

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF MAY, 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
Jim Kennedy
Mary Jones
Wilford Kale

ALSO PRESENT

Marvin Sowers, Planning Director
Michael Drewry, Assistant County Attorney
Trey Davis, Planner
Ellen Cook, Planner
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Mr. Fraley corrected pages 5, 6, 9, 10, 12 and 14 of the minutes of the April 4, 2005 Planning Commission meeting.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Fraley seconded the motion.

Mr. Kale abstained because he was not present at the April 4th meeting.

The Planning Commission approved the minutes as amended with a unanimous voice vote. (6-0, Kale abstained)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered 5 cases at its April 27th meeting. A Site Plan for Abe's Mini Storage and a Conceptual Master Plan for Olde Towne Timeshares were deferred at the applicants' requests. Colonial Heritage Phase 3 Section 2 Subdivision, Oaktree Office Park and Airtight Self-Storage Expansion, and Wedmore Place at The Williamsburg Winery were recommended for preliminary approval pending agency comments.

Mr. Kale motioned the approved the report.

Mr. Kennedy seconded the motion.

The Planning Commission approved the report with a unanimous voice vote. (7-0)

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
- B. SUP-4-05 Christian Life Center Tower
- C. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Hunt stated that the applicants requested deferral of these cases until the June 6th meeting.

Mr. Hunt opened the public hearing.

Mr. Reid Weir asked for clarification of the applicants' requests.

Mr. Hunt explained the procedure for a deferral request.

Mr. Weir wanted to be notified when the Jamestown Retreat case is brought before the Commission. He also asked that the same density be allowed for his property should this application be approved.

Hearing no requests to speak, the public hearings were continued to June 6, 2005.

D. SUP-16-05 Treleaven Warehouse and Nursery

Mr. Trey Davis presented the staff report. Mr. Stanley B. Treleaven of T&S Associates, Inc. has applied for a special use permit to allow for an existing structure to be used as a contractor's warehouse. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

Staff recommended approval.

Mr. Fraley asked for more information regarding the sight distance waiver that may be required prior to final Site Plan approval.

Mr. Davis explained that the Virginia Department of Transportation (VDOT) asked that the sight distance be reviewed at the site plan stage. If it is determined that there is not enough sight distance the property owner will be required to submit a deed for recordation stating awareness of the condition.

Mr. Kale verified that the driveway currently exists.

Mr. Billups asked if distinct differences existed between the current and the proposed uses.

Mr. Davis stated that the existing use is considered non-conforming. He further stated that although both uses pertain to the construction trade and that traffic and car trips would be similar; the SUP process allows the County to add some conditions to the site.

Mr. Kale inquired as to whether the SUP would apply to the nursery only or the entire site.

Mr. Davis answered that the SUP would apply to the contractor's warehouse only. He said the nursery is allowed by right.

Mr. Hunt opened the public hearing.

Ms. Jones asked whether the applicant was comfortable with the conditions.

Mr. Treleaven, the applicant, answered yes.

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

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded the motioned.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY: (0).

E. SUP-36-04 Farm Fresh Gas Pumps

Ms. Jones recused herself stating that a family member worked for the firm representing the applicant.

Mr. Trey Davis presented the staff report. Mr. Thomas C. Kleine of Troutman and Sanders has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval.

Ms. Blanton wanted to know the final outcome on the number of parking spaces.

Mr. Davis stated that the number of parking spaces would be reduced by thirty-two for a total of 176 spaces.

Mr. Kennedy wanted to know if school buses would continue to be allowed to park at the store. He also asked for enforcement of the fire lanes including proper signage.

Mr. Davis referred questions regarding school bus parking to the applicant. He said he would inform the Fire Department of the issues with the fire lanes.

Mr. Billups asked for clarification of the recommendations listed in item #7 regarding the outside display and sale of merchandise.

Mr. Davis stated that the second sentence specified some of the items that the applicant would not be allowed to display for sale.

Mr. Kale said that he also thought the language was confusing.

Mr. Davis stated that new language could be drafted to clarify the intent of the recommendation.

Mr. Hunt opened the public hearing.

Mr. R.J. Nutter, Troutman and Sanders, represented the applicant. Mr. Nutter stated that Farm Fresh customers would receive discounted gas purchases based upon the amount of in-store purchases. He also stated that Farm Fresh was in the process of adding this feature to most of its stores in the Southeast. He said the application proposed no new curb cuts and offered enhanced landscaping.

Mr. Kennedy asked the applicant to work to enforce the fire lanes and inquired about the affect of school bus parking.

Mr. Nutter stated that during peak hours about 50 spaces remained empty so that school buses should not be a problem. Mr. Nutter agreed to work with Staff during site plan review to address the fire lanes.

Mr. Rich Krapf, 2404 Forge Road, represented Friends of Forge Road and Toano. Mr. Krape stated that the application was not consistent with the James City County 2006 Budget statement or the County's Comprehensive Plan. He also recommended denial of the application.

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

Mr. Billups stated that he was in favor of the application. He said the gas pumps would offer a convenience to Farm Fresh customers. Mr. Billups also stated that the greenway would be protected by the additional landscaping.

Mr. Kennedy stated his appreciation of Mr. Krape's statement. He also said the competition would be good. Mr. Kennedy stated that he was in favor of the application.

Ms. Blanton said the proposal did not have a lot of negative impacts. She said she would support the application.

Mr. Fraley said he would support the project. He stated that the proposal would provide lower cost gasoline for customers in the area.

Mr. Hunt stated his interest in hearing that discounts would be offered to Farm Fresh customers. He also said the impacts to Route 60 would be low.

Mr. Kennedy motioned to approve the application.

Mr. Billups seconded the motion.

In a roll call vote the application was approved 6:0. AYE: Billups, Kale, Blanton, Kennedy, Fraley, Hunt (6); NAY:(0). Jones abstained.

F. Z-15-04/MP-11-04 Villas at Jamestown

Ms. Ellen Cook presented the staff report. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have applied to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). Staff recommended approval.

Mr. Billups asked for the cost and square footage of the units.

Ms. Cook answered that the units would be approximately 1,700 – 1,800 square feet. She deferred to the applicant for the cost.

Ms. Blanton asked for Staff's projections on fiscal impacts.

Ms. Cook said the Financial Management Services department estimated approximately \$92,000 per year in positive impacts.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis made a presentation outlining the proposed development.

Ms. Blanton asked for the location of the Low Impact Development (LID) aspects of the proposal.

Mr. Davis stated that the Storm Water Management Plan was a part of the Master Plan.

Ms. Blanton wanted to know what alternatives were being considered should the LID not be feasible.

Mr. Davis answered that the site design and storm water control principles in the County Ordinance would govern and that the applicant would be held to those standards.

Ms. Jones asked how much of the storm water run-off would be captured.

Mr. Davis said 100%.

Ms. Jones inquired about the four different price ranges.

Mr. Davis stated that there were four different models each with different square footage.

Mr. Kennedy wanted to know if data existed on the number of ambulance trips required for a similar project in York County. He stated his concern that the amount proffered for emergency services might not be adequate.

Mr. Davis did not have that data.

Mr. Hunt asked if the existing project in York County was age restricted.

Mr. Davis answered no. He stated that the concept was usually more appealing to older adults.

Mr. Kale stated his preference in funding emergency medical services rather than the costs associated with school age children. He also said he was glad the proposal followed the Five Fork Principles. Mr. Kale talked about the benefits of containing storm water run-off.

Mr. Fraley commended the applicant on the proposal. He also asked the applicant to consider removing the curb and gutters proposed in the application.

Mr. Davis stated that the curb and gutters were proffered based on the applicant's interpretation of the County's requirement. He also stated the applicant would be willing to remove them if possible.

Mr. Kale asked Mr. Sowers the procedure for removing the curb and gutter requirement.

Mr. Sowers said the Ordinance allows the DRC to make a special waiver at the development stage. Mr. Sowers also said the proffers could be amended before the Board meeting if the Commissioners wanted to act on the matter immediately.

Mr. Drewry suggested the Planning Commission make a comment concerning their recommendation on the removal of the curb and gutters and allow staff to research the procedure.

Mr. Kale agreed with Mr. Fraley concerning the curb and gutters. He stated that the Windsor Forest community benefited during recent heavy rainfall due to the absence of curb and gutters in that neighborhood.

Mr. Mark Kaisand of STAT Services, 2510 Manion Drive, discussed the possibility of a regional Best Management Pond (BMP) in this area instead of separate BMPs for his property and the subject parcel.

Mr. Hunt asked for the location of the BMP Mr. Kaisand was required to construct.

Mr. Kaisand indicated the location on the overhead map.

Mr. Kale asked Mr. Kaisand who he had talked to regarding the BMP:

Mr. Kaisand said Cornerstone Design, his Engineer, submitted plans to the County a few weeks ago and had been in contact with the developer for this proposal.

Mr. Gerald Johnson, 4513 Wimbledon Way, represented the Historic Route 5 Association. He stated that traffic continues to be a concern in the Five Forks area and expressed concerns about site access. He also stated his agreement for removal of the curb and gutters.

Mr. Ed Esposito, 4749 Bristol Circle, said that he was looking forward to the project. He recommended the Commission approve the project.

Mr. David Fuss, 3008 Chelsford Way, represented The Friends of the Powhatan Creek Watershed. He stated his preference that the parcel be developed according to its current by-right density. Mr. Fuss discussed different methods of minimizing impacts to the surrounding watershed which were not part of the proposal, including a setback from the buffer, stream stabilization and nutrient management.

Mr. Fraley informed Mr. Fuss of the provisions for public comment at the DRC meetings.

Ms. Jones asked Mr. Sowers if a process existed for coordinating the BMPs.

Mr. Sowers said Planning and Environmental Staff would work on the issue.

Ms. Jones wanted to know if the lower BMP encroached on the Resource Protection Area (RPA) buffer.

Mr. Davis said the drawing was only preliminary. He said that if the BMP needed to be in the buffer a permit and approval would be necessary.

Mr. Fraley asked Mr. Davis if the applicant would consider a buffer setback exception for building number 16 only.

Mr. Davis stated the applicant felt the Master Plan was adequate. He also stated that the applicant would be very cautious about proffering a comment for the buffer setback.

Mr. Fraley stated his frustration that the ordinances sometimes act mutually exclusive of one another and hinder innovative and creative plans.

Mr. Drewry said the applicant would be held to the Master Plan although it's not quite as strong as a proffer. He also stated that adequate legal phrasing could be added in a proffer statement.

Mr. Davis requested the Planning Commission approve the application with a comment concerning the setback allowing the applicant and Staff to provide appropriate legal language before the Board of Supervisors meeting.

Mr. Kale asked for clarification regarding the buffer setback issue.

Mr. Billups asked Mr. Davis if the applicant would be willing to work with Stat Services on Storm Water Management.

Mr. Davis stated that it was an Engineering issue that could be resolved.

Mr. Billups commented about the role of the Planning Commission in determining if a proposal is in compliance with the Comprehensive Plan and Ordinances and then forwarding a recommendation to the Board of Supervisors. He also stated his support of the project.

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

Ms. Blanton stated that her approval of the application would include an understanding that the LID aspects and the expanded buffer setbacks are integral to the Master Plan.

Ms. Jones stated her appreciation of the application. She also stated her preference for proposals that offered housing to individuals and families of all ages. Ms Jones said she supported the application.

Mr. Kale moved to approve the application along with the inclusion of comments regarding the elimination of curb and gutters and a clear statement concerning the buffer setback.

Mr. Fraley seconded the motion.

Mr. Kennedy said he liked many aspects of the proposal. He stated that although he had concerns about the proposal he would support it.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Fraley, Kennedy, Blanton, Jones, Hunt, Kale (7); NAY (0).

5. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Initiating Resolution – Zoning Ordinance Amendment – Zoning Fee Change

Mr. Marvin Sowers presented the request. At the April meeting the Commission considered a similar Ordinance Amendment regarding a fee proposal in order to generate additional revenues within the Development Management division. That request was unanimously recommended to the Board of Supervisors for denial. As a result the Board considered alternate proposals to generate the additional revenue, including an alternative to increase rezoning and residential site plan fees.

Mr. Sowers recommended adoption of the Initiating Resolution allowing Staff to present the alternative at the June 6th meeting.

Mr. Kennedy motioned to approve the request.

Ms. Blanton seconded the motion.


In a unanimous voice vote the request was approved. (7-0)

6. PLANNING DIRECTOR'S REPORT


Mr. Marvin Sowers presented the Planning Director's Report. Mr. Sowers informed the Commissioners of a joint Work Session with the Board of Supervisors on May 24th at 4 p.m. He also suggested that tonight's meeting be adjourned until that time.

7. ADJOURNMENT

There being no further business, at 8:55 p.m. the May 2, 2005 Planning Commission meeting was adjourned until May 24, 2005 at 4:00 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary