

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY-SEVEN AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Jay H. Everson
Mr. John F. Hagee
Mr. Martin Garrett
Mr. Donald C. Hunt
Ms. Willafay McKenna
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. Paul Holt, Planner
Mr. John B. Patton, Development Management Technician

2. MINUTES

Mr. Kuras asked that under Case No. Z-6-96/SUP-12-96. Woodbury (Brookstone Ventures) the word "may" be inserted on page 5 to read as follows: Mr. Kuras expressed concern regarding through traffic and stated that future complaints may be directed to the Board of Supervisors. Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Minutes of the December 1, 1996 meeting were approved with the stated correction.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

A Development Review Committee meeting was not held in December.

4. CASE NO. MP-4-96/Z-9-96. HIDDEN PROPERTY/POWHATAN CROSSING, INC.

Mr. Paul Holt presented the staff report (appended) to rezone approximately 404 acres from R-8, Rural Residential, to R-4, Residential Planned Community, in order to develop a total of 540 single family and multi-family units located off Ironbound Road. Mr. Holt stated that staff concurs with the applicant's request for deferral until the February 3 meeting in order to allow additional time for the applicant to review proffers and the Master Plan per County comments.

Mr. Holt further stated that staff received a petition on this date containing 136 signatures of Powhatan Crossing residents who are opposed to the rezoning.

Mr. Kuras opened the public hearing.

Mrs. Emily Armstrong, 4452 Powhatan Crossing, discussed the petition stating that it contained signatures of 75% of actual home owners who oppose the rezoning.

Mr. J. D. Wright, 4484 Powhatan Crossing, expressed concern regarding additional traffic which would create an unsafe condition for children, and the fact that the proposed Alternate Route 5 would not be completed according the County until 2001 at the earliest; therefore, there would be no relief for the additional volume of traffic. Mr. Wright also expressed concern regarding impact on an already overburdened school system.

Mr. Jay Sexton, 4488 Powhatan Crossing, said the county could not afford the traffic problems that would occur on Route 5 and Ironbound Road with a 540 unit single and multi-family development. Mr. Sexton stated that reins must be put on population growth until the County can afford to pay for what is already there, and that financially responsible decisions must be made.

There being no further speakers, with the Commission's concurrence, the public hearing was continued to the February 3, 1997 meeting.

Mr. Sowers encouraged the public to contact the Planning Office prior to the February meeting to review with staff the latest revised proffers and master plan.

5. CASE NO. AFD-8-86. CASEY WITHDRAWAL (WILFORD/NEW)

Mr. Paul Holt presented the staff report (appended) to withdraw approximately 121 acres from the existing Casey Agricultural and Forestal District located at 4008-4010 News Road. Mr. Holt stated that staff concurs with the applicant's verbal request for deferral until the February meeting for reasons stated in the staff report.

Mr. Kuras opened the public hearing. There being no speakers, with the Commission's concurrence, the public hearing was continued to the February 3, 1997 meeting.

6. CASE NO. Z-10-96/SUP-32-96. MANORHOUSE RETIREMENT CENTER

Mr. John Hague declared a conflict of interest.

Mr. Paul Holt presented the staff report (appended) to rezone approximately 5 acres from M-1, Limited Business/Industrial, to R-8, Rural Residential, to develop a 188 bed assisted living facility located in the Busch Corporate Center. Mr. Holt stated that staff recommends approval of the rezoning and special use permit as stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing the applicant, introduced Mr. Mark Hirth, Director of Development Services, and Mr. Bill Brown, Vice President for Busch Properties, Inc. Mr. Geddy briefly commented on the reasoning for the R-8, stating that it was the district that most closely resembles the M-1 district with regard to setbacks, height limitations, etc.

Mr. Mark Hirth discussed the company's background and the proposed assisted living facility. Mr. Hirth stated that the use is low impact, particularly in regard to traffic; a 50 foot buffer would be provided (minimum); 50 full and part-time jobs will be created, taxes will be generated and there will be little demand for County services.

Mr. Bill Brown stated that assisted living facilities are a new use and not adequately provided for in a zoning ordinance, and in consultation with staff the R-8, with proffers and special use permit, was the most reasonable way to accommodate the use within the park. Mr. Brown invited the Commission and staff to visit the Manorhouse at Belgrade, which is similar to the Corporate Center. Mr. Brown stated that for several years Kingsmill residents have requested a facility of this type for residents, spouses or parents, and has strong support from the Kingsmill community who are seeking alternative living choices where it is not necessary to move far away.

Ms. Margaret Walker whose home backs up to the Country Road stated concern regarding noise from the facility and visibility of the structure.

Mr. Leonard Sizocki questioned the expansion which Mr. Kuras clarified was part of the 188 bed application, and which, Mr. Hirth stated, according to State licensing officials is the maximum amount that a facility this size is allowed to accommodate.

Ms. McKenna pointed out, and Mr. Hirth confirmed, that some beds could not be used for nursing home use without acquiring a certificate of need from the state.

Mr. Sowers stated that nursing homes are a distinctly different use than assisted living facilities under the County Zoning Ordinance and would require a separate review.

Mr. George Rice, resident of Kingsmill, spoke in strong support of this application, stating that it permitted residents of the area to keep close by family members in need of an assisted living type of facility. Mr. Rice felt Manorhouse would be a vital service to the entire County, and one which would not put a drain on resources.

There being no further speakers, Mr. Kuras closed the public hearing.

Ms. McKenna stated that this was an appropriate location for this needed facility and made a motion to recommend approval, seconded by Mr. Garrett. The motion passed: AYE: Garrett, McKenna, Hunt, Everson, Poole, Kuras. NAY: (0). Abstain: Hagee (1).

7. CASE NO. ZO-11-96. AMENDMENT TO ZONING ORDINANCE/ADULT DAY CARE CENTER

Mr. John Patton presented the staff report (appended) to amend the ordinance to define "Adult Day Care Center" and add it as a generally permitted use in the Limited Business, LB, and General Business, B-1 districts. Mr. Patton stated that staff recommends approval of the amendments.

Mr. Hagee questioned why this could not be included under "day care center" as it covers the same basic area.

Mr. Patton responded that rather than include it with child day care it was decided to have it stand alone, and when the entire ordinance is reviewed, staff will review rest homes, assisted living, etc. for clarification.

Ms. McKenna questioned why it is being done at this time, and also the new definition is grouped with rest homes and questioned why not do it all at one time.

Mr. Patton responded that staff is defining an adult day care center so that it will have the same definition whether as a rest home or as an adult day care center standing by itself. Mr. Patton further explained that staff has had a number of inquiries requesting adult care centers in the LB and B-1 districts which cannot be done at this time and the review process of the Zoning Ordinance can take in excess of six months. Mr. Patton described this as a "stop gap" measure but once the Comprehensive Plan is approved there will be a comprehensive review of the entire Zoning Ordinance.

Mr. Kuras opened the public hearing.

Mr. Rich Costello, 10020 Sycamore Road, asked that the Commission approve this application as he and staff are aware of potential requests for adult day care facilities in the LB and B-1 districts.

There being no further speakers, the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Poole, to recommend approval. The motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0)

8. INTRODUCTION OF WILLIAM C. PORTER

Mr. Sowers introduced Mr. William C. Porter, the new Assistant County Administrator.

9. PLANNING COMMISSION CONSIDERATIONS

A. Selection of Nominating Committee for 1997 Officers

Mr. Kuras stated that the nominating committee consists of Ms. McKenna, Chair; Mr. Garrett, and Mr. Hagee, and asked for a fourth member to serve on the committee. Mr. Garrett nominated Mr. Poole who accepted.

B. Regional Forum for Planning Commissioners: The Commission expressed interest in participating in a regional forum.

10. PUBLIC COMMENT

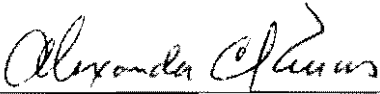
In regard to Case No. Z-9-96 (Hidden Property) Mr. John Ryan, a resident of Powhatan Crossing, questioned if a minimum price range could be proffered on the multi-family units in order to protect the value of older homes in the subdivision. Mr. Kuras stated that the County is precluded from controlling price ranges by law.

Mr. Ryan stated that a number of residents were not aware of the potential expansion of Powhatan Crossing and questioned if legal action was appropriate against the realtors. It was determined that the realtor need not disclose intent to expand.

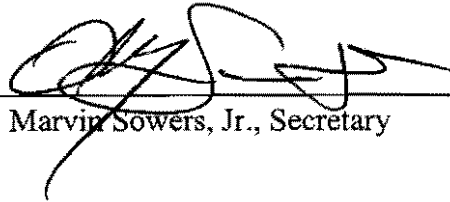
Mr. Sowers encouraged the public to call the Planning Division regarding questions of development in the area in which they intend to purchase a home.

11. ADJOURNMENT

The January 6, 1997 meeting was recessed at approximately 8:30 p.m. to the January 21, 1997 Visionary Seminar with York County.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary