

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTEENTH DAY OF AUGUST, 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.

1. ROLL CALL

A. Joe Poole, III
George Billups
Jack Fraley
Donald Hunt
Joseph McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, County Attorney
Mike Drewry, Assistant County Attorney
O. Marvin Sowers, Jr., Planning Director
Pat Foltz, Development Management Assistant
Ellen Cook, Planner
Matthew Arcieri, Planner
Jeremy Vaughn, Law Clerk

2. MINUTES

Mr. Poole proposed adding to the DRC report the phrase "as Chairman of the DRC," so that Mr. McCleary's response read "And, Mr. McCleary, as Chairman of the DRC, responded..." on the first page.

Mr. McCleary motioned to approve the minutes with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard three cases at its July 28th meeting. The DRC recommended approval for C-085-04, 10101 Sycamore Landing Road Overhead Utility Wavier, and SP-059-04, Norge Neighborhood. The DRC recommended deferral for S-059-04, Greensprings West, Phase 6.

In a separate meeting to review an expedited review case, SP-088-04, Wal-Mart Distribution Center Phase 3, the DRC recommended approval.

Mr. McCleary further explained the criteria for selecting a case for expedited review and the procedures involved.

In a unanimous voice vote the Commission approved the minutes with corrections.

B. OTHER COMMITTEE REPORTS

Mr. McCleary updated the Planning Commission as to the progress of the Five Forks Area Study committee. The object of the committee is to generate a set of development principles for the Five Forks area. Mr. McCleary credited staff members Ellen Cook and Matt Arcieri for their capable work during the process.

4. PUBLIC HEARINGS

A. CASE NO. SUP-14-04 John Tyler Monopole Tower

Ms. Ellen Cook presented the indefinite deferral. Mr. Nathan Holland of T-Mobile, the applicant, has requested indefinite deferral of the case. Staff agrees with the applicant's request.

Mr. Sowers assured the committee that, should this case be resubmitted, that it will be re-advertised.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole indefinitely deferred the case.

B. CASE NO. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Cook presented the deferral request. The applicant, Mr. Alvin Anderson of Kaufman and Canoles, has requested that the Planning Commission defer the case in order to work out several outstanding issues. Staff concurs with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13th meeting.

C. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Cook presented the deferral request. The applicant, Mr. James Bennett of AES Consulting Engineers, has requested deferral of this case to resolve several outstanding issues. Staff concurs with request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13th meeting.

D. CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage.

Mr. Arcieri presented the deferral request. The applicant, Ms. Jeannette Brady, has requested a deferral of the case so that the current Five Forks Area Study process can come to completion. Staff concurs with the applicant's request.

Mr. McCleary commended the applicant for the agreeing to work within the County's process.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13th meeting.

E. CASE NO. Z-05-04 / MP-05-04 / MP-08-04 New Town Section 3 & 6

Mr. Arcieri presented the deferral request. Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles has applied on behalf of New Town Associates, LLC, to rezone approximately 69.2 acres of land in Section 3&6 that is currently zoned R-8, Rural Residential with proffers to MU, Mixed Used with proffers. The applicant has requested deferral to allow time to resolve outstanding issues. Staff concurs with the request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13th meeting.

F. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri presented the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommends approval of the application.

Mr. Fraley asked staff if the James City Service Authority had approved the proposed water connection into the main line.

Mr. Duffeler responded that the Service Authority had approved the proposed connection. Further, James City County Fire Department suggested the creation of a water “loop” for emergency situations.

Mr. Fraley asked if the water plan would affect service to neighboring subdivisions.

Mr. Duffeler responded that he was assured that this loop would not affect that water supply.

Mr. Arcieri stated that the use of a “loop” would actually improve overall water service.

Mr. Billups asked, besides the Williamsburg Winery, what other large landowners were located in the immediate area.

Mr. Geddy responded that the Winery was the largest landowner in the immediate area and mentioned the airport, the Williamsburg Land Conservancy, and Gospel Spreading Farms as the other large landowners.

Mr. Billups asked if there were any plans for another hotel.

Mr. Duffeler responded that there were no projects for future hotels or commercial uses.

Mr. Fraley asked if there were any other plans on the original concept plan for the property that would be pending in the future.

Mr. Hunt asked if there were any plan to renovate or expand the Winery.

Mr. Duffeler responded that the overall development plan for the Winery was essentially completed with the exception of the hotel, which had been planned to be built earlier but the timetable has moved it up to now.

Mr. Billups asked whether any plans existed to extend or further expand the Vineyards subdivision.

Mr. Geddy responded that there were no other plans other than the plan brought forward at the July meeting for the AFD withdrawal.

Mr. Billups asked if there were any plans or policies in place addressing land-locked parcels or conservations easements.

Mr. Arcieri responded that there were policies in place contained in the Subdivision Ordinance.

Mr. Poole stated that, while he supported the plan conceptually, that he could not support the application without seeing a master plan for the property placing the winery in a context.

Mr. McCleary asked Mr. Sowers that, if the SUP is approved, whether the site plan would come before the DRC.

Mr. Sowers responded that the case would go to the DRC.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, emphasized the SUP condition designed to control noise. He also introduced Mr. Dexter Williams, the traffic consultant for the case, who made himself available to answer any questions from the commission.

Mr. McCleary asked if VDOT standards, which utilize a level of service scale ranging from "A" to "E," could be applied to the traffic data presented for Lake Powell Road.

Mr. Williams explained the basis of the traffic study and stated that the data, when converted to the VDOT grading scale, achieved an "A" level of service ("A" being the highest), and that the capacity of the road could absorb additional trips and still provide that level of service.

Mr. Robert Vold of the Vineyards recounted that, when he moved to the area, he had been told that the area of the winery would remain undeveloped in perpetuity. He expressed his concerns about traffic and noise.

Ms. Christine Payne of the Vineyards related her own research and conversations with VDOT with regard to the traffic issue. She pointed out that, though the application limited the size of events to be held at the Winery, that the addition of the Inn would prompt a more frequent event schedule, thus worsening traffic and noise levels. She expressed her opposition to the case.

Mr. McCleary asked if the applicant wished to respond to the citizen comments.

Mr. Geddy stated that the condition limiting large events does not pertain the Inn itself, but rather to the Winery as a whole, which in the past has hosted regularly scheduled large events. If this application is approved, would limit the size of these events in the future.

Mr. Poole closed the public hearing.

Mr. Poole asked Mr. Geddy to clarify the location of the proposed entrance to the inn.

Mr. Geddy indicated the entrance on the map.

Mr. Poole confirmed that this entrance point would not directly affect the adjacent property owners and residents of the Vineyards subdivision.

Mr. Poole expressed his confidence that Mr. Duffeler would satisfy the conditions of Gabriel Archer Tavern SUP by the deadline.

Mr. Geddy stated that applicant would satisfy these deadlines.

Mr. McCleary asked if Mr. Duffeler would be eliminating the larger events, such as the Scottish and Italian festivals, typically held at the Winery.

Mr. Duffeler responded that this was a voluntary decision on his part to limit the size of future events held at the winery.

Mr. McCleary asked if the applicant agreed with the proposed conditions of the application.

Mr. Duffeler responded that he was in agreement.

Mr. Geddy stressed that, though the application was only now coming forward, that the plan for the Winery included that addition of an inn, and that the inn was the final component of that overall plan to be brought before the commission.

Mr. Poole asked Mr. Geddy to summarize the issues discussed by citizens at a recent neighborhood meeting.

Mr. Geddy responded that a wide range of issues, such as traffic and noise, had been discussed at the meeting.

Mr. Hunt commended Mr. Duffeler for bringing the application before the Commission.

Mr. McCleary expressed his support for the application but that he was sympathetic to the concerns of adjacent property owners.

Mr. Hunt observed, from personal experience, that the level of service on Lake Powell Road was currently very good and that he did not think the proposed inn would significantly decrease the service level of the road.

Mr. Fraley expressed his support for the application and recommended that a master plan be included with the site plan.

Mr. Billups expressed his concern that this application would possibly open the surrounding farmland to more intense development and that the County should follow the Comprehensive Plan. He stated that he supported the application.

Ms. Wildman stated that she was comfortable with the application.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 4:2; AYE: (4) Wildman, McCleary, Fraley, Hunt; NAY: (2) Poole, Billups; Not Present: Kale.

G. CASE NO. Z-04-04/MP-04-04 Ironbound Village Proffer Amendment.

Ms. Cook presented the staff report. Mr. James Peters of AES Engineering has applied on behalf of Cutting Edge Development, L.L.C. and George S. Hankins Jr. & Howard B. Hankins to amend the master plan and proffers for approximately 1.4 acres at 5300, 5304, 5320, 5324, and 5340 Palmer Lane currently zoned MU, Mixed Use with proffers. The applicant has proposed to amend the Master Plan by replacing approximately 4,500 square feet of office space with a parking lot, and to update and modify proffers related to development phasing, landscaping and the owners association. No additional residential units are proposed. The property is also known as parcels (13-1a), (13-2B), (13-3), (13-4), and (13-1b) on JCC Tax Map (39-1). The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Staff recommends approval of the application.

Mr. Billups asked if County offices would be included in the development.

Ms. Cook responded that they would.

Mr. Sowers stated that the application also constituted a business “incubator” to help new small business.

Mr. Poole opened the public hearing.

Mr. John Gilliken of 5359 Palmer Lane stated that he did not fully understand the application and asked for more information.

Mr. Bernie Farmer expanded on the proposed office uses. County administrative offices, including Community Services, Youth Services, and Neighborhood Connections would be moved into the offices. Mr. Farmer stressed that the possibility of the County moving into these offices was not planned during the initial consideration of Ironbound Village.

Mr. Poole assured Mr. Gilligan that the County would be very good tenants of the buildings.

Mr. Billups asked if the application replaced public residential units with commercial property.

Mr. Farmer responded that the residential unit count would be reduced.

Mr. Mike Drewry, Assistant County Attorney, related to the Commission that the Board had approved the contract. The application saves County money by removing the need for a new building to house County offices. He also assured the committee that, before closing on the property, the agreements for maintenance and parking lots would be made.

Mr. Billups asked to what extent adjacent residents had been involved in the deliberations for this property.

Mr. Drewry responded that the County had primarily worked with commercial property owners in this matter, but that the homeowner's association was the only body capable of changing the covenants.

Mr. Billups asked how considerations for Ironbound Square and Palmer Lane were being incorporated into the County move.

Mr. Drewry clarified that Ironbound Village was once owned by the Palmer family. He responded that the County proposition only applied to the five commercial lots. Ironbound Square, located further to the south, is a separate project, despite the County involvement.

Mr. Billups asked if low-income homes could be substituted for the commercial property in Ironbound Village.

Mr. Drewry responded that the County was taking advantage of existing shell buildings. Amending the master plan to allow new low-income homes was possible, but the County had been working to revitalize the area through the move. He added that the residents of the area seemed excited by the County's possible move.

Mr. Billups responded that revitalization was a worthy goal but that the government should pay more attention to the needs of low-income housing.

Mr. Poole spoke to the overall effect of the area revitalization. More affordable units were available on Palmer Lane and adding three or four more units would be tough to work.

Missy Gilliken, 5359 Palmer Lane, asked if the amendment to the parking lot was really necessary. She also asked as to the status of the completion of the streets and signs of the development.

Mr. Drewry stated that the County was aware of the problems mentioned by Ms. Gilliken and stated that the County was trying to ensure the completion of the parking area, the completion of Palmer Lane, streetlights, street signs, and stormwater management through the eventual contract.

Mr. Hunt stated that he was not sure how much more the street could be lit and confirmed that the citizen did not have any objections to the lighting of the parking lot.

Ms. Gilliken responded that she would be in favor of lighting the parking lot.

Mr. Drewry assured Ms. Gilliken that the County was conscious of these concerns.

Robert Barlow of Lot 20, Palmer Lane, asked why the conservation easement to the east of Palmer Lane jutted so far into his property. He urged the Commission to look more deeply into the overall zoning.

Mr. Poole referred Mr. Barlow to staff for assistance in that matter.

Mr. Hunt recommended that Mr. Barlow look more closely into legal processes for changing that easement.

Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Drewry if the proposed townhouses had been amended in this application.

Mr. Drewry responded that only the apartments that were proposed in commercial buildings had been removed.

Mr. Fraley asked if the Board of Supervisors had adopted a resolution to acquire the five parcels.

Mr. Rogers responded that the Board of Supervisors had authorized the acquisition.

Mr. Fraley stated that, to him, the application required the Commission to consider only the 4500 feet of commercial space.

Mr. McCleary stated that the developer's inability to find tenants for the proposed office buildings slowed the overall development of the neighborhood. The acquisition of this new commercial space would actually accelerate the completion of amenities to the entire subdivision. He expressed his support for the rezoning.

Mr. Poole expressed his support for the rezoning, though he was sensitive to issues of affordable housing.

Ms. Wildman added her support to the rezoning and thought that the County could use that extra space to relocate some of its offices.

Mr. McCleary moved to approve the application.

Mr. Fraley seconded the motion.

Mr. Billups confirmed that the voting on the application would be limited to the five affected parcels.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

G. CASE NO. SO-002-04 Subdivision Ordinance Amendment - Utility Inspection Fee

Mr. Jeremy Vaughn presented the staff report. The application proposes an amendment to Section 19-15(2), Fees; and Section 19-62, Inspection of Public Water and Sewer Systems: to change the time for collecting the JCSA utility inspection fee imposed pursuant to Virginia Code §15.2-5136 from the issuance of the land disturbance permit to the issuance of the certificate to construct. There is no change in the amount of the fee assessed.

Mr. Hunt confirmed that this streamlines the processes.

Mr. Vaughn confirmed that it did.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. McCleary moved to approve the amendment.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

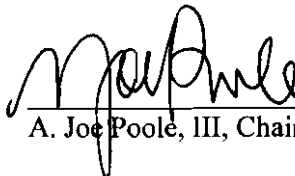
5. PLANNING DIRECTOR'S REPORT

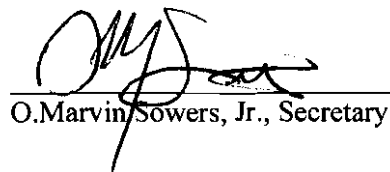
Mr. Sowers highlighted Mr. Rogers' appointment to the post of County Attorney. He also informed the Commission that Senior Planner Tammy Rosario had returned from maternity leave. Mr. Sowers welcomed Mr. Scott Whyte, the new landscape planner, to the James City County staff. Finally, Mr. Sowers proposed a second meeting date, September 15, for the September Planning Commission should September 13th meeting run over.

Mr. Poole confirmed that the alternate date would work for the other commissioners.

7. ADJOURNMENT

There being no further business, the August 16, 2004, meeting of the Planning Commission was recessed at approximately 8:58 p.m.


A. Joe Poole, III, Chairman


O. Marvin Sowers, Jr., Secretary