

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

ROLL CALL

A. Joe Poole, III
Peggy Wildman
Jack Fraley
Joseph McCleary
Donald Hunt
Wilford Kale
George Billlups

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
John Horne, Development Manager
Pat Foltz, Development Management Assistant
Sarah Weisiger, Planner

2. MINUTES

Mr. Kale moved to approve the minutes of the April meeting.

Mr. McCleary seconded the motion. The motion passed by a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary, chairman of the DRC, presented the DRC report. The committee heard five cases at its April 28th meeting. The DRC recommended the Planning Commission grant preliminary approval for case SP-035-03, Prime Outlets Phases V-A+B. For cases SP-018-04, New Town Block 8, Phase IB Residential, and SP-027-04, Greensprings Condominiums, the DRC deferred action until their June meeting. Additionally, the DRC granted an overhead utility waiver for case C-050-04, 7456 Little Creek Dam, and ruled that the proposed conceptual layout in C-050-04, Clubhouse Point, was consistent with the overall Stonehouse master plan.

With regard to the Prime Outlet plan, Mr. Kale inquired into whether the plan addressed access issues, specifically if the new plan would solve the current problem of customers using the service roads to access the stores.

Mr. McCleary responded that this problem had been partially addressed in the plan and that additional signage could offer an eventual solution.

Mr. Poole asked if SP-014-04, Action Park of Williamsburg, had been deferred again.

Mr. McCleary stated that staff had been working on this issue and that it had been deferred again.

Ms. Wildman moved to approve the DRC report.

Mr. Hunt seconded. In a unanimous voice vote the Planning Commission adopted the DRC report.

4. PUBLIC HEARING CASES

A. CASE NO. Z-11-03 & MP-12-03 Stonehouse Modifications

Ms. Weisiger stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the June meeting of the Planning Commission in order to resolve outstanding issues concerning the Stonehouse master plan and proffers. Staff concurred with the request.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the June 7th meeting.

B. CASE NO. Z-01-04/MP-02-04 New Town Section 5

Ms. Sarah Weisiger presented the staff report. Mr. Alvin P. Anderson has applied on behalf of New Town Associates, LLC, to amend the master plan and proffers for approximately 8.8 acres currently zoned R-8, Rural Residential with proffers and M-1, Limited Business/Industrial with proffers and to rezone approximately 7.1 acres, currently zoned R-8 with proffers to M-1 with proffers to allow construction of 63,358 square feet of wholesale, warehouse and/or industrial uses. The Comprehensive Plan Land Use Map designates this property for Mixed Use development; the principal suggested uses are a mixture of commercial, office and limited industrial with some residential secondary uses. This property is located at 152 and 155 Tewing Road and is more specifically identified as a portion of Parcels (1-3) and (1-4) on the JCC Real Estate Tax Map No. (38-2). Staff recommended approval of the application.

Mr. McCleary noted that, though the parcel will not be considered as part of New Town if approved, that it will still come before the DRC through the site plan process.

Mr. Poole opened the public hearing.

Mr. Greg Davis, representing the applicant, New Town Associates, gave a short presentation summarizing of the proposal. Mr. Davis spoke to the access of the site, the relation of Section 5 to the overall layout of New Town, and to the topography of the site, specifically dealing with environmental concerns. Mr. Davis stressed that any light industrial or warehouse uses on this property would be screened visually from the remainder of New Town and would preserve the environmentally sensitive features of the site.

Mr. McCleary confirmed the precise dimensions of the developable area on the parcel.

Mr. Kale inquired into an acreage discrepancy between the plan and the listed statistics.

Mr. Davis explained the difference as a result of the inclusion of portions of Sections 3 and 4 of New Town in the calculations.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Leo Rogers if language could be added to future proffers requiring developers to replace scenic buffers if they were destroyed due to accident or a natural disaster.

Mr. Rogers responded that, practically, it would be very difficult for the County to define and enforce such a proffer.

Mr. Hunt concurred with Mr. Rogers.

Mr. Poole voiced his support for the application as a whole.

Mr. McCleary motioned to approve. Ms. Wildman seconded.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

C CASE NO. SUP-130-04 Williamsburg Farms Country Inn

Ms. Weisiger presented the deferral. Mr. Patrick Duffeler has applied for a special use permit to construct and operate a 36-room inn. The site is at **5800 Wessex Hundred Road**, and can be further identified as Parcel (1-10) on James City Real Estate Tax Map (48-4). The property is zoned R-8, Rural

Residential and is designated Low Density Residential on the Comprehensive Plan Land Use Map. The applicant had asked for a deferral to resolve outstanding issues. Staff concurred with his request.

Mr. Hunt asked Ms. Weisiger to elaborate on the nature of the outstanding issues.

Ms. Weisiger responded that VDOT required more detailed traffic analysis.

Mr. Poole opened the public hearing.

Ms. Christine Payne, a resident of the Vineyards, spoke to the traffic issues surrounding the application, specifically that a critical traffic level has been reached on Lake Powell Road.

Mr. Roger Eschelmann, also a resident of the Vineyards, seconded Ms. Payne's concerns over the traffic that will be generated by the inn. Additionally, Mr. Eschelmann raised the issue of public utility burden that will be placed on the infrastructure by this additional proposal.

Hearing no other requests to speak, Mr. Poole deferred the case until the June 7th meeting.

Mr. Sowers offered the assistance of the Planning Division staff to help answer the citizens' questions.

Mr. Billups suggested setting up meetings with neighborhoods potentially affected by this application.

D. CASE NO. SUP-12-04 Hogan Daycare

Ms. Weisiger presented the staff report. Ms. Catherine Hogan has applied for a special use permit amendment for the continued operation of a child day care center at 233 Nina Lane. The existing special use permit for the day care expires on July 10, 2004 and must be renewed. The property is zoned R-2, General Residential and is more specifically identified as Parcel No. (3-203) on JCC Tax Map No. (23-4). The parcel is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Staff recommended approval of the renewal of the special use permit.

Mr. Billups asked if the application conforms to the state regulations for daycare facilities.

Ms. Weisiger responded that the Hogans have a state license to operate a day care.

Mr. Poole opened the public hearing.

Mr. John Hogan, the applicant, delivered a short presentation, stressing that the business has yet to receive a complaint or negative response from the residents of Kristiansand. Mr. Hogan also responded to Mr. Billups's question, responding that the daycare operates well within state standards and routinely passes state inspections.

Mr. McCleary inquired into the possibility of Mr. Hogan's moving to another home and how that eventuality would affect the daycare.

Mr. Hogan responded that, if he were to move, that he would relocate to another neighbourhood. He and his family are currently investigating options.

Mr. Kale inquired if, at any point, the daycare had reached its care capacity.

Mr. Hogan responded that it currently operates at capacity.

Ms. Cindy Hogan of 208 Bruton Drive, spoke to the overall quality and benefits offered by the Daycare Center. She voiced her support for the renewal application.

Mr. Poole closed the public hearing.

Mr. Kale moved to approve the application. Ms. Wildman seconded.

Ms. Wildman thanked the Hogans for their quality daycare work and voiced her support for their application. Ms. Wildman also credited the Policy Committee for crafting an effective policy.

Mr. Poole voiced his support for the application.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

E. CASE NO. SUP-14-04 4311 John Tyler Highway Monopole Tower.

Ms. Weisiger presented the deferral. Mr. Nathan Holland has applied on behalf of Omnipoint Communications for a special use permit to add a 38-foot extension to an existing 112-foot tall communications tower. The site is at 4311 John Tyler Highway, and can be further identified as Parcel (1-20) on James City Real Estate Tax Map (46-2). The property is zoned R-8, Rural Residential District, and is designated as Low Density Residential on the Comprehensive Plan Land Use Map. The applicant requested a deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the June 7th meeting.

5. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted the next meeting of the Builders by the Bay roundtable meeting on Friday, May 7, and the Board of Supervisors worksession, where staff, Planning Commissioners, and the Supervisors discussed the Adequate Public Facilities test.

Mr. Poole asked for the number of people in attendance at the Builders by the Bay meetings.

Mr. McCleary responded that about seventy-five people typically attended.

Mr. Poole addressed the Adequate Public Facilities test worksession. He found the previous discussion very helpful in forming an eventual policy, and stressed the value of the Adequate Schools Facility as an analysis tool rather than a pass or fail test.

Mr. McCleary stressed that each case must be reviewed on its overall merits and cannot be judged on a single criteria.

Mr. Poole addressed the necessity for new facilities to be coordinated with public need.

Mr. Hunt spoke to the negative media portrayal of school trailers and spoke to the quality and comfort provided by the facilities.

Mr. Kale voiced his concern that the Planning Commission not have a "compound effect" on the current generation of schoolchildren, and that a more insightful analysis of projects in the pipeline would give us a more accurate idea of the future enrolment trends.

Mr. McCleary supported Mr. Kale's concern that these projects be further analyzed.

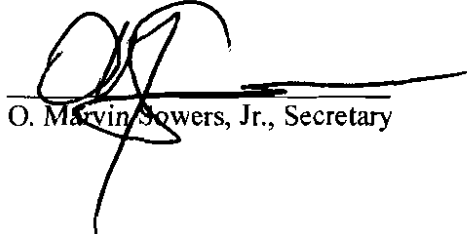
Mr. Billups stressed the distinction between program capacity and physical capacity, and the possibility that future schools be better designed according to intended educational programs.

Mr. Fraley stated that he will closely monitor these statistics, as public sentiment feels very strongly about the issue.

6. ADJOURNMENT

There being no further business, the May 3, 2004, meeting of the Planning Commission was adjourned at approximately 8:00 p.m.


A. Joe Pools, III, Chairman


O. Marvin Sowers, Jr., Secretary