

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

1. ROLL CALL
A. Joe Poole, III
John Hagee
Donald Hunt
Peggy Wildman
Joseph McCleary
George Billups
Wilford Kale

ALSO PRESENT
Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Matthew Arcieri, Planner
Cynthia Grom, Administrative Services Coordinator

2. MINUTES

The Commission approved the minutes of the April 7, 2003 meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were six cases that were heard at the last meeting. For Wexford Hills Lot 35 Septic System Waiver, the DRC recommended approval of the alternate septic system. For Longhill Grove Apartments, the DRC recommended that a 20% density bonus (28 units) be granted for the provision of enhanced recreational amenities and landscaping that exceeds the minimum ordinance standards. The DRC agreed to defer consideration of preliminary approval until plans have been resubmitted which address the core issues of the Environmental Division and JCSA review comments. For St. Bede Prayer Garden, the DRC recommended approval of the proposed relocation of the prayer garden to the east side of the main church building adjacent to The Meadows subdivision. For Cypress Point Septic Waiver System Waiver, The DRC recommended approval of the septic system waiver. For Williamsburg Plantation – Sections 9, 10 & 11: Units 184-251, the DRC recommended preliminary approval of the site plan. For Prime Outlets Site Plan Amendments, the DRC found that the plan was generally in accordance with the master plan and recommended that preliminary approval be granted.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee (SC) was in their review process. He stated that the SC had voted on recommendations for all Land Use applications except for one, which would be heard at the next meeting on Monday, May 12. They also expected to review and finalize the Goals, Strategies and Actions for the Land Use section of the Comprehensive Plan. He also mentioned the SC Calendar that was distributed outlining the meetings and actions to take place over the next few months.

4. PUBLIC HEARINGS

A. CASE NO. Z-2-03/MP-1-03 Hiden Property Proffers Amendment.

Mr. Matthew Arcieri presented the staff report. He stated that Mr. Vernon Geddy, III on behalf of Powhatan Crossing, Inc. has applied for a Master Plan Amendment and rezoning for the Hiden Property site from PUD-R, Planned Unit Development, Residential, with proffers, to PUD-R, Planned Unit Development, Residential, with amended proffers. Approval of the proposal would permit the development of 400 age restricted units on the southern portion of the property in place of the approved 350 timeshares. Of the 400 units, 275 would be single family units and the remaining 125 would be multi-family units. The proposed overall density for the southern property under this proposal is increased from 3.46 dwelling units per acre to 3.7 dwelling units per acre. No changes are proposed for the northern portion of the property. Staff finds the revised proffers and master plan are consistent with surrounding development and zoning and the Comprehensive Plan. Staff believes that the cash proffers proposed sufficiently address impacts, including water, of the additional fifty units. Finally, the proposal has addressed the recommendations of the Powhatan Creek Watershed Study and the environmental protections afforded by this proposed plan exceed that provided under the current approved plan. Staff recommends approval of this case.

Mr. Joe Poole, III, opened the public hearing.

Mr. Vernon Geddy spoke on behalf of the owner. He explained how he and the owner felt this was a win-win situation for both the County and the owner. He went through a comparison of the old master plan proffers to the new ones that were being presented, and how this proffer agreement would be setting a good precedent in regards to environmental protection.

Mr. Wilford Kale asked how the road way was going to cross over the area of wetlands, and if the Chesapeake Bay Act had any play in the new proffers.

Mr. Vernon Geddy replied an arched bridge crossing would be constructed and yes, the Bay Act had a lot of influence on the new proffers. One example was the addition of RPA extensions.

Mr. Joe Poole asked if there was any other data available other then the Heritage Hunt community in regards to the traffic study. He also wanted to know why the owner wanted to change from time-shares to an age-restricted community.

Mr. Vernon Geddy replied that the data for Heritage Hunt was the only one available. He explained Mr. Waltrip, the owner, wanted the change in order to make the project viable.

Mr. Joe McCleary asked Mr. Geddy if he had visited the Heritage Hunt age-restricted community. When Mr. Geddy replied no, Mr. McCleary explained that in Heritage Hunt, they have every amenity available to them with in the community, so they are not likely to leave as frequently. He felt the two communities, Heritage Hunt and the Hiden property, were nothing alike and couldn't be used as a comparison in regards to the traffic study.

Mr. Geddy explained there will be extensive amenities also in the Hiden community, and made the point that even if traffic doubled it still would only be 50% of ITE rates.

Mr. Hampton Jesse of 3500 Hunter's Ridge stated several concerns regarding the age-restricted community and amended proffers and his opposition to this development. He also mentioned that the development must have strict and tight controls to make sure it turns out correctly, since Mr. Waltrip had a history of BMP problems on other properties he developed. He stated that the BMP in Powhatan Crossing does not work, that this project has the same developer, and he should post a bond and fix Powhatan Crossing's BMP first.

Mr. David Fuss of 3008 Chelsford Way, speaking on behalf of the Friends of Powhatan Creek, stated they were very pleased with the amended proffers and their attention to the Powhatan Creek watershed, and that they set a good precedent for future development proffers. He also stated that they hoped the developer would adhere to better site design principles.

Mr. Geoff Tobey of 4477 Powhatan Crossing spoke about his concerns regarding the increased density and asked that voting be deferred.

Ms. Julie Leverenz of 3313 Running Cedar Way, speaking on behalf of the Historic Route 5 Association, expressed her appreciation of the County and the owner working closely together to mitigate impacts. She also stated her concerns regarding guarantees in the number of multi-family housing units and potential access to Powhatan Springs Road.

Hearing no other requests to speak, Mr. Joe Poole, III, closed the public hearing.

Mr. Donald Hunt stated he was of the opinion the amendments are a positive move, and was in favor of it.

Mr. John Hagee asked if any of the provisions in the prior submission have been included in the amendments.

Mr. Marvin Sowers stated that yes, the Powhatan Creek Watershed Study stricter guidelines and recommendations have been incorporated.

Mr. John Hagee stated his opinion that the County should spend the money to closely monitor this project to make sure it is done correctly.

Mr. Wilford Kale asked Mr. Geddy questions concerning the density changes and whether or not the Development Review Committee would have the final review of the site plan.

Mr. Vernon Geddy stated the standards would have to remain the same and it would depend on what would physically fit on the land. Also, the DRC would have the final review.

Mr. Joe McCleary asked about the number of entrances.

Mr. Vernon Geddy replied that in regards to a southern entrance, the owner has deeded that land to Powhatan Crossing, so an entrance in that area could not occur..

Mr. Joe McCleary stated his concern about letting another age restricted community be developed, especially when it comes to future support for the schools and school children. He reserved the right to change his mind in the future.

Mrs. Peggy Wildman seconded Mr. McCleary's statements and listed her concern regarding available medical care for Medicaid patients that move into the County and environmental issues.

Mr. Joe Poole, III, stated his preference for a one month deferral. He listed some of his concerns that he wanted further time to look into.

Mr. Joe McCleary made a motion to defer.

Mrs. Peggy Wildman seconded the motion.

Mr. Wilford Kale stated his support for approval of the proposed amendments. He wanted it to go on record he would vote for approval of this case, since he would not be able to attend the Planning Commission meeting in June.

Mr. John Hagee stated he was not fond of age restricted communities.

Mr. Joe Poole, III, stated his preference to defer the case to have more time to review it and address some of the issues that were discussed, including traffic, number of multi-family units and entrances.

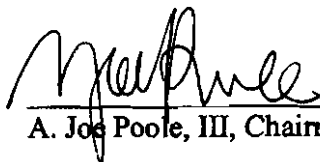
In a roll call vote, motion to defer passed (6-1). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: Kale (1).

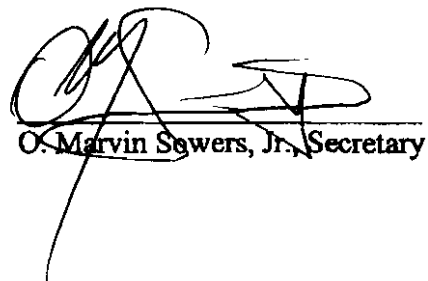
5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers mentioned the Virginia American Planning Association (VAPA) award that was presented to the Comprehensive Plan Community Participation Team and staff recently. He mentioned it was the first time the County had won an award from the VAPA.

6. ADJOURNMENT

There being no further business, the May 5, 2003, meeting of the Planning Commission was adjourned at 8:13 p.m.


A. Joe Poole, III, Chairman


O. Marvin Sowers, Jr., Secretary