

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF DECEMBER, 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 McCleary
A. Joe Poole
Peggy Wildman

- ALSO PRESENT
Greg Dohrman, Assistant County Attorney
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Christopher Johnson, Senior Planner
Jill Schmidle, Senior Planner

2. MINUTES

Upon a motion by Joe Poole, seconded by Joe McCleary, the minutes of the November 5, 2001, meeting, were approved by unanimous voice vote.

Wilford Kale commented on his statements at the last meeting during the Special Use Permit presentation on the JCSA Ground Water Facility. He noted those comments were not a personal attack on the applicant.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating they reviewed three cases at the regular meeting and one case prior to tonight's meeting. He said the first case was a request for a temporary sign at the entrance to the Jamestown Hundred Subdivision. The second case was for an exception to the Subdivision Ordinance to allow for the use of an alternative septic tank system at 259 Ivy Hill Road. The third case was also for an exception to the Subdivision Ordinance to allow for the installation of an AdvanTex Treatment System in lieu of a sand filter at 2603 Little Creek Dam Road. He said the case tonight, Williamsburg Christian Academy, came before the DRC because its building size exceeded 30,000 sq. ft. He stated the DRC recommended preliminary approval for all four cases.

Joe Poole made a motion, seconded by Wilford Kale, to recommend approval of the DRC report. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-18-01. WALTRIP COMMUNICATIONS TOWER.

Paul Holt presented the staff report stating the applicant requested another deferral in order to give them time to prepare additional information for this case. Staff concurred with this request.

Forrest Williamson, a resident and Board member of the Kingspoint HOA, stated he wanted to reinforce the request that was made at the last meeting that a proper balloon test be conducted so the neighborhoods affected would have a chance to see the size and mass of the proposed towers.

Martin Garrett asked if there was anything planned regarding another balloon test.

Marvin Sowers stated the applicant was required by the Communications Ordinance to hold a balloon test and one was held as required. He stated that notification was sent to adjacent homeowners, including property owners in Kingspoint as well as to the Kingspoint Homeowners Associations. He stated the applicant was no longer required to hold another test

but the Commission, on behalf of Forrest Williamson, could request that the applicant to hold another test.

Paul Holt said he did not have any additional information provided to him by the applicant as to whether another balloon test would be held. He stated the original balloon test was advertised in the newspaper and the test was held on October 10, 2001.

Joe McCleary commented that the County was waiting for a FAA report and wondered if that report would be available before the next meeting.

Paul Holt stated the report should be given to staff prior to the January meeting.

Joe Poole made a statement that he was hopeful that the applicant would come forth with information responding to the County's Wireless Communications Facilities Ordinance and could appreciate the need for another balloon test. He felt first and foremost was the need to understand the applicant's intent to comply with the ordinance.

Marvin Sowers stated that staff believed it was the applicant's intent to fully comply with the submittal requirements of the ordinance.

Peggy Wildman asked if the applicant was required to do a balloon test at a particular time during the day. She said she was taken aback by the fact that the test was held during the height of rush hour which made it difficult to drive along Route 199 to see if you could spot the green balloon.

Paul Holt stated there was no ordinance requirement for a specific time, but stated the company doing the tests preferred to do them 7 AM or 8 AM because there was less wind and, therefore, kept the balloon from bouncing around and the tests were more accurate.

There being no further speakers, the public hearing remained open.

Marvin Sowers asked if he could take the comments of Joe Poole as representative of the feeling that the Commission would like staff to request another balloon test.

Martin Garrett felt the test should be on a non-work day so those in the surrounding communities interested in seeing the test could have the opportunity to view it.

Marvin Sowers stated staff could make that suggestion to the applicant to do it on a Saturday.

5. CASE NO. ZO-4-01. ZONING ORDINANCE AMENDMENT/EXTERIOR SIGNS.

Jill Schmidle presented the staff report stating staff was processing an amendment to add the Planned Unit Development - Commercial (PUD-C) District to the list of zones eligible for a waiver for larger building face signs. Staff found that the addition of PUD-C to the list of districts eligible for exceptions allowed for consistency and flexibility within the industrial zoning districts acceptable and noted that the addition did not on its own permit larger signs. Staff recommended the Commission approve this change.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

John Hagee made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

6. CASE NO. SUP-23-01. COLONIAL REDIMIX PARKING EXPANSION.

Christopher Johnson presented the staff report stating the applicant applied for a special use permit to allow for the expansion of his existing facility. Staff found the proposal consistent with the surrounding zoning, development, and Comprehensive Plan. Staff recommended that the Commission recommend approval of this application.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Joe Poole made a motion, seconded by Joe McCleary, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

7. CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING

Paul Holt presented the staff report stating that applicant had applied to rezone several small parcels to allow for the construction of a five-story office building with a parking lot. He stated that the existing radio station building and associated antennas would be demolished if this application were to be approved. Staff felt that this development might ultimately negatively impact the surrounding roads and properties and also found the current proffers did not adequately mitigate impacts and recommended that the Commission deny this proposal.

Wilford Kale asked why these parcels had been designated as a part of the New Town Development considering all the roads and divisions between the areas.

Paul Holt stated they were remnant lots that were created when Monticello Extended was built. He stated the main New Town parcels were included on the north side of Monticello Avenue and noted property owned by New Town Associates along with the Richardson parcel. He said these lots had large flag stems and portions of the lots extend across what is now the right-of-way for Monticello Avenue. He said they were officially rezoned to R-8 with proffers as part of New Town, even though they were not included on the official New Town Master Plan.

Wilford Kale asked Paul Holt to clarify his statement regarding urban and suburban roadway.

Paul Holt stated the intent of New Town and the design guidelines as staff understood them was to create a more urban feel environment and the way that would be achieved was with reduced setbacks, increased pedestrian amenities, and street trees to mention a few. He stated staff believed the addition of the right-hand turn in lane was a suburban type of improvement and would not be found in a more urban development.

Joe McCleary stated that Ironbound Road was not a divided road at that point of entrance and even though there may be a right-turn only, there would be absolutely no way to prevent people from making a left turn into the entrance.

Joe Poole asked if the traffic on the connector spur (Route 615) was that great that a turn lane was necessary and asked the applicant to respond.

Paul Holt stated staff felt traffic was a lot less than it was when Ironbound Road and Route 199 opened up. Staff believed the greatest potential for conflict was when the corner area around the Courthouse and the potential redevelopment along Ironbound would ultimately become a very viable light industrial business island with a lot of traffic movement on all sides.

John Hagee asked Paul Holt to show exactly where the official New Town site was.

Paul Holt pointed out the different sections of the New Town Master Plan.

John Hagee inquired about the area below Section 1.

Paul Holt stated that area was the New Quarter Light Industrial Park and not technically a part of New Town.

John Hagee asked if staff was recommending that adjacent parcels follow guidelines for the conceptual idea of New Town.

Marvin Sowers commented that when the New Town boundaries were first drawn, there had been discussion with property owners to try to get them to become part of New Town and adhere to the guidelines of New Town. Some property owners decided to formally become part of New Town while others did not, but from a practical standpoint, staff believed development of this site should be considered part of New Town.

Martin Garrett opened the public hearing.

Vernon Geddy of Geddy, Harris, Franck, and Hickman and representing the applicant, Bush Construction, stated the site, owned by G-Square, Inc., was under a long term land lease with the applicant who would be developing the site. He introduced John Digges of Bush Construction, Richard Costello the engineer from AES, and Dexter Williams the Traffic Consultant. He gave a brief history of Bush Construction noting several of its developments throughout the County. He said this application involved two firsts for the County, its first true Class A office building and its first building to utilize an underground parking garage. He stated the project would share the site with the JCSA project and that there was an agreement between JCSA addressing joint development with shared entrances, joint parking and shared underground BMP. He noted that while this site was not included on the New Town Master Plan, it was obviously very prominent and visible to the gateway of New Town. He stated his applicant was not in agreement with staff's recommendation of this case and said there was just one issue of substance, that being, the proposed right-hand turn driveway into the site. He stated the applicant believed this was important to the viability of the project since the building would front Monticello Avenue but not have access from Monticello Avenue. He noted that without this entrance it would be very confusing for customers and clients of those working in the building to have to make three right turns from Monticello to enter the parking lot. He added that the traffic study performed showed that the right-hand turn lane would function safely and would not have adverse impacts on surrounding roads or intersections and that it met VDOT criteria. He responded to a question raised by a Commission member about the possibility of people making left turns into the entrance by stating the applicant would be agreeable to putting in a median that would prevent both left-hand turns and, adversely, right-hand turns from crossing over.

Vernon Geddy continued his presentation stating staff had raised several other fairly minor issues regarding proffers. He stated the applicant offered a proffer that would limit the uses to those in the LB, Limited Business. He noted the one issue with this proffer was the unwillingness of the applicant to exclude drugstores from the potential list of permitted uses. He said the applicant was intending to build an office building for office use however they did not want to preclude any possible type of pharmacy operation which could be in conjunction with medical offices. He said the applicant had already limited the retail use to the first floor of the building so it could not be any greater in size than 6,600 sq. ft. He stated that regarding the on street parking comment they would agree with the language suggested by staff. He stated that VDOT would only allow the applicant to take down a 40-foot segment of the chain link fence along Monticello for a pedestrian entrance stating the balance of the fence must stay. He said the only issue was, since VDOT paid for a standard chain link fence and the County paid for an

upgrade to vinyl and planted vines, the County has requested the applicant pay for the cost of the segment of fence that they would be removing. He stated that the plans had gone through that DRB and the applicant proffered that final construction plans would be consistent with what was presented. He felt that the request by staff for the DRB to review the plans again was unnecessary. In regards to the water issues, he felt that the applicant and staff could come to some type of agreement. He stated that this application would have a positive impact, help generate the New Town area, and was designed in conjunction with the adjacent JCSA Water Tank project with various shared parking, BMP's, and entrances. He concluded by stating that the one substantive difference of opinion was the location of the driveway and stated that the Traffic Consultant and VDOT both agreed that the entrance would work safely and would not have adverse impacts. He requested that the Commission recommend approval to the Board of Supervisors as submitted and with some revisions to the proffers as stated.

Don Hunt asked what the exit strategy for leaving the parking facility was and how people will reintroduce themselves to the highways.

Vernon Geddy stated that people would simply come out onto Ironbound Road noting that the entrance was a one-way.

Don Hunt stated that after leaving the parking lot, the people would have the option to go to the Monticello/Strawberry Plains intersection or turn left and proceed to Monticello Avenue.

Joe Poole stated he was generally supportive of this application but took issue with the drugstore and asked if staff's concern was if the building didn't work, it could be demolished and a modern "big box" type drugstore could replace it.

Paul Holt stated that the building would not even have to be demolished. It could certainly be rehabbed or just another use moved into the building.

Joe Poole asked if something could be drafted stating he felt that a small pharmacy within the building would not be a problem.

Vernon Geddy stated there was no intention to put in a CVS or something comparable.

Paul Holt suggested limiting the drugstore to a certain square footage or a pharmacy accessory to a medical facility.

Vernon Geddy felt that either suggestion would be acceptable to the applicant.

Joe McCleary asked if in fact the "right-turn lane only" would be the main entrance to the building.

Vernon Geddy said he would not call it a main entrance.

Joe McCleary said what Vernon Geddy had stated was that, absent that entrance, no one would be able to find their way to the building excluding those who worked there. Joe McCleary stated if one turned onto Ironbound extended and found no entrance, that the only recourse would be to continue on until one saw the second entrance.

Vernon Geddy stated that what one would really see were the water tanks and it would be very easy for someone to continue along and miss the entrance.

Joe McCleary had a concern with safety noting that he had gone out to the location and was amazed that one could fit all that was going on into that area. He felt that it was a very short distance from Monticello to the entrance and gave existing examples such as the

Williamsburg Post Office entrance. He also noted that the Commission and Board turned down a second curb cut at the Ewell Station Shopping Center because of the short distance between the entrance and road. He said he understood the argument of urban and suburban but was more concerned with safety than aesthetics.

Wilford Kale asked the Traffic Consultant how many cars would have to enter onto the Ironbound Road in order to get a backup to Monticello.

Dexter Williams stated the office building would have traffic coming in the morning and going out in the afternoon. He said the traffic forecasted was about 40 vehicles per hour with approximately 28 vehicles making a right-turn in which translated into about one car per two minutes in the morning and in the afternoon about one vehicle per ten minutes. He stated that this was a very small site and felt that with the traffic cycle there was no way that the flow could impede the intersection. He then pointed out to the Commission how the traffic would flow using a visual and again stated that it was not a traffic congestion concern at this level.

John Hagee asked what latitude of jurisdiction the DRB had with this parcel. He understood that the building was approved but the driveway gave it a suburban characteristic. He wanted to know if the DRB was looking at this the same way they would look at any other New Town proposal.

Vernon Geddy said there was not a section in the design guidelines that applied to the property since it was not in New Town and said they may have looked at the criteria that were next closest and applied those as they would to any other project.

John Hagee said that staff was recommending an urban character and the applicant was volunteering to get under that umbrella. He felt that from his prospective the applicant should be totally under that umbrella of the New Town Design Guidelines and asked if this was total review from the DRB or a partial one.

Vernon Geddy stated that the New Town DRB had reviewed these plans as they would have reviewed any other plans in New Town and they have approved them.

John Hagee asked if the New Town DRB reviewed them as though this particular development was going to be in New Town. He asked staff about their request for resubmission of plans to the DRB and would a project in New Town have to be resubmitted for review.

Paul Holt stated plans would be required to be resubmitted for review to the New Town DRB if they were in New Town and said the challenge that arose was that the applicant was requesting a rezoning to B-1 and if it was approved by the Board, the New Town proffers would no longer apply.

John Hagee stated staff was allowing the applicant setbacks consistent with New Town and all he was suggesting was the applicant also adopt the New Town Design Guidelines and review process.

Marvin Sowers stated the DRB did spend considerable amount of time looking at the building details, which were shown on the plan before the Commission. He said that if the site was formally in New Town, final construction plans would be returned to the DRB to ensure that the construction details previously approved by the DRC were on the plans.

John Hagee asked if the property was in New Town would the applicant be required to resubmit to the DRB.

Marvin Sowers asked for a clear understanding as to the direction that the Commission was expecting the proffer changes to take. He said one was the DRB approval of the plans and a median.

John Digges said he already discussed this with VDOT and they said no to the median and to a wider curve.

Joe Poole said for the Commission to recommend a median would be moving beyond their bonds and felt that VDOT had the final decision.

John Hagee applauded the applicant for wanting to bring this site into New Town. He felt in keeping with the New Town Guidelines the Commission's DRC did not have the wherewithal to make design types of decisions and it should be left up to the New Town DRB.

Vernon Geddy felt they were discussing two different things. One is the process by which these plans are approved and one is the substance of what the reviewers are looking at. He said they would be applying the New Town standards although, in parking, they will be held to the ordinance parking requirements of the County. He said the process is what the proffer is all about and he said his applicant would take the final plans back to the New Town DRB after rezoning.

Marvin Sowers stated the other item the Commission mentioned was regarding some type of limitation of the drugstore and asked if they wanted that in the motion.

Joe Poole said that was an important issue and felt the applicant and staff agreed that it was not the desire to have a freestanding drugstore.

Marvin Sowers stated that this would be a proffer revision and the applicant needed to state whether he was willing to make this change.

John Digges agreed that use of only half of the first floor area would be fine for a pharmacy and noted there needed to be some place where doctors at the facility would have a local pharmacy.

Marvin Sowers stated the motion included a recommendation of approval with the understanding of the proffer amendment regarding the DRB process and the freestanding drugstore issue.

Martin Garrett stated they had a motion and a second.

In a roll call vote, motion passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

Peggy Wildman commented to the applicant that no mention was made to the architecture of the building and felt it tied in very nicely with the design elements of the JCSA water towers.

8. PLANNING COMMISSION CONSIDERATION

Marvin Sowers requested that the Commission review and approve the meeting schedule for the year 2002.

Martin Garrett stated they always had trouble with the January meeting because it comes too soon after the holidays and noted the January meeting for 2002 would be held on the 14th.

Marvin Sowers stated that in the past there have been issues where citizens did not have time to review cases on the January agenda or simply missed the public hearing ads while they were out of town due to the holidays. For these reasons staff has recommended pushing the meeting back an additional week and a similar thing was done on the September calendar due to the Labor Day holiday. He said staff recommended approval of this calendar schedule.

Martin Garrett noted the January meeting was going to be a long one and asked the Commission if they would prefer to begin at 6 PM and continue straight through or begin at 5 PM, have a break, and then continue the meeting.

Joe McCleary and Wilford Kale preferred to begin and 6 PM and continue straight through.

Joe Poole agreed and also added that he did not want to see the Commission reviewing cases at 11:30 PM. He felt they owed it to the applicants and citizens that when they reach a certain time, the Commission recess to the next day.

Marvin Sowers said that they could come prepared for that particularly when they anticipate a meeting to be lengthy. He said mainly it would be the availability of a meeting room. He did not think that the January meeting would last longer than 10 PM.

9. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated the Commission has a scheduled site visit to the Green Springs Plantation site on Wednesday, December 5 at 3 PM and asked the Commission to recess this meeting to 2:45 PM to Fire Station No. 5 in order to travel to Green Springs. He said the Commission would be making a recommendation to the Board early next year on the partial closure of Centerville Road. He stated staff has received a formal request from the National Park Service to close that portion of Centerville Road. He stated that there was a public meeting held several weeks ago with about two-thirds of the 40 people in attendance in opposition of the closure of the road.

Don Hunt felt that if the road were to be closed the park should have some type of function and become an asset to the community and not just turned into a park.

Marvin Sowers stated the purpose of the site visit was to hear the Park Service and see how both sides of the site related to the presentation. He anticipated that the visit would be one to one and one-half hour.

10. ADJOURNMENT

There being no further business, the December 3, 2001, meeting was recessed at approximately 8:35 PM to the December 5, 2001, meeting at 3 PM at the Green Springs Plantation site.

Martin A. Garrett, Chair



Marvin Sowers, Secretary

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