

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF AUGUST, 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. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                             | <u>ABSENT</u>     |
|    | John Hagee       | John Horne, Director Development Management     | A. Joe Poole, III |
|    | Peggy Wildman    | O. Marvin Sowers, Jr., Planning Director        | Wilford Kale      |
|    | Donald Hunt      | Christopher Johnson, Senior Planner             |                   |
|    | Joseph McCleary  | Karen Drake, Senior Planner                     |                   |
|    | George Billups   | Ellen Cooke, Planner                            |                   |
|    |                  | Matthew Arcieri, Planner                        |                   |
|    |                  | Toya Ricks, Administrative Services Coordinator |                   |

2. MINUTES

The Commission approved the minutes of the July 14, 2003 meeting with a 5-0 voice vote.

Mr. Sowers introduced Ellen Cook. Ms. Cook has joined the Planning Division as a Planner. She is a welcomed addition to the staff.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report, stating the Committee heard a total of four cases, two each in Ford's Colony and Colonial Heritage. The first in Ford's Colony was a request to reduce the density on a 14 acre site from designated Residential D, maximum of 257 condo style units, to 9 large single-family lots. The next Ford's Colony case was a request to reduce density on a 6 acre site designated for a hotel and conference center. The applicant proposed to use the site to expand the existing parking lot from 200 to 397 spaces and construct two buildings for 28 residential units for overnight accommodations. Both cases were consistent with the Ford's Colony Master Plan and were approved.

The next two cases were in Colonial Heritage. The first was for an 89 lot subdivision on 24 acres, which was approved. The other involved 53 lots on 24 acres and was deferred due to concerns regarding impacts on steep lots and adjacent open spaces. The committee will review that case at the end of August.

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

B. OTHER COMMITTEES

Mr. Joseph McCleary, on behalf of the Steering Committee, advised that the Board of Supervisors held a two hour work session July 22, 2003 to consider the draft 2003 Comprehensive Plan. Additional language was discussed regarding the extension of

Treyburn Drive. The Board will hold another two hour work session August 12, 2003 at 4:00 p.m. to consider the 2003 Comprehensive Plan that is scheduled to be reviewed at the Board of Supervisor's regularly scheduled meeting at 7 p.m. on August 12<sup>th</sup>.

4. PUBLIC HEARINGS

A. CASE NO. SUP-16-03 Williamsburg Winery -- Gabriel Archer Tavern

Mr. Matthew Arcieri presented the staff report, stating Mr. Vernon Geddy III, has applied, on behalf on Williamsburg Farms, Inc., for a Special Use Permit for the continued operation of the restaurant Gabriel Archer Tavern. A restaurant is a specially permitted use in the A-1, General Agricultural district in which the property is located. The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff supports this request.

Mr. McCleary deferred the case until the September 8, 2003 Planning Commission meeting.

B. CASE NO. SUP-15-03 Custom Culinary Connection -- Barnes Road

Mr. Matthew Arcieri presented the staff report, stating Jeff and Christy Aczel have applied for a Special Use Permit to construct and operate a catering kitchen adjacent their existing residence at 8757 Barnes Road. All orders for the catering operation would be placed via the internet, phone, or fax and delivered by the company to the client. No customers would visit the site. Food processing and storage is a specially permitted use in A-1, General Agricultural where the property is located. A new kitchen would be constructed to match the existing single family residence.

Traffic impacts will be minimal; however, the Virginia Department of Transportation (VDOT) will require the driveway to be brought to commercial standards. The site is located outside the Primary Service Area (PSA) and is serviced by private well and septic system. The Health Department recommends a separate septic system for the catering kitchen. Testing shows that the property can accommodate a second system.

Staff finds that with proposed conditions the application is consistent with surrounding zoning and development and the Comprehensive Plan Rural Lands Development Standards. Staff recommends approval.

Mr. Billups asked for the name of another catering establishment located outside the PSA that was used in comparison.

Mr. Arcieri clarified that the Health Department looked at other catering kitchens in the local area; not necessarily outside the PSA or within the County to determine sewage flows.

Mr. Billups asked why there was a need for driveway improvements since clients would not visit the site.

Mr. Arcieri stated that the establishment is considered a commercial use and VDOT

would require a commercial entrance especially because of occasional visits by delivery trucks.

Mr. McCleary asked if the discrepancy between the structure size permitted in SUP conditions (2,000 square feet) and the size shown on the conceptual master plan was to allow for future expansion.

Mr. Arcieri said this was correct. Future expansion would not require the applicants to go back through the legislative process.

Mr. Joseph McCleary opened the public hearing.

Mr. Aczel, applicant, thanked the Planning Commission for the opportunity to present their case. He stated that he has had a great experience with the County and in particular Mr. Arcieri. Both he and his wife are graduates of the Culinary Institute and have been in the business a long time. Mr. Aczel feels that offering an attractive, restaurant quality, home cooked meal opens an opportunity that has not been available in the area.

Mr. Hunt asked if the property was served by well water.

Mr. Aczel said yes, but that his research through the Health Department of 'By George Catering' and 'Virginia Culinary Company' confirmed an adequate water supply.

Mr. McCleary asked if the main business will be catering of large groups or delivery to individual households.

Mr. Aczel stated they will supply low cost, quality food to individuals for lunch as well as delivery service for consumption at home.

Ms. Nancy McNelly, 203 Riverview Plantation Drive, thanked the Chairman and Commission for the opportunity to speak. Ms. McNelly said the catering kitchen will be a benefit to businesses and residents in Upper James City County by diversifying meal choices. She supports approval of the Special Use Permits.

Mr. Jeff Catell, of Lanexa, commended the applicants' desire to build a business on their own property in order to spend more time with their children. He agreed with Ms. McNelly on the need for a good, restaurant style meal at home. Mr. Catell recognized others in the audience who came out in support of the applicants.

Mr. McCleary noted the favorable letters included in the staff report and asked the applicant if he is in agreement with the conditions included in the report.

Mr. Aczel acknowledged his agreement.

Hearing no other requests to speak, Mr. Joseph McCleary, closed the public hearing.

Ms. Wildman supported the application stating she thinks it is a wonderful idea that is needed in the upper part of the County.

Ms. Wildman moved to approve the application.

Mr. Hagee echoed Ms. Wildman's comments stating he thinks it a novel business the community can appreciate and seconded the motion.

Mr. McCleary congratulated the applicants on such a great idea. He said that he is aware that graduating from the Culinary Institute of America is no easy task.

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

### C. CASE NO. Z-05-03 WindsorMeade Marketplace

Mr. Christopher Johnson presented the staff report, stating Mr. Alvin Anderson has applied, on behalf of C.C. Casey Limited Company, to rezone approximately 34.49 acres from R-8, Rural Residential with proffers to MU, Mixed Use, for a commercial shopping center. The proposed shopping center will contain up to 200,000 square feet of commercial space including main center, out parcels along WindsorMeade Way and Monticello Avenue. WindsorMeade Way provides access to all 185 acres of this portion of New Town. The property is located within Section 11 in the West Sector of New Town. The West Sector was allocated a maximum of 183,700 square feet of non-residential density in the New Town Master Plan. The WindsorMeade Marketplace proposal utilizes all remaining non-residential density and proposes to reduce the amount of future high-density residential square footage in Section 12 by seven units and convert the corresponding 50,000 square feet from residential to non-residential.

The site is located inside the Primary Service Area (PSA). The property is predominately surrounded by Master Plan communities, adjacent to other commercial uses and part of a binding Master Plan. Staff finds this proposal consistent with surrounding development and land use. Staff also finds this proposal consistent with the Mixed Use designation of the Comprehensive Plan.

Staff recommends deferral of these applications until the next Planning Commission public hearing on September 8, 2003 in order to allow staff and the applicant to resolve outstanding issues and to allow Virginia Department of Transportation to offer a recommendation on the traffic impact study submitted with this proposal. With the exception of traffic management issues, the remaining issues to be addressed are relatively minor.

Mr. Joseph McCleary opened public hearing.

Mr. Alvin Anderson, representing the applicant, sited the credentials of S.L. Nausbaum Realty Company, the developer. The subject property is adjacent to Monticello Marketplace and proposes a cross connection between the two centers. The design elements are consistent with Monticello Marketplace.

Mr. Anderson detailed the revenue generated by Monticello Marketplace to the County through sales and real estate taxes. This proposal is a logical extension of

Monticello Marketplace. He also indicated that Belk has committed to locate at the site as an anchor store. The proposal included proffers providing for a binding Master Plan, design guidelines, and Design Review Board approval. The proposal is consistent with the Comprehensive Plan designation and New Town Master Plan. Mr. Anderson requested approval as soon as possible in order to meet seasonal retail cycles.

Mr. Hagee asked about the basic difference in design between this facility and Monticello Marketplace.

Mr. Jim Gresock, with S.L. Nausbaum, stated that the largest difference was a more courtyard setting for the parking area.

Mr. Hunt asked Mr. Anderson if he expected the traffic impact study to contain any surprises.

Mr. Anderson said that he expected the report to contain a list of potential solutions.

Mr. McCleary asked if the Casey family already owned the homes adjacent to property.

Mr. Anderson responded yes.

Mr. McCleary asked if the traffic island currently in place would prohibit traffic from turning onto WindsorMeade Way from Monticello Avenue.

Mr. Dexter Williams, traffic consultant, drew a diagram indicating the current turn lane and a proposed second turn lane.

Mr. McCleary stated that the majority of traffic will flow through the crossovers and from Monticello Avenue.

Mr. Williams confirmed that the bulk of traffic will still flow from Monticello Avenue.

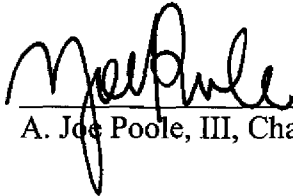
Hearing no other requests to speak, Mr. Joseph McCleary deferred the case until the September 8, 2003 Planning Commission meeting.

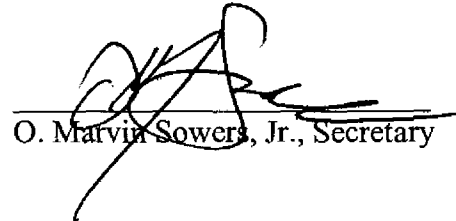
## 5. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report. The Director's report includes the 2003 Traffic Impact Study. Also, The Virginia Department of Transportation has begun work on the Capitol to Capitol Trail along Route 5 and Greensprings Road. Adjacent Property Owner notices have gone out and Citizen Meetings will be held sometime next fall or winter to announce the findings. The Board of Supervisors will hold a work session and meeting on August 12, 2003 to consider the Comprehensive Plan.

6. ADJOURNMENT

There being no further business, the August 4th, 2003, meeting of the Planning Commission was adjourned at 7:55 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary