

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

1. ROLL CALL

Jack Fraley
Ingrid Blanton
Donald Hunt
George Billups
Wilford Kale
Jim Kennedy
Mary Jones

ALSO PRESENT

John Horne, Development Manager
Leo Rogers, County Attorney
Marvin Sowers, Planning Director
Karen Drake, Senior Planner
Tammy Rosario, Senior Planner
Ellen Cook, Planner
Pat Foltz, Development Management Assistant

2. MINUTES

Mr. Leo Rogers, County Attorney, introduced Ms. Kathryn Aston, the new Assistant County Attorney, to the Planning Commission.

Mr. Fraley corrected page 12, list of policy committee members.

Ms. Blanton corrected page 11, the second line, "the" wavy lines..., on page 10, she clarified that her concerns were in regard to environmental issues.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Billups seconded the motion.

The Planning Commission approved the minutes as amended with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the DRC report. The DRC heard five cases at its March 2 meeting. SP-145-04 - Colonial Heritage Phase 2 Section 1 and SP-116-04 - The Station at Norge were unanimously recommended for preliminary approval. SP-150-04 - Abe's Mini-Storage, SP-6-05 - Stonehouse The Villas, and S-91-04 - Marywood were deferred.

Mr. Kale motioned for approval of the report.

Ms. Blanton seconded the motion.

The Planning Commission approved the actions of the DRC with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Billups recommended deferring discussion of the Policy Committee report until the discussion of the Capital Improvement Program later in the meeting.

4. PUBLIC HEARINGS

A. Z-15-04 & SUP-34-04 The Villas at Jamestown

Ms. Cook presented the deferral. The applicant requested more time to resolve outstanding issues.

Mr. Sowers recommended opening the public hearing and leaving it open until the April 4 meeting.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April meeting.

B. Z-13-04 & SUP-31-04 Monticello at Powhatan North

Ms. Rosario presented the request for indefinite deferral. The applicant requested more time to resolve outstanding issues.

Mr. Fraley commended the applicant for his willingness to work with the Planning Commission to address the issues raised by staff and the general public.

Mr. Hunt opened the public hearing.

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

C. SUP-36-04 Farm Fresh Gas Pumps

Ms. Cook presented the deferral request. The applicant requested additional time to resolve outstanding issues.

Ms. Blanton asked if parking on the site had been discussed since the last meeting.

Mr. Sowers responded that parking had been discussed but the main issue to be resolved was the placement of the gas pumps in relation to the utility lines.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April 4 meeting.

D. Review of the FY 2006-2010 Capital Improvements Program

Ms. Rosario presented the staff report. She outlined the Policy Committee recommendations of capital improvements for public facilities and water and sewer systems in the County for Fiscal Year 2006 – 2010.

Mr. Fraley asked for some background as to how many high-priority projects, historically, are funded.

Mr. Kennedy stated that the Supervisors use the list as a guide for their own budget considerations, and that a range of projects are funded.

Mr. Billups stated that the main goal of the CIP was to assign priority to public projects using the Comprehensive Plan as a guide.

Mr. Hunt stated that the list reflects the best set of priorities, based on the consensus of the committee.

Mr. Hunt opened the public hearing.

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

Mr. Fraley motioned to accept the CIP rankings.

Mr. Billups seconded the motion.

The Planning Commission accepted the recommendation of the CIP rankings with a unanimous voice vote.

E. SUP-01-05 Alice's Wonderland Playhouse

Ms. Rosario presented the staff report. Ms. Alice Wilson has applied for a special use permit to operate a child daycare center at 2942 Chickahominy Road. The parcel is further identified as parcel (2-2) on JCC Tax Map (22-2). The property is zoned R-8, Rural Residential and is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map. Recommended uses on properties designated Rural Lands include agricultural and forestal activities together with certain recreational public or semi-public and institutional uses. Rural residential uses are appropriate at a density of no more than

one unit per three acres. Smaller direct agricultural or forestal support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area.

Staff recommended the Planning Commission approve the application with the conditions listed in the staff report.

Ms. Blanton asked if the proposed drainfield enlargement would help the applicant move the operation away from sensitive areas on the site and away from using disposable items.

Ms. Rosario responded that, to accommodate the food preparation and laundering requirements of the use, the drainfield would be modified and could potentially keep the applicant from relying on disposable items.

Mr. Billups asked what effect water conservation measures would have on the well system.

Ms. Rosario responded that drought tolerant landscaping and water conserving fixtures would reduce the impact on the groundwater supply in the area.

Mr. Billups asked what the maximum number of anticipated children would be.

Ms. Rosario responded that the maximum occupancy would be forty-nine persons, including children and staff. The most children that could be served, given a set ratio between staff and children, would be forty children.

Mr. Billups affirmed that the building and site would have to go through renovation and site design before the use could be initiated.

Ms. Rosario responded that the applicant must go through the site plan review process, where issues connected to landscaping, stormwater management, and parking would be resolved. The applicant would also need approval from the Health Department and the Virginia Department of Social Services prior to obtaining a license.

Mr. Fraley asked about the traffic requirements for the site.

Ms. Rosario responded that VDOT had recommended the existing access points be reduced to one at the east end of the property. This recommendation would be considered during the site plan stage.

Mr. Hunt opened the public hearing.

Ms. Alice Wilson stated her support for this process and her willingness to work with the County to provide a needed service to the Toano area.

Ms. Alice Wilson stated her support for this process and her willingness to work with the County to provide a needed service to the Toano area.

Mr. Kale asked Ms. Wilson if she had any issues with the conditions recommended by staff.

Ms. Wilson responded that she had none.

Mr. Alonzo Sackrin spoke in support of the application, citing the advantages of the proposed use.

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

Mr. Kennedy spoke to the revitalization of the structure and stated his support of the application. He motioned approval.

Mr. Kale stated his support for the application and added that child care businesses are closely regulated by the Commonwealth of Virginia. Mr. Kale seconded the motion.

Ms. Blanton commended the applicant for her work and stated her support.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

F. SUP-02-05 & SUP-03-05 JCSA Water Storage Facility Warhill & Stonehouse

Ms. Drake presented the staff report. JCSA has applied on behalf of Stonehouse at Williamsburg, LLC for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 9186 Six Mt. Zion Road in the Stonehouse Commerce Park. The property is zoned PUD-C, Planned Unit Development-Commercial and can be further identified as Parcel (1-1) on the JCC Real Estate Tax Map (6-4). The property is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

JCSA has also applied on behalf of James City County for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 5700 Warhill Trail in the Warhill Sports Complex. The property is zoned R-8, Rural Residential and can be further identified as Parcel (1-12) on the JCC Real Estate Tax Map (32-1). The property is designated Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map.

Staff recommended approval of both cases.

Ms. Blanton asked if an archaeological study was required as part of this application.

Ms. Drake responded that the information presented utilized existing archaeological study information.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, made a short presentation outlining the visual impacts, benefits for the water system, and the daily workings of the water towers.

Mr. Kale asked Mr. Foster how the current storage facilities are attached to the water main in Season's Trace.

Mr. Foster stated that the tank is currently served by an existing water line through Season's Trace.

Ms. Blanton asked Mr. Foster to review any interruptions of service that might be incurred by the constructions.

Mr. Foster responded that JCSA did not anticipate any service interruptions.

Mr. Kennedy stated his support for the application and highlighted JCSA's history of positive work.

Mr. Billups asked if any plans existed to develop property adjacent to the site.

Mr. Foster responded that he knew of no plans to develop the immediately adjacent areas since the parcels are part of the Warhill tract and are under County control.

Mr. Hunt asked Mr. Foster what he perceived the timeline for construction to be.

Mr. Foster responded that he expected both facilities to be online by 2007.

Mr. Mark Rinaldi representing the Economic Development Authority, 101-C Mounts Bay Road, thanked the Commission for its favorable recommendation for ZO-01-05 and expressed his support of the two cases presented.

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

Mr. Kennedy moved approval of both items.

Mr. Kale seconded the motion.

The Planning Commission voted 7-0 to support both applications: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

G. Z-14-04 Pocahontas Square Proffer Amendment

Ms. Cook presented the staff report. Mr. Jay Epstein has applied to amend the proffers for approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail currently zoned R-5, Multi-family Residential, with proffers. The applicant has proposed to amend proffers related to the percentage of affordable dwelling units, the owners association, sidewalks, and cash contributions for community impacts. Ninety-six affordable townhouse units at a density of approximately 6.9 dwelling units per acre were approved for this site in 2003. The property is also known as parcels (1-4), (1-5A) and (1-5) on the James City County Real Estate Tax Map (59-2). The site is designated for Low Density Residential development on the James City County 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 recommends approval of the application.

Mr. Kennedy asked if redistricting had been accounted for in the school numbers presented in the staff report.

Ms. Cook responded that the 2005 enrollment numbers were used to determine school projections.

Mr. Kennedy asked if any other affordable housing projects were expected to be resubmitted or revised.

Ms. Cook responded that Pocahontas Square was the only affordable housing project resubmitted for a proffer amendment at this time.

Mr. Kennedy spoke to the need addressed by this affordable housing project but expressed concern that the number of affordable units in this application had been reduced from the previous application. He stated that he was in favor of the deed restrictions placed on units to keep them in the affordable range.

Mr. Sowers stated that the deed restriction placed on units to keep the units affordable was one of the primary factors that caused staff to recommend approval.

Ms. Blanton expressed her reservations at the revisions presented in this application, where the number of affordable units was decreased substantially. She asked what the basis was for the cash proffers presented in the application.

Ms. Cook responded that the cash contributions proffered by the applicant were consistent with recent cash proffers for schools and community impacts. Another typical

cash proffer, for JCSA, was not suggested since the site is served by Newport News Waterworks.

Mr. Kennedy asked about the discrepancy between the cash proffers presented in this application and the projected school proffer figures being considered for incorporation into a formal Board School Proffer policy.

Mr. Sowers responded that, in absence of a board policy addressing cash proffers, that the proffers were based on typical recent cash proffers.

Mr. Fraley asked what factors dictated the calculation of cash contributions proffered per lot.

Mr. Sowers responded that, in absence of a Board policy, no differentiation was figured into the suggested per-lot proffer amounts.

Mr. Rogers addressed the cash proffer policy issue. He stated that the Board will be evaluating the overall impact created by each residential development and differentiating them by the types of units proposed.

Mr. Fraley asked if cash proffers had been included for the original project.

Ms. Cook responded that no cash proffers had been included.

Mr. Kale asked Ms. Cook to state the difference in the density figures presented in the application and the density recommended in the Comprehensive Plan.

Ms. Cook outlined the two sets of figures.

Mr. Kale asked why the higher density in the application had received a favorable recommendation originally.

Ms. Cook responded that the higher density of surrounding development had been taken into account, as had the expressed need for affordable housing.

Mr. Sowers added that the density would still be lower than the adjacent development of Brookside Haven.

Mr. Billups asked if the Office of Housing and Community Development had been consulted about the current application.

Mr. Rick Hanson, of the Office of Housing and Community Development, stated that he had worked directly with Planning in reviewing this project and that the application offered some significant advantages.

Mr. Kennedy asked if the people on the affordable housing waiting lists lived in James City County.

Mr. Hanson responded that most of the people on waiting lists in his office either lived or worked in James City County.

Mr. Billups asked Mr. Hanson if he had negotiated any agreements to secure affordable housing units in this or any other recent development.

Mr. Hanson responded that his office had worked with a number of developers who have participated in the County's affordable housing programs.

Mr. Sowers added that the proposed proffers contained provisions requiring coordination between the applicant and the Office of Housing and Community Development.

Mr. Fraley asked Mr. Hanson how many names are on the waiting list for affordable housing and how long the average wait is.

Mr. Hanson responded that his list has about one hundred qualified buyers and that the average waiting time varies with the type of housing desired by the buyer.

Mr. Fraley asked Mr. Hanson if this proposal would significantly help the aims of his Office.

Mr. Hanson responded that this project would help his Office.

Ms. Blanton asked Mr. Hanson how this application compared to the previous project.

Mr. Hanson responded that this proposal offered new benefits, such as deed restrictions and a range of pricing points.

Ms. Blanton asked how Mr. Hanson felt about the Health-E Community concept.

Mr. Hanson responded that he supported many of the features offered by Health-E-Communities.

Ms. Jones asked Ms. Cook if units priced under \$110,000 would all be the smaller 1,200 square foot units.

Ms. Cook responded that the units priced under \$110,000 would be the smaller units shown on the Master Plan.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a short presentation outlining the application. He detailed the actions of the previous developer, RML Corporation, and Mr. Epstein's plans to develop the site using the Health-E Community model.

Mr. Kennedy complemented Mr. Epstein on his past work. Mr. Kennedy asked what probability there was that the developer might need further revision of the proffers.

Mr. Epstein referred to his previous work with Michelle Point, which has not to this date required any proffer amendments.

Mr. Kale asked if Mr. Epstein had reduced any affordable housing units in Ironbound Village.

Mr. Epstein responded that, while he did not act as the original developer in Ironbound Village, he had built every proposed affordable unit proffered by the rezoning.

Mr. Hanson concurred with Mr. Epstein.

Ms. Blanton asked if Mr. Epstein had any concerns about the demand for the higher priced townhomes.

Mr. Epstein responded that he felt very comfortable with the demand for the townhomes.

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

Mr. Fraley commented that he liked the project for the area and that he enthusiastically supported the project.

Ms. Jones stated that she liked the application and was prepared to support it.

Ms. Blanton stated her enthusiastic support of the project.

Mr. Kennedy commented that, with regards to land use, the project fits the area. Though he cited changes in the application along with the anticipated impact to the schools as reservations, he added his support to the application.

Mr. Billups stated that the County still faced serious challenges in regard to affordable housing. He stated his support.

Mr. Kennedy motioned approval.

Mr. Billups seconded the motion.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

5. PLANNING COMMISSION CONSIDERATION

A. Monthly Board of Supervisor's Meeting Representative for 2005

Mr. Sowers stated that this item requested staff to forward an amendment

Mr. Hunt called for comments on the Board representation schedule.

The 2005 schedule for Planning Commission representation at the Board of Supervisor's meetings was approved with a unanimous voice vote.

B. Initiating Resolution – Zoning Ordinance Amendment & Appeals

Mr. Sowers stated that this item requested staff to forward an amendment dealing with appeals to the Zoning Administrator. He asked the Commission to adopt the resolution.

Mr. Rogers added that law students had been assisting with the preparation of these amendments and that presentations would be forthcoming at a future meeting.

Mr. Kale moved approval.

Mr. Billups seconded.

The resolution was adopted with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He reminded Commissioners of the scheduled Ballon Test the next day, March 8, at 9:00 AM for a communications tower at the site of the Christian Life Center in Toano.

Mr. Kale confirmed the location.

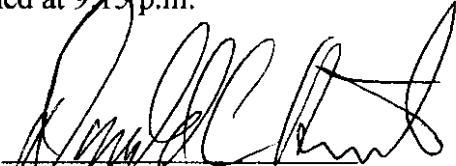
Ms. Blanton asked for an exact location of where the ballon will be flying.

Mr. Sowers suggested meeting at the location to determine any weather delays or cancellations.

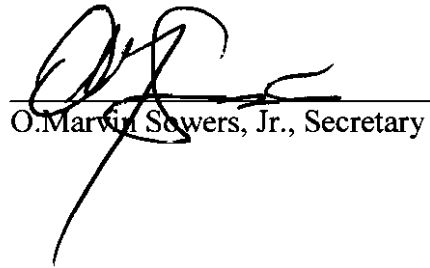
Ms. Jones confirmed that the application was being brought forward by the Christian Life Center.

7. ADJOURNMENT

There being no further business, the March 7, 2005 Planning Commission adjourned at 9:15 p.m.



Donald Hunt, Acting Chairman



O. Marwin Sowers, Jr., Secretary