

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF OCTOBER, 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
George Billups
Joseph McCleary
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
David Anderson, Planner
Sarah Weisiger, Planner
Toya Ricks, Administrative Services Coordinator
Elaine McBeth, City of Williamsburg Planning Commission

2. MINUTES OF SEPTEMBER 8, 2003

Mr. Kale made a motion to defer the minutes to make changes relative to a discussion that he participated in that is detailed on page 6.

Mr. McCleary seconded motion.

In a unanimous voice vote the Commission deferred the minutes of the September 8th meeting.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee, Chairman of the Development Review Committee, presented the report. The committee heard two cases on Wednesday night and another case this evening. All of the cases were approved. The first case was The Berkeley's Green recreation area. It was a modest expansion of an existing recreation area. The second was a 54 lot subdivision in Colonial Heritage. The case that was approved this evening was a septic system waiver at 7265 Osprey Drive.

Mr. McCleary made a motion to approve the report.

Ms. Wildman seconded the motion.

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

B. OTHER COMMITTEES

Mr. McCleary, Chairman of the Comprehensive Plan Steering Committee, presented the report. The current issue of the Virginia Municipal League's (VML) magazine features a story on James City County's receipt of the VML President's Award for entrepreneurial government excellence. The President's award is the most prestigious that is given by the VML and is usually presented to County's for actions in economic areas and development. It is unusual for it to be granted in the area of planning. The award was given for overall excellence of effort in the 2003 Comprehensive Plan review. This award recognizes the work of everybody involved particularly the staff, Board of Supervisor's, the Planning Commission, the Community Participation Team, The Steering Committee, and the citizens who willing gave their time. According to VML the process used by James City County offers a "road map to other localities."

Mr. O. Marvin Sowers, Jr. added that the County was featured as the cover story. The picture on the cover is of Chickahominy Riverfront Park. Mr. Sowers hopes to have copies of the magazine for all commission members eventually. He also stated that this could not have been achieved without the strong efforts of the Planning Commission, the Citizen Participation team and the citizens at large as well as the other groups that participated.

Mr. A. Joe Poole, III said that we are all excited and thrilled about this award. It represents a lot of hard work on the part of the staff, Steering Committee, Citizens Participation Team, Board of Supervisors, and citizenry so we all share in the success.

4. PUBLIC HEARINGS

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

Mr. David Anderson stated that Mr. Vernon Geddy, on behalf of Patrick Duffeler, has requested the case be deferred until the November meeting of the Planning Commission to resolve outstanding issues.

Mr. McCleary asked about the number of times this case has been deferred. This case is simply to approve an existing use. He asked if there were problems or if it was related to the storm.

Mr. Sowers confirmed that there are a couple of issues to deal with before the case comes before the Commission and the Board. An agreement has been reached as to those areas which do need to be resolved to bring the current use into compliance with county codes. Also, Hurricane Isabel did cause some delay.

Mr. Leo Rogers concurred with Mr. Sower's statements.

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

Hearing no other requests to speak, Mr. Poole, III deferred the case until the November 3rd meeting of the Planning Commission.

B. SUP-19-03 & MP-07-03 – Olde Towne Timeshares

Mr. David Anderson stated that Mr. Richard Costello, on behalf of Heritage Resorts, Inc., has applied for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the Master Plan which require an SUP amendment. It should be noted that the previously approved special use permit is valid until July 10, 2004.

The property is comprised of 130 acres located on Olde Towne Road adjacent to Route 199. The property is zoned R-2, General Residential District and designated low density residential on the Comprehensive Plan land use map. Approximately 25% of the proposed units have been changed from four bedroom townhouse style units to two bedroom condominium style units. Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation. The Commission approved an identical proposal for two buildings at Williamsburg Plantation in February.

An indoor pool has been added to the clubhouse and the outdoor pool has been moved further away from adjacent residential uses which will better protect adjacent residences from noise and lighting. The major change to the layout is based on a central collector road with no units fronting on it that terminates at the clubhouse building which has been expanded to accommodate the indoor pool. Parking to the new clubhouse has also been expanded to accommodate the new facilities.

Additionally the applicant is requesting a waiver to reduce the parking requirement for the townhouse units from 2½ spaces per unit to 2 spaces per unit which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.

Staff finds the proposal consistent with surrounding zoning and land use. Staff also finds the proposal consistent with the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes to the previously approved SUP are generally positive in nature and recommended approval.

Mr. McCleary asked if construction on the project has begun and if the berm is already in existence along Route 199.

Mr. Anderson answered that construction has not begun and that only part of the berm is existing. It will be extended further towards Olde Towne Road.

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

Mr. Vernon Geddy, III represented the applicant. Mr. Geddy agreed with the staff report. This case is similar to the Williamsburg Plantation case previously approved by the Commission.

Mr. Kale asked if the left corner of the property where the curb begins on Olde Towne will be of concern with regards to highway expansion given the proximity of the new clubhouse. Mr. Kale noted that in the earlier project there was land set aside for the Virginia Department of Transportation (VDOT) to cut through if it was necessary.

Mr. Richard Costello stated that the same agreement still exists with VDOT. He stated the new clubhouse is in the same location where the tennis courts were in the previously approved case.

Mr. Kale asked if the responsibility for shielding the noise from the highway will fall on the applicant or VDOT.

Mr. Costello stated that it will be the applicant's responsibility. He also stated that between the berm and the buffer there will be adequate shielding from the noise.

Mr. Kale asked if the location of the larger units have been identified or if they will be scattered within the community.

Mr. Costello said they have been identified and will be scattered throughout the property.

Mr. Billups asked about item 14 on the Master Plan regarding irrigation and the irrigation pond. The Plan noted that the project will not use James City Service Authority (JCSA) water for irrigation, but also noted that a waiver may be granted if the applicant can show a need for a well.

Mr. Costello said that if the need arose then a well would be dug in the shallow water aquifer that is not utilized by the JCSA. This will only be a temporary measure until the pond rose to an adequate level.

Mr. Poole inquired about the traffic patterns relative to this project. He asked about the pre and post development levels of service.

Mr. Costello stated that the level of service has gone from Level D to Level C. This proposal should reduce overall traffic for this project in the 7-10% range.

Mr. Sowers stated that traffic counts on Olde Towne Road have shown that the traffic flow has decreased.

Mr. Poole said that the density of this project compared to what is allowed by right is still significant although there may have been some improvement.

Mr. John Hanrahan, 434 Alderwood Drive City of Williamsburg, expressed concern that this will be the tenth timeshare unit in the James City, York, Williamsburg area. He asked if any statistics were available about the success of these projects. He questioned the possibility of them being converted to apartments if the developers became insolvent and asked if the County had investigated these issues.

Mr. Sowers stated that the staff does not monitor the health of such developments but that past research indicates that failures are remote on a nationwide level.

Mr. Geddy stated that historically they are not usually converted to apartments but are purchased and continued in the same operation.

Mr. McCleary stated that timeshares provide significant tax revenue for the County. In a previous case, Williamsburg Plantation, the developers saw problems in its marketing and re-scoped ahead of time in order to better fit the market. Also, in the Hidden Property case the developer decided not to market the property as a timeshare but to re-scope it has an age appropriate community.

Mr. Hanrahan also agreed with Paul Tubach's suggestion for relocation of the proposed trail.

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

Ms. Wildman moved to approve the application based on Mr. Anderson's statements regarding consistency with the surrounding area.

Mr. McCleary seconded the motion with staff conditions added.

Mr. Poole stated that he will not support the application. He is concerned about the density of property that is zoned R-2 and off-site vehicular impacts on a road that is different from Longhill Road. He is not happy with this level of service and does not feel this location lends itself to this density.

In a roll call vote the case was approved 4:3 AYE (4) Wildman, McCleary, Hagee, Hunt, NAY (3) Poole, Kale, Billups

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted some of the upcoming beautification improvements that were identified in the Comprehensive Plan. The third Underground Utility project is about to begin in the vicinity of the Williamsburg Crossing Shopping Center. Another item is the creation of corridor beautification efforts. Jamestown Road has been selected as the first corridor. County staff, Chamber of Commerce, businesses and others will work together to enhance this corridor.

Mr. Kale asked if the County has developed an expedited permit process for those citizens who have suffered damages due to Hurricane Isabel.

Mr. Sowers stated that the County has developed such as program as well as expedited wetlands permitting and assistance with damage assessment.

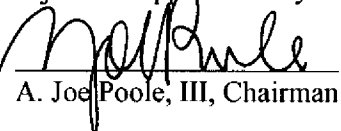
Mr. Billups spoke about the need to question how many timeshares, age appropriate communities and other targeted developments the County should allow. He also asked about possible amendments to conservation requirements relative to tree removal since a significant amount of tree damage was sustained with the recent hurricane.

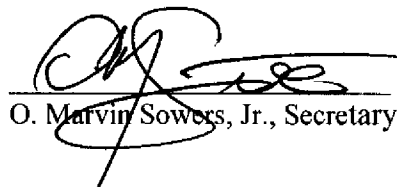
Mr. Hunt said there needs to be an assessment of the security of power lines. He asked about allowing homeowners to harvest trees that might damage these right-of-ways.

Mr. Poole stated he will be presenting the Annual Report to the Board of Supervisors on October 14, 2003.

7. ADJOURNMENT

There being no further business, the October 6, 2003, meeting of the Planning Commission was adjourned approximately at 7:45p.m.


A. Joe Poole, III, Chairman


O. Marvin Sowers, Jr., Secretary