

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

1. ROLL CALL

Planning Commissioners

Present:

Deborah Kratter
Chris Henderson
Reese Peck
Jack Fraley
Rich Krapf
Joe Poole III

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Angela King, Assistant County Attorney
Dave German, Senior Planner
Leanne Reidenbach, Senior Planner
Brian Elmore, Development Management Assistant

Absent:

George Billups

2. ORGANIZATIONAL BUSINESS

Mr. Krapf identified the committee members for the upcoming year.

The Development Review Committee (DRC) will consist of Mr. Poole (Chairman), Mr. Billups, Mr. Fraley, Mr. Henderson, and Mr. Krapf.

The Policy Committee will be comprised of Mr. Henderson (Chairman), Mr. Fraley, Ms. Kratter, Mr. Peck, and Mr. Krapf.

3. PUBLIC COMMENT

Mr. Krapf opened the public comment period.

Mr. Robert Richardson, 2786 Lake Powell Road, showed a video clip from a local television station. He spoke on comments that were broadcast that involved Mr. Henderson. He referred to his website for comments from the public.

Mr. Mickey Harden, 6284 St. John's Wood, spoke concerning the previous comments. He stated how he felt that Mr. Henderson has a right to speak concerning national and local politics.

Mr. Chuck Buell, 112 Killington, spoke on behalf of the James City County Citizens' Coalition (J4C). He spoke on the 2008 Comprehensive Plan update. He stated the Coalition consists of many citizens that live throughout the County, along with many homeowner's associations and other organizations. He stated the three overriding goals of the 2003 Comprehensive Plan were to preserve the quality of life, to control residential growth while

2008, Summerplace. This application is a proposed by-right 165 single-family lot subdivision situated on 924 acres. Items discussed concerning the plan were interconnectivity, the number of cul-se-sacs, and the possibility of a waiver for cul-de-sacs that extend beyond 1,000 feet. There were also discussions concerning topography and the potential of clustering further away from the environmentally sensitive areas. Mr. Poole stated this was a conceptual plan and that the applicant appreciated comments from the DRC. The final plan will come back to the DRC since the development has more than 50 lots.

Mr. Fraley moved that the DRC report be approved.

Mr. Henderson seconded it.

In a unanimous voice vote the report were approved. (6-0, Billups absent)

B. Policy Committee

Mr. Henderson stated the Policy Committee met three times in February. At the February 11th meeting the Committee initiated their review of the Capital Improvement Program. At the February 18th meeting the Committee continued their review and prepared a series of recommendations that the Planning Commission will review this evening. Mr. Henderson stated the Committee will be developing a set of criteria on which to base future reviews of CIP projects. At the February 24th meeting the Committee prepared a summary of the changes to the CIP Process which was presented to the Board of Supervisors on February 24, 2009 during a joint worksession. The Committee will meet on March 11, 2009 at 6 p.m. in Building A to discuss amendments to the County Ordinances regarding signage illumination in Community Character Areas and along Community Character Corridors, restrictions on vehicle sales from certain parcels of land, and treatment of non-retail space in calculating parking requirements for outlet malls. Mr. Henderson stated the Committee will also be discussing criteria for CIP ranking.

C. Other Committee / Commission Reports

Mr. Fraley stated the Steering Committee is continuing its weekly meetings. The meeting scheduled for March 2, 2009 was cancelled due to weather. The next meeting will be March 9, 2009 at 4 p.m. covering public facilities and economic development. Mr. Fraley mentioned the website for an updated schedule and materials.

Mr. Fraley commented on Mr. Buell's presentation from the J4C's. He stated the Steering Committee is reviewing technical reports, goals, strategies, and actions for various sections of the Comprehensive Plan. He also stated the Committee has extended their schedule by three weeks. Mr. Fraley stated that with build out, under current zoning population estimates are around 118,000 while build out under the Comprehensive Plan designations around 180,000 people. The Committee has not finalized any land use designations. Mr. Fraley stated that it is necessary to have tools to control growth, and the Comprehensive Plan is not a tool to control growth. He stated tools used to control growth would include, but not be limited to, not accepting a level service of traffic for any development lower than a "C" and to have a true

Ms. Kratter asked if there were residences adjacent to this property and what was located across the street.

Mr. German answered that residences were located adjacent to the property and the parking lot for the Williamsburg Outlet Mall was across the road. He also stated the property is surrounded by dense vegetation along its side and rear boundaries, and that it is also somewhat shielded from Centerville Road. He stated that the applicant is not proposing any changes to the property that would make it stand out or look different from the adjacent properties.

Mr. Fraley asked if adjacent property owners had been properly notified. He asked if there were any comments from these residents.

Mr. German stated they were notified and that staff did not receive any communication from any of these residents.

Mr. Fraley asked why the project had gone through six separate deferrals.

Mr. German stated the applicant had several issues to address such as the size of the facility, and the State's involvement in the facility concerning licensing, and that there were several design changes that were submitted and required review. The applicant has worked with Code Compliance and the Fire Department to address their concerns. Mr. German stated that staff concerned itself with ensuring that the facility would be safe, comfortable, and feasible before it was presented to the Planning Commission.

Ms. Kratter asked if there was a time limit set with regards to financing and the beginning of construction.

Mr. German stated the applicant had already begun some renovation of the home, and is entitled to use the residence as a group home by-right. There is a two-year time limit from the date the Board of Supervisors approves the application for the site to be operational as an adult day care center. Mr. German stated that the applicant intended to bring in residents in small numbers and expand the operation gradually.

Mr. Krapf asked if there was any public comment on this application.

Being no comments, Mr. Krapf closed the public hearing.

Mr. Poole moved that the application be approved. He noted that this application is not merely a commercial enterprise, but specifically addresses the need of a special population.

Ms. Kratter seconded the motion.

Mr. Henderson suggested that the hours of operation expanded.

Sister Agnes spoke on behalf of the application, stated that there is a need to be flexible

Mr. Fraley asked if staff foresees any issues with past or future applications of this type of use where the days and/or hours have been limited.

Mr. Murphy stated that staff reviews each case separately. He stated he believed this was the first special use permit application that has been received for an adult day care facility located in a residential structure. He stated that no precedent had been set by previous cases. He stated that staff was comfortable with the conditions listed with the special use permit, including the adjusted hours.

Mr. Fraley asked if specific information, such as the hours of operation in this case, were included when notifications are sent to adjacent property owners. This may cause some different responses from the adjacent residences.

Mr. Murphy thought that might be possible; however, the specific operating details of an application are not normally known when the advertisement is placed in the newspaper. If this information was available early in the application process, and it was pertinent, then staff would make every attempt to relay that information. He stated that the advertisements tend to be generic, making it incumbent on the recipient to take notice of it, and to participate in the public hearing process if he/she has an interest in commenting on the case.

Mr. Fraley stated there have been problems with notifications in the past. He thought it was important for the public to be aware that notifications are general in nature, and that it is incumbent upon interested people to follow up with staff to obtain more details.

Mr. Poole stated that the Planning Commission has been diligent in delaying cases when proper notification has not been given. He also mentioned that signs are placed at or near the property referenced for a pending case, and that he had noticed such signage on the subject parcel.

Mr. Henderson felt that size of the structure, compared to the total acreage of the property, should help to mitigate any effects on traffic.

Mr. Krapf restated the motion as to approve the application with the operating hours being Monday – Sunday from 6:30 a.m. to 7:00 p.m.

In a roll call vote the application was approved. (6-0) AYE: Poole, Fraley, Kratter, Henderson, Peck, Krapf. (Absent – Billups)

D. SUP-0026-2008 Williamsburg Place Expansion

Ms. Leanne Reidenbach stated that this application is for a special use permit to allow a 40 bed psychiatric care facility on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. The site is located at 5477 and 5485 Mooretown Road and is shown as Limited Industry on the Comprehensive Plan. Staff believes that is an appropriate area for an expansion and has suggested a few conditions to limit storm water runoff to the CSX right-of-

Ms. Reidenbach stated the landscape requirement applies to the Mooretown Road frontage of the property rather than the CSX property. She stated that staff has left it up to the discretion of the applicant as to how to situate the building.

Mr. Fraley asked if there was agreement as to what 125% of code meant with respect to landscaping.

Ms. Reidenbach stated that condition #10, which addresses landscaping on Mooretown Road, was a condition on the prior special use permit. It has already been satisfied with the exception of the additional five parking spaces. This condition specifically states that 125% is based on the number of plants and trees.

Mr. Fraley asked if the ordinance was clear as to what this means.

Mr. Murphy stated that the language under condition #10 is clear. There have been discussions in the past and staff intends to be diligent in language in special use permit conditions.

Mr. Krapf opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles, spoke on behalf of Diamond Healthcare. He stated that Williamsburg Place has a long history in James City County. He displayed a map of the land and where the existing buildings are located and where the expansion will take place. Mr. Davis stated the expansions will add 40 additional beds to the facility, 25 will be for acute psychiatric services for impaired professionals, and 15 of the beds will be reserved for psychiatric inpatient care for those in the local community. Mr. Davis mentioned the environmental considerations that the application has addressed. He stated that the money involved in installing and maintaining pervious pavement would be best directed toward the expensive cistern system and the bioretention facility. He stated this expansion will have 55 new full time staff positions and a budget of \$3.5 million in salary, wages, and benefits. The estimated purchase of services and supplies would be \$500,000 and the estimated capital expenditure for the project would be \$9.5 million. He displayed the conceptual architectural drawing. Mr. Davis asked the Commission to take notice of the letters of support issued to the State in the Certificate of Public Needs process by Eastern State Hospital, Sentara Williamsburg Regional Medical Facility, and by the County Administrator.

Mr. Krapf closed the public hearing.

Mr. Fraley complimented the applicant and the environmental protections that the application provided. He felt that this was an industry that the County should be targeting for growth.

Mr. Henderson thanked the applicant for presenting a strong application and for being a strong corporate citizen in the County. It is important that the County recognizes the applicant's efforts and their need to expand. Mr. Henderson thought it was important to recognize the

will be feedback from the Board of Supervisors before next year's rankings are done.

Mr. Henderson asked about the Warhill Community Gymnasium and the funding for FY09 and FY10. He thought it was important to mention that this was a budgeted item and then was deleted from FY09 budget. He felt this project was important to consider for funding in FY10 and an estimated amount should be included in the packet forwarded to the Board.

Mr. Krapf stated that in the staff report there are some specific recommendations, this project being one of them, and maybe this should be included in the recommendation to the Board of Supervisors.

Ms. Reidenbach noted that she would include the dollar amount for the gymnasium with the information forwarded to the Board of Supervisors.

Mr. Fraley noted that this project was footnoted in the information that staff provided. He stated the Committee recommended that financing for the gymnasium be included in any bond offering for the new law enforcement building.

Mr. Poole thanked those who were on the Policy Committee for their hard work. He appreciated the qualifications in the report.

Mr. Fraley wanted to thank Ms. Reidenbach, Ms. Kate Sipes, and Mr. John McDonald for their work on this project.

Ms. Kratter moved to adopt the recommendation for the FY 2010 – FY2016 Capital Improvements Program.

Mr. Poole seconded the motion.

In a roll call the recommendation was approved. (6-0) AYE: Poole, Fraley, Kratter, Henderson, Peck, Krapf. (Absent – Billups)

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated the agenda for the March 9, 2009 Steering Committee meeting will include discussion on public facilities and economic development.

Mr. Krapf asked about the Shaping our Shores presentation.

Mr. Murphy answered this project will be presented to the Board of Supervisors in a worksession. A report will be distributed to the Board of Supervisors. He anticipated a presentation to the Planning Commission by staff following the worksession, possibly in May.

Mr. Henderson asked what the current status was of Settler's Market given the recent financial issues concerning AIG and their affiliated developers.

Administrator and the Board of Supervisors initiated that process. That project proceeded according to the guidelines that were set at that time. He felt that the request for a presentation assists the Planning Commission's involvement.

Mr. Henderson asked if the Planning Commission was consulted during the master plan process concerning other Parks and Recreation projects. This may have set the precedent for the Shaping our Shores project.

Mr. Peck wanted to stress that he was not questioning who was heading the projects, but that at some point in the planning process the Commission needs to be making some recommendations and observations on how it fits in with the overall development of the County.

Mr. Murphy stated that the project has been under the general guidance of the County Administrator in consultation with the Board of Supervisors. The process has been public with public hearings, displays, a project website, and video segments on TV48. The Planning Commission will consider this project when land use designations are considered through the Comprehensive Plan process. The Planning Commission will also see the project as zoning changes are likely necessary in order for development to occur on these parcels.

Mr. Henderson complimented staff on the Capital Improvements Program. He commented on the James City Concerned Citizen's Coalition's presentation. He stated the Steering Committee has had discussions about green space and the presentation of rural lands.

Mr. Peck shared his concerns about growth. He did not want to give the impression that the County has not been doing anything with regards to growth. There are a lot of things to take into consideration. Some financing decisions have been based on growth. It was important to have managed growth.

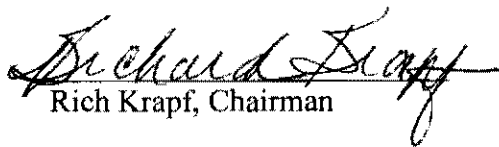
Mr. Krapf mentioned that the County website will reflect the Planning Commissioner's County email, and not their personal email, beginning March 5th.

9. ADJOURNMENT

Mr. Henderson moved that the meeting be adjourned.

Mr. Poole seconded the motion.

The meeting was adjourned at 9:05 p.m.


Rich Krapf, Chairman

Allen J. Murphy, Secretary