

APPROVED MINUTES TO THE MARCH 1, 2004 PLANNING COMMISSION MEETING

CASE NO. Z-15-03 & MP-13-03 - Stonehouse Station at Norge

Mr. Arcieri delivered the staff report. Ms. Lou Rowland applied on behalf of Stonehouse Station L.P. to rezone approximately 10.167 acres from B-1 General Business to R-5, Multifamily Residential, with proffers. The site is generally located at **7721 Croaker Road**. This case was deferred at the Planning Commission's February 2004 meeting in order to provide additional info on pedestrian safety and the impact on the school system. Up to 104 apartments are proposed for construction, yielding an overall density of approximately 10.23 units an acre. The site is designated for Moderate Density Residential development on the James City County Comprehensive Plan Land Use Map. The application also requests a Height Limitation Waiver from the Board of Supervisors to allow for the construction of structures which exceed 35 feet in height. Mr. Arcieri summarized the additional info and stated that staff continued to recommend approval contingent upon the agreement between adjacent property owners and the developer as to the proposed shared driveway.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, concurred with the staff report, citing that the primary issues raised previously, specifically safety, crime, and the potential impact to the school system, had been addressed and did not outweigh the benefits of the application, especially in light of the need for affordable housing identified in the Comprehensive Plan. Further, given the slow commercial growth in the Croaker Road area, Mr. Geddy stated that the proposed apartments constituted the most appropriate use of this property.

Mr. Poole opened the public hearing.

Mr. Jack Fitzpatrick, of PO Box 295 Norge, speaking for Stonehouse Homeowner's Association, spoke to the nuisance crimes and trespassing that would be brought by the proposal. He continued to address the problem of Mirror Lakes youth on CSX right of way, focusing on safety concerns, pedestrian safety, and the increased burden on the school system.

Mr. Jeff Nelson, of 94 Meadowcrest, spoke about the danger presented by the railroad tracks to playing children and to questions of upkeep to the apartments.

Mr. George Lee, 3146 Saturn House Road, spoke of the additional burden placed on the schools by this proposal and urged the Planning Commission to recommend to the Board of Supervisors that the Adequate Schools test be adhered to..

Mr. Michael Edwards, 4204 Rose Lane, expressed his concerns as to the effects on property values, safety, and on the burden placed on the school system.

Mr. Tony Dion, 102 Fairmount Drive, expressed his concerns as to public safety, the impact on schools, and the possible burden to taxpayers.

Mr. Jim Brown, 4 Long Leaf Circle, concurred with the previous citizen speakers, stating that this proposal might negatively affect the economy.

Mr. Jim Stam, 104 Woodmont Place, spoke to the economic viability of the proposed location and urged denial of the request.

Mr. Dick Jones, 110 Wilderness Lane, questioned whether the James City County Comprehensive Plan supports the application. He further re-iterated the previous concerns regarding public safety and urged the Planning Commission to recommend denial.

Mr. McCleary clarified the distinction between the Land Use Designation of the site, Moderate Density Residential, and the zoning, General Business.

Mr. Fraley pointed out that the Land Use change on the parcel was from the 1991 update and that subsequent updates have not addressed those changes.

Mr. Kale referred to another recent case where the zoning of a property did not match the current land use designation.

Mr. McCleary pointed out that the zoning designation is the current law while the Comprehensive Plan addresses future uses.

Mr. Sowers provided background information on the 1991 land use plan change and subsequent plan updates, and stated the change for this area was one of several deliberate policy decisions which made the plan inconsistent with the zoning.

Mr. Ray Bruit, 9800 Hit Nest Road, expressed his concern over the increase in proposed housing units in Stonehouse and urged the Planning Commission to further consider the burden on schools and the tax base.

Mr. Poole, seeing no additional speakers, closed the public hearing.

Mr. Kale opened the floor for any response from the applicant.

Mr. Geddy spoke to the expectation that the project pay for itself and pointed out that this housing fits a need outside of that expectation.

Mr. Poole expressed his support of such projects which are also redevelopment plans but stressed his concern that no revenue stream exists to support this application. He voiced his opposition to the case on the basis of fiscal concerns, the additional burden to the schools, the underlying B-1 zoning, and the location.

Mr. Kale expressed his concerns over public safety, specifically regarding the situation of Croaker Road and the proximity of the CSX rail line. He stated he felt the location was wrong for this project at this time; that low-income persons need to be able to walk to other areas, and Croaker Road and the rail line posed hazards. Mr. Kale stated that road and pedestrian facilities need to be provided before this area is developed for residential use. He also seconded Mr. Poole's concerns regarding the additional students that would be added to the school system. After briefly touching on pedestrian safety concerns, Mr. Kale stated that he could not support the application.

Mr. Fraley complimented the applicant and citizens for their dialogue but spoke to the danger posed by Croaker Road to pedestrians and concern for the pace of development. Mr. Fraley cited that the County must respect the Adequate Facilities test and voiced his opposition to the proposal.

Mrs. Wildman agreed with Mr. Fraley's concerns regarding the schools and, though complimenting the applicant on the proposal, could not support the location of moderate density along such high-traffic corridors at this time. Mrs. Wildman credited the quality of the application but cited the problem as being the location of the proposal.

Mr. McCleary pointed out the distinction between affordable and low-cost housing and stressed that the intent of the Comprehensive Plan and the citizen survey data collected strongly supported diversifying and increasing affordable housing opportunities. And while this proposal does not provide an ownership option, it does offer another needed housing option. Mr. McCleary further stated his doubt that the property would be developed as a B-1 use and cautioned against using the Adequate Public Facilities test as a litmus test for development. Citing a need for clarification of the policy, however, Mr. McCleary stated his intent to vote to recommend denial.

Mr. Hunt stated that James City County needs affordable housing but, since the project fails the Adequate Facilities Test, the policy requires further thought.

Mr. Billups reiterated the distinction between low-income housing and affordable housing and stressed that these efforts were targeting entry-level workers and young professionals. He questioned the location of the proposal, though, as potentially unsafe and undesirable to the population that would be served. Mr. Billups questioned how the project would address the problem in the larger context of the County and stressed that this need would be better served by a home-buyer instead of a renter proposal.

Mr. Fraley motioned to recommend denial of the application. Mrs. Wildman seconded the motion.

Mr. Sowers took roll. In a roll call vote the motioned passed 6:1. AYE: Poole, McCleary, Wildman, Fraley, Kale, Billups (6). NAY: Hunt, (1).