

REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF OCTOBER, TWO-THOUSAND AND FIVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> | <u>ABSENT</u> |
| | Jack Fraley | Marvin Sowers, Planning Director | Wilford Kale |
| | Don Hunt | Adam Kinsman, Assistant County Attorney | |
| | Jim Kennedy | Matthew Arcieri, Senior Planner | |
| | Mary Jones | Ellen Cook, Senior Planner | |
| | George Billups | Joel Almquist, Planner | |
| | Shereen Hughes | Toya Ricks, Administrative Services Coordinator | |

2. MINUTES

A. SEPTEMBER 12, 2005 REGULAR MEETING

Mr. Fraley motioned to approve the minutes of the September 12, 2005 regular meeting.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0). (Kale Absent)

B. MAY 24, 2005 JOINT WORK SESSION WITH BOARD OF SUPERVISORS

Mr. Fraley motioned to approve the minutes of the May 24, 2005 joint work session.

Mr. Billups seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0). (Kale Absent)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered six cases at its September 28th meeting. The Committee recommended preliminary approval, subject to agency comments for: Stonehouse - Fairmount Sections 1-4 subdivision plans including an exception for cul-de-sac length, contingent upon Environmental approval of the storm water facilities; Windmill Meadows subdivision plans contingent upon Board of Supervisors approval of street-width reductions; setback reductions along Richmond Road, Peninsula Street Northeast and Peninsula Street Northwest for the Williamsburg Wicker and Ratten Retail Center, contingent upon approval of the Rezoning; and setback modifications along Ironbound Road for a parking expansion at Ironbound Village. The DRC recommended renewal of preliminary approval for Michelle Point. Site and

subdivision plans for Colonial Heritage Phase 4 were deferred due to outstanding Environmental issues.

On September 22nd the DRC met for an expedited review of Green Mount DCB Storage Facility site plan and recommended preliminary approval, subject to agency comments.

Mr. Fraley said the voting for all the cases were unanimous.

Mr. Kennedy motioned to approve the DRC's report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved (6-0). (Kale Absent)

B. OTHER COMMITTEE REPORTS – None

4. PLANNING COMMISSION CONSIDERATION

A. S-91-04 MARYWOOD SUBDIVISION

Mr. Matthew Arcieri presented the staff report. He explained that the Board of Supervisors referred the case back to the Planning Commission to provide additional details on the reasons for denial and to identify modifications that would permit approval of the plan. Staff recommended the Commission refer the case to the Development Review Committee to address the Board's request.

Mr. Kennedy motioned to refer the case to the DRC.

Ms. Jones seconded the motion.

In a unanimous voice vote the case was referred to the DRC (6-0). (Kale Absent)

B. ZO-6-05 INITIATING RESOLUTION – ZONING ORDINANCE AMENDMENT
RETAIL SALES OF GARDENING SUPPLY ITEMS

Mr. Matthew Arcieri presented the report. He said a written request has been made to initiate consideration of a change to the A-1 Zoning Ordinance to permit the retail sales of garden supplies. Staff recommended adoption of the initiating resolution referring the matter to the Policy Committee for further study.

Mr. Billups clarified that Policy Committee members would receive notification of the meeting.

Mr. Arcieri agreed with Mr. Billups.

Mr. Kennedy motioned to adopt the resolution.

Mr. Fraley seconded the motion.

In a unanimous voice vote the matter was referred to the Policy Committee (6-0). (Kale Absent)

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 WARHILL TRACT
- B. Z-12-05 TOANO BUSINESS CENTER
- C. Z-13-05 VILLAGE AT TOANO
- D. Z-14-05/MP-11-05 BURNT ORDINARY MP AMENDMENT
- E. Z-7-05/MP-5-05 JAMESTOWN RETREAT

Mr. Hunt stated that the applicants for items 5-A through 5-E requested deferral of those cases until the November 7, 2005 Planning Commission meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak Mr. Hunt continued the public hearings to the November 7th meeting.

F. Z-8-05 WILLIAMSBURG WICKER AND RATTAN

Ms. Ellen Cook presented the staff report. Mr. James Peters has submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agricultural District to B-1, General Business District, with proffers. The applicant proposes approximately 8,200 square feet of retail space and approximately 4,500 square feet of storage warehouse in addition to the existing single-family detached house. The applicant has presented elements that address compatibility with the surrounding area and the Comprehensive Plan standards for Community Character Corridors and Areas. Staff found the proposal generally consistent with the Low-Density Residential designation. On September 28th the DRC recommended approval of setback modifications contingent upon Planning Commission and Board of Supervisors approval of the rezoning. Staff recommended approval of the application and voluntary proffers.

Mr. Billups asked if the Zoning Administrator had any comments regarding the setback modification request.

Ms. Cook said the Zoning Administrator was aware of the request. She said the DRC acted upon the recommendation of Staff.

Mr. Billups asked if the Zoning Administrator expressed any reservations.

Ms. Cook answered no.

Ms. Hughes asked about a landscape buffer to screen the adjacent residential properties.

Ms. Cook said the applicant would address that issue and that the landscape plan would be reviewed at the site plan phase.

Mr. Kennedy indicated that a number of the adjacent dwellings housed small businesses.

Ms. Cook said it was a mix of residential houses and small businesses.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He presented the cases giving background of the applicant's existing business located across the street from the parcel being considered. Mr. Geddy said the proposal offers significant enhancements to the existing zoning.

Mr. Kennedy asked if a drive-way would be constructed behind the building on Peninsula Street.

Mr. James Peters said the existing drive would be used.

Mr. Kennedy clarified that much of the traffic would come close to the existing building.

Mr. Geddy answered yes.

Mr. Kennedy asked if the existing building would remain open and utilize the parking across the street.

Mr. Geddy said yes.

Mr. Fraley stated that he felt the design was attractive. He asked why convenience stores were not proffered out.

Mr. Geddy stated that convenience stores would require a special use permit.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application. He stated that the current business is an asset to the Norge area.

Mr. Fraley seconded the motion. He also agreed with Mr. Kennedy.

Mr. Hunt said it would be an excellent addition to the community.

Ms. Jones agreed with Mr. Hunt's comments.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

G. MP-9-05/SUP-21-05 OLDE TOWNE TIMESHARES

Ms. Ellen Cook presented the staff report. Mr. Robert Anderson of McKinney and Company has applied to amend a previously approved special use permit. The previous 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 layout of the master plan requiring an SUP amendment. The major changes involved are as follows: the units are arranged in pods along a collector road rather than in a grid pattern, storm water management has changed from large centralized facilities to smaller, dispersed facilities, and the units have been grouped into four, six and eight unit buildings.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy introduced the engineering firm. He made himself available for questions.

Mr. Billups asked if there were any downsides to exclusions of the wetlands and the curb and gutter.

Mr. Geddy stated that both changes offered environmental positives.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

H. SUP-28-05 NEW DAWN ASSISTED LIVING

Mr. Joel Almquist presented the staff report. Mr. Brian May has applied for an amendment to a previously approved special use permit allowing the construction of an assisted living facility in the R-8 Rural Residential and LB-Limited Business Zoning Districts. The proposed building is approximately 8,000 square feet larger than the current SUP allows. Staff recommended approval of the application and attached conditions.

Mr. Fraley asked if the time frame referred to in condition number one (1) of the staff recommendations had been removed.

Mr. Almquist said it would be removed prior to the Board of Supervisor's consideration of the case. He also confirmed that there would be no time limit.

Ms. Jones asked if the applicant proposed to build into the hillside due to the sloping topography.

Mr. Almquist referred the question to the applicant.

Ms. Hughes asked if it was permissible to have a perimeter fence in the buffer.

Mr. Almquist answered yes.

Mr. Hunt opened the public hearings.

Mr. Brian May, Dewberry and Davis represented the applicant. He stated that the housing would be gradually stair-stepped upwards to blend in with the slope.

Ms. Jones asked how the drainage would be addressed.

Mr. May said the drainage would be either channeled or piped to the BMP onsite.

Ms. Hughes stated that there appeared to be a dry intermittent stream and wetlands running through the site.

Mr. May said the possible stream and wetlands areas were being confirmed at this time.

Ms. Jones confirmed that the height of 35' included the chimney.

Mr. May confirmed that the chimney was included in the measurement.

Hearing no other requests to speak, Mr. Hunt closed the public hearings.

Mr. Kennedy motioned to recommend approval of the application and conditions as amended.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application and amended conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He stated that the Rural Lands Study would begin with a Committee meeting on Wednesday, October 5th.

Mr. Kennedy asked if the Rural Lands Committee formed several years ago had been disbanded.

Mr. Sowers said a new committee had been formed by the Board of Supervisors. He also said that the recommendations of the previous committee would be considered during this study.

Mr. Hunt asked Mr. Kennedy when the public meeting regarding the Bunting Property would be held.

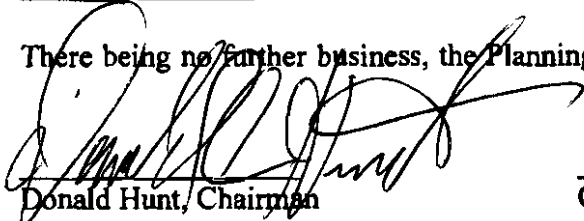
Mr. Kennedy said it would be held on Monday evening at the Croaker library.

Mr. Billups asked if any precedent existed for the Planning Committee to refer the Marywood Subdivision to the DRC.

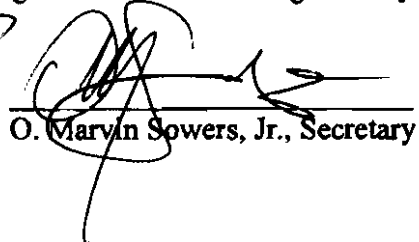
Mr. Sowers explained the process. He stated that this decision followed procedure.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 7:45 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary