

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

1. ROLL CALL

Don Hunt
Mary Jones
Tony Obadal
Jack Fraley
Shereen Hughes
Jim Kennedy
George Billups

STAFF PRESENT

Marvin Sowers, Planning Director
Adam Kinsman, Assistant County Attorney
Jose Ribeiro, Planner
Jason Purse, Planner
Toya Ricks, Administrative Services Coordinator
Scott Thomas, Chief Environmental Engineer
Michael Woolson, Environmental Engineer
William Cain, Environmental Engineer

2. PUBLIC COMMENT

Mr. Fraley announced the ability to view Planning Commission meetings over the internet via live video streaming and on demand archives by accessing the County's website at www.jccEgov.com.

Mr. Fraley invited the public to address the Planning Commission.

Hearing no requests to speak, the public comment period was closed.

3. MINUTES

A. July 10, 2006 Regular Meeting

Mr. Obadal motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the July 10, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Ms. Jones stated that the Policy Committee met on July 27 to continue it's consideration of possible revisions to the residential sections of the Zoning Ordinance. She said the Policy Committee will meet every third Wednesday with the next meeting scheduled for August 23.

B. Development Review Committee (DRC)

Mr. Fraley stated that the DRC met on August 2. He stated that the Committee granted preliminary approval pending agency comments to SP-77-06 Williamsburg Landing - Woodhaven Expansion and SP-76-06 New Town Sections 3 & 6, Block 14, Parcels C & D (Discovery Buildings).

Mr. Kennedy motioned to approve the DRC report.

Ms. Jones seconded the motion.

In a unanimous voice vote the DRC report was approved.

C. Better Site Design Committee

Ms. Hughes stated that the progress of the Better Site Design Committee can now be found on the County's website. She also stated that Beth Davis, PRIDE (Protecting Resources In Delicate Environments) Coordinator, will meet with the Committee Wednesday, August 9 to discuss open space management, buffer systems and public education.

5. PUBLIC HEARINGS

A. SUP-18-06 Stuckey's Redevelopment

Mr. Fraley stated that the applicant has requested a deferral until the September Planning Commission meeting and asked if Staff concurred.

Mr. Sowers said Staff concurred.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued to September 11, 2006.

B. Z-2-06/MP-3-06/ SUP-19-06 Mason Park

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon Geddy, III has applied to rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development for the construction of a maximum of 15 single family detached dwelling units with an overall density of 1.65 dwelling units per acre. The property is located at 1916 Jamestown Road and is further identified as Parcel No. (1-17) on JCC Tax Map No. (46-4). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff found the proposal generally consistent with the Comprehensive Plan and recommended approval.

Ms. Hughes asked about an existing architectural feature on the site.

Mr. Ribeiro stated that the 1-story house, 1928 Jamestown Road, is listed on the historic survey

of James City County but has not been recommended for listing with the National Registry.

Mr. Fraley asked if the applicant has any concerns about the structure.

Mr. Ribeiro stated that there has been no discussion with the applicant concerning the house.

Mr. Obadal asked about the historical value of the home.

Mr. Sowers said the house was identified during an historical structures inventory and was not deemed a potential candidate for inclusion in the National Registry.

Mr. Obadal stated his concern that the Adequate Schools Facilities Chart does not include projected enrollment from approved projects that have not been developed or from by-right uses.

Mr. Sowers stated that review of the Adequate Public Facilities Test schools has been postponed due to the priority of other work programs.

Mr. Obadal asked if the chart currently used could be altered to include the data he requested.

Mr. Sowers said the information Mr. Obadal requested could be included in the current chart but would require a fair amount of staff effort. He also stated that the Adequate Public Facilities Test is a Board of Supervisors Policy and any revisions would require Planning Commission and Board of Supervisors approval.

Mr. Obadal suggested the current test be eliminated and replaced with an opinion from staff on the adequacies of the schools while the current Policy is under review.

Mr. Fraley asked if Mr. Kennedy was a member of the Board of Supervisors when the test was developed.

Mr. Kennedy said the test was developed prior to his tenure. He suggested the School System be involved in determining the adequacy of the facilities.

Mr. Obadal asked the Commission to consider a motion to recommend elimination of the policy to the Board of Supervisors.

Mr. Sowers stated staff has continued use of the test because it is a Board policy. He also stated that the information the Division has provided as been revised in an effort to provide better guidance.

Mr. Fraley suggested asking staff to forward a recommendation to the Board of Supervisors regarding the validity and appropriateness of the test.

Mr. Kennedy stated that adequate public facilities include more than schools and that a review of the policy should also include a determination of how to apply it. He also questioned adding the review of another policy to staff's heavy workload.

Mr. Obadal stated that he was not content with leaving a flawed policy in place and that partial or complete delay of some projects may be necessary until a review is complete.

Mr. Fraley asked Staff to forward to the Board of Supervisors the Commission's concerns about the validity and continued use of the Adequate Public Schools Test and ask for more direction.

Mr. Fraley complimented Mr. Ribeiro for the preparation of his staff report. He suggested that the design capacity and effective capacity for Berkeley Middle School might be transposed in the report.

Ms. Jones stated that the same data for Jamestown might also be incorrect.

Ms. Hughes asked what exceptional environmental features were included in the application.

Mr. Thomas enumerated what he felt were usual environmental protections to include the Powhatan Creek Watershed Management Plan, related proffers, conservation easement, extended buffer, low-impact development design features, and turf management plan.

Ms. Hughes and Mr. Thomas discussed the Environmental Division's up-coming presentation to the Board of Supervisors concerning buffering around the Powhatan Creek Watershed Management Plan.

Mr. Sowers added that the Zoning Ordinance allows for a density bonus for the proposed Green Building Practice's.

Mr. Kennedy asked for the scope of the requirement.

Mr. Sowers stated that the Design Guidelines must be reviewed by the DRC.

Mr. Fraley asked Staff's opinion on locating bio-retention features in the Community Character Corridor Buffer.

Mr. Thomas stated that Staff had no objections.

Mr. Obadal asked if a water feature similar to the one constructed in front of the courthouse could be used to improve the appearance of the basin.

Mr. Thomas stated that the proposed bio-retention basin is similar to the one at the courthouse but is of a smaller scale and deferred to the applicant.

Ms. Hughes asked if evergreens could be used in the basin.

Mr. Thomas said he did not think so and stated that the standard calls for three different types of trees, shrubs, and ground cover.

Mr. Sowers added that the location and design of the drainage features will require DRC approval.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III representing the applicant presented the proposal. He highlighted other projects developed and soon to be developed by the applicant. Mr. Geddy stated that the applicant has researched the architectural structure Ms. Hughes mentioned and determined that it is not eligible for listing in the National Registry.

Ms. Jones asked for more detail on the fiscal impact study.

Mr. Geddy stated that the initial study showing a positive fiscal impact was completed using budget data current at that time. He also stated that since that time newly adopted budget data indicates a slightly negative impact.

Ms. Jones asked Mr. Sowers for clarification of the negative impact given a sales price for the homes in the \$450,000 range.

Mr. Sowers stated that Staff had not been able to follow-up on the report with the Financial Management Services Division. He also stated that \$450,000 is near the break even point and that the amount of the negative impact is within the margin of error.

Mr. Fraley asked Mr. Sowers to verify the break even price.

Ms. Hughes asked for the results of the archaeological survey.

Mr. Geddy stated that five archaeological sites were located with one being potentially eligible for the National Registry. He stated that the applicant would either avoid that area or conduct further analysis.

Ms. Hughes asked for the type of materials on the buildings and garages.

Mr. Geddy answered brick and hardy plank.

Mr. Fraley referred to the applicant's turf management proffer and asked them to consider engaging the Turf Love program for the required studies.

Mr. Dave McGinnis, 3408 Chadsworth Circle, stated his concern with adding additional dwelling units in the county without further analysis of an adequate water supply.

Mr. John Schmerfeld, 128 Jordan's Journey, represented Friends of the Powhatan Creek Watershed. He stated that the plan incorporates key elements of Better Site Design and Low Impact Development. Mr. Schmerfeld expressed concerns about utilities being located within Resource Protection Areas (RPA) and recommended a 300 foot buffer and adequate energy dissipaters for the BMPs.

Mr. Obadal asked if the Friends of Powhatan Creek opposed the project.

Mr. Schmerfeld answered no and stated that their comments were recommendations only.

Mr. Fraley clarified that regarding the 300 foot buffer around the Powhatan Creek mentioned earlier that the Board of Supervisors will hold a work session tomorrow where they will hear comments from staff regarding possible protective measures.

Mr. Fraley asked Mr. Geddy if the 250 foot underground sewer line could cause major contamination if it were to break or become damaged.

Mr. Geddy showed pictures of a sewer bridge similar to the one proposed. He stated that there are 5300 linear feet of sewer bridge in James City County and that the JCSA (James City Service Authority) has not had a problem.

Mr. Hunt asked if it would be forced main or gravity.

Mr. Geddy said it would be gravity.

Mr. Fraley asked for comments on the design of the Energy Dissipation unit.

Mr. Geddy stated that it was intended to meet the Stormwater Criteria and could be redesigned as necessary.

Mr. Fraley confirmed that the applicant would be willing to over-design as necessary.

Mr. Billups asked for the advantages in relation to stormwater of reducing street widths.

Mr. Geddy stated that the decrease in pavement reduces impervious surface.

Mr. Billups asked if it creates addition of building areas.

Mr. Geddy said it allows more open space.

Mr. Billups asked if there will be variances in the sales prices of the homes.

Mr. Geddy stated that the homes would be similar and that variations in price would depend on the options each homeowner chooses.

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

Ms. Jones stated her concerns about schools overall and the lack of mixed cost housing. She also stated that the positives including location inside the PSA, compliance with the Comprehensive Plan, 150 foot buffer, and exceptional environmental protections outweighed the negatives.

Mr. Hunt stated that he liked the project and would support it.

Mr. Kennedy stated his concerns about schools, fiscal impacts, and water. He also stated that he was pleased with the environmental protections and would support the proposal.

Ms. Hughes stated her pleasure with the use of Better Site Design Principles. She also stated her concerns about the proposed encroachment into the Community Character Corridor and reduced street widths.

Mr. Fraley asked if Bio-retention Basins would be placed in both the Community Character Corridor buffer and the Perimeter Buffer.

Mr. Billups stated that it was a good design that will need some monitoring. He also stated his concerns regarding environmental and school impacts, and lack of affordable housing.

Mr. Obadal stated that although he shared Ms. Hughes' concerns he felt the project was worthwhile and should move forward.

Mr. Fraley complimented the applicant on the project and stated his support.

Mr. Obadal motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

Mr. Fraley and Mr. Sowers clarified the motion. Includes suggestions to provide additional measures to ensure turf management plans are implemented by the HOA and individual lots owners, and that buffer effectiveness and performance not be impaired by the bioretention basins.

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

C. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station

Mr. Hunt stated that the case involved his company and he recused himself and left the boardroom.

Mr. Obadal stated a prior business relationship with the developer's father. He stated that he felt enough time had elapsed that he felt comfortable hearing the case.

Mr. Jason Purse presented the staff report stating that Mr. James Peters has applied to rezone a 4.7 acre portion of the 403 acre Hill Pleasant Farm parcel located at 7152 Richmond Road from A-1, General Agricultural, to B-1, General Business, with proffers, with a Special Use Permit, for the development of a car wash, as well as two other commercial uses. The property is also known as parcel (1-5) on the JCC Tax Map (24-1). The site is shown as Mixed-Use on the 2003 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged. Staff recommended approval.

Mr. Obadal asked for the location and type of proposed orchard.

Mr. Purse indicated the location on a map and stated that there would be 18 fruit trees.

Mr. Obadal stated his concern that uses for two of the parcels had not been identified.

Mr. Purse deferred the question to the applicant and stated that proffers have been offered regarding traffic and architecture, and prohibited uses.

Mr. Fraley asked about the strength of the proffers.

Mr. Purse stated that the proffers will minimize the impacts of any of the potential projects.

Mr. Obadal asked how the amount of traffic generated by the car wash was determined.

Mr. Purse explained the process of determining traffic calculations.

Ms. Hughes asked if the existing stormwater system is adequate for a lube station.

Mr. Purse stated that the Environmental Division had not expressed any concerns.

Mr. Fraley asked if the project would require DRC review.

Mr. Purse said it would not.

Mr. Fraley asked how the environmental design is evaluated when the project has undetermined uses.

Mr. Cain stated that it would be reviewed when the applicant submitted the site plan.

Ms. Hughes asked what happens if it is constructed after the existing stormwater basin is in place.

Mr. Cain gave an example of a similar situation where the applicant was required to install an engineered system to separate the oily residue before it entered the basin.

Mr. Obadal asked how much is separated out.

Mr. Cain said they would be designed specifically for the site.

Mr. Obadal stated that he did not think it would remove more than 70% of the pollutants.

Mr. Cain stated that several of the devices reduce pollutants by more than that.

Mr. Obadal and Mr. Cain discussed possible solutions for different uses.

Mr. Obadal expressed his concern about the lack of environmental studies available to make a judgment about the project and the amount of water the project would require.

Mr. Thomas stated that detailed information is not generally submitted with a rezoning request.

Mr. Obadal thanked the Environmental Division for their work.

Mr. Kennedy asked if there have been any problems with any of the other car washes or oil station facilities in James City County.

Mr. Cain stated that he was not aware of any.

Mr. Kennedy asked if the same environmental standards were applied to Williamsburg Dodge when it was first proposed.

Mr. Thomas said yes and explained how the projects are evaluated.

Mr. Obadal stated that according to his research a 6 bay facility used 100,000 gallons of water a year.

Mr. Kennedy stated that according to 2002 data a two-person household uses 248,000 gallons of water per quarter. He also stated that car washes reuse water.

Mr. Fraley opened the public hearing.

Mr. Geddy represented the applicant. He stated that the parcel is currently a farm. He stated that the applicant is proposing a small scale commercial development to include a car wash and two other uses such as a bank, a sit-down restaurant, and a lube shop.

Mr. Obadal asked what type of filtration system will be used.

Mr. Doug Harbin, the applicant, stated that the proposal is for a re-claim system for the automatic wash that would re-claim 87% to 92% of the water to be used for the next car. He also stated that such a device is not feasible for the self-service wash because most of the water evaporates.

Mr. Obadal asked how many gallons would be used per year.

The applicant stated that he had some preliminary data and left the podium to retrieve it.

Mr. Obadal asked where the stormwater run-off is collected.

Mr. Geddy stated that it is collected from the self-service area and drained into the sewer system after being filtered.

Mr. Obadal stated that the filters capture particles not substances such as phosphate and nitrate so that these substances will enter the stormwater system.

Mr. Geddy explained that it will be collected in the sanitary sewer and routed to an HRSD (Hampton Roads Sanitation District) treatment facility.

Mr. Kennedy asked how long the water in the automatic wash is reused.

Mr. Brad Harbin stated that the water eventually recycles itself out through evaporation.

Mr. Kennedy stated that this saves water compared to washing a car at home.

Mr. Obadal asked about security.

Mr. Doug Harbin stated that the self-serve bays are glass and well lighted.

Mr. Obadal asked if there was a way to close the bays at night.

Mr. Harbin explained that this type of business is designed to be open at night.

Mr. Obadal asked if it will be staffed all the time.

Mr. Harbin said there will be security cameras.

Mr. Kennedy asked about the lighting impact to neighbors.

Mr. Geddy said there is a lighting proffer.

Mr. Kennedy asked if it was possible for the lights to turn themselves off when not in use.

Mr. Geddy said they would look into it.

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

Mr. Billups stated that he did not have any major concerns. He also stated that he would depend on staff to monitor what is actually constructed.

Mr. Fraley stated that it was unusual to have speculative uses with a project of this size and that it would fall on staff to monitor the other two potential uses in the absence of DRC review.

Mr. Sowers stated that it is unlikely that the project would be heard by the DRC.

Ms. Hughes stated that she would depend on staff to make sure that the eventual uses are consistent with the Comprehensive Plan. She also stated that lube shops and gas stations have contaminations associated with them and cautioned everyone to make sure any runoff is captured and treated. She stated her support for the plan.

Mr. Kennedy stated that the proposal brings many benefits to the site and an enhancement to the Norge Corridor.

Ms. Jones stated her support for the application.

Mr. Obadal said sites like this have to be carefully maintained. He asked if water is delivered to the car wash during droughts.

Mr. Kinsman stated that he thought commercial car washes were exempt from water restrictions.

Mr. Obadal asked if they are charged a higher rate.

Mr. Kinsman stated that fees are based on water usage.

Mr. Obadal stated that he thought the city of Portsmouth had problems with car washes and might have developed some internal guidelines that staff might find helpful.

Mr. Fraley stated that the applicant has proffered to have water conservation standards be approved by the JCSA.

Mr. Sowers said the proffers specifically mention water recycling.

Mr. Fraley asked that applicants not bring forward applications that contain speculative uses. He thanked staff and the applicant for their work on the project.

Mr. Kennedy motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

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

Mr. Hunt Returned to the dias.

6. PLANNING DIRECTOR'S REPORT

Mr. Kinsman announced that the County Attorney's Office has embarked on a cross-training program. He stated to this end Assistant County Attorney Jenny Lyttle will be providing some of the day to day legal support for the Planning Division and will be attending the Planning Commission meetings in his place for the next 6 months.

Mr. Fraley thanked Mr. Kinsman for his support.

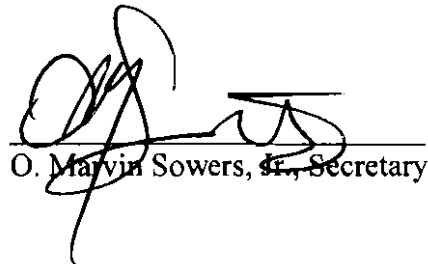
Mr. Sowers presented the Planning Directors report. He stated that in response to requests by Commissioners staff will begin to review alternative meeting dates for the 2007 calendar year. Mr. Sowers also announced that there will be a New Town work session August 17 at 10 AM in the Building A Conference Room.

Mr. Fraley discussed the necessity for a work session with the representatives of New Town.

7. Adjournment

There being no further business the Planning Commission recessed until Thursday, August 17 at 10 AM.


Jack Fraley, Chairman


O. Marvin Sowers, Jr., Secretary