

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF SEPTEMBER, 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. ROLL CALL  
Martin Garrett  
John Hagee  
Don Hunt  
Wilford Kale  
Joe Poole  
Peggy Wildman

ALSO PRESENT  
John Horne, Development Manager  
Leo Rogers, Deputy County Attorney  
Marvin Sowers, Planning Director  
Jill Schmidle, Senior Planner  
Benjamin Thompson, Planner

2. MINUTES

Upon a motion by Joe Poole, seconded by Peggy Wildman, the minutes of the August 6, 2001, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee gave the report stating that the DRC reviewed four cases. The first case was for an exception under Sec. 24-200 of the Zoning Ordinance for the placement of underground utilities at 8828 Barnes Road. The second case was a request for a consideration of density bonuses for Skiffes Creek Village development on Pocahontas Trail in Grove. The third case was for a request by the developer of Powhatan Village for a waiver from the ordinance requirement that sidewalks be provided along internal streets. The final case was a request for a setback waiver for the proposed New Town office building at 4007 Ironbound Road. He stated that the DRC recommended approval of the first two cases and denial of the Powhatan Village request. He stated that the DRC recommended approval for the New Town office building subject to the New Town Design Review Board's review and approval.

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

4. INTRODUCTION OF PDR ADMINISTRATOR

Marvin Sowers introduced Mike Drewry, Purchase of Development Rights Administrator, to the Commission giving a brief history of his background and the role he will take in this new position with the County.

5. CASE NO. SUP-2-01. JCSA: ROUTE 5 WATER MAIN INSTALLATION

Ben Thompson presented the staff report stating that Keith Letchworth, on behalf of the James City Service Authority, requested a special use permit to allow for the installation of a 12" water main along Route 5 right-of-way from the Seventh Day Adventist Church to the entrance of Saint George's Hundred. He stated that the applicant had made changes to the initial special use permit with some of those changes being made after the public hearing advertisement. Staff recommended that the Planning Commission defer this case until its October 1, 2001, meeting in order to allow staff adequate review time and allow adequate public notification of the new application.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed and this case deferred to the October meeting.

6. CASE NO. SUP-15-01. WILLIAMSBURG POTTERY FACTORY - BLDG. 7 REPLACEMENT

Jill Schmidle presented the staff report stating that Richard Costello applied on behalf of the Williamsburg Pottery Factory for a special use permit to allow the construction of a new retail sales building of 6,750 square feet to replace an existing building of 5,750 square feet. Staff found the proposal to be consistent with the surrounding properties and uses and the Comprehensive Plan and recommended that the Planning Commission recommend approval with the conditions as outlined in the staff report.

Joe Poole stated he recalled that in a previous application submitted by the applicant, one condition stated that instead of landscaping the perimeter of the building, those plantings would be used along Richmond Road and asked what was the status of that project.

Jill Schmidle stated that the site plan for that project had just been submitted last week.

Joe Poole asked if there was the expectation attached to this application for additional landscaping in order to enhance the Richmond Road entrance.

Jill Schmidle stated there was not a condition regarding transfer of plants because, after consulting with the Landscaping Planner, it was determined that the transfer from the previous SUP would maximize the planting potential along Richmond Road.

Martin Garrett opened the public hearing.

Richard Costello of AES and representing the applicant said he would be happy to answer any questions of the Commission.

There being no questions of the Commission and no other speakers, the public hearing was closed.

Joe Poole made a motion for approval with the suggested condition that the plants from the previous approval be in place or bonded to insure that they are done before this building replacement proceeded.

Leo Rogers stated one option would be to put a bond in place and some type of surety or to place a condition on the SUP that no CO would be issued until all the landscape planting was in place.

Joe Poole asked how the applicant felt about that condition being placed on the SUP.

Richard Costello stated the condition would be acceptable but asked if they used the word equivalent since the plan that was recently submitted was not the same as the one the Commission saw originally. He stated the new plan was an upgrade of the entire frontage of the road including fencing and entrance walls.

Joe Poole suggested the wording "the equivalent as approved by the Director of Planning."

Richard Costello agreed to the wording suggested.

Wilford Kale seconded the motion of Joe Poole and in a roll call vote, motion passed 6-0. AYE: Poole, Hagee, Wildman, Hunt, Kale, Garrett (6); NAY: (0).

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

Jill Schmidle presented the staff report stating that since the August Planning Commission meeting, the applicant had submitted additional information and revised proffers that addressed the outstanding issues of staff. Staff found that the revised cash proffer for water supply was acceptable and that water and water availability were public policy issues to be discussed by the Board of Supervisors at its September 12<sup>th</sup> work session. Staff found that the moratorium proffer was a public policy issue which also had significant private impact and that the Board of Supervisors was the appropriate body to resolve this issue. Staff recommended that the Commission take one of two actions as outlined in the staff report.

Martin Garrett opened the public hearing.

Alvin Anderson of Kaufman and Canoles and representing the applicant gave a brief timetable for the submittal of this application noting it could not be submitted until the New Town Design Review Board consideration was concluded. He stated the issues remaining at the last meeting and those that he had discerned from the Commission since then, relate to noise, the buffer, the emergency access road from Jesters Lane to the facility, and water. He concluded by requesting that the Commission forward this application to the Board of Supervisors and asked for those in the audience who supported this application to please stand.

Mitchell Byrd of 115 Copse Way and a resident of the community for the past 46 years said he hoped to spend his remaining years in the community and that was why he was a perspective resident of the proposed WindsorMeade Community. He spoke to the needs of the community and the needs for future senior citizens regarding this concept of living. He encouraged the Commission to forward this to the Board of Supervisors.

Richard Boggs of 105 Butler, also a perspective resident of the WindsorMeade Community, spoke in support of this application stating that this proposal would be a positive impact to the County.

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

Martin Garrett commented that it had been at least eight years since staff and the Commission requested the Board of Supervisors to provide them with a policy with respect to proffers. He said that any policy could be termed an impact fee and stated there have been committees to study cash proffers and impact fees and presentations from other jurisdictions and their experience of using impact fees yet the County continues to be indolent. He made a motion to accept the recommendation by staff to act on the proposal based upon land use factors and allow the case to proceed to the Board of Supervisors while the Board determines future public policy. He felt that water was not the only issue and it was not fair to staff or the Commission to attempt to extract proffers on a case-by-case basis with no criteria as a guideline.

Joe Poole seconded the motion and commented that he was pleased with the progress of the proffers and the significant enhancements to eliminating the sunset clause on water mitigation. He was also pleased with the proffer assurances and suggestions that there would be an enhanced buffer along Route 199 and the resolution to the Jesters Lane neighbors with the elimination of the construction entrance and the lighting and noise impacts that were sufficiently addressed through the proffers. He said he was very supportive of the application as submitted.

Wilford Kale found it difficult to separate water from consideration of the issue. He said if the Commission forwards this proposal to the Board and they decide to make any decision relating to proffers, the Board would then have the opportunity to send this case back to the Commission. He said because of that and because what he believed to be an honest and straight forward proposal from the developer, he supported Martin Garrett's motion.

Peggy Wildman said she supported this proposal not only because of the quality of the application but for the entire concept of continuing care facility noting that she had the opportunity to visit the Cedarfield facility in Richmond.

John Hagee applauded staff for the approach they took on this project, particularly in dealing with land use issues.

Don Hunt concurred with John Hagee and other Commission members and stated that the policy issue regarding water should be addressed by the Board and at this time the Commission had been assured by Larry Foster of James City Service Authority that the recent projects before the Commission were viable and he fully supported the motion.

In a roll call vote, motion passed (6-0). AYE: Poole, Hagee, Wildman, Hunt, Kale, Garrett (6); NAY: (0).

#### 8. PLANNING COMMISSION ANNUAL REPORT

Marvin Sowers presented the Planning Commission's Annual Report stating it was a similar report to the previous year which had been substantially revised making it more user friendly and informative to the general public. He asked that the Commission make a recommendation of approval of this report and if approved, it would be presented by Martin Garrett to the Board of Supervisors at its joint work session with the Commission on October 2, 2001.

John Hagee commented that all of the cases listed were major cases and asked if there was a differentiation between major and minor cases, noting Hogan Day Care and Miss Vickie's Day Care were listed as major cases.

Marvin Sowers stated those case were listed because they dealt with major policy issues or were controversial within the community or were otherwise noteworthy and not something that was a routine case.

#### 9. ADJOURNMENT

There being no further business, the September 5, 2001, meeting adjourned at approximately 7:50 p.m.

  
Martin A. Garrett, Chair

  
Marvin Sowers, Secretary