

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
February 13, 2013

MEMBERS

Christopher A. Abel
Alexander T. Hamilton
Melissa S. Magowan
Todd H. Mathes
Timothy D. McCulloch
Richard M. Myer, Jr.
Mark B. Suiter

CALL TO ORDER

Chair Richard M. Myer, Jr. called the meeting to order at 7:00 PM.

REMARKS

Chair Myer stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

ROLL CALL

The roll was called and all members were present with the exception of **Ms. Magowan**, who arrived late.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Chair Myer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Hamilton moved to adopt the minutes of the regular meeting of January 9, 2013, and the motion was approved (6:0).

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Timothy Cross, Principal Planner stated the purpose of the meeting is to talk about and take public comment on the draft updated Comprehensive Plan, *Charting the Course to 2035*. He stated that each city and county in Virginia is required to have a comprehensive plan for the physical development of the territory within its jurisdiction and to review it at least once every five years, and that this is the third major update of the Plan that was originally adopted in 1991. He explained that the Comprehensive Plan provides the policy framework for the Zoning Map, Zoning and Subdivision Ordinances, Capital

Improvements Program, and other documents. Mr. Cross stated that the Comprehensive Plan review began slightly more than a year ago and included numerous public meetings and forums, Planning Commission work sessions, and a statistically-valid telephone survey of County residents, and he briefly highlighted some of the changes that have taken place in the County since the last review. He then gave a brief summary of the draft Plan's proposed changes to the Land Use designations as applied to different areas of the County:

- Area between Lightfoot Road and Route 199 east of Richmond Road: Add Mixed Use overlay designation
- Both sides of Reserve Way east of Mooretown Road: Change from Economic Opportunity to Multi-Family Residential
- Both sides of Route 132 between Queen Creek and Bypass Road and south side of Route 132 east of Queen Creek: Change from Economic Opportunity to Conservation
- North side of Bypass Road west of Route 132: Change from Economic Opportunity to General Business and Conservation
- East side of southern I-64/Route 199 interchange: Expand the existing Mixed Use overlay designation to include areas both north and south of Route 199
- North side of the CSX rail spur west of Route 17: Change from Conservation to Multi-Family Residential
- Newport News Waterworks property on Baptist Road: Change from High Density Residential to Conservation
- Newport News Waterworks property on Mays Landing: Change from Medium Density Residential to Conservation
- Newport News Waterworks property on Denbigh Boulevard: Change from General Business and Medium Density Residential to Conservation
- County-owned property behind Charles Brown Park: Change from General Business and High Density Residential to Conservation
- East side of Rte 17 north of Fort Eustis Boulevard: Change from General Business and Medium Density Residential to Mixed Use
- South side of Fort Eustis Boulevard east of Route 17: Change from General Business and Limited Industrial to Mixed Use
- North side of Denbigh Boulevard along the Newport News city line: Change from High Density and General Business with a Mixed Use overlay to Conservation and General Business
- South side of Oriana Road: Change from Low Density Residential to Limited Industrial
- Airport-owned property at the end of Runway 7/25: Change from Conservation to Limited Industrial
- Nature Conservancy property between Seaford Road and Back Creek Road: Change from General Industrial, Limited Industrial, and Low Density Residential to Conservation
- South side of Back Creek Road across from HRSD sewage treatment plant: Change from General Industrial to Low Density Residential
- East side of Goodwin Neck Road north of Seaford Road: Change from General Industrial to Limited Industrial
- End of Commonwealth Drive along the Newport News city line: Change from Economic Opportunity to Mixed Use

Mr. Cross stated that staff recommends the Commission schedule a work session to be held in the East Room at York Hall on Wednesday, February 27, for the purpose of discussing the various citizen and Planning Commission comments on the draft Plan and provide staff with guidance in preparing the second draft of the Plan.

Chair Myer asked the Commissioners if they had any questions for **Mr. Cross**. The Commissioners had no questions.

Chair Myer opened the public hearing.

Anthony Bavuso, 114 Creek Circle, Yorktown, said there is proposed new language in the Plan which states that although the York Point area is designated Conservation in recognition of its environmental constraints, there are several small-lot subdivision lots. Quoting from the draft Plan, he cited language that states that if these lots were to be zoned to match their actual size characteristics, this should not be construed as being inconsistent with the overall policy basis of the Conservation designation. He said he finds this language disturbing because it could open the door to significant growth in this environmentally sensitive area. He said a prominent land developer recently purchased a 95-acre parcel in York Point that could be rezoned to R13 based on the new language in the Plan, thereby allowing three lots per acre. He wondered what the proposed new language means and why it was added, and he urged the Commission to strike it from the Plan.

Don Phillips, 200 Dogwood Court, Yorktown, thanked the Planning Commission and staff for their work on the Comprehensive Plan. He stated the results of the telephone survey should be the guiding principle behind the Plan. He noted that education is the citizens' top priority, according to the survey, and felt it should be addressed in the Plan. In addition, he noted strong citizen support for the maximum build-out population target of 80,000 residents but pointed out that according to the updated build-out study released last September, the estimated maximum build-out population has increased to 89,000 residents because of residential rezonings, or 82,000 when factors such as vacancy and unbuildable land are considered. He said the County should strive to keep the maximum population target as close to 80,000 as possible. He further noted that the proposed increase in land designated Conservation reflects the citizens' desires for open space while also protecting water resources; however, he was concerned about mixed-use development and stated there should be no more areas for mixed use other than those that have already been approved by the Board of Supervisors.

Stephen Romeo, 115 Tides Run, Yorktown, said he supported the proposed Mixed Use overlay designations in the Comprehensive Plan as long as they recognize the commercial development that is already in place. He stated that residences are needed to sustain these developments.

Will Holt, 622 Claire Lane, Newport News, attorney with Kaufman and Canoles, spoke on behalf of his client Cavalier Marquis Investors, LLC, which owns The Marquis center property. He expressed support for the proposed Mixed Use overlay designation at the I-64/Route 199 interchange, noting that the possible addition of a residential component to the project could be the missing link that will help the development be completed successfully.

Matt Egger, 8505 Horseshoe Lane, Potomac, Maryland, said he wants the existing Mixed Use overlay designation to remain on the land along the Colonial Parkway that his family has owned since 1951. He gave a brief history of the property, noting that in the 1960s its former rights of access to the Colonial Parkway were eliminated as was its access to Queens Creek Road when land was condemned for the I-64 right-of-way. As a result the only access to the property is on Winchester Road, which is very narrow and runs through undeveloped property owned by Anheuser-Busch. He said the property is suitable for residential development but was rezoned by the Board of Supervisors from Rural Residential to Economic Opportunity in the 1990s. He said it is a desirable location for a master-planned community that could be developed in conjunction with the adjoining Busch property, and he asked that the existing Mixed Use overlay designation remain.

Harold Barton, 109 Sandalwood Lane, Yorktown, said he read the draft Comprehensive Plan on the Planning Division web site and also attended numerous public meetings on the Plan. He opined that much of the language in the Plan, particularly the Economic Development and Land Use elements, does not reflect the public comments and appears to be boilerplate language that can be found in any comprehensive plan. He stated that the Plan should reflect York County's uniqueness.

Ken Hammer, 203 Wharf Row, Yorktown, said the Plan does not reflect the citizen input that he heard at the joint community forums that were held last year. He said the Plan places excessive emphasis on the telephone survey rather than following the opinions of those who took the time and effort to attend the public meetings and educate themselves about the issues. He stated that citizens had expressed a desire at the forums to make the regulatory environment more friendly to business and property owners, and increase opportunities for agriculture, and resist efforts to regionalize land use in accordance with U.N. Agenda 21. He also said the purpose of government is to secure people's rights and not plan their future.

Seth Merritt, 116 Flintlock Road, Williamsburg, thanked the Commission members for their efforts. He stated that he lives in the upper County and he feels the Citizen Input section of the Plan does reflect the concerns of people he has spoken with. He endorsed the proposed bikeway and walkway improvements and felt that providing safe routes to schools should continue to be a priority. Mr. Merritt further stated the Northeast Triangle study recently conducted by the City of Williamsburg is a good example of positive collaboration among localities, and he stated this area has suffered in the past from a lack of coordinated planning.

Mary Ann Cary, 810 Colonial Avenue, expressed her appreciation for the efforts that were made to give citizens input into the Plan. She stated that she supports sidewalks and bikeways, noting that she regularly uses the sidewalk that was recently constructed along Hubbard Lane. She expressed concern about the need to provide opportunities for children with special needs, and she warned against complacency in housing policy, emphasizing the need to be vigilant in addressing housing needs, specifically the elimination of substandard housing.

Kelly Place, 213 and 217 Waller Mill Road, Williamsburg, expressed concern that the proliferation of areas designated for mixed-use development seems contrary to the stated goal of an 80,000-resident maximum build-out population. In addition, he expressed concern about the impact of mixed-use development on the schools, the County budget, and water treatment costs. Lastly, he provided the Commission with a CD titled "Protecting the Source."

Lamont Myers, 107 Two Turkey Run, Yorktown, commended the Commission and staff on their work and stated he was a consultant to Mr. Egger. He expressed support for the Mixed Use overlay designation at the I-64/Route 199 interchange and felt it should apply to the entire area, including Mr. Egger's property. He noted the designation as drawn on the map was deliberately intended to include a piece of that property, so it might as well include the entire parcel.

Joseph Viets, 118 Gnarled Oak Lane, Grafton, said he owns property on Back Creek Road in Seaford that is proposed to be redesignated from General Industrial to Low Density Residential. He stated that although there is one resident who wants the property rezoned for residential development, most of the property owners in the area want it to remain industrial.

Tammy Beaumont, 604 Back Creek Road, Seaford, expressed her opposition to the proposed re-designation of her property from General Industrial to Low Density Residential.

Iike Bramble, 5704 Yewing Way, Gainesville, Virginia, said he and his associate, Dr. Theo Batistas own four parcels on Lightfoot Road and that he supports the proposed Mixed Use overlay designation for their property. He also asked if there could be some consideration for high-density luxury apartments on the property.

Robert Alexander, 615 Cary's Chapel Road, Tabb, opined that the Plan does not reflect the citizen input that he heard at the public meetings. He expressed concern about zoning laws that he feels are excessive and said the draft Plan does not seem to address the need for deregulation. He stated that one solution would be to establish a Mixed Use overlay designation for the entire County that would allow people to use their property as they wish without having to go to the Board of Supervisors for special permission unless the use affects County infrastructure. He stated that there should be something in the Plan to instruct the Board of Supervisors to give the citizens more control over their own property.

There being no one else wishing to speak, **Chair Myer** closed the public hearing.

Mr. Suiter said he would reserve his comments until the work session.

Ms. Magowan said she was grateful for the citizen input because the draft Plan is based on citizen input. She said she is looking forward to the work session.

Mr. Hamilton said he would hold comments until the work session.

Mr. Abel said he would address comments at the work session.

Mr. McCulloch said he had no comments.

Mr. Mathes thanked the citizens for their input.

Chair Myer thanked the citizens for their input and said the Commissioners would go through all the comments at the work session and try to balance the citizens' recommendations with the goal of doing what it is best for the County as a whole.

OLD BUSINESS

Chair Myer said there was no old business.

NEW BUSINESS

Mr. Hamilton moved that the Commission schedule a work session at 7:00 p.m. on Wednesday, February 27th in the East Room at York Hall for the purpose of discussing the Comprehensive Plan.

Yea: (7) Hamilton, Abel, McCulloch, Magowan, Suiter, Mathes, Myer

Nay: (0)

STAFF REPORTS

Mr. Carter referred to the Development Activity Report dated February 13, 2013. Mr. Carter also said here is one application for the March meeting for a Zoning Ordinance text amendment to increase some opportunities for business signage.

COMMITTEE REPORTS

There were no committee reports.

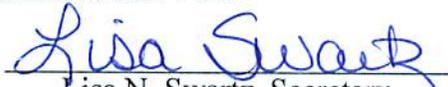
COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

The meeting was adjourned at 8:21 P.M.

SUBMITTED:



Lisa N. Swartz, Secretary

APPROVED:



Richard M. Myer, Jr., Chair

DATE:

3-13-2013