

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF AUGUST, 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
Jim Kennedy
Mary Jones
Wilford Kale
Don Hunt
George Billups

ALSO PRESENT

John Horne, Development Manager
Marvin Sowers, Planning Director
Allen Murphy, Principal Planner/Zoning Administrator
Adam Kinsman, Assistant County Attorney
Tamara Rosario, Senior Planner II
Matthew Arcieri, Senior Planner
Ellen Cook, Planner
Matthew Smolnik, Planner
Joel Almquist, Planner
Jose Riberio, Planner
Jason Purse, Planner
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Ms. Blanton said she forwarded her corrections to staff via email.

Mr. Sowers said that they were received and would be incorporated into the final draft.

Mr. Fraley motioned to approve the minutes as amended.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved as amended (7-0).

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered one case at its July 27th meeting, The Williamsburg Community Chapel Expansion. The DRC unanimously recommended preliminary approval, subject to agency comments.

Ms. Jones motioned to approve the report.

Mr. Kennedy seconded the motion.

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

B. OTHER COMMITTEE REPORTS - None

4. 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. Z-12-05 Toano Business Center

Mr. Hunt stated that the applicants for items 4-A through 4-E requested deferral of those cases until the September 12, 2005 meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, the public hearings were continued to September 12th.

F. AFD-7-86 Mill Creek Agricultural and Forestal District (AFD) – Findley Addition

Mr. Matthew Arcieri presented the staff report. Mr. John Findlay has applied to add 73.25 acres to the existing Mill Creek AFD. The property is located at 3406 North Riverside Drive and is identified as parcel (1-8H) on the JCC Real Estate Tax Map (9-4). The parcel is zoned A-1, General Agricultural and is located in the Stonehouse District. On July 18th the AFD Advisory Committee recommended approval by a vote of 9-0.

Mr. Hunt opened the public hearing.

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

Mr. Kale motioned approval.

Mr. Kennedy seconded the motion.

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

G. SUP-25-05/MP-10-05 Prime Outlets Master Plan Amendment

Mr. Matthew Arcieri introduced Mr. Jose Riberio. Mr. Riberio presented the staff report. Mr. Alvin Anderson and Mr. Dustin Devore have applied on behalf of Williamsburg Outlets, LLC, to amend the existing master plan and special use permit to allow for a 5,600± square foot expansion of Prime Outlets. The properties can be identified as parcels (1-33C), (1-33D), (1-33E)

and (1-28) on the JCC Real Estate Tax Map (33-1). The property is zoned B-1, General Business, with proffers and is designated Community Commercial on the Comprehensive Plan Land Use Map. Lands designated Community Commercial are intended to allow general business activity in areas located within the Primary Service Area while usually having a moderate impact on nearby development. Staff recommended approval of the application and attached conditions.

Mr. Fraley asked the purpose of the additional parking.

Mr. Riberio said the purpose was to accommodate overflow parking.

Mr. Fraley wanted to know how the parking lot would be accessed.

Mr. Riberio indicated an access route on the location map.

Mr. Fraley confirmed with Mr. Riberio that no signage exists directing traffic to the lot.

Mr. Kale said he would hold his questions regarding traffic for the applicant.

Mr. Kennedy said that several times of the year there is a severe shortage of parking. He asked how this would be addressed.

Mr. Riberio referred the question to the applicant.

Mr. Hunt opened the public hearing.

Mr. Dustin DeVore, Kaufman and Canoles, represented the applicant. Mr. DeVore gave a presentation outlining the proposal.

Mr. Kale asked if the leases required employees to park in the rear parking lot.

Mr. DeVore said it was required.

Mr. Kennedy asked how close this expansion would be to the residential development behind the center.

Mr. DeVore answered 400 feet.

Mr. Kennedy was concerned about the effect of lighting, dumpsters and deliveries on the surrounding residents.

Mr. DeVore said they would use down cast lighting and that dumpsters and delivery services would be done the same as it always has.

Mr. Kale asked about the construction taking place near the Joseph Banks store.

Mr. Paul Reid, the applicant, said the dumpster pads that were approved with the previous expansion are being installed.

Mr. Fraley confirmed that they would house the dumpsters currently sitting in the roadway.

Mr. Kale asked if an encroachment was approved to allow cutting into the buffer.

Mr. DeVore said it was approved with the previous expansion request.

Mr. Kale said this should not be allowed in the future because it cuts into the buffer between this project and the adjacent property.

Ms. Jones clarified that there was no access to the back parking lot from the outlet mall without going back out to Route 60.

Mr. DeVore explained that to provide such access would cause signaling issues on Route 60.

Mr. Kale asked if there was any way to connect the main parking area with the overflow lot.

Mr. DeVore said the applicant would look for ways to improve parking.

Mr. Kale wanted to know how shoppers would access the front of the mall from the rear parking lot.

Mr. Reid said the current expansion includes a breezeway from that parking lot and that signage would be installed. He also said they would provide a one-way access road if the Virginia Department of Transportation (VDOT) would approve it.

Mr. Kale said he thought this addition would make the parking problem worse. He asked if something could be done to help businesses like Ewell Station and the motel that become overflow parking lots for the mall.

Mr. DeVore said they have been in discussions with Ewell Station in the past and would be willing to resume those discussions.

Mr. Kennedy said that in November and December shoppers park at his restaurant that is located in the area. He also voiced some of the parking and traffic concerns voiced by mall employees and other area merchants, including security lighting and access to employee parking areas.

Ms. Jones asked if the current lighting meets code.

Mr. DeVore said it was up to code for what is there now.

Mr. Fraley asked if the applicant would be agreeable to conditions for improved lighting, directional signage to parking areas, and movable planters near the Polo store.

Mr. DeVore said yes.

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

Mr. Kennedy motioned to approve the application with the amended conditions recommended by Mr. Fraley. He also urged the applicant to consider parking solutions improving access to the rear parking areas.

Mr. Kale seconded the motion. He also asked the applicant to act in good faith to deal with the parking issues.

Mr. Fraley clarified the amended conditions and agreed with Mr. Kale's request for parking improvements.

Ms. Blanton agreed with the previous comments and amended conditions.

Ms. Jones agreed that satellite parking might be something that should be considered.

In a unanimous roll call vote the application and amended conditions were recommended for approval (7-0).

H. SUP-24-05 Williamsburg Winery – Gabriel Archer Tavern

Mr. Matthew Arcieri presented the staff report. Mr. Vernon Geddy has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the continued operation of the Gabriel Archer Tavern restaurant which is operated by and in conjunction with the Williamsburg Winery. The existing special use permit for the tavern expired. A restaurant is a specially permitted use in the R-8, Rural Residential district in which the property is located. The property is at 5800 Wessex Hundred and can be further identified as parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval of the application and attached conditions.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He stated that all issues had been resolved. Mr. Geddy asked the Commission to recommend approval and made himself available for questions.

Mr. Kale stated that the applicant resolved the outstanding issues eight months later than expected.

Mr. Geddy said he had advised his client not to come back until everything was resolved. He said he recommended his client not ask for more time.

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

Mr. Fraley motioned to approve the application.

Mr. Kennedy seconded the motion.

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

I. SUP-22-05 Shops at Norge Crossing

Ms. Ellen Cook introduced Mr. Jason Purse. Mr. Purse presented the staff report. Mr. Gregory Davis of Kaufman and Canoles has applied for a special use permit to construct 8 retail shops totaling 13,000 square feet at 7500 Richmond Road. This parcel is located at the intersection of Norge Lane and Richmond Road and can be further identified as Parcel Number (1-71E) on the JCC Real Estate Tax Map (23-2). It is part of the Norge Crossing Shopping Center and is currently zoned B-1, General Business, with proffers. Staff found that with the proposed conditions the application is compatible with the Comprehensive Plan. Staff recommended approval of the application and attached conditions.

Ms. Blanton asked about the proposal's impact on the Yarmouth Creek Watershed Protection Plan.

Mr. Purse stated that one of the conditions included the goals and priorities of the plan.

Ms. Blanton asked if the developer provided funding for education or other protective measures.

Mr. Purse said SUP conditions can not request money.

Ms. Blanton wanted to know if it could be proffered.

Mr. Purse explained that proffers are generated through Rezonings rather than Special Use Permits.

Mr. Hunt asked if the existing BMP would remain.

Mr. Purse said yes.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis presented the project and showcased the developer's previous project in James City County. He asked the Commission to approve the application.

Mr. Kale asked if the applicant had any questions regarding the conditions.

Mr. Davis said no. He said the applicant was in agreement with the conditions.

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

Mr. Kennedy recused himself.

Mr. Kale stated his pleasure with the developer's previous project in the County.

Ms. Blanton echoed Mr. Kale's comments.

Mr. Kale motioned to approve the application.

Ms. Blanton seconded the motion.

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

J SUP-23-05 TGI Friday's

Mr. Matthew Smolnik introduced Mr. Joel Almquist. Mr. Almquist presented the staff report. Mr. Vernon Geddy III has applied for a special use permit on the parcel located at 5521 Richmond Road, which is currently zoned B-1, General Business in order to construct and operate a TGI Friday's restaurant. The property is also known as parcel (1-5A) on the JCC Real Estate Tax Map (33-3). Mr. Geddy has filed the special use permit application because the proposal is projected to generate more than 100 peak hour trips to and from the site. The site is designated as Neighborhood Commercial on the JCC Comprehensive Plan. Limited business activity areas located within the Primary Service Area, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development, are designated Neighborhood Commercial. Staff found the proposal consistent with surrounding developments. Staff recommended approval of the application and attached conditions.

Mr. Kale, Mr. Almquist and the applicant's traffic consultant discussed access to the property.

Mr. Kennedy asked what colors would be used on the exterior of the building.

Mr. Almquist presented a color sketch showing red and white awnings. He stated that the Planning Director had final approval.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He said he thought the location was a good fit for this use.

Mr. Kennedy asked if more neutral colors could be used.

Mr. Geddy said the color scheme was consistent with all TGI Friday's stores. He did state that the colored sketch appeared to be brighter than it will appear at the store.

Mr. Kale encouraged the Planning Director take a close look at the colors.

Mr. Geddy said the applicant was happy with the proposed conditions.

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

Mr. Kennedy motioned for approval. He did state his concern with the traffic on Route 60.

Ms. Jones seconded the motion.

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

K. SUP-20-05 USA Waste of Va. Landfills, Inc. Renewal

L. SUP-19-05 Branscome Borrow Pit Renewal

Mr. Matthew Smolnik presented the staff report. Mr. Vernon Geddy III has applied to renew SUP-008-00 and SUP-009-00 at 700 Blow Flats Road and the parcel directly adjacent to it, currently zoned M-2, General Industrial, in order to continue the operation of borrow pits. The properties are also known as parcels (1-3) and (1-2) on the James City County Real Estate Tax Map (60-3). Mr. Geddy is requesting slight changes to the existing special use permits, which are primarily intended to reflect the completion of environmental remediation and timbering activities on the sites. The applicant is also requesting to eliminate the five year time limit on the special use permits. The sites are designated General Industrial by the James City County Comprehensive Plan. Staff recommended approval subject to proposed conditions including retention of the five year renewal requirement.

Mr. Sowers added that VDOT also recommended retention of a five year expiration date.

Ms. Blanton asked about the negative impacts mining will have on the neighboring tidal wetlands.

Mr. Smolnik stated that there will be enough distance that no negative impacts are anticipated.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. The applicant has mined at this location for over 35 years. He recited some of the advantages of this proposal. Mr. Geddy asked for renewal of the applications and elimination of the five year time limit.

Mr. Kennedy recalled that the company was sold shortly after the previous renewal.

Mr. Geddy noted that there have been no changes in the way the company or the borrow pits have been operated locally.

Mr. Greg Davis, Kaufman and Canoles, represented adjacent property owner, Greenmount Associates. Mr. Davis stated that his client did not oppose the application. He urged retention of the five year renewal required.

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

Mr. Kennedy motioned to approve the applications with a five year expiration.

Ms. Jones seconded the motion.

Mr. Billups stated his concerns about the safety and health conditions that currently exist. He said there were no steps being taken to correct or lessen the impact of dust, debris, etc. to residents.

Mr. Sowers said that public notice was given and that no residents came forward. He also said there were conversations with neighbors during the previous renewal request.

Mr. Billups said there was an obligation to ensure the health and safety of residents even if they do not appear.

Ms. Jones stated that the staff report indicated that those conditions will be properly regulated.

Mr. Billups said marine life is another concern.

Mr. Geddy stated that creation of the tidal wetlands is a proposed benefit and will require exhaustive permitting.

Mr. Kale confirmed that proper experts will be consulted such as the Virginia Marine Resources Commission. He also stated his concern that the road be kept free of debris.

The Commission and the applicant discussed the improvements to Blow Flats Road.

In unanimous roll call votes both applications were recommended for approval (7-0). AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt; NAY: (0).

The Commission adjourned for five minutes.

M. Z-4-05/SUP-7-05 Langley Federal Credit Union at New Town

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. The case was deferred at the July 11th Planning Commission meeting. At that time the Planning Commission recommended that the applicant revisit the issues of the number of drive-through lanes, address the proffer deficiencies and explore shared parking. In response the applicant reduced the number of drive-through lanes requested from seven to five (four teller lanes and one ATM lane for immediate use) plus two teller lanes reserved for future use. The remaining two lanes would require DRC approval. The applicant submitted proffers which address the deficiencies previously noted, including participation in the New Town Commercial Property Owner's Association. The applicant also expressed a willingness to work with adjoining landowners on shared parking when the adjoining parcels are developed.

Staff found the proposed use consistent with the surrounding development, the New Town Design Guidelines, and the Comprehensive Plan and recommended approval of the application and attached conditions.

Mr. Hunt opened the public hearing.

Mr. Ray Suttle, Jr., of Jones, Blechman, Woltz, and Kelly, represented the applicant and introduced Tom Tingle, the architect.

Mr. Tom Tingle, Guernsey-Tingle, made a presentation outlining the project and identifying the changes made as a result of staff's, the Design Review Board's and the Planning Commission's requests.

Mr. Fraley applauded Mr. Tingle on the design.

Mr. Kale agreed with Mr. Fraley on the design. He disagreed with the number of drive-through lanes. He said that some New Town Design Review Board (DRB) members had expressed their support for a reduction to him.

Mr. Kale and Mr. Tingle discussed how the drive-through reduction could be achieved architecturally. Mr. Kale also stated his desire for any requests for expansion to be made before the full Planning Commission.

Ms. Blanton thought the applicant had done an admirable job responding to the New Town Design Guidelines. However; she felt the New Town principles favored pedestrians and that three drive-through tellers and one ATM lane was sufficient. Ms. Blanton was not comfortable with allowing the possibility of future expansions.

Mr. Fraley agreed with Mr. Kale that future expansion requests come before the full Commission. He said he had also had discussions with DRB members concerning their desire for fewer lanes. Mr. Fraley noted that the current James City County branch does not have a drive-

through and does not seem to experience traffic back-ups. He questioned whether this project was a fit for New Town.

Mr. Kennedy commended the applicant and felt the changes reflected their desire to be in New Town. He did not think New Town would be a walking community and this is on the outskirts of New Town. He asked if the applicant would look to move elsewhere if the additional lane was not approved.

Mr. Tom Horner, the applicant, discussed how this location was chosen. He stated that their consultant had originally recommended that they locate in the Richmond Road/Lightfoot Road area based on their customers' demographics, but they preferred a New Town location. He insisted that the project required four drive-up tellers lanes and that three would not work. He explained that one teller works two lanes so that an odd number of lanes would mean one person would be working at 50%. Mr. Horner also said he was responding to their members who have said they do not do business at the Colony Square branch because it does not have a drive-through and because they cannot cross the road safely.

Mr. Fraley asked the applicant to explain how he would lose money with three lanes when nearby institutions only have three.

Mr. Horner explained that other institutions have one teller working three lanes and he felt he could better serve his members with one teller working two lanes.

Mr. Kennedy disagreed with the other Commissioners and stated his support of the proposal.

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

Mr. Hunt said that after listening to the applicant he understood his argument that the additional drive-through was a matter of efficiency.

Ms. Blanton stated her understanding that when visiting New Town one would park or walk over and do a number of errands at once. She felt the notion of zipping through in a car and going elsewhere is counter to what New Town is trying to accomplish.

Mr. Billups said he did not think that one additional drive-through warranted denial of the application.

Mr. Kennedy asked if anyone was present from the DRB. He stated his opinion that it was grossly unfair that DRB members would call some individual members of the Commission without calling all of them in order to express their concerns after having made a decision that indicated that they were in support of the plan. He thought they should have appeared before the Planning Commission and made their statements available to everyone.

Mr. Fraley again complimented the applicant on the proposal and their responsiveness in incorporating changes from last month's meeting. He also said he was not persuaded and would not support the request.

Ms. Jones agreed that the facility is one of the gateways to New Town and should comply with the pedestrian friendly spirit of the community. She said she would not support three drive-through tellers and one ATM.

Mr. Kale motioned to approve and amend the application allowing no more than four drive-through lanes including the ATM and requiring any requests for expansion to be presented to the full Commission.

Mr. Fraley seconded the motion.

Mr. Kinsmen confirmed that both the rezoning and special use permit applications would be voted on together.

Mr. Kennedy suggested entering a substitute motion to approve the application as presented.

Ms. Blanton confirmed with Mr. Kale the effect of passage of his motion. She did not support allowing the possibility of future expansion.

Mr. Fraley agreed with Ms. Blanton on the issue of expansion.

Mr. Kennedy stated that the applicant may prefer a vote on Mr. Kale's motion.

Mr. Tingle stated the applicant's preference for a vote on the application as presented.

Mr. Kale withdrew his motion.

Mr. Kennedy motioned to approve the application as presented.

Mr. Fraley seconded the motion.

The motion to recommend approval of the application failed (3:4). AYE: Billups, Kennedy, Hunt (3); NAY: Kale, Blanton, Fraley, Jones (4).

N. Z-10-05/SUP-17-05/MP-7-05 The Villages at Whitehall (LaGrange)

O. Z-11-05/SUP-18-05/MP-8-05 The Villages at Whitehall (Task, Neck, Rochambeau)

Mr. Matthew Smolnik presented the staff report. Mr. Vernon Geddy has applied on behalf of Rauch Development to rezone approximately 22.81 acres of land currently zoned A-1, General Agriculture to R-2 Cluster, General Residential with special use permit for a residential cluster overlay to construct a maximum of 79 residential dwelling units with an overall density cap of 3.46 dwelling units per acre. The Comprehensive Plan Land Use Map designates these properties as

Low Density Residential with one dwelling unit per acre. This property is located east of Anderson's Corner at 8716, 8720 and 8724 Barhamsville Road, and 3225 Old Stage Road, The property is more specifically identified as parcels (3-1), (3-2), (1-21) on the JCC Real Estate Tax Map No. (12-1) and parcel (1-21) on the JCC Real Estate Tax Map No. (12-2).

Mr. Geddy has also applied on behalf of Rauch Development to rezone approximately 138.54 acres of land currently zoned A-1, General Agriculture and B-1, General Business to R-2 General Residential Cluster and R-5 Multi-Family Residential Cluster, with a special use permit for a residential cluster overlay to construct a maximum of 443 residential dwelling units with an overall density cap of 3.2 dwelling units per acre. 4.59 acres of B-1, General Business zoned property will be rezoned to B-1, with Proffers for an approximate 8,000 square foot building. The Comprehensive Plan Land Use Map designates these properties as Low Density Residential with one dwelling unit per acre. This property is located east of Anderson's Corner at 3400, 3505, 3610, and 3611 Rochambeau Drive and 8350 Richmond Road. The property is more specifically identified as Parcels (1-14) (1-24) (1-22) (1-19) and (1-18) on the JCC Real Estate Tax Map No. (12-2).

Both proposals were deferred at the Planning Commission's July 11th meeting. At that time staff felt Taskinas, Rochambeau, and Hickory Neck Villages were not consistent with a low density residential Comprehensive Land Use designation. Mr. Smolnik said staff further believed the three villages did not adequately protect historical structures or scenic vistas nor sufficiently help to achieve the Anderson's Corner Mixed Use area vision.

The applicant has revised the proposals and staff found that they sufficiently addressed the technical issues raised at the previous Planning Commission meeting. Staff recommended approval of the applications with the attached conditions.

Mr. Kennedy asked if changes were made to the location of the recreational facilities.

Mr. James Peters, AES Consulting Engineers, said one small interior recreation open space was removed and replaced with a combined larger open space in another location. Mr. Peters pointed to them on the location map.

Mr. Kennedy and Mr. Peters discussed the locations of the shared facilities.

Mr. Sowers added that each of the two applications has proffered to meet the recreational standards recommended in the County's Recreational Master Plan.

Mr. Fraley questioned the appropriateness of rezoning commercial parcels to residential when the Comprehensive Plan for Anderson's Corner suggests business and commercial as primary uses with residential being a supporting use.

Mr. Smolnik stated that the parcel adjacent to this proposal has thirty-nine acres and is currently zoned B-1 with the potential for 300,000 – 400,000 square feet of commercial space.

Mr. Fraley asked why the applicant did not propose more commercial.

Mr. Sowers offered that these particular sites are not part of the adjacent Mixed Use area. He said they are designated low-density residential on the Comprehensive Plan. Mr. Sowers stated that previous reviews of the Comprehensive Plan identified the B-1 zoning as inconsistent and recognized that there is a tremendous amount of commercial zoning already designated in this area.

Mr. Kale asked if down-zoning has been considered.

Mr. Sowers answered no. He also outlined the process to down-zone.

Mr. Kennedy stated his apprehension about allowing this project without a study of the entire area. He asked if staff had considered the impact of having a commercial development so close to a residential area.

Mr. Sowers said that under the current guidelines of the Comprehensive Plan staff felt this application met enough of its tenets that a recommendation of denial was not warranted.

Mr. Kennedy said that he supported a recommendation of denial based on the fact that he would like to see a study of this area.

Mr. Fraley noted that the Planning Commission at its last meeting recommended that the Board of Supervisors commission a study of this area to establish a vision.

Mr. Sowers confirmed that the Board decided to not move forward with a study at this time.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He gave a presentation outlining the revision of the proposal since the last meeting. Mr. Geddy asked for a recommendation of approval.

Ms. Jones asked about the James City Service Authority's (JCSA) concerns about how the project will be integrated into the public water and sewage system.

Mr. Geddy stated that a master water and sewer plan will be required prior to site plan submission.

Mr. Sowers confirmed that such a condition is attached to the application.

Ms. Blanton suggested that development start away from the road and come forward so that the vegetation will have time to mature and provide a screen to those homes near the road.

Ms. Terri Hudgins, 111 Knollwood Drive, represented the Stonehouse District Citizens Association. The association opposed the rezoning as proposed by the applicant.

Mr. Jerry Jutras, 102 Plains View Road, expressed his support of the application.

Ms. Mary Magoon Delara, 92 Sand Hill Road, stated her opposition to blocking the left hand turn land from Sand Hill Road onto Old Stage Road and Rochambeau.

Mr. Rich Krapf, 2404 Forge Road, said he did not believe this proposal represented the best possible use of this land. He recommended deferral of the application until a comprehensive study of the area can be completed.

Ms. Linda Rice, 2394 Forge Road, represented the Friends of Forge Road. She commended the applicant on the improvements to the plan but requested denial of the application until an area study could be completed.

Mr. Charlie Crawford, 7849 Church Lane, said the project represented a good opportunity to the County. He also stated that future proposals would still be subject to approval.

Mr. Willard Delara, 92 Sand Hill Road, requested that convenience stores be added to the list of excluded uses for the 8,000 square foot commercial/retail building that will be located near the junction of Rochambeau, Old Stage Road and School House Lane.

Mr. Geddy said that the list of excluded uses included uses permitted by right in the B-1 Zoning District and convenience stores would require a request for a Special Use Permit. He also said that if VDOT does not approve blocking the left hand turn land from Sand Hill Road then the road would be left as it is.

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

Mr. Kennedy stated that he felt the applicant had gone the extra mile. He also said that the County has not gone the extra mile and urged a study of Anderson's Corner before acting on this case.

Ms. Jones said the Board of Supervisors had the opportunity to commission a study and chose not to. She said she was not thrilled about rezoning what is currently B-1 to R-2 but felt it was supported by the Comprehensive Plan. She stated her support for the proposal.

Ms. Blanton agreed with Ms. Jones. She stated her disappointment that a study was not commissioned. Ms. Blanton stated that she felt this project represented a good direction for the area.

Mr. Kale said that if the Board had chosen to conduct a study he would have asked the developer to wait. He also said he thought this was a good project and does not run counter to what was intended in Anderson's Corner.

Mr. Billups stated that the developer had made a good faith effort and that he would support the application.

Mr. Hunt stated his main concern was that the forthcoming residents may not be supportive of future commercial proposals for the parcels at Anderson's Corner that are designated commercial.

Mr. Fraley stated his support for an area study and his concerns about rezoning from commercial to residential. He also stated his feeling that this was a project that would set standards and wished it had more commercial, but it had his support.

Mr. Fraley motioned for approval of the application and attached conditions.

Ms. Blanton seconded the motion.

In a roll call vote the application was recommended for approval (6-1) AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt (6); NAY: Kennedy (1).

7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Initiating Resolution for a Zoning Ordinance Amendment to allow facilities for the residence and for care of the aged by special use permit in the R-8 Zoning District. Staff recommended approval.

Mr. Kennedy motioned to approve the resolution.

Mr. Fraley seconded the motion.

Mr. Billups asked how much growth would be generated by the proposal.

Mr. Sowers said the growth would not come about until someone actually applied for a special use permit.

Mr. Billups asked what the potential for growth would be.

Mr. Sowers said this was the first time such a request has been made and he could guess.

Mr. Horne said this specific proposal was for a parking lot but the zoning change could allow for other types of applications.

Mr. Kale asked if there was any other way to allow a parking lot than a zoning change.

Mr. Horne outlined the Williamsburg Landing's need for shared parking behind a building on the Airport property which is zoned R-8.

Ms. Blanton confirmed that approval of the resolution only allowed staff to research the matter and does not give approval.

Mr. Kale offered a substitute motion for deferral to allow staff to look into alternatives other than a zoning change.

Mr. Fraley asked if staff was in the due diligence stage.

Mr. Horne said that there were internal discussions about how to accomplish this with the least amount of change to the Ordinance.

Mr. Fraley asked if staff would be inconvenienced by waiting.

Mr. Horne said it was the applicant's timetable not staff's.

Mr. Kennedy asked about the urgency of the parking lot.

Mr. Horne did not know.

Mr. Hunt said they do have a parking problem.

Mr. Fraley seconded the motion for deferral.

Mr. Billups stated his support of Mr. Kale's motion.

In a unanimous voice vote the motion to defer passed (7-0).

Mr. Hunt thanked Staff and Commissioners for their support and kind words concerning the death of his father. He also thanked Ms. Blanton for her input and diligent service.

Mr. Fraley said Ms. Blanton is a superstar and that he would miss her a lot.

Mr. Kale expressed his enjoyment of his association with Ms. Blanton.

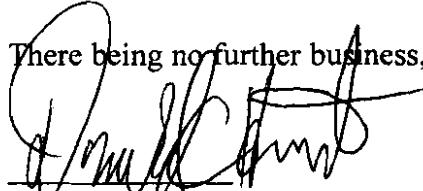
Ms. Blanton said it has been her distinct honor and privilege to have served on the Planning Commission. She said she will miss everyone and miss James City County.

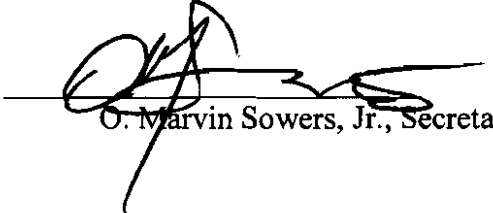
Mr. Sowers thanked Ms. Blanton. He said Staff has enjoyed working with her and appreciated her service to the community.

Ms. Jones said she has a huge amount of respect for Ms. Blanton and will miss her.

8. 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