

**APPROVED MINUTES OF THE AUGUST 7, 2006 MEETING
OF THE PLANNING COMMISSION**

Z-2-06/MP-3-06/ SUP-19-06 Mason Park

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon Geddy, III has applied to rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development for the construction of a maximum of 15 single family detached dwelling units with an overall density of 1.65 dwelling units per acre. The property is located at 1916 Jamestown Road and is further identified as Parcel No. (1-17) on JCC Tax Map No. (46-4). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff found the proposal generally consistent with the Comprehensive Plan and recommended approval.

Ms. Hughes asked about an existing architectural feature on the site.

Mr. Ribeiro stated that the 1-story house, 1928 Jamestown Road, is listed on the historic survey of James City County but has not been recommended for listing with the National Registry.

Mr. Fraley asked if the applicant has any concerns about the structure.

Mr. Ribeiro stated that there has been no discussion with the applicant concerning the house.

Mr. Obadal asked about the historical value of the home.

Mr. Sowers said the house was identified during an historical structures inventory and was not deemed a potential candidate for inclusion in the National Registry.

Mr. Obadal stated his concern that the Adequate Schools Facilities Chart does not include projected enrollment from approved projects that have not been developed or from by-right uses.

Mr. Sowers stated that review of the Adequate Public Facilities Test schools has been postponed due to the priority of other work programs.

Mr. Obadal asked if the chart currently used could be altered to include the data he requested.

Mr. Sowers said the information Mr. Obadal requested could be included in the current chart but would require a fair amount of staff effort. He also stated that the Adequate Public Facilities Test is a Board of Supervisors Policy and any revisions would require Planning Commission and Board of Supervisors approval.

Mr. Obadal suggested the current test be eliminated and replaced with an opinion from staff on the adequacies of the schools while the current Policy is under review.

Mr. Fraley asked if Mr. Kennedy was a member of the Board of Supervisors when the test was developed.

Mr. Kennedy said the test was developed prior to his tenure. He suggested the School System be involved in determining the adequacy of the facilities.

Mr. Obadal asked the Commission to consider a motion to recommend elimination of the policy to the Board of Supervisors.

Mr. Sowers stated staff has continued use of the test because it is a Board policy. He also stated that the information the Division has provided as been revised in an effort to provide better guidance.

Mr. Fraley suggested asking staff to forward a recommendation to the Board of Supervisors regarding the validity and appropriateness of the test.

Mr. Kennedy stated that adequate public facilities include more than schools and that a review of the policy should also include a determination of how to apply it. He also questioned adding the review of another policy to staff's heavy workload.

Mr. Obadal stated that he was not content with leaving a flawed policy in place and that partial or complete delay of some projects may be necessary until a review is complete.

Mr. Fraley asked Staff to forward to the Board of Supervisors the Commission's concerns about the validity and continued use of the Adequate Public Schools Test and ask for more direction.

Mr. Fraley complimented Mr. Ribeiro for the preparation of his staff report. He suggested that the design capacity and effective capacity for Berkeley Middle School might be transposed in the report.

Ms. Jones stated that the same data for Jamestown might also be incorrect.

Ms. Hughes asked what exceptional environmental features were included in the application.

Mr. Thomas enumerated what he felt were usual environmental protections to include the Powhatan Creek Watershed Management Plan, related proffers, conservation easement, extended buffer, low-impact development design features, and turf management plan.

Ms. Hughes and Mr. Thomas discussed the Environmental Division's up-coming presentation to the Board of Supervisors concerning buffering around the Powhatan Creek Watershed Management Plan.

Mr. Sowers added that the Zoning Ordinance allows for a density bonus for the proposed Green Building Practice's.

Mr. Kennedy asked for the scope of the requirement.

Mr. Sowers stated that the Design Guidelines must be reviewed by the DRC.

Mr. Fraley asked Staff's opinion on locating bio-retention features in the Community Character Corridor Buffer.

Mr. Thomas stated that Staff had no objections.

Mr. Obadal asked if a water feature similar to the one constructed in front of the courthouse could be used to improve the appearance of the basin.

Mr. Thomas stated that the proposed bio-retention basin is similar to the one at the courthouse but is of a smaller scale and deferred to the applicant.

Ms. Hughes asked if evergreens could be used in the basin.

Mr. Thomas said he did not think so and stated that the standard calls for three different types of trees, shrubs, and ground cover.

Mr. Sowers added that the location and design of the drainage features will require DRC approval.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III representing the applicant presented the proposal. He highlighted other projects developed and soon to be developed by the applicant. Mr. Geddy stated that the applicant has researched the architectural structure Ms. Hughes mentioned and determined that it is not eligible for listing in the National Registry.

Ms. Jones asked for more detail on the fiscal impact study.

Mr. Geddy stated that the initial study showing a positive fiscal impact was completed using budget data current at that time. He also stated that since that time newly adopted budget data indicates a slightly negative impact.

Ms. Jones asked Mr. Sowers for clarification of the negative impact given a sales price for the homes in the \$450,000 range.

Mr. Sowers stated that Staff had not been able to follow-up on the report with the Financial Management Services Division. He also stated that \$450,000 is near the break even point and that the amount of the negative impact is within the margin of error.

Mr. Fraley asked Mr. Sowers to verify the break even price.

Ms. Hughes asked for the results of the archaeological survey.

Mr. Geddy stated that five archaeological sites were located with one being potentially eligible for the National Registry. He stated that the applicant would either avoid that area or conduct further analysis.

Ms. Hughes asked for the type of materials on the buildings and garages.

Mr. Geddy answered brick and hardy plank.

Mr. Fraley referred to the applicant's turf management proffer and asked them to consider engaging the Turf Love program for the required studies.

Mr. Dave McGinnis, 3408 Chadsworth Circle, stated his concern with adding additional dwelling units in the county without further analysis of an adequate water supply.

Mr. John Schmerfeld, 128 Jordan's Journey, represented Friends of the Powhatan Creek Watershed. He stated that the plan incorporates key elements of Better Site Design and Low Impact Development. Mr. Schmerfeld expressed concerns about utilities being located within Resource Protection Areas (RPA) and recommended a 300 foot buffer and adequate energy dissipaters for the BMPs.

Mr. Obadal asked if the Friends of Powhatan Creek opposed the project.

Mr. Schmerfeld answered no and stated that their comments were recommendations only.

Mr. Fraley clarified that regarding the 300 foot buffer around the Powhatan Creek mentioned earlier that the Board of Supervisors will hold a work session tomorrow where they will hear comments from staff regarding possible protective measures.

Mr. Fraley asked Mr. Geddy if the 250 foot underground sewer line could cause major contamination if it were to break or become damaged.

Mr. Geddy showed pictures of a sewer bridge similar to the one proposed. He stated that there are 5300 linear feet of sewer bridge in James City County and that the JCSA (James City Service Authority) has not had a problem.

Mr. Hunt asked if it would be forced main or gravity.

Mr. Geddy said it would be gravity.

Mr. Fraley asked for comments on the design of the Energy Dissipation unit.

Mr. Geddy stated that it was intended to meet the Stormwater Criteria and could be redesigned as necessary.

Mr. Fraley confirmed that the applicant would be willing to over-design as necessary.

Mr. Billups asked for the advantages in relation to stormwater of reducing street widths.

Mr. Geddy stated that the decrease in pavement reduces impervious surface.

Mr. Billups asked if it creates addition of building areas.

Mr. Geddy said it allows more open space.

Mr. Billups asked if there will be variances in the sales prices of the homes.

Mr. Geddy stated that the homes would be similar and that variations in price would depend on the options each homeowner chooses.

Hearing no other requests to speak the public hearing was closed.

Ms. Jones stated her concerns about schools overall and the lack of mixed cost housing. She also stated that the positives including location inside the PSA, compliance with the Comprehensive Plan, 150 foot buffer, and exceptional environmental protections outweighed the negatives.

Mr. Hunt stated that he liked the project and would support it.

Mr. Kennedy stated his concerns about schools, fiscal impacts, and water. He also stated that he was pleased with the environmental protections and would support the proposal.

Ms. Hughes stated her pleasure with the use of Better Site Design Principles. She also stated her concerns about the proposed encroachment into the Community Character Corridor and reduced street widths.

Mr. Fraley asked if Bio-retention Basins would be placed in both the Community Character Corridor buffer and the Perimeter Buffer.

Mr. Billups stated that it was a good design that will need some monitoring. He also stated his concerns regarding environmental and school impacts, and lack of affordable housing.

Mr. Obadal stated that although he shared Ms. Hughes' concerns he felt the project was worthwhile and should move forward.

Mr. Fraley complimented the applicant on the project and stated his support.

Mr. Obadal motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

Mr. Fraley and Mr. Sowers clarified the motion. Includes suggestions to provide additional measures to ensure turf management plans are implemented by the HOA and individual lots owners, and that buffer effectiveness and performance not be impaired by the bioretention basins.

In a unanimous roll call vote approval of the application was recommended (7-0). AYE: Billups, Hunt, Obadal, Jones, Hughes, Kennedy, Fraley (7); NAY: (0).