

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

- | | | |
|----|------------------|---|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> |
| | Martin Garrett | John Horne, Development Manager |
| | Don Hunt | Greg Dohrman, Assistant County Attorney |
| | Joe McCleary | Don Davis, Principal Planner |
| | Joe Poole | Paul Holt, Senior Planner |
| | Peggy Wildman | Jill Schmidle, Senior Planner |

2. MINUTES

Upon a motion by Joe Poole, seconded by Joe McCleary, the minutes of the July 2, 2001, meeting were approved by unanimous voice vote, as corrected.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

Peggy Wildman gave the report stating that the DRC reviewed one case for a septic tank exception to a residential lot at 2220 Lake Powell Road to allow for a Puraflo System. The next case was for approval of the new County complex building which they felt was in compliance with the Comprehensive Plan. The final case was for an exception to the rear-yard setback for an out parcel located in the Williamsburg Crossing Shopping Center. She said the DRC recommended approval for all three cases.

There being no questions, motion for approval was made by Joe Poole and seconded by Joe McCleary. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-16-01. JCSA: NEW TOWN WATER STORAGE FACILITY

Paul Holt presented the staff report for the James City Service Authority's Infrastructure Plan for a 1.0 million gallon water storage facility to serve the long range water storage needs of the entire JCSA water system. Staff found that this proposal was compatible with surrounding zoning and uses and was consistent with the Comprehensive Plan. Staff recommended that the Commission recommend approval of this proposal as outlined in the staff report.

Larry Foster, Manager of JCSA, said he would be happy to answer any questions of the Commission.

Martin Garrett opened the public hearing.

There being no speakers, the public hearing was closed

Joe Poole made a motion, seconded by Peggy Wildman, to recommend approval of this application.

In a roll call vote, motion passed (5-0). AYE: Poole, Wildman, Hunt, McCleary, Garrett (5); NAY: (0).

5. CASE NO. Z-2-01/MP-2-01. VIRGINIA UNITED METHODIST HOMES - WINDSORMEADE.

Jill Schmidle presented the staff report stating the case had been deferred at the July 2, 2001, Planning Commission meeting in order to resolve outstanding proffer issues. She stated that the new information and proffer revisions reflected considerable effort by the applicant and staff to resolve these issues. She said the applicant submitted a new proffer offering a survey of small whorled pogonia, including a conservation plan, in addition to a new proffer which guaranteed run-off from this area would be collected and treated in a regional BMP. She also stated the applicant supplied new or revised proffers that addressed the following issues of water conservation, Jesters Lane access, pedestrian connections, enhanced landscaping, restriction of lighting along Jesters Lane, traffic signal pre-exemption devices, and archaeology proffers. She stated that the project would not generate school aged children, but staff felt that the fiscal impact would not be as positive as projected by the developer. She said that while considerable progress had been made, staff had concerns that the proffers submitted did not adequately address water supply, specifically the cash amount toward a desalination plant and the sunset clause limiting construction until permits for alternate water sources were received. Staff recommended that the Planning Commission recommend denial of this project.

Don Hunt asked if staff felt the cash contribution toward the water issue was at a standstill.

Jill Schmidle stated that it was not and staff was working on setting up a meeting with the applicant, their client, and officials of JCSA for continued discussions.

Elizabeth White of Kaufman and Canoles and representing Virginia United Methodist Homes, Inc. requested that the Commission grant a deferral of consideration of this application so they would have additional time to work with staff on the remaining issues of concern. She commented that considerable progress on the proffers had been made since the last meeting and that the two remaining issues concerning water were very complex.

Joe McCleary indicated his belief that a deferral at this time was more practical than a denial.

Jim Etchberger of 101 Jesters Lane requested to speak noting that he felt there were issues which could still be addressed during the deferral period. He said he was happy that the applicant had made several concessions for the residents of Jesters Lane but still had two items of major concern. The first being the ground water irrigation and the effect on private wells. He stated that according to the report no ground water would be used for irrigation unless approved by JCSA. He said if they did receive approval, there could be a significant effect on the existing private wells on Jesters Lane. The second being the change to a mixed use zoning. He said he was used to enjoying his quiet evenings and mornings and the only guarantee that he had that he would continue having those quiet times would be for a continuation of the residential zoning since there was no noise ordinance in James City County for any other zonings. He felt this needed to be addressed if commercial and residential development were adjacent to each other. He said if he could not make noise from 11 p.m. to 7 a.m. for good quality of life for his neighbors, then the neighbor across the street should have the same set of rules.

Peggy Wildman asked if Jim Etchberger was speaking on his own behalf or that of the neighbors and how many are there.

Jim Etchberger stated Jesters Lane had approximately 25 homes. He said he had spoken to several neighbors and they had voiced the same concerns as he had. He added that Jesters Lane has a large number of elderly residents and that it is not an affluent neighborhood. He went on to indicate that, through his conversations with neighbors he felt he was representing them but that he had not organized to represent them, instead he was speaking tonight only as a concerned citizen who lives on Jesters Lane.

Joe McCleary agreed with Jim Etchberger regarding wells and water usage and indicated that he hoped that the applicant could find ways to get all necessary irrigation water through natural means. He said he believed that if something occurred to the water table that affected the wells, JCSA would come in and do any repairs necessary in order to restore water service to those wells free of charge.

Larry Foster stated that it was not as simple as stated. He said unless the applicant has a ground water withdrawal permit issued by the DEQ, which is required for any entity that is withdrawing more than 300,000 gallons of water per day, they would have some proportionate responsibility for mitigating that particular well. He added that it would take much convincing for JCSA to approve a well for irrigation for this particular project.

John Horne stated that while staff had not received the construction plans for this project, all the conversations to date with the engineers on storm water management indicate that they fully intend to utilize the water quality basins that would be necessary for their irrigation.

Don Hunt asked what was the anticipated maximum capacity for these basins.

Elizabeth White stated the basins were designed to accommodate not only this project but also for some of the adjoining properties and that it would serve as a regional BMP. She said they were asking, in the proffers, for the ability to go to JCSA for extenuating circumstances only.

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

Peggy Wildman made a motion, seconded by Don Hunt, to defer this case to the September 5, 2001, meeting.

Prior to the vote, Joe Poole asked Jill Schmidle if the row of residential units on the southeast edge of the property, immediately abutting Rt. 199, extended further east or south than some of the existing residences in Ford's Colony. His concern was buffering.

Jill Schmidle said she would have to do some research but believed that the Ford's Colony buffer was 150 feet which was the amount shown on the master plan for WindsorMeade. She said there is a proffer for enhanced landscaping and/or a berm for this project.

Joe Poole commented that this type of development would fit into the vision of New Town but he remained cautious about proceeding without guarantees from the state DEQ that indeed we could have a ground water withdrawal facility. As he stated previously, he did not want to saddle tomorrow's resources with today's approvals.

Joe McCleary agreed with Joe Poole and understood the applicants problem financially but felt the applicant had to understand the County's position.

Martin Garrett stated he would vote in favor of the deferral but that he agreed with both Joe Poole and Joe McCleary. He said he could not approve this with the proffered sunset clause but understood from staff and others that there would probably be something in place by the time the sunset clause arose and asked if Larry Foster would comment.

Larry Foster said he felt as comfortable as he could that the County would obtain a permit by June of 2002 but he was equally concerned that if they did not have the permit, that they should hold firm on the approval of this until the permit is received.

Martin Garrett stated he wanted the applicant to know how the Commission felt and then noted that despite the difference in this application and that of U.S. Home, he was still in favor of a cash proffer of \$750 per unit.

There being no further comments and with a motion to defer, roll call was taken and motion passed (5-0). AYE: Poole, Wildman, Hunt, McCleary, Garrett (5); NAY: (0).

John Horne stated that if the Commission had any other issues they should notify staff within the next 7 to 10 days so staff can offer them to the applicant as soon as possible.

Joe Poole again expressed his concerns for a good buffer along Rt. 199 and stated he would consider a trade of the public Town Square so he would be assured of a more opaque screening of the corridor.

6. PLANNING DIRECTOR'S REPORT

Don Davis presented the Planning Director's Report stating one item not mentioned was the hiring of the County's first Purchase of Development Rights Administrator. He stated the Administrator owns his own 600 acre farm in Surry County and holds a law degree from the College of William and Mary.

Mr. Davis stated that the County had contracted with Virginia Tech for the creation of a citizen survey and he would be meeting with the consultants on Friday, August 10th to begin their work.

Don Davis informed the Commission that a good portion of the 2000 Census Data was now on the County website: www.james-city.va.us.

Mr. Davis also informed the Commission that staff had completed the Planning Commission Annual Report and that it would be presented to them at the September 5, 2001, meeting.

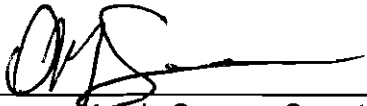
Don Hunt asked John Horne for the status of the high speed rail and the time line in which they expect this to occur.

John Horne understood that the main emphasis at this time was the high speed rail extension from Washington to Richmond and it would not be for at least the next 3 to 5 years. He felt it was a longer term prospect for Hampton Roads, though there appears to be more public support for the extension. He said there was a regional debate underway about either the possibility of doing an extension on the 460 corridor on the Southside of the James or an extension down the Peninsula corridor with the CSX tracks. He said that at the state level this had not been fully resolved and added that there was no timetable. He stated that all is dependent on action by the Virginia General Assembly.

7. ADJOURNMENT

There being no further business, the August 6, 2001, meeting adjourned at approximately 7:50 p.m.


Martin Garrett, Chair


Marvin Sowers, Secretary