

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

Ms. Hughes welcomed the newest Planning Commissioner, Mr. Reese Peck, who is replacing Mary Jones and completing her term which expires January 2009.

1. ROLL CALL

Planning Commissioners

Present:

George Billups
Reese Peck
Jack Fraley
Tony Obadal
Shereen Hughes

Staff Present:

Marvin Sowers, Director of Planning
Adam Kinsman, Deputy County Attorney
Jose Ribeiro, Planner
Terry Costello, Development Management Assistant

Absent:

Rick Krapf
Jim Kennedy

2. PUBLIC COMMENT

Ms. Hughes opened the public comment period.

There being no public comments, Ms. Hughes closed the public comment period.

3. MINUTES

A. November 1, 2007 Special Meeting

B. December 5, 2007 Regular Meeting

Mr. Obadal motioned to approve the minutes from the November 1, 2007 special meeting and December 5, 2007 regular meeting.

Mr. Fraley seconded the motion.

In a unanimous voice vote the minutes were approved (5-0).

4. COMMITTEE AND COMMISSION REPORTS

Ms. Hughes stated that in order to have a quorum in January it was necessary to designate Mr. Obadal and Mr. Krapf to the DRC Committee, and place herself on the Policy Committee. She stated she also designated Mr. Fraley as the Chairman of the DRC. She also stated that this is temporary until the organizational meeting is held in February.

A. Development Review Committee (DRC) Report

Mr. Fraley presented the report stating that the DRC met January 4, 2008. Mr. Krapf, Ms. Hughes, Mr. Fraley, Mr. Billups and Mr. Obadal were present. The DRC made its quarterly review of the shared parking plan for the town center at New Town. He stated that there have been no substantial changes since the Committee's last review on September 5, 2007. Prime Outlets presented a conceptual plan to modify the size of two buildings that were originally approved on SP-0025-2006. There is no change in total square footage or impervious cover, but the Committee did request a supplemental master plan be provided to reflect all changes. The DRC approved this plan subject to agency comments. Health E Community presented a case to modify setback requirements for all 90 lots at the Michelle Point Development. This plan was originally approved under the residential cluster ordinance which allows for reduction of setbacks to 0 feet, but the approved master plan lists the front setbacks at 25 feet. Staff recommended a reduction from 25 feet to 20 for all 90 lots. The DRC granted preliminary approval subject to agency comments. Health E Community presented a site plan for a fence in the entry area of Pocahontas Square. The DRC granted preliminary approval subject to agency comments. A site plan to adjust certain building sizes for the Weatherly at Whitehall development was presented. The net change was a reduction in building coverage of approximately 800 square feet. The DRC granted preliminary approval subject to agency comments. A subdivision and site plan for Phase 2 for the Settlement at Powhatan Creek was presented. The Committee noted commendable environmental design features in certain areas but was concerned about disturbances to steep slopes and encroachments to RPAs. The DRC voted to defer this application and encourage the applicant and the Environmental Division to review additional environmental design features. The Committee reviewed a subdivision for proffered recreational facilities in the Burlington Woods development. The applicant proposed cash contributions in lieu of a tennis court and ball field. The Committee was amenable concerning the tennis court but felt that the ball field should be directly provided for the children who reside in the subdivision. The DRC voted to defer the application until the applicant decides on the placement of the ball field.

Mr. Obadal made a motion to approve the report.

Mr. Billups seconded the motion.

In a unanimous voice vote, the DRC report from January 4, 2008 was approved (5-0).

B. Policy Committee Report

Mr. Fraley stated that the Policy Committee did not meet since the last Planning Commission meeting.

C. Comprehensive Plan Update

Mr. Fraley spoke about the Comprehensive Plan Update. He stated that the CPT is active and meets every Thursday at 4 p.m. There is an important meeting scheduled for January 24, 2008 at 7 p.m for citizens to meet the members of the CPT team and to gain insight into the Comprehensive Plan Update.

Ms. Hughes added that this meeting on January 24, 2008 is JCC 102 which is a citizen education type workshop. She asked Mr. Sowers if citizens had to sign up for it.

Mr. Sowers stated that it is open to the public. He also stated that JCC 102 is a continuation of JCC 101 which is a general citizen's information meeting.

D. Other Committee/Committee Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

There were no considerations.

6. PUBLIC HEARINGS

A. Z-0014-2007 / MP-0011-2007 Chestnut Grove

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the February 6, 2008 Planning Commission meeting.

Ms. Hughes opened the public hearing.

There being no comments, Ms. Hughes kept the public hearing open.

Mr. Fraley motioned for deferral.

Mr. Billups seconded the motion.

In a unanimous voice vote, the motion was approved (5-0).

B. Z-0008-2007 / MP-0006-2007 Ford's Colony Section 37

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to

the February 6, 2008 Planning Commission meeting.

Mr. Billups motioned for deferral.

Mr. Fraley seconded the motion.

In a unanimous voice vote, the deferral was approved. (5-0).

C. Z-0005-2007 Ingram Road Rezoning

Mr. Jose Ribeiro presented staff's report for a rezoning for 112 Ingram Road. The proposal was to rezone .37 acres of land from R-8, Rural Residential, to B-1, General Business with proffers, in order to allow the construction of an approximately 1,400 square foot, two story office building with a 520 square foot attached garage. Mr. Ribeiro stated that with the submitted proffers, staff finds the proposal will not negatively impact surrounding property. He also stated that the applicant will be submitting a request for a setback waiver but that will be considered at the site plan review stage. He stated that staff also finds the proposal consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation, and the Primary Principles for Five Forks Area of James City County. Mr. Ribeiro requested that the Planning Commission approve this proposal with the voluntary proffers, and recommend approval to the Board of Supervisors.

Mr. Billups asked whether this would be setting a precedent for businesses having attached garages for employee use. He also asked if there were any similar situations in the County.

Mr. Ribeiro stated that the additional spaces in the garage were due to the small size of the site. He stated there was no area for employee parking. Mr. Ribeiro stated he did not feel this would be setting a precedent. He stated there have been instances where garages were used for employees. He further stated that the Zoning Ordinance did not clearly state that garages could not be used for commercial parking purposes.

Mr. Sowers stated that this use is common in residential areas but not as common in commercial areas. He also stated that the Zoning Ordinance does not state it is not allowed.

Mr. Billups asked about the Five Forks Principles He asked about VDOT widening a portion of Ingram Road so that it this could be used as an alternative to Ironbound Road and John Tyler Highway. He asked whether a setback reduction would have an effect on this.

Mr. Ribeiro stated he not believe that the setback modifications would have any effect. He stated that the applicant has complied with the transportation initiatives in the Principles for Five Forks by offering a prorated contribution to the improvement of the intersection of Ironbound Road and John Tyler Highway.

Ms. Hughes stated she believed that this widening improvement was suggested for the Ingram Road west of Route 5.

Mr. Obadal asked about the plantings and water conservation with regard to the well.

Mr. Ribeiro stated that the irrigation well is a standard JCSA condition. He stated that no JCSA water will be used for irrigation and JCSA has allowed for some alternatives.

Mr. Obadal asked if one is barred from connecting to JCSA water in this type of situation, and would site, size and well setbacks allow a well.

Mr. Sowers stated that staff can investigate this prior to the Board of Supervisors' meeting. He stated that the proffer would not allow the applicant to override the well setback requirements. He also stated that staff can advise the Board at that time.

Mr. Obadal asked whether there would be a requirement with respect to plantings.

Mr. Ribeiro stated that landscape buffer plantings have been proffered which are 125 % of the size of what is required. He also stated that the applicant has agreed to landscape along the perimeter of the property.

Mr. Fraley wanted to clarify that this application was not addressing the request for a setback reduction.

Mr. Ribeiro stated that that this application is not addressing that concern at this time.

Ms. Hughes opened the public hearing.

Ms. Hughes asked Mr. Scott Evans, the applicant, about the large oak tree and the large pines that are on the property

Mr. Evans stated that he would like to save the oak tree but that there is a requirement as part of the rezoning process that he install a sidewalk. He stated that if a sidewalk is required to be installed, the oak tree would have to be cut down.

Ms. Hughes asked if the applicant could work with staff to reach a solution to save the tree, and possibly look at other options, such as a soft surface trail or path.

Mr. Sowers stated that staff would be willing to work with the applicant before the case is presented to the Board of Supervisors.

Ms. Hughes closed the public hearing.

Mr. Billups made a motion to approve the application, and Mr. Fraley seconded it.

Ms. Hughes clarified the motion. The motion is to approve the application with the understanding that staff and the applicant will reach a solution with regard to the sidewalk requirement in order to save the large oak tree.

Mr. Adam Kinsman stated that it would be fairly easy to draw up an amended proffer regarding the sidewalk requirement and saving the tree in question.

Mr. Sowers also stated that he assumed the approval would include looking into the feasibility of an irrigation well and if not feasible revising the proffer accordingly.

Ms. Hughes also added that she felt this proposal would be an attractive addition to the Ingram Road area as well as the Five Forks Area.

In a roll call vote the application was approved. (5-0) AYE: Billups, Fraley, Peck, Obadal, Hughes. (Absent: Kennedy, Krapf)

Mr. Sowers also commended the applicant on working with staff concerning the Five Forks Principles.

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers mentioned that the Commission's minutes are on the County's website. He stated that two years are available currently and by the end of January, additional years will also be posted.

Mr. Sowers also stated that the Commission's organizational meeting is normally at the February 2008 meeting. He stated that at that time the Chairman normally designates which members will serve on different committees and the Commission would meet prior to 7 p.m. meeting to discuss officer election and committee appointments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley suggested that the Commission meet at 6:30 or 6:15 on February 6, 2008 to discuss the appointments and assignments. The Commission agreed on meeting at 6:30 on February 6, 2008.

Mr. Kinsman suggested recessing this meeting and then reconvene on February 6, 2008.

Mr. Billups asked Mr. Kinsman about irrigation wells, and whether these are allowed when there is a connection to JCSA water for regular use.

Mr. Kinsman stated that he thought there was a JCSA regulation that would not allow it. He stated that he thought there were many other conditions such as DEQ

requirements and such.

Mr. Sowers stated that staff can have JCSA review the matter.

Ms. Hughes stated that the proffer referred to has been previously approved by the Board of Supervisors.

Mr. Fraley thanked Ms. Hughes for all her work and dedication to the Planning Commission and stated he considers her an outstanding citizen and Commissioner.

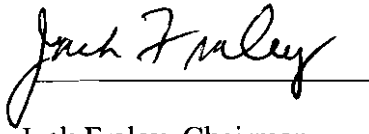
Mr. Billups reiterated that comment, and stated he appreciated all her work.

Mr. Obadal stated that he learned much from Ms. Hughes and she has lead the Commission well as the Chairperson.

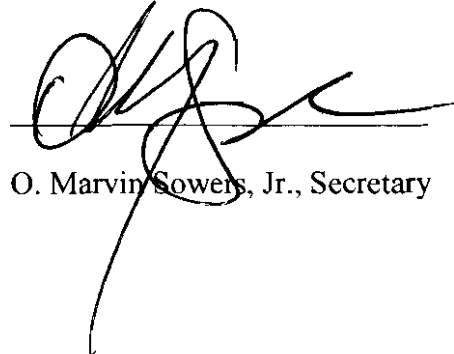
Ms. Hughes stated it was an honor working with everyone and she too has learned from her fellow Commissioners.

9. ADJOURNMENT

Ms. Hughes recessed the meeting until 6:30 p.m. on February 6, 2008.



Jack Fraley, Chairman



O. Marvin Sowers, Jr., Secretary