Ms. Angela King, Assistant County Attorney, will be assisting the Planning Commission starting at the March meeting.

Mr. Krapf thanked Mr. Kinsman for all his assistance with the Planning Commission.

Mr. Billups asked about the Zoning Ordinance and its alignment with the Comprehensive Plan once it is adopted.

Mr. Murphy stated he anticipated a comprehensive revision of the Zoning Ordinance once the Comprehensive Plan is completed.

Mr. Fraley stated this revision will require every Planning Commissioner to participate.

Mr. Henderson mentioned that the Steering Committee has inquired into creating a new district, Economic Opportunity District. He wanted to know if the Commission wanted to simultaneously look into this as well.

Mr. Fraley stated that this will be addressed by the Steering Committee, but that the Steering Committee has not made any recommendation. He suggested that the Commission will review this when the full report comes before them when the Comprehensive Plan update comes before the Commission.

Mr. Peck stated it may be beneficial to set priorities. This was especially important once the Comprehensive Plan update is completed. Mr. Michael Chandler has offered to come speak on lessons learned when implementing a comprehensive plan.

Mr. Fraley stated staff has provided the Steering Committee documentation from Mr. Chander as to the elements of a comprehensive plan that he believes that should be taken into consideration and should be included. One issue will be assessing the Comprehensive Plan against the resources available to actually implement it. Mr. Fraley stated he will be consulting with Mr. Kennedy, the Chairman of the Board of Supervisors, about resources available to implement the Plan.

Mr. Krapf asked for the full Commission to get a copy of Mr. Chander's report for their review.

8. ADJOURNMENT

Mr. Billups moved to adjourn.

Ms. Kratter seconded the motion.

The meeting was adjourned at 8:15 p.m.

  
Rich Krapf, Chairman

  
Allen J. Murphy, Acting Secretary