

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTEENTH DAY OF JULY, 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  
Peggy Wildman  
Donald Hunt  
Joseph McCleary  
George Billups  
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Donald Davis, Principal Planner  
Christopher Johnson, Senior Planner  
Tammy Rosario, Senior Planner  
Karen Drake, Senior Planner  
Matthew Arcieri, Planner  
David Anderson, Planner  
Sarah Weisiger, Planner  
Lee Schappinger, Landscape Planner  
Darryl Cook, Environmental Division Director  
Mike Woolson, Engineer  
Trey Davis, Development Management Assistant  
Toya Ricks, Administrative Services Coordinator

2. MINUTES

The Commission approved the minutes of the June 2, 2003 and June 10, 2003 meetings with a 6-0 voice vote (Mr. Kale abstained as he was not present June 2, 2003).

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report. One case was heard at the last meeting for the replacement of the James City County Fire Station #2. Fire Station #2 is located in the Roberts District in the Grove section on Pocahontas Trail. The DRC recommended approval of the replacement of the fire station.

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

B. OTHER COMMITTEES

4. PUBLIC HEARINGS

A. Consideration of the *Vision for Our Future 2003 Comprehensive Plan for James City County*

Mr. Joe McCleary, Chairman of the Comprehensive Plan Steering Committee, (CPSC) presented the committee's and staff's comments. He stated that the plan has been moving forward for nearly 18 months, including a Citizen Survey, the Community Participation Team, Steering Committee and two work sessions held with the Board of

Supervisors. The joint work sessions produced an errata sheet.

Mr. Kale stated Ms. Wildman had provided some additional comments and urged the Commission to consider Ms. Wildman's revisions to the errata sheet along with the other documents.

Mr. Joe Poole, III concurred as the changes do not change anything substantially to the errata sheet.

Mr. Poole opened the public hearing.

Mr. Bill Pearson, Director of Real Estate for BASF Corporation, spoke about the barriers to returning their former industrial site to the stream of commerce. Mr. Pearson stated that BASF has tried unsuccessfully for 10 years to market the property as an industrial site. He said that Mixed Use designation would generate four (4) times the amount of revenue generated by a warehouse and fifty (50) times the amount currently paid by BASF to James City County.

Chuck Lincoln, Peninsula Housing and Builders Associations (PHBA) submitted comments based on the May 28, 2003 draft on the Comprehensive Plan. Mr. Lincoln stated that PHBA's recommendations are based on a "Statement of Smart Growth Principles." He stated that the PHBA's major issues with the Comprehensive Plan as it relates to those principles are: Adequate public facilities, primary service areas and inclusionary housing.

Linda Rice, President of Friends of Forge Road, stated that the organization is countering proposals to increase densities. Ms. Rice urged the Planning Commission and Board of Supervisor's to consider the importance of maintaining some of the rural character of the County. Ms. Rice commended the Steering Committee's efforts to obtain public comment and holding sessions throughout the County.

Mr. Poole clarified that only four Planning Commission members, Mr. Hagee, Ms. Wildman, Mr. McCleary, and Mr. Billups were on the Steering Committee and the remaining three, Mr. Hunt, Mr. Poole, and Mr. Kale were on the Community Participation Team.

Julie Leverenz, President Historic Route 5 Association, urged the Commission to adopt the 2003 Vision for Our Future. Ms. Leverenz stated the Comprehensive Plan is the result of a comprehensive process that has been inclusive and actively solicited, heard, and considered input from all segments of the community. The organization is pleased to see the inclusion of a Vision Statement, and that the boundary of the Primary Service Area remained unchanged. Ms. Leverenz stated that the plan is a good plan that deserves the Planning Commission's support.

Caren Schumacher, Executive Director Williamsburg Land Conservancy, stated that it was important for her organization to become involved in the comprehensive planning process. She stated that it was a great opportunity for their members and their board to become better educated about what was in the plan. Ms. Schumacher commended the Steering Committee for the inclusive job and the Comprehensive Plan that was created. The Williamsburg Land Conservancy supported the plan as presented.

R. M. Hazelwood, Jr. applauded the Steering Committee. Mr. Hazelwood passed out composites showing boundary lines of the Primary Service Area that cut across his property. Mr. Hazelwood referred to Milton Herd's comments about the parcels being a single continuous tract of land under common ownership as the strongest argument supporting treating the three parcels as one. Mr. Hazelwood also spoke about his property located within the PSA that is zoned B-1. Mr. Hazelwood stated that no one can afford to buy B-1 property within the PSA and build houses on it. He feels it should be changed from low density residential to some type of commercial designation.

Mr. Tom Gillman, President of ESG International, supported BASF's application for Mixed Use designation. Mr. Gillman stated that re-designation does not green light a particular plan but would allow BASF to find a plan that perhaps works and then bring it before the commission for consideration based on its own merits.

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

Mr. Hagee questioned the use of the names of specific organizations in the Comprehensive Plan, referring to Parks and Recreation Action #28.

Mr. Kale suggested alternate language that could be used.

Mr. Hagee stated that in prior discussions the Commission had decided not to use language that appeared to discourage three acre sites in the rural lands tools section of the plan.

Mr. Don Davis noted that the errata sheet reflected that decision.

Mr. Kale moved to include Ms. Wildman's errata recommendations with the original errata sheet dated July 10, 2003.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the motion to include the recommendation was passed.

Mr. Kale expressed concern that some environmental sections were not shown on the land use map.

Mr. McCleary explained that due to the scale of the map and size of those areas some of the smaller areas do not show up but they are there.

Mr. Kale asked for an explanation of the BASF decision.

Mr. McCleary explained that several factors went into the CPSC's decision. Both planning staff and the IDA recommended retaining the site for industrial use. The same recommendation was made by an independent consultant. No suggestions could be given on ways to divide the site into partial industrial and partial mixed use. Full mixed use would not mix well into this area particularly because of the railroad spur and road access limitations.

Mr. Poole stated that the process has been very inclusive and takes into account all views in the community. He supported maintaining the boundaries of the Primary Service Area. As a community we need to understand that resources are very finite as he did not expect large sums of money from the State. Mr. Poole was impressed with the work of the Steering Committee, staff and the public.

Mr. Hunt expressed concern about the arbitrary boundary line regarding Mr. Hazelwood's property.

Mr. McCleary recognized Mr. Brown of the Board of Supervisors as an active participant on the Steering Committee.

Mr. Hagee recognized that this is not a perfect plan but agreed with Mr. Poole's comments. He stated that he supported many of the suggestions by the PHBA but after much debate the voice of the community had been heard with everyone having their shot.

Mr. Kale commended colleagues for an extraordinary document. There has never before been such an open process. The public had an opportunity to speak. He commended the process.

Ms. Wildman commended Mr. McCleary for work done as the Steering Committee chair. She was glad to be a part of the process.

Ms. Wildman moved to approve the 2003 Comprehensive Plan with Mr. Hagee's changes to page 42, item number 28, changes per the July 1, 2003 errata sheet and per the adopted changes she had recommended.

Mr. Hagee seconded the motion.

In a unanimous roll call vote the motion was passed by a vote of 7-0.

Mr. Marvin Sowers thanked the Planning Commission, Steering Committee, and Community Participation Team on behalf of the staff.

#### B. CASE NO. Z-04-03 Minachiello – 3480 Ironbound Road

Mr. David Anderson presented the staff report. He stated that Mr. Vernon Geddy, III on behalf on VMF2, L.L.C. has applied to rezone the property located at 3840 Ironbound Road from R-8, Rural Residential to R-2, General Residential with Proffers. The application proposes subdividing the 2.63 acre single family residential lot into a total of 4 single family residential lots. The proposal is consistent with the surrounding Meadows II subdivision. Staff recommended approval of the application with the attached proffers.

Ms. Wildman asked Mr. Anderson to point out the house that is landlocked on the map.

Mr. Anderson clarified that the house was not landlocked.

Mr. Hagee noted that the updated ordinance mandates a 75 ft. setback and asked if the proposed 50 ft. setback was consistent with the surrounding Meadows area.

Mr. Anderson confirmed that the 50 ft. setback is consistent with the remainder of Ironbound Road to the East of the property.

Mr. Joe Poole, III opened the public hearing at 7:15 p.m.

Mr. Vernon Geddy III, representing the applicant agreed with the staff report. Mr. Geddy stated that this is a classic infill development and is consistent with the surrounding area. The proposed parcels will be somewhat larger than surrounding parcels.

Mr. Billups asked if the County would be responsible for maintaining the driveways.

Mr. Geddy said that the homeowners would be responsible.

Mr. Robert S. Leadbetter of 4804 Mildred Road opposed part of the proposal regarding Lot #2. Mr. Leadbetter indicated that Lot #2 is virtually landlocked. He also sees no benefit to the community by developing this lot and feels it will decrease the value of surrounding properties. Mr. Leadbetter asked for a buffer at the rear of the property adjacent to his if development is approved.

Mr. David Glass of 3752 Cherry Walk opposed part of the proposal regarding Lot #2. Mr. Glass indicated he does not want someone living in his back yard. He requested a 50 ft. buffer around the entire perimeter and assurances that that homes will be comparable to those in the neighborhood.

Mr. Hunt asked if Mr. Glass's property was clear cut.

Mr. Glass said that ¼ of his lot still has trees.

Mr. Geddy said the intentions were to maintain the buffer.

Mr. Minichiello said that he bought the property before Meadows II was developed. He does not intend to cut down any of the trees but also that he did not ask for Meadows II to be in his backyard.

Mr. Poole asked if the Development Review Committee will review the case.

Mr. Anderson confirmed that DRC will review the plans.

Mr. Leo Rogers noted that unless discussions on the buffer were a part of the proffers then the DRC may only follow the ordinance.

Mr. Kale asked if the Meadows II parcel to the southeast was treed or opened.

Mr. Geddy said it is partially treed.

Mr. Joe Poole, III closed the public hearing.

Mr. Kale asked if the Zoning Ordinance would limit the DRC.

Mr. Rogers said it would and asked applicant if statements made tonight would be included in an amended proffer.

Mr. Geddy confirmed that the applicant will be happy to work will staff on a written proffer for woodland boundaries.

Mr. Kale moved to approve the application with the understanding that amended proffers would be submitted to the Board of Supervisors, with a provision that the buffers be approved by the DRC.

Mr. Hunt seconded the motion.

Mr. McCleary noted that this was an example of infill, using land to the greatest good to the community and commended the applicant.

Mr. Poole echoed Mr. McCleary's statement. He also noted that the DRC will look at the final plans.

Mr. Billups stated that the applicant should not have too much imposition placed on him, and noted that applicant has already given much in consideration of his neighbors.

In a unanimous roll call vote the motion was approved by a vote of 7-0.

#### C. CASE NO. Z-03-03 Pocahontas Square

Ms. Sarah Weisiger presented the staff report. Mr. Vernon Geddy, III has applied on behalf of RML III to rezone approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail from LB, Limited Business and R-8, Rural Residential to R-5, Multifamily Residential with Proffers. The applicant further proposes to construct 96 townhomes to be sold for less than \$110,000. Staff found the proposal to have residential density consistent with the surrounding area and the housing policies of the Comprehensive Plan. Staff also found that the additional benefit of affordable housing will meet an important need in James City County. Staff therefore recommended approval of the rezoning. Ms. Weisiger maintained that there is a technical inconsistency between proffer 8 and the Master Plan that needs to be corrected prior to the Board of Supervisors meeting.

Mr. Poole confirmed that the density will be approximately 8.2 units per acre with 96 units.

Ms. Wildman asked why the applicant was not proffering a paved walking trail.

Ms. Weisiger suggested that the applicant answer that question.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy representing the applicant agreed with staff's recommendations. This project

would meet the County's needs for affordable housing for sale. Mr. Geddy stated that the proposal is consistent with surrounding areas and is an infill parcel. He also stated that the applicant is willing to amend the proffers to include asphalt paving on the walking trail.

Mr. McCleary asked Mr. Geddy to point out the location of the walking trail on the Master Plan.

Mr. Mike Perry, with MSA P.C., indicated that the trail would be sited in the buffer around the perimeter. He also stated that they will maintain as many specimen trees as possible.

Ms. Patty McKenzie of 1021 Sycamore Landing representing Grove Outreach Ministry pointed out the need for affordable housing in the Grove area. Ms. McKenzie stated that she works with homeless in the area. She handed out statistics from the Census Bureau. Ms. McKenzie commended this application.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary commended the applicant on the well-needed proposal. He also agreed with the need for the paved surface walking trail.

Mr. McCleary moved to approve the application with modifications of proffers 8 & 11.

Ms. Wildman seconded the motion.

Ms. Wildman thanked the applicant for a wonderful job. She felt the project would boost the Grove area.

Mr. Poole complimented the applicant for providing affordable housing in a much needed area.

In a unanimous roll vote of 6-0 (Mr. Kale previously left the meeting) the motion was passed.

#### D. CASE NO. SUP-13-03 Old Capital Lodge

Ms. Karen Drake presented the staff report. Mr. Terry White on behalf of the trustees of Old Capital Lodge has applied to amend their existing Special Use Permit to allow for a second story expansion to the lodge. The first floor of the lodge would be used for community youth activities, neighborhood events or rented for special events. The second floor expansion will serve as a meeting room for lodge members. Staff recommended approval of the application with conditions listed in the staff report.

Mr. Joe Poole, III opened the public hearing at 9:05 p.m.

Mr. Terry White, applicant and 26-year member, stated the expansion will improve the appearance of the building. Mr. White feels that improving the face of the building will repay older members and attract younger members.

Mr. McCleary asked about the location of the placement of the second floor addition.

Mr. White indicated that addition will be placed front to back over the first floor.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Mr. Hunt seconded the motion.

Mr. Poole complimented Mr. White and his brothers for service to the community and supported the application.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

#### E. CASE NO. SUP-14-03 JCSA Water Treatment Facility Concentrate Main

Mr. Christopher Johnson presented the staff report. Mr. Larry M. Foster on behalf of the James City Service Authority has applied to amend SUP-3-03 to eliminate the greenway trail condition. Following the approval of SUP-22-01 in June 2002, negotiations for the purchase of the Armistead property ended without an agreement. The County was unsuccessful in later attempts to negotiate an easement and initiated condemnation proceedings to acquire them. The owners have objected to the placement of a trail across their property and construction would not likely occur within the next five years. Given these factors and the higher cost of condemnation for an easement for the trail the decision was made to remove the greenway trail condition. Staff recommended approval of the application.

Mr. Joe Poole, III opened the public hearing at 9:15 p.m.

Ms. Penny Lukakis, a resident of Chanco's Grant, expressed concern that the project keeps changing. She wanted to know if it will ever go through. She would also have liked to see the Greenway Trail installed.

Mr. Leo Rogers stated that the County and the JCSA had been working with the property owners for three years. The final result was condemnation and the Board only authorized condemnation for the underground discharge line. He confirmed that the project is moving forward and expects all permits within eight days.

Mr. Sowers stated that the water treatment plant is under construction.

Mr. Joe Poole, III closed the public hearing.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the motion passed by a vote of 6-0 (Mr. Kale absent).

#### 5. PLANNING DIRECTOR'S REPORT

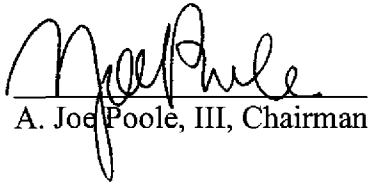


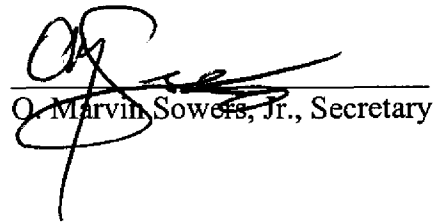
Mr. Marvin Sowers reminded the members that the Board of Supervisors will hold a worksession on July 22<sup>nd</sup> at 4 p.m. on the Comprehensive Plan. Mr. Sowers also introduced Toya Ricks, the new Administrative Services Coordinator.

Mr. Poole announced he will not be attending the August 4<sup>th</sup> meeting; Mr. McCleary will chair that meeting. He also commended the hard work of staff, the Steering Committee, the Community Participation Team, and Citizens on the Comprehensive Plan.

6. RECESSMENT

There being no further business, the July 14th, 2003, meeting of the Planning Commission was adjourned at 9:20 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary