

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

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| 1. <u>ROLL CALL</u>
A. Joe Poole, III
Joe McCleary
Donald Hunt
Jack Fraley
Wilford Kale
George Billups | <u>ALSO PRESENT</u>
John Horne, Development Manager
Mike Drewry, Assistant County Attorney
Marvin Sowers, Planning Director
Christopher Johnson, Senior Planner
Karen Drake, Senior Planner
Matt Arcieri, Planner
Pat Foltz, Development Management Assistant |
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Mr. Poole gave a short presentation honoring the service of Planning Commissioner Ms. Peggy Wildman and presented her with a plaque.

2. MINUTES FOR NOVEMBER 1

Mr. McCleary noted that the address for Mr. David Fuss should be noted as “Chelmsford” way.

Mr. Fraley noted a typographical error in the minutes on page nine.

Mr. Poole suggested a change from “stressed” to “stated” in his comments on the Baylands case.

Mr. McCleary moved approval of the minutes as amended.

Mr. Fraley seconded the motion.

The commission approved the minutes for the November meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary presented the DRC report. The DRC heard six cases at its December 1st meeting. The DRC recommended approval subject to agency comments for the following cases: SP-110-04. Christian Life Center Expansion, Phase 1, S-80-04. Williamsburg Winery, SP-121-04. Williamsburg Crossing, Parcel 23, SP-127-04. New Town, Phase One Retail. The DRC recommended deferral for S-091-04, Marywood Subdivision. Additionally, the DRC found C-128-04. Greensprings Trailhead Parking in accordance with the Comprehensive Plan.

Mr. Kale moved approval of the DRC report.

Mr. Hunt seconded the motion.

The commission approved the DRC report for the November meeting with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Kale delivered a short presentation summarizing the recent meeting of the Policy Committee. The Policy Committee discussed two ordinance amendments affecting New Town, specifically the provision to allow fast food restaurants and to permit accessory apartments in residential dwellings. Mr. Kale stated that the Policy Committee would meet again with Mr. John McCann of New Town Associates to discuss these issues next month.

4. PUBLIC HEARINGS

A. CASE NO. SUP-23-04 Action Park of Williamsburg

Mr. Arcieri delivered the withdrawal request. Mr. Bob Miller of Action Park requested withdrawal of his special use permit application. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Seeing no other speakers, Mr. Poole closed the public hearing and accepted the application's withdrawal.

B. CASE NO. Z-10-04 112 Ingram Road Rezoning

Mr. Arcieri delivered the indefinite deferral request. Mr. Scott Evans of Scott Evans, Inc. requested the Planning Commission indefinitely defer the case. Staff concurred with the applicant's request.

Mr. Poole credited the applicant for working with the County on this case.

Mr. Poole indefinitely deferred the case.

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

Ms. Karen Drake presented the staff report. Mr. Richard Costello of AES Consulting Engineers, on behalf of Noland Properties, applied for a rezoning of 53.24 acres located at 6601 Richmond Road from B-1, General Business with Proffers, to MU,

Mixed Use. The parcel is further identified as parcel (1-35) on James City County Tax Map (24-3). The plan proposes a mix of uses including a maximum of 144,800 square feet of commercial space on 13.5 acres along Richmond Road and a maximum of 244 multi-family residential units on the remaining 38.5 acres with a gross residential density of 6.3 units per acre. Staff recommends approval.

Mr. McCleary asked if the housing units will be “for sale” or “for rent.”

Ms. Drake affirmed that the units would be for sale.

Mr. McCleary asked if there were any limitations to keep someone from buying one and renting it out.

Ms. Drake confirmed that plan included provisions to control rental of units.

Mr. McCleary asked if the development would be seen as an improvement over the surrounding area.

Ms. Drake deferred to the applicant.

Mr. McCleary questioned the workings of the conceptual plan review proffer and asked when a conceptual plan would be submitted to for review.

Ms. Drake presented the commission with a sketch of the proposed development and confirmed that future conceptual plans connected to the case would be presented to the director of planning.

Mr. McCleary asked if the buffers would connect to each other.

Mr. Billups asked why James City Service Authority had not approved the plan.

A discussion ensued as to the process for review and potential future steps.

Mr. Poole opened the public hearing.

Mr. Rich Costello, the applicant, introduced himself, gave a short presentation on the application, and made himself and other members of the development team available for questions.

Mr. Vernon Geddy gave a short presentation as to the details of the plan and made himself available for questions.

Mr. Kale questioned the plan in terms of only having one entrance and asked the applicant if they had held discussions with others involving more than one entrance.

Mr. Geddy pointed to potential access easements reserved within the plan but pointed to the lack of feasible options at this time.

Mr. Costello stated that the single entrance located on four-lane divided road.

Mr. Kale asked about the internal traffic patterns approaching the access and if Mr. Costello had considered or tried to negotiate an additional entrance.

Mr. Poole stated that he believed the Noland Company would retain ownership over the commercial site and turn over the residential portion to a homeowners' association or similar body.

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

Mr. Kale stated that he believed the current plan is much improved and that, while he disagreed with adding more schoolchildren, he believed there were enough advantages to outweigh that concern. He urged Noland to pursue an alternate emergency vehicle access but stated his support for the plan.

Mr. Fraley stated that his concerns for this application had been addressed and that he supported the application and the benefits the project would bring.

Mr. Hunt stated his support for the application.

Mr. Poole stated that he was eager to see the redevelopment of the site but that he was not prepared to support the application due to the high ratio of residential development.

Mr. Billups stated his concerns over the 70% buildout required to trigger the future traffic study. He asked if the term "borderline" could be further clarified, if more information could be provided on water issues, and if the school redistricting could be realistically projected by the Planning Commission.

Mr. Fraley pointed out that the application passes the Adequate Public Facilities test for elementary schools and that he did not share any of the objections based on the information provided.

Mr. Billups asked where water issues connected to the case would be further examined.

Mr. McCleary stated that the DRC would review this plan for compliance with zoning and agency requirements.

Mr. Sowers stated that issues such as fire flow and pressure would be examined as part of the site plan review process.

Mr. Fraley stated that he was pleased with the clarification given to the traffic numbers and asked Mr. Costello to clarify some of the questions presented.

Mr. Costello stated that, while no final drawings had been completed, he was sure that adequate fire flow was available to protect the buildings. As for traffic, Mr. Costello stated that, when 70% of the development has been permitted, a traffic study would be completed to verify the need for further improvements.

Mr. Hunt stated that the current signal location of Richmond Road would ensure regular intervals for access onto the road, thus not requiring a new signal.

Mr. Costello stated that the County did have the ability to require a signal addition if the traffic study dictated it.

Mr. Hunt moved approval of the application.

Mr. Fraley seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-1: AYE (5) McCleary, Fraley, Hunt, Kale, Billups. NO (1) – Poole.

D. CASE NO. Z-12-04/SUP-29-04 JCSEA, Cardinal Acres Duplex

Mr. Johnson presented the staff report. Mr. Mike Putt applied for a rezoning and special use permit for 0.46 acres of land located at 1899 Jamestown Road. The parcel is to be rezoned from R-8, Rural Residential, to R-2, General Residential with proffers. The parcel is further identified as parcel (1-3) on James City County Tax Map (46-1). The application proposes a two-family dwelling. Staff recommended approval of the case.

Mr. Poole opened the public hearing.

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

Mr. Hunt moved approval of the case.

Mr. Kale seconded the motion.

Mr. McCleary credited the applicant for his use of in-fill property.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

E. CASE NO. SUP-27-04 Williamsburg Community Chapel Expansion

Mr. Johnson presented the staff report. Mr. John A. Rhebergen of Gossen Livingston Associates, Inc., applied for a special use permit to expand the church currently located at 3899 John Tyler Highway. The parcel is further identified as parcel (1-2A) on James City County Tax Map (46-1). Staff recommended approval of the case.

Mr. McCleary recommended that the DRC not receive the site plan due to their previous review of the first site plan.

Mr. Poole asked Mr. Johnson as to how the expansion would affect the surrounding land uses.

Mr. Johnson deferred to the applicant on the matter.

Mr. Kale remarked that the traffic plan presented would present a unique problem to drivers and requested a way to clarify traffic flow at the “right in right out” parking lot.

Mr. Johnson stated that the issue would be best addressed during the site plan process but that there were many ways to make left turns prohibitive from a site design standpoint.

Mr. McCleary added that safety and environment were the two main issues concerning the DRC.

Mr. Poole opened the public hearing.

Mr. David Otey of the Williamsburg Community Chapel stated that the church would hold Sunday school classes but that there would not be a functioning school on site, in compliance with condition seven.

Mr. Ken Sobsilurgen showed the intended configuration of the parking lot. He also showed sketches of the intended buildings and stated that the major entrance to the facility would be in the rear of the property.

Mr. Poole asked how the design of the building related to the surrounding residential uses.

Mr. Campbell, administrator for the church, stated that the church enjoyed a good relationship with adjacent property owners and that he did not see any evidence that the expansion would adversely impact surrounding uses.

Mr. McCleary added that the side access routes between the church and the school had been added to provide for potential school evacuations.

Mr. Kale moved approval of the application and stated his support for the application.

Mr. McCleary seconded the motion and also stated his support for the application.

Mr. Poole stated that he appreciated the conditions and stated his support for the case.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

F. CASE NO. SUP-30-04 JCSA Riverview Plantation Water System Improvements

Mr. Johnson presented the staff report. Mr. Larry Foster of James City Service Authority applied for a special use permit to allow the installation of approximately 8,000 linear feet of 8-inch water lines to serve Riverview Plantation. The water main would connect to an existing water main at the intersection of Beech Road and Wrenfield Drive in the Wexford Hills subdivision, proceed in a northerly direction along the west side of Newman Road and in an easterly direction along the north side of Riverview Road to the intersection of Greenway Drive and Riverview Plantation Drive in the Riverview Plantation subdivision. Staff recommended approval of the application.

Mr. McCleary asked if extending the water line had been presented as the only alternative.

Mr. Johnson deferred the questions to Mr. Foster, the applicant.

Mr. Larry Foster, the applicant, stated that the aquifer underlying Riverview Plantation was not producing enough water to serve the subdivision. Extending a new water line is the most cost effective alternative to remedy the situation.

Mr. Billups asked if James City County operated the current water system.

Mr. Foster confirmed that JCSA operated the current water system.

Mr. Kale asked if a BOS resolution prohibiting additional hookups would hold up under legal scrutiny.

Mr. Mike Drewry stated that any new development would have to undergo a similar application process and that, while the question would require more research, he believed that a resolution would be legally defensible.

Mr. Sowers added that, in previous instances of extending water lines beyond the Primary Service Area (PSA), applications to connect outside the PSA had been denied by the County.

Mr. Hunt stated that, while adjacent property owners would have the right to develop their properties under the current ordinance, they would not have the right to demand service.

Mr. Kale questioned if recommending approval to the application would encourage future Boards to expand the PSA.

Mr. Foster stated that current water use levels would prevent JCSA from supporting for any large-scale development of the area around Riverside plantation.

Mr. Poole opened the public hearing.

Ms. Nancy MacNelly, 203 Riverview Drive, spoke on behalf of the Riverview Plantation Homeowners Association. She stated that Riverview had been ordered more than once to not use the water due to contamination. Residents contributed to purchase the water system so that it could be dedicated to JCSA and are prepared to also contribute to capital improvements.

Mr. Jerry Long, 8265 Wrenfield Drive, spoke on behalf of the Wexford Hills Homeowners Association and commended Mr. Foster for his work to repair the water situation. He empathized with the Riverview Plantation residents but also stated his concerns for the future of water service as a result of this application.

Ms. Pat Beck, 8251 Wrenfield Drive stated that she and the Wexford Hills directors had been verbally assured that this new water main would not decrease water service or quality. She requested a written statement guaranteeing this eventuality.

Mr. Kale asked Ms. Beck how many lots in Wexford Hills were currently occupied.

Ms. Beck responded that 33 were occupied and that 60 had been sold.

Mr. Albert Beck of 8251 Wrenfield Drive asked if another well would be drilled and expressed his concern for future water quality.

Mr. Rich Costello, 10020 Sycamore Road, verified that no other applications to extend waterlines past the PSA boundary had been successful.

Mr. Poole closed the public hearing.

Mr. Kale asked Mr. Foster if the James City Service Authority had any doubts about this application affecting future water quality.

Mr. Foster affirmed that JCSA could ensure a continued high level of service.

Mr. McCleary stated his support for the application. He moved approval of the application.

Mr. Kale seconded the motion.

Mr. Fraley asked if the County could offer any more guarantees to the residents of Wexford Hills to ensure the quality of their water service.

Mr. Fraley asked if the Board of Directors of the James City Service Authority would ensure the work.

Mr. Billups spoke of the need to continue improving the water system to encompass potential future buildout of the area.

Mr. Poole spoke to the effect of the PSA and stated his support for the application.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

G. CASE NO. Z-3-04 Mixed Use – Accessory Apartments

H. CASE NO. Z-4-04 Mixed Use – Fast Food Restaurants

Mr. Arcieri presented the staff report. Staff is considering changes to the Mixed Use Ordinance to allow fast food restaurants and accessory apartment uses.

The Planning Commission discussed the changes, citing what accessory apartments comprised and in which residential areas they would be most suited.

Mr. Kale related to the Commission the deliberations of the Policy Committee, and recommended that the Planning Commission hold off on action until the Policy Committee had been further briefed on the changes. He suggested the February 4th meeting of the Planning Commission as an appropriate time to re-consider the amendments.

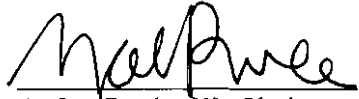
The Planning Commission approved an initiating resolution for the changes and deferred consideration till its meeting of February 4th, 2005.


6. PLANNING DIRECTOR'S REPORT

Mr. Sowers delivered the report. He took the opportunity to wish the Planning Commission a Happy Holiday season.

7. ADJOURNMENT

There being no further business, the December 6, 2004, meeting of the Planning Commission was recessed at approximately 9:30 p.m.


A. Joe Poole, III, Chairman


O. Maryin Sowers, Jr., Secretary