

**YORK COUNTY PLANNING COMMISSION MINUTES EXCERPTS
OCTOBER 18, 2012 THROUGH MAY 8, 2013**

Comprehensive Plan Work Session – October 18, 2012

Mr. Cross discussed the EDA subcommittee proposal to add multi-use to the Marquis shopping area by allowing residential use in this area. He noted the existing issues with the large mixed-use overlay at this Interstate off-ramp, especially with the Egger tracts to the north. He stated that staff is proposing to shift the overlay designation south toward the interchange and create a semicircular mixed-use overlay node on the east side of Interstate-64 that would still encompass a portion of the Egger tract.

Ms. Magowan stated that she was concerned about adding residential development in this area. Mr. Cross said it would need to go before the Planning Commission and the Board before any housing could be developed there.

Mr. Hamilton asked if the new Marquis shopping center owner is planning to add anything new to the development. Mr. Carter answered that there has been some discussion about adding some more retail uses and restaurants to the development. Mr. Hamilton asked if they are proposing residential use. Mr. Carter said he felt the owner would be open to it and added that it could create more of a sense of place.

Mr. Suiter said the existing mixed-use overlay designation is very large. Mr. Cross stated that it does not reflect the actual size, but only provides a general description of the overlay area.

Mr. Hamilton asked if King's Creek Plantation would be affected by the mixed-use overlay. Mr. Carter said no.

Mr. Suiter said the proposed overlay designation makes sense but that he would like to discuss how it exactly would work.

Ms. Magowan said she could see the benefit but would not want to the mixed-use designation to encompass as large an area as shown on the slide.

Mr. Hamilton noted that the Marquis is used as a staging area for emergency response and expressed concern about how the addition of residential development would affect this use.

Mr. McCulloch pointed out that adding housing in this area would increase the build-out population.

Mr. Abel said that he is not happy adding residential use to an existing commercial development, although there is a diminishing supply of vacant land for residential development. He reiterated that the survey said people like the rural character and mixing the residential and commercial uses would not be consistent with that. Also, he stated that adding more people would increase the amount of traffic in the area. He stated that he does not believe housing is appropriate.

Mr. Suiter said that there is some residential development north of Water Country USA, but this proposed mixed-use overlay would be to the northeast side.

Mr. Carter pointed out that bringing the mixed-use overlay designation closer to the interchange would increase the potential for mixed-use development because unlike the Egger tract, the infrastructure is there to support it. He noted that the Comprehensive Plan designations cover a general area and are not meant to be parcel-specific and that the proposal would merely shift the existing overlay designation to the area were the infrastructure could support the development.

Ms. Magowan stated that she would prefer to shift the overlay as proposed.

In response to a question, Mr. Cross explained that the existing mixed-use overlay designation was applied to the Egger tract during the previous Comprehensive Plan review at the request of the Egger family.

Mr. Myer stated that he sees an advantage to adjusting the overlay designation.

Regular Meeting – January 9, 2013

OLD BUSINESS

Chair Myer said he would like to discuss the feedback received regarding the draft update of the Comprehensive Plan. He noted that the Commission has received a letter from a property owner, and he asked Mr. Cross to elaborate.

Mr. Cross stated that the letter was from Mr. Matthew Egger, whose family owns property along the Colonial Parkway that the current Comprehensive Plan designates Economic Opportunity with a Mixed Use overlay, which means it could potentially be appropriate for mixed-use development consisting of residential and commercial uses. He stated that at a work session in October, staff had proposed to redraw the Mixed Use overlay designation to focus more on the area immediately surrounding the Route 199/Interstate 64 interchange, which, has excellent access and is served by public water and sewer. He stated that the Egger property, in contrast, has no public utilities and is in a fairly isolated location at the end of a very narrow mile-long road, Winchester Road. Mr. Cross added that the proposed redrawn Mixed Use node, nevertheless, was deliberately drawn to include a portion of the Egger property so that it would not lose the opportunity for mixed-use development. **Mr. Cross** added that no other comments have been received yet.

Mr. Abel asked if the proposed Mixed Use overlay designation could be all the way to the Colonial Parkway to encompass the entire Egger property.

Mr. Cross responded that it could.

Chair Myer said he is not currently looking for a decision from the Commission on this issue but that it can be revisited at a later date. He noted that the draft Plan was distributed to the Commission in December and he asked the members if they had any significant comments on the Plan at this time.

Comprehensive Plan Work Session – February 27, 2013

Mr. Abel stated that he has not been convinced that an expanded Mixed Use overlay designation should be added to the southern Route 199/I-64 interchange but that if it is, it should not be removed from the Egger property.

Mr. Mathes said he agrees with **Mr. Abel** regarding the Egger property.

Mr. Cross asked if the two Mixed Use overlay designations shown on the map should be extended to include the small area between them.

Mr. Abel responded in the affirmative.

Ms. Magowan noted the various requests to expand opportunities for mixed use developments, which, she stated, means high-density development. **Ms. Magowan** asked why, if an overall goal is to preserve the County's rural character and maintain the 80,000 build-out population target, would the County want more mixed-use development.

Mr. Carter responded that in the case of the Route 199 interchange, the expanded Mixed Use overlay designation was recommended because the best potential for a successful mixed use development would be the area around the interchange. He explained that the Comprehensive Plan designation merely provides an opportunity for a property owner to submit a zoning request, which would still require Planning Commission review and Board of Supervisors approval. **Mr. Carter** said it has always been

staff's opinion that a project in each of the seven mixed-use overlay areas would be too many and not feasible from a market standpoint, but that the designations allow proposals to be considered individually.

Ms. Magowan asked if the recommendation had something to do with sewer and water availability.

Mr. Carter said public sewer and water are available at the interchange area; on the Egger property, the developer would have to address the lack of utilities.

Ms. Magowan said she approves of the proposed change as long as the designation is not removed from the Egger property.

Comprehensive Plan Work Session – April 24, 2013

Chair Myer noted that the Commission had received a letter from Captain Crow, Commanding Officer of Naval Weapons Station Yorktown, expressing concerns about future development that could occur in the areas around the base that might not be compatible with base operations. Based on these concerns, Chair Myer indicated that it might be prudent for the Commission to reconsider the Mixed Use overlay designation in this area.

Ms. Magowan agreed, stating that land use compatibility is a major issue for military bases and that she did not think residential development would be appropriate in proximity to the Naval Weapons Station. She added that the letter expresses concern about the possibility of excessive lighting in proximity to the base, which could have a negative effect on training operations.

Mr. Abel stated that if the federal government has concerns about what might be built on property near the base, then it should purchase the property.

Ms. Magowan stated that the military has no funds for such purchases.

Mr. Suiter noted that even without the Mixed Use overlay designation, there are a lot of permitted uses that could have significant lighting.

Mr. Cross responded that lighting is not the only concern. He stated that trespassing is also a significant concern, particularly with regard to residential development.

Mr. Abel asked if there is a fence around the base.

Ms. Magowan responded that based on her experience, fences are not always an effective deterrent to trespassing on federal facilities.

Chair Myer agreed, noting that there have been problems at other facilities.

Mr. Mathes stated that the rezoning process that would be required for any mixed-use development to be approved provides an opportunity for the Navy to express any concerns it may have with regard to a specific development proposal and for those concerns to be considered by the Planning Commission and the Board of Supervisors and potentially addressed by the developer through modifications to the proposal.

Chair Myer recommended that the issue of compatibility could be addressed with the addition of language specifying that any development in the vicinity of the Naval Weapons Station should take into consideration the needs and concerns of the base.

Mr. Cross noted that there is already such language in the sub-area description for Camp Peary/Cheatham Annex/Naval Weapons Station area.

Regular Meeting – May 8, 2013

OLD BUSINESS

Chair Myer said he was concerned and had questions about the mixed use overlay, he said after meeting with the Navy and the fact that the Navy has reached out to the Planning Commission and staff to share their concerns; Chair Myer is inclined to not using the mixed use. **Chair Myer** asked **Mr. Cross** what the property around Jones Pond is zoned currently.

Mr. Timothy Cross, Principal Planner, said the property around Jones Pond was zoned economic opportunity.

Chair Myer said he went out and looked at the property. The Navy's concern is the unique training that takes place in the Jones Pond area. The Navy had expressed that they had no concern with the property being zoned economic opportunity; their concern is housing being placed on the property. After visiting the property, **Chair Myer** said he cannot envision that property every having a mixed use overlay. Regarding the Egger property, there was discussion about gaining access to the Colonial Parkway but it sounds as if that is not going to happen. **Chair Myer's** opinion is that he no longer supports a mixed use overlay for the two properties.

Ms. Magowan said she has not meet with the Navy yet but she does have concerns regarding the firing of weapons in the area and the safety field that surrounds the property, does that infringe on the properties in question.

Chair Myer said the firing range is actually on the other side of the property.

Ms. Magowan said she would have to defer because she doesn't have enough information yet to make a decision.

Mr. Suiter said he has a meeting with Captain Crow on Friday. **Mr. Suiter** asked what some uses for this piece of property is.

Mr. Cross said the Navy's main concern is the residential component but there are a wide range of uses for this property; retail, tourism, theme park, something that is industrial and hotel are just some of the uses.

Mr. Abel said he meet with Captain Crow and while he is sympathetic to the military needs it would seem that the Navy is limiting the development of a private land owner. The problem is the Egger property which is located by Jones Pond; the Navy doesn't want there training to be distributed by a possible development. The property could be bought or condemned so the military could use it as it wants.

Chair Myer said **Mr. Abel** has a forceful point of view and a couple of his comments were actually more assertions than what was presented to **Chair Myer**. **Chair Myer** would like for each of the Commissioners to have a meeting with the Captain and then come together to have a complete discussion on the matter. **Chair Myer** said according to the by-laws there can be a motion to move this topic to a later date. This could cause a delay in approving the Comprehensive Plan.

Mr. Carter said the opportunity to vote on the Comprehensive Plan will expire at the June meeting. The hope had been to have the discussion today so the staff has time to prepare any changes to the document and still present at the June meeting. **Mr. Carter** said the overlay doesn't convey any automatic rights. The overlay simply provides any opportunity for someone to request a mixed use development under the planned development technique.

Chair Myer said the Commissioners need to meet with the Naval Weapons Station Commanding Officer individually allowing everyone to make an informed decision.

Mr. Carter said the decision needs to be made before the June meeting.

Mr. Suiter asked if they can make changes and approve the Comprehensive Plan at the June meeting.

Mr. Carter said the changes could be made to the Comprehensive Plan and then it could be approved by the Planning Commission at the June meeting.

Mr. McCulloch said it seems to him that the Commission is undoing a decision that had been made at the previous work session.

Chair Myer said new information has come to the Commissioner's attention and since the Navy has reached out to the Commissioners, it is our duty to listen to their concerns and make a group decision.