

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

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| 1. <u>ROLL CALL</u><br>Jack Fraley<br>Ingrid Blanton<br>Jim Kennedy<br>Mary Jones<br>Wilford Kale | <u>ALSO PRESENT</u><br>Marvin Sowers, Planning Director<br>Leo Rogers, County Attorney<br>Matthew Arcieri, Senior Planner<br>Tamara Rosario, Senior Planner II<br>Karen Drake, Senior Planner II<br>Ellen Cook, Planner<br>Leo Rogers, County Attorney<br>Larry Foster, General Manger JCSA<br>Darryl Cook, Environmental Director<br>Scott Thomas, Civil Engineer<br>Christy Parrish, Administrative Services Coordinator | <u>ABSENT</u><br>Don Hunt<br>George Billups |
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2.     MINUTES

Mr. Fraley corrected page one to add “and provide adequate athletic fields” to the last paragraph and corrected “Mr. Kale motioned the approved the report” to “Mr. Kale motioned to approve the report.”

Mr. Kale motioned to approve the minutes as circulated and amended.

Ms. Blanton seconded the motion.

In a unanimous voice vote the minutes were approved as circulated and amended (5-0), (Hunt and Billups absent).

3.     COMMITTEE AND COMMISSION REPORTS

A.     DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered three cases at its July 6<sup>th</sup> meeting.

The DRC unanimously recommend preliminary approval, subject to agency comments of the July 2005 quarterly update for shared parking in New Town, Section 2&4, Blocks 2,3,4,5,6,7, 8 & 10 as well as continuation of quarterly parking update presentations to the DRC. The Committee also recommend preliminary approval, subject to agency comments, of S-53-05 Kingsmill- Spencer’s Grant, of the cul-de-sac waiver, and approval of the sidewalk waiver by a vote of 3-1.

Lastly, the DRC recommended disapproval of case S-91-04 Marywood proposal by a voice vote of 3-1. The DRC determined that the proposal did not properly minimize environmental

impacts and created a traffic situation harmful to the safety, health and general welfare of the public.

Ms. Jones motioned to approve the report.

Mr. Kale seconded the motion.

In a unanimous voice vote the report was approved (5-0) (Hunt and Billups absent)

B. OTHER COMMITTEE REPORTS - None

4. PLANNING COMMISSION CONSIDERATION

A. Initiating Resolution – Zoning Ordinance Amendment – Wireless Communications Facilities.

Mr. Marvin Sowers presented the request and stated that this was a housekeeping resolution which adds Section 24-122 to permit towers in the R-4 Zoning District.

Mr. Fraley asked if there was any discussion from the Board.

Ms. Blanton motioned to approve the request.

Ms. Jones seconded the motion.

In a unanimous voice vote the request was approved (5-0) (Hunt and Billups absent).

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 Warhill Tract
- B. Z-8-05 Williamsburg Wicker and Rattan
- C. MP-9-05/ SUP-21-05 Olde Towne Timeshares
- D. Z-7-05/MP-5-05 Jamestown Retreat
- E. SUP-19-05 Branscome Burrow Pit SUP Renewal
- F. SUP-20-05 USA Waste Burrow Pit Renewal

Mr. Fraley stated that the applicants for items 5-A through 5-F requested deferral of those cases until the August 1, 2005 meeting.

Mr. Fraley opened the public hearing.

Hearing no requests to speak, the public hearings were continued to the August 1, 2005 meeting.

G. Z-9-05/MP-6-05 Governor's Grove

Mr. Matthew Arcieri presented the staff report. Mr. Eric Nielsen, National Housing has submitted an application to rezone 23.23 acres located on John Tyler Highway from R-8 and B-1, to Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and southern portion of 8.33 acres. If approved, the developer would construct 132 market rate condominiums on the northern portion to be known as Governor's Grove. On the southern portion the developer proposes preserving 5.33 acres as a permanent open space. The remaining three acres would be reserved for 25,000 square feet of office/commercial with access exclusively from Ironbound Road adjacent the Zooms Convenience Store.

The applicant has also requested modification to the perimeter setback for the commercial parcel. The proposal would reduce the buffer adjacent to the Zooms Convenience Store and open space from 50 to 25 feet. Staff believes the reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site.

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers. Staff also recommends the Commission approve the buffer modifications to the commercial parcel.

Ms. Ingrid Blanton asked staff to elaborate on the low impact design features for this project.

Mr. Arcieri stated that details of the low impact design features have not been spelled out specifically for this case. However, the features are generally addressed during the development plan review. The Storm Water Master Plan, as proffered, would give the Environmental Division significant leverage in working with the applicant to develop what those low impact design measures would be.

Mr. Kale asked if there had been any discussion about specific plans for the commercial parcel beside Zooms.

Mr. Arcieri stated that there were not, however, the proffers limit the parcel to an office use and in order to go to a more intense use a new traffic study would be required.

Mr. Kale asked since there were no plans for the parcel then, why would staff recommend a reduction in the buffers.

Mr. Arcieri stated that a reduction in the buffer adjacent to the open space does not have any impact on adjacent property owners and the buffer along Zooms will not impact the vegetation on that site. Due to the narrowness of the lot, the applicant felt they needed a little more space for the development.

The Board and staff discussed the issues concerning the buffer reduction requests and the appearance of the development.

Mr. Fraley asked if curbs and gutters were a requirement in the Mixed Use District.

Mr. Arcieri stated that it was not a requirement.

Mr. Fraley requested staff to encourage the developer to consider the elimination of curbs and gutters and to establish a Turf Management Plan between the Planning Commission and Board of Supervisors meetings.

Mr. Kennedy asked if irrigation systems would be allowed in this development.

Mr. Arcieri stated yes, however, the proffers state that the water must be drawn from surface ponds and not from a JCSA well.

Mr. Kennedy stated concerns about these arrangements being eliminated in the future like some other developments in the past.

Ms. Blanton stated that the Board had received some feedback from the Friends of Powhatan Creek Watershed concerning the encroachments into the 150' buffer such as pedestrian trails, entry ways, turning lanes etc. and asked if those concerns had been addressed in the way this buffer will be managed.

Mr. Arcieri discussed the applicant's plan for pedestrian trails, two areas of enhanced landscaping and a proffer for any disturbed area.

Ms. Blanton stated concerns of the tree line being thin.

Mr. Arcieri stated that staff has worked extensively to make sure that any turn lane improvements do not impact the first tree line and expose the power lines.

Ms. Jones asked why there was not a conservation easement on the open space across the street.

Mr. Arcieri deferred the question to the applicant

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a presentation outlining the application and asked the Planning Commission to recommend approval of this application. He also stated that this project is consistent with surrounding zoning and development, housing, land use, and community character elements of the Comprehensive Plan and believes it is the best plan for the property and the County.

Mr. Kale discussed with Mr. Geddy how adjacent properties affect other adjacent properties whether they are an infill or a continuation.

Ms. Jones asked about the conservation easement.

Mr. Geddy replied that there was a concern from their tax advisers that if it were proffered it might adversely impact their ability to get a charitable tax deduction.

Mr. Fraley and Mr. Geddy discussed the elimination of curb and gutters in order to capture more of the storm water runoff through infiltration and the suggestion of a Turf Management Plan.

Ms. Blanton encouraged the applicant to consider coordinating the Storm Water Management Plan with the neighboring Villas project.

Mr. Fraley asked about potential traffic patterns around the proposed commercial area.

Mr. Geddy stated that with the location of the turn lanes approaching the intersection, VDOT has made it very clear that it would be a right in and a right out.

Mr. Gerald Johnson, 4513 Wimbledon Way, President of the Historic Route 5 Association stated the following concerns: (1) traffic studies and when those studies were done; (2) traffic congestion in this area has increased; (3) potential traffic backups with additional cars in this area; (4) concern about a pull off lane instead of a right turn lane; (5) concern about conservation areas being renovated and restored; (6) a lack of information regarding the latest proposal to this revised plan.

Ms. Judy Fuss, 3509 Hunter's Ridge, representing the Powhatan Crossing HOA stated that while Powhatan Crossing is not contiguous to this parcel, the development as proposed will negatively affect the residences in many ways. While this proposal reduces the per acre density, there is little that elevates prior concerns of traffic and additional school age children on already strained resources. The program capacity of Clara Byrd Baker and Jamestown High School and the total design capacity for all three schools that serves this area are already exceeded. The staff says that the project meets the adequate school facilities test, however, this test is based on designed instead of program capacity and does not reflect building use. There are concerns that vehicle trips from the development will strain the Ironbound/Route 5 intersection. VDOT's requirement that all traffic exit southbound on Ironbound Road shifts this problem from this parcel's driveway to nearby areas such as the school, shopping center and the Villas neighborhood. After comments made tonight, they remain concerned about the 150' buffer on the north side of Route 5, the existing vegetation is of poor quality and many elements are proposed to be inside the buffer reducing its effectiveness. National Housing has made little effort to assess the special character of this area or to communicate with its residents. The overall project is not consistent with the spirit of Five Forks Principles or the character of the surrounding community.

Melissa Gagne, 4716 Bristol Circle, expressed concerns about the height of buildings not being consistent with the Five Forks Area. Ms. Gagne also noted that the housing is all market

priced and there is not a proffer stating that 20% will be one bedroom. It is not mixed for a variety of people. There is concern about community care and workforce housing.

Mr. David Fuss, 3008 Chelsford Way, of Friends of Powhatan Creek stated that volunteers have met the developer on three different occasions concerning this project. The Friends of Powhatan Creek do not feel that this project fully meets the high standards for the Five Forks Area. The following are the observations and concerns the group had: (1) project within the Powhatan Creek watershed; (2) prefers that the project be developed under the existing allowable density; (3) encourage the use of a conservation easement on the south parcel; (4) site has never had as much impervious cover as what is proposed on the plan; (5) high impervious cover as proposed for the north parcel leads to deterioration of water quality; (6) the width of the buffer from Powhatan Creek (needs to be fully vegetative); (7) the intrusions within the 150' buffer along Route 5; (8) no areas on the Master Plan shown to be dry swales; (9) need more details on the environmental features; (10) appreciates the \$500 per unit proffer for offsite stream stabilization or storm water management but it should be never construed as a substitute for controlling storm water on site; (11) concerns about the absence of the Nutrient Management Plan; (12) encourages joint storm water management with the adjacent Villas at Five Forks; (13) Water Conservation Plan is commendable. Native drought tolerant planting should be used to reduce water consumption. The Friends of Powhatan Creek recommends denial until some of these concerns are worked out.

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

Mr. Fraley asked for discussion from the Commission.

Ms. Blanton commented that as a whole, the project is a good idea. As the project moves forward and to the DRC, the environmental concerns will be explored further. Ms. Blanton further stated that she encourages one-bedroom units to be included to provide affordable housing for our workforce.

Mr. Kennedy stated he would echo much of what Ms. Blanton stated. The project as a whole addressed many of the concerns of the past project. The project is a positive step forward. He also stated he would encourage the developer to include some one-bedroom units.

Mr. Kale stated that this is a far superior project to the one before. This project is complimentary to the Five Forks Study which encouraged housing in a situation where people could walk to the area. He stated he would also like to see less density but sees the economic reality of trying to put a project together. Mr. Kale urged the developer to solidify the open space property so that it could be a real asset and also to include the one-bedroom units.

Ms. Jones stated she agreed with the others and that the density is fine. This project complies with the Comprehensive Plan and the Five Forks Principles, and she likes the mixed cost housing. She encouraged the applicant to include a percentage of one bedroom units. Ms. Jones also stated that she appreciated the attention to the environmental issues. She concluded by stating that this was an overall good project and liked the open space but was concerned about the potential traffic coming in and out of the commercial area.

Mr. Fraley stated he would like to echo all the other comments and encourages staff to work with the applicant on the environmental issues so we get a project that we can be absolutely proud of. Lastly he stated that this area is an eyesore and is proud to support this plan.

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the application: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

H. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union

Ms. Tamara Rosario presented the staff report. Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2 acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. As shown on the attached master plan, the proposal also includes six drive-thru teller lanes and one drive-thru ATM lane at the rear of the building. Access to the site is from a side street off New Town Avenue. The property is located at 5220 Monticello Avenue and is further identified as Parcel (1-55) on James City County Tax Map (38-4).

Although staff finds the master plan for the proposal generally consistent with the New Town Design Guidelines and surrounding development, the original proffers in the Commission's meeting packet do not properly effectuate the master plan, provide adequate mitigation of public impacts, or provide sufficient safeguards for the orderly development of the area in accordance with its Mixed Use land designation. The ramifications of these shortcomings are important not only for this application, but also for the precedent it sets for the New Town rezonings anticipated in the near future. For these reasons, the staff report recommends the Planning Commission deny the setback modification, special use permit, and rezoning for the proposed use.

Since the staff report was prepared, the applicant has related to staff that the Langley Federal Credit Union has decided to join the New Town Owner's Association and forwarded new proffers to staff to that effect. This resolves staff's questions regarding storm water management and the proposal's fulfillment of the intent of the Mixed Use land designation. In addition, they have also agreed to make all revisions to the proffers to clarify the improvement of the side street, the exit lane, the cash contribution, the binding Master Plan, and the development of the streetscapes. Based on the recent development and assurances by the developer that the proffers will be revised and signed prior to the Board of Supervisors meeting, staff now recommends the Planning Commission approve the setback modification, special use permit and rezoning for the proposed use.

Ms. Blanton and Ms. Rosario discussed whether the project has any formal arrangements for shared parking.

Ms. Blanton stated that six or seven drive-thru lanes is not consistent with the New Town pedestrian community and asked whether there was discussion of that issue.

Ms. Rosario stated that staff related to the DRB during their review process staff's concerns with the number of drive-thru lanes as well as the visual effect on Monticello Avenue. The DRB concurred with staff and encouraged the applicant to redesign the Master Plan and architectural features of the property. Since the original proposal, they have reoriented the lanes, extended a wall to the drive-thru lanes to block some of the view, provided enhanced landscaping and added architectural elements to the drive thru itself. With these modifications, the DRB approved the proposed number of drive-thru lanes.

Ms. Blanton asked why was there a need for so many drive-thru lanes for a community that is supposed to be so pedestrian oriented.

Ms. Rosario deferred the question to the applicant.

Mr. Kale asked for clarification whether there were six or seven proposed drive-thru lanes.

Ms. Rosario stated that there were six drive-thru lanes and one drive up ATM.

Mr. Kale discussed his concerns with the amount of drive-thru lanes proposed for this project.

Mr. Kennedy stated his concerns with the number of banks moving to New Town.

Mr. Kennedy also discussed with staff his concerns with traffic counts and the level of service anticipated on Monticello Avenue.

Mr. Fraley asked if there had been discussions concerning the previously stated concerns with the New Town DRB.

Ms. Rosario stated that there had been some discussion about the number of drive thru lanes and its compatibility with the New Town area. In general, they felt comfortable with the number of lanes given the proposed pedestrian enhancements described on the Master Plan, architectural features and screening.

Mr. Fraley opened the public hearing.

Mr. Raymond Suttle, representing the applicant, gave a brief overview of Langley Federal Credit Union and the project. He stated the need for the drive-thru lanes is during certain peak hours and the site is large enough to accommodate those lanes.

Ms. Blanton discussed with the applicant concerning whether their studies on the need for higher number of drive-thru lanes were based on locations comparable to New Town, which is intended to be a pedestrian-friendly development.

Mr. Kale stated he was not impressed with the design and felt that the project does not need seven drive-thru lanes for two peak hours. He also stated he did not like the design of the parking spaces and feels that the location of the site is more conducive for open space. The building appears to be an attractive building but is overwhelmed by what is outside.

Mr. Kale stated that he finds the density, amount of impervious cover and lanes cumbersome; it encourages people to drive thru rather than walk and thought that the applicant can come up with a better idea instead of using the property to the maximum. He suggested the applicant consider shared parking and providing more open space.

Mr. Suttle stated that he understands his concerns but the DRB had reviewed the project.

Mr. Kales stated that they had to get the rezoning from the Planning Commission.

Mr. Rich Costello, AES Consulting Engineers, stated that the drawing was incorrect. There are not seven lanes but five drive-thru lanes and one ATM drive up with more landscaping along the front. The project has a significant amount of pedestrian features on the two streets. As shown in a study, credit unions have more drive-thru lanes than banks. He also discussed work between the applicant and the DRB to resolve these concerns and the DRB was very satisfied with the pedestrian access points.

Mr. Fraley commented that there were financial institutions fronting on Monticello Avenue that did not have that many drive-thru lanes.

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

Mr. Fraley asked staff if they would support fewer drive-thru lanes.

Ms. Rosario stated that staff would be supportive.

Mr. Kale stated that he would like to see three drive-thru lanes and one ATM drive up because he did not think that Langley is as big as the Bank of America. Mr. Kale requested to see the proffer changes and other elements resolved prior to voting on this case and suggested a deferral of this project.

Ms. Jones stated that it was a good idea to defer the project due to discrepancies between the plans presented and that she would prefer to see a reduction of drive-thru lanes.

Ms. Blanton agreed with a deferral and would also support a reduction in drive-thru lanes to three and one and she also encouraged shared parking.

Mr. Kennedy stated concerns that New Town was becoming a large relocation town for existing businesses. He also discussed concerns with the number of drive-thru lanes but realizes that the DRB's review process is pretty tough. He stated he is comfortable with the deferral and would also like to see the drive thru lanes reduced but it would not be a deal breaker.

Mr. Fraley stated he would like to see Langley Federal Credit Union come to New Town; however, he realizes there are several issues up in the air. He could not say he had a preference for fewer drive thru lanes but would feel comfortable with the deferral.

Mr. Kale moved to defer the application until the August 1, 2005 meeting.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to defer the application until August 1, 2005 YES:  
(5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

The Commission adjourned for five minutes.

- I. Z-10-05/SUP-17-05/MP-7-05 -The Villages at Whitehall (LaGrange)
- J. Z-1105/SUP-1605/MP-8-05 – The Villages at Whitehall  
(Task, Neck, Rochambeau)

Mr. Fraley discussed with the Commission to hear the two cases jointly.

Mr. Kale and Mr. Fraley congratulated and thanked Ms. Karen Drake for her work and service to the County and wished her well in her new endeavors.

Ms. Karen Drake presented the staff report. Mr. Vernon Geddy has submitted an application on behalf of Rauch Development to rezone approximately 160 acres from A-1, General Agricultural and B-1, General Business, to R-2, General Residential District, Cluster Overlay, with proffers; R-5 Multifamily Residential District, Cluster Overlay, with proffers; and B-1, General Business District, with proffers.

If approved, the applicant would develop within the next ten years four related neighborhoods collectively called "The Villages at White Hall" proposing a total of 522 new homes.

1. La Grange Village: 20 three- and four-family building units with a total of 79 dwelling units.
2. Taskinas Village: 70 town home style multi-family units.
3. Rochambeau Village: 31 single family detached homes, 49 town home style multi-family units and 14 duplex two-family units for a total of 94 units.
4. Hickory Neck Village: The largest of the neighborhoods with 279 dwelling units, comprised of 237 single family detached homes and 42 duplex-style two-family units, tennis courts, clubhouse and swimming pool.

An 8,000 square foot commercial building is also proposed. This parcel is currently zoned B-1, General Business and is proposed to be rezoned to B-1, General Business with proffers prohibiting certain permitted by-right uses.

Staff recommends the Planning Commission approve the rezoning, special use permit and master plan application for LaGrange Village with the special use permit conditions listed in the staff report and acceptance of the voluntary proffers.

Staff recommends the Planning Commission deny the rezoning, special use permit and master plan application for the Taskinas, Rochambeau and Hickory Neck Village. However, if the Planning Commission should choose to approve this application, staff recommends acceptance of the voluntary proffers and approval of the special use permit conditions listed in the staff report.

Mr. Kale asked about the existing two ponds on the property and whether one feeds from the school property and the other one to the west feeds from the natural topography and if they were capable of sustaining the use as a BMP.

Ms. Drake deferred the question to Mr. Darryl Cook of the Environmental Division.

Mr. Cook stated the second pond is receiving drainage from the natural topography.

Mr. Kale asked if it receives drainage from the area that is being considered for development.

Mr. Cook stated that this part of the plan had not been examined yet by staff, but the applicant's engineer could possibly answer the question. It will need to be studied and the lakes reconstructed.

Mr. Kale asked Mr. Cook's opinion about what needed to be done to the ponds to make them capable to serve the proposed use.

Mr. Cook stated that they are going to need significant reconstruction. They have been there for some time and the one further west has significant leakage problems. The other will also need some upgrading.

Mr. Kennedy stated that he thought that the County needs to move in a direction where we require an active Turf Management Program especially with fertilizers and herbicides. The proposed Storm Water Management program comes up annually and the County keeps pushing it to the back burner until the point where it is really going to become problematic. He asked if Mr. Cook would recommend a Turf Management Program for this proposal.

Mr. Cook stated that he did believe that a Nutrient Management Program would be an important component of the overall storm water management for this site. The management plan should be structured such that the common areas would have criteria set for them and the privately owned properties would have more of an education and goal setting oriented program.

Mr. Kennedy and Mr. Cook discussed drainage concerns affecting the creeks and waterways and ways to educate the public about environmental friendly fertilizers.

Mr. Kennedy stated that he had received some concerns about the desal facility and the James City County water supply.

Mr. Kennedy and Mr. Foster discussed issues concerning annual daily demands, future water demand projections and development, the second desal facility, Newport News waterworks, Chikahominy Piney Point Aquifer, current population projections, etc.

Mr. Kennedy discussed with Ms. Drake the 10 year development plan and if there had been any discussion concerning development phasing caps.

Mr. Sowers stated that caps had not been addressed by staff or with the applicant but suggested that he could raise the issue with the applicant during his presentation.

Mr. Kennedy stated he was concerned with traffic on Old Stage Road and asked if staff had any concerns.

Ms. Drake stated that staff was relying on VDOT's comments and they had found the traffic study acceptable. The applicant is proffering all of the recommended traffic improvements.

Ms. Blanton asked how far the main entry on Richmond Road was from Anderson's Corner.

Ms. Drake estimated 1200 feet.

Ms. Blanton asked about the vision for Anderson's Corner and how this development fits into that vision.

Ms. Drake stated that Anderson's Corner is designated as a Mixed Use area on the Comprehensive Plan Land Use Designation map. Staff does not have any development plans in for the Anderson's Corner area, however because of the proximity of these three villages to LaGrange, the entrances, building set backs and types of buildings will establish where and how Anderson's Corner can be developed.

Mr. Kale asked if the corner where the commercial building is proposed will remain zoned B-1.

Ms. Drake replied yes.

Mr. Kennedy stated concerns about the lack of the commercial development and this project would send tax dollars from James City County to Wal-Mart, Lowes, and Home Depot in York County. He asked if there was any discussion about any commercial development in this area from the applicant to offset some of this residential development.

Ms. Drake stated there had not been.

Mr. Sowers suggested asking that question to the applicant and reminded the Commission that this area has a tremendous amount of existing commercially zoned property. The commercial zoning on this site and the surrounding area were specifically identified in the 2003 Comprehensive Plan as deliberate inconsistencies with the Land Use Plan map and given a Low Density Residential designation in recognition of this large amount of commercially zoned land.

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a presentation outlining the application's key features, design guidelines, preservation of open space and farm house and the benefits of Villages at Whitehall. He stated that the applicant has decided to increase the Route 60 buffer to 300 feet and reduce the density to 3.0 dwelling units per acre. Mr. Geddy asked the Planning Commission that if they did not want to vote on the project tonight, to please provide feedback on the project.

Mr. Kennedy discussed with Mr. Geddy his concerns of increased traffic with this development.

Mr. Kennedy asked where the build out number of ten years came from.

Mr. Geddy stated they used a conservative number and model.

Mr. Kale discussed with Mr. Geddy issues concerning a Turf Management Plan and recreation facilities.

Mr. Kennedy and Mr. Geddy discussed whether or not they were actively pursuing acquiring the surrounding properties.

Ms. Blanton asked why the commercial in the earlier was removed.

Mr. Geddy stated that staff told us that this was low density residential land.

Ms. Jones and Mr. Geddy discussed the fiscal impacts of the development.

Ms. Terry Hudgins, 111 Knollwood Drive, stated she was the President of the Stonehouse District Citizens Association which opposes the Villages at Whitehall rezoning. She discussed concerns with proffers, associations, private roads, traffic along Rochambeau, right turn lanes, sidewalks, housing costs, reassessments, pedestrian connections to adjacent properties, etc. She stated that overall this is not an appropriate place for the project with respect to traffic concerns, infrastructure, water, police, fire, and the other needs the County would have to provide.

Ms. Linda Rice with the Friends of Forge Road gave a presentation discussing the concerns of the Whitehall project. She asked the Commission to think hard about the cumulative impacts of

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this size of development in upper James City County and to think about our friends in New Kent County and how the development is going to collide with the types of development there. They asked that the Commission not approve the rezoning as it is currently presented and discussed the following concerns: (1) financial impacts; (2) increase in property taxes; (3) more revenue or more debt; (4) education; (5) open space; (6) pedestrian connections; (7) buffers; (8) development pressure; (9) bike lanes; (10) conservation easements; (11) water ; (12) traffic; (13) energy efficiency; (14) type of water efficient landscaping; and (15) proffers for the PDR program. She suggested that Toano have some sort of guiding principles for development in this area, because the Village of Toano is under tremendous pressure similar to Five Forks and suggested a moratorium on development in non-PSA areas until the Rural Lands Use Study is complete.

Mr. Michael Delk, 205 Castle Lane, stated he was the rector of Hickory Neck Episcopal Church which is located at 8300 Richmond Rd. Mr. Delk stated that the vast majority of the people he had spoken with are not opposed to this project and as senior pastor and chief executive of Hickory Neck it is his responsibility to speak publicly on issues that impact the future of the congregation. He also stated he supported the Village at Whitehall for three main reasons: (1) a large swath of the property under consideration is zoned B-1 which could be developed by-right and a neighborhood of homes is preferable to the alternative of an office park or a cluster of retail stores; (2) no studies have shown an increase of traffic from this development will result in unacceptable levels of congestion; and (3) people need a place to live. If we prevent the development of a neighborhood that includes some relatively affordable housing, we will deprive the community of a needed asset. Teachers, police officers, clergy, firefighters and nurses generally cannot afford three acre lots and James City County cannot afford to do without basic service providers.

Mr. Rich Krapf, 2404 Forge Road, stated that this particular residential development is not the issue but how to guide growth in upper James City County is. Toano has rural vistas and a countryside which attracts people, but as more and more developments come in, that countryside changes and it becomes a different community. Mr. Krapf quoted from the Comprehensive Plan that "Anderson's Corner is one of the few remaining areas in the PSA with significant rural agriculture vistas and contains one of the few remaining rural historic structures in the County" and from the Vision Statement from the Primary Principles for the Five Forks Area of JCC which was adopted in September 2004. He discussed the unique heritage and invaluable natural resources in danger of being lost and urged the Planning Commission and Board of Supervisors to defer all rezoning requests until the following actions are done: (1) commission a rural lands study for upper JCC; and (2) either expand the charter for the rural lands study or commission a second group to develop primary principles similar to those used by Five Forks to guide growth in the Anderson's Corner and Toano Area.

Dr. James Stam, 104 Woodmont Place, stated that in 2004 1,465 Certificate of Occupancies were issued in James City County. Through April, there were 366 Certificate of Occupancies issued and 1,975 active building residential building permits remain which adds up to 3,806 new homes. There are 13,790 building sites currently available without any rezoning. He discussed concerns with schools over capacity, traffic on Richmond Road, wells running dry, and police and fire services being over taxed. The developer wants to build 522 additional homes which is ten

times the amount that would be allowable under the A-1 zoning. Mr. Stam urged that the Planning Commission recommend denial of the rezoning application.

Mr. Burt Getty, 8297 Richmond Road, stated he supported the development and would prefer to have residential housing rather than the many uses permitted under the B-1 zoning. He also discussed Anderson's Corner being prime real estate over the next five to ten years. He agreed with the other residents of Stonehouse that we want to keep the rural flavor and the open space but this particular corridor is going to be developed.

Mr. Williard Delara, 92 Sandhill Road, discussed concerns of the use about the commercial property and whether that property would be sold or leased and concerns of traffic and speeding along Old Stage Road. He stated that he is not necessarily opposed to the entire project but is concerned about the commercial site being developed into a place where people hang out.

Kevin Kelley, 48 Shirley Road in Newport News, spoke on behalf of the applicant. He stated that he has known the applicant for about 10 years and he is someone who will perform as he says. He is tenacious in his details, has a long professional civic association in our area and has charitable involvement. He believes the project is strong. Mr. Kelley also stated that affordable housing these days is anything under \$300,000 and urged the Planning Commission to support the application.

Mr. Walker Ware, 5004 River Drive discussed that his mother owns property at Anderson's Corner and has not been able cut a deal with Mr. Rauch for commercial development. He also commented on his right to have absolute ownership of his land and that we need to build fewer schools along entrance corridors to prevent traffic slow downs.

Mr. Charlie Crawford, 7849 Church Lane, stated he would just like to echo what Mr. Burt Getty stated earlier and it was a good development.

Mr. Hal Lindsay, 3472 Old Stage Road, stated that Anderson's Corner is probably one of the nicest places around to be developed and was not opposed to development but is opposed to this proposal. He discussed the following concerns: (1) watershed and environmental issues; (2) traffic; (3) development of the Croaker and Rochambeau corner; and (4) parks and recreation. He stated that Anderson's Corner has the potential for a lot of development, but this plan looks like it was put together by somebody who does not actually live in this area.

Seeing no further speakers, Mr. Fraley closed public hearing.

Mr. Fraley asked the Commission for discussion.

Mr. Kennedy stated that this is a quality development but would like to say that Anderson's Corner is one of the last if not the last jewel in James City County for many reasons. Anderson's corner has some beautiful vistas, but thinks that this plan could be tweaked. Mr. Kennedy discussed developing a true environmental impact statement, caps on development and traffic studies. The proposal is very strong but it needs to be embraced by the developer, citizens and County staff, so he would be inclined to say no tonight.

Ms. Blanton stated she agreed with a great deal of what Mr. Kennedy had said and thinks that the location next to Anderson's Corner does present a significant challenge. She continued by stating that we should hold it to a considerably higher threshold and, while the proposed use comes much closer to what is appropriate for Anderson's Corner, she agreed with Mr. Kennedy that it is not quite there and would unfortunately also have to deny approval, but hoped that we can come back and look at a different project for that area.

Ms. Jones stated she liked the density changing to three as well as the 300 foot buffer which is setting a good precedent. Ms. Jones continued by stating that this could be a good project.

Mr. Kale stated that he has seen some very commendable things about this development but the timing was wrong. He stated concerns about the need for a stronger internal artery system between the townhouses to the east. He suggested that the developer go back and take a look at what has been proposed and see what could be done to respond to some of the concerns brought here tonight and to give the community more benefits. He is not prepared to vote against it, but would vote for a deferment.

Mr. Geddy asked the Planning Commission to defer the case so that they may consider what they have heard until the August 1, 2005 meeting.

I. ZO-04-05 Zoning Ordinance Amendment

Ms. Ellen Cook presented the staff report. Staff is proposing to add a new ordinance section and amend an existing ordinance section both related to wireless communications facilities. The changes would be as follows: (1) amend the R-4 district to add tower mounted wireless communications facilities as an SUP and (2) amend the wireless communications facilities section of the ordinance to update the by-right and SUP required summary table, which is the housekeeping amendment that the initiating resolution referred to earlier tonight.

Staff believes that a tower greater than 120 feet in height is something that could potentially be accommodated in the R-4 district in accordance with the Board of Supervisors wireless policy. Residential areas zoned R-4 are large master plan communities that include extensive open space and recreation areas. In this respect R-4 is similar to the Mixed Use and Planned Unit Development districts both of which currently allow tower mounted wireless communications facilities as SUP's. All three of these districts also permit non-residential uses and allow buildings up to 60 feet in height while other residential districts only permit buildings 35 feet in height. Staff recommends that the Planning Commission recommend approval of the attached ordinance amendment.

Mr. Fraley opened the public hearing.

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

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the amendment: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

## 6. PLANNING COMMISSION CONSIDERATION

### A. Annual Report

Mr. Sowers presented the Annual Report and asked the Commission to elect one of the members, normally either the Chairman or Vice-Chairman to go to the Board of Supervisors to make the presentation. Staff recommends you adopt it tonight with any suggested changes. The Annual Report would be presented to the Board of Supervisors at the July 26, 2005 meeting.

Mr. Fraley called for any discussion or input.

Ms. Jones made a motion to accept the Annual Report.

Ms. Blanton seconded the motion.

The Planning Commission voted 5-0 to accept the Annual Report: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

## 7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. He stated that the Board of Supervisors will be having a work session on cash proffers on July 26, 2005 and there will be a groundbreaking for the Greensprings Trail tomorrow at Mainland Farm which will be attended by the Governor. The Planning Division in particular played a very strong role as has the Attorney's Office in helping bring this project to fruition.

## 8. OTHER DISCUSSION

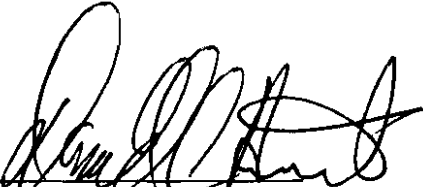
Mr. Kale made a motion that we ask the Board of Supervisors to initiate a study involving the village of Toano and Anderson's Corner.

Mr. Kennedy seconded the motion.

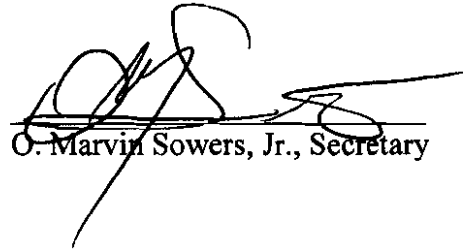
The Planning Commission voted 5-0 to accept the motion: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

9. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 11:27 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary