

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

1. ROLL CALL

Don Hunt
Mary Jones
Tony Obadal
Jack Fraley
Shereen Hughes
Jim Kennedy

STAFF PRESENT

Marvin Sowers, Planning Director
Adam Kinsman, Assistant County Attorney
Jenny Lyttle, Assistant County Attorney
Ellen Cook, Senior Planner
Jason Purse, Planner
Christy Parrish, Administrative Services Coordinator

ABSENT

George Billups

2. PUBLIC COMMENT

Mr. Fraley invited members of the public to address the Planning Commission.

Mr. John Firth, III, 6777 Golf Club Road, Gloucester Va., stated he was speaking on behalf of his father. He commented on his concern of the tax increase his father has received since 1999. The land is mostly marsh land and used for hunting and recreation. He and his father will be attending the July 11, 2006 Board of Supervisors meeting to air this concern.

3. MINUTES

June 5, 2006 Regular Meeting

Mr. Sowers stated that staff inadvertently left out the meeting adjournment time of 11:00 p.m. from the minutes and asked the Board to note the change in their motion.

Mr. Kennedy motioned to approve the amended minutes.

Mr. Obadal seconded the minutes.

In a unanimous voice vote the amended minutes of the June 5, 2006 meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Kennedy stated the Development Review Committee meet July 5, 2006 and all members were present. The Committee heard two cases:

C-61-06 New Town - Town Center Parking Overview- Committee discussed many issues such as the County building and the impact because it does not have a designated parking area, offsite issues, parking studies, questions pertaining to evening parking, overflow and other traffic related issues. An agreement was made to meet in February, 2007 and discuss Section 11 parking. Currently, Section 11 has been put aside for future parking needs. With data from the holiday season, discussions will be made at that time concerning whether or not this section can be released for development or not.

S-59-06 Peleg's Point Section 6 -Mr. Eric DuBois of A.D. Potts & Associates requested an indefinite deferral. The Committee granted the request and discussed issues concerning the development.

Mr. Obadal motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the Development Review Committee report was approved. (6-0).
AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

B. Policy Committee

Ms. Jones reported that all the members were in attendance at the July 6, 2006 meeting with the exception of Mr. Billups. The Policy Committee met to begin discussing possible changes to the residential districts of the Zoning Ordinance. The Policy Committee will study and recommend specific changes to the residential ordinance that make direct reference to the Comprehensive Plan. Supporting documents will also include the Chesapeake Bay Ordinance, Planning Commission suggestions for new residential development, better site design, special storm water criteria and the Powhatan Creek Watershed Management Plan. The main objective of the first meeting was primarily to highlight topics for study and translate those into action items for Policy Committee Members and staff.

Ms. Jones thanked Mr. Fraley, who is not a Policy Committee member, for his attendance and input as well as staff and citizens. The Policy Committee encourages any members of the Planning Commission not serving on the Policy Committee and the public to communicate any questions, concerns, and/or suggestions they may have throughout the process. The next Policy Committee meeting is scheduled July 27, 2006 at 10:00 a.m.

Mr. Obadal suggested that the Yarmouth Creek Watershed Plan be included in the list of supporting documents.

5. PUBLIC HEARINGS

A. Z-2-06/MP-3-06/ SUP-19-06 Mason Park

B. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station

Mr. Fraley stated that the applicants have requested a deferral.

Mr. Sowers stated that staff concurs with the requests.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearings were continued.

C. 2006 Agricultural and Forestal District (AFD) Renewals

1. AFD-2-86 Croaker
2. AFD-3-86 Hill Pleasant Farm
3. AFD-5-86 Barnes Swamp
4. AFD-6-86 Cranston's Pond
5. AFD-7-86 Mill Creek
6. AFD-9-86 Gordon Creek
7. AFD-6-86 Christenson's Corner
8. AFD-11-86 Yarmouth Island
9. AFD-12-86 Gospel Spreading Church

Mr. Jason Purse presented the staff report stating currently 9 of the 14 Agricultural and Forestal Districts are up for renewal. Mandated by State Code, at the end of each District's term length a public hearing must be held to re-establish the districts for an additional term. This renewal period allows landowners to continue participating in the program, or allows them to withdraw all or some of their parcels. Property owners removing their land are subject to 5 years of roll-back taxes however, if the land-use of their parcel is not a qualifying forestal or agricultural use. At all other times, withdrawals must be approved by the Board of Supervisors, which has established withdrawal policies.

Staff is making an effort to synchronize the district's renewal times, and thus have suggested renewal of these 9 districts at a term length of 4 years and 3 months in order to put them on the same time frame as a majority of the other districts.

Staff reviewed all of the districts individually, and presented them both individually and in summary form in the Planning Commission packet. Staff found that overall, before the renewal period the combined size of the districts was approximately 18,080 acres. All of the subsequent additions and withdrawals totaled 755.36 acres, leaving the total acreage in an AFD at 17,354.

Based on the information available to staff at this time, staff recommends that the Planning Commission recommend renewal of all 9 districts at a term length of 4 years and 3 months with their attached conditions.

On June 27, 2006 the AFD Advisory Committee recommended approval by a vote of 8-0.

Mr. Hunt stated that he would like to recuse himself from the vote on AFD-3-86 Hill Pleasant Farm but would participate in the vote for all others.

Mr. Fraley opened the public hearing.

Ms. Vivian Morgan, 156 Bush Spring Road, spoke on behalf of the residents of the Bush Springs Road community in reference to case number AFD-6-86 Cranston's Pond. The residents would like to see 268, 275, 282, 290, 291 and 308 Bush Springs Road and all other properties included

in this case remain as in the AFD and undeveloped. The residents believe these properties should not be developed into any type of housing subdivision, project or any other type of huge development.

Hearing no other requests the public hearing was closed.

Mr. Fraley separated item number two (AFD-3-86 Hill Pleasant Farm) and called for action on the case individually.

Mr. Kennedy motioned to approve item number two (ADF-3-86 Hill Pleasant Farm).

Mr. Obadal seconded the motion.

In a roll call vote the application and attached conditions were recommended for approval (5-0). AYE: Jones, Hughes, Kennedy, Obadal, Fraley (5); NAY (0). (Hunt abstain; Billups absent)

Mr. Fraley called for discussion on the remaining AFD applications.

Ms. Hughes commented that Ms. Morgan spoke against the withdrawal of the six Marston properties within AFD-6-86 Cranston's Pond.

Mr. Purse explained that as part of the renewal process an owner is allowed to withdraw their property and if they were to develop the properties in a non-qualifying agricultural and forestal use they will be subject to a five year roll back tax penalty. Staff was not given a development plan for these parcels at this time.

Mr. Fraley commented that the Planning Commission could not deny someone the right to withdraw their property from the AFD.

Mr. Purse stated that was correct.

Mr. Sowers stated that this was a voluntary program.

Mr. Obadal stated that the withdrawal does not give the owner of the property the right to develop the property other than what is specified in the zoning ordinance covering this land.

Mr. Purse stated that was correct.

Mr. Kennedy motioned to approve items: (1)AFD-2-86 Croaker; (3)AFD-5-86 Barnes Swamp; (4)AFD-6-86 Cranston's Pond; (5)AFD-7-86 Mill Creek; (6)AFD-9-86 Gordon Creek; (7) AFD-6-86 Christenson's Corner; (8) AFD-11-86 Yarmouth Island; (9) AFD-12-86 Gospel Spreading Church.

Ms. Jones seconded the motion.

In a unanimous roll call vote the applications and attached conditions were recommended for approval (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

D. SUP-20-06 Wythe-Will Commercial Expansion

Ms. Ellen Cook presented the staff report stating that Mr. Bill LaVancher has applied to change the uses in the existing Wythe Will Candy Company structure to office, skateboard park and mini-storage; no new building square footage is proposed. The site is currently split zoned B-1, General Business, and A-1, General Agricultural, with the structure entirely within the B-1 designation. The current special use permit (SUP) is being triggered by the commercial SUP provisions in the Zoning Ordinance. Prior to triggering this commercial SUP, the owner had submitted, and received approval of, several site plans for improvements to the site.

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This parcel is located in the Yarmouth Creek Watershed. As part of this SUP, staff has recommended that the existing detention pond be upgraded. Upgrading this detention pond is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

Staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The skateboard park portion of the structure will offer services to youth within the County as encouraged by the Comprehensive Plan. A condition on the SUP provides for upgrading the detention pond which fits in with the goals of the Yarmouth Creek Watershed Management Plan. While additional traffic generation on Richmond Road is a concern, as indicated by the "Watch" designation in the Comprehensive Plan, the proposal does not alter the existing exit/entrance situation and provides for the potential for improvement by reserving areas for future connections to adjacent parcels. Finally, staff finds that even though the proposal would not be judged compliant with current standards for landscaping and site design along a Community Character Corridor, various improvements advanced by the applicant (such as the façade) and by the SUP conditions will make the site more compliant than it is currently.

Staff also noted that since the staff report was distributed, the property owner has worked with the County Attorney's office to sign an agreement to remove the billboard on this property. This action will significantly benefit the Richmond Road Community Character Corridor and is supported by Action 26 of the Community Character Corridor section of the Comprehensive Plan. Note that this action by the property owner is entirely voluntary and is not contingent upon the SUP.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believed the attached conditions would adequately mitigate impacts from this development. Staff recommended that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached conditions.

Mr. Hunt asked about the location of the retention pond and then stated that he was aware that there is a high volume of water that runs through that area.

Mr. Obadal asked what types of additional controls would be installed to control water runoff from this site.

Ms. Cook stated that an additional evaluation of the pond in back is needed. The Noland property, which is currently being developed, is putting in various controls on their site which will likely reduce drainage to their property. It is possible that the current pond will meet current standards. However, if the evaluation shows that the pond is not handling to current standards, there possibly will be a change in the orifice or enlarging the BMP to some extent.

Mr. Obadal asked what was meant by the project being generally in compliance with the Comprehensive Plan.

Ms. Cook stated that because this project is an existing site it does not meet some of the current standards (i.e. buffer) normally seen on a new plan of development. However, there are many areas where this project is in compliance with the Comprehensive Plan.

Mr. Obadal asked what was currently under construction around the site.

Ms. Cook pointed out Colonial Heritage and the Noland property.

Mr. Obadal asked whether there were any conditions requiring the applicant to screen the site from the adjacent property.

Ms. Cook stated the owners have already striped the parking lot and planted some landscaping in the rear of the property as part of a site plan prior to SUP application. She also noted that the Noland property has a required buffer as part of their master plan.

Mr. Obadal asked if they were going to place additional plantings between the two properties.

Ms. Cook stated there was currently no SUP condition concerning additional plantings between the two properties; however, she would defer the question to the applicant.

Mr. Obadal asked where the skateboard park area was located.

Ms. Cook stated the skateboard park would be entirely within the structure with the mini-storage further to the rear.

Mr. Obadal asked if the mini-storage entrance would also be located in the rear of the building.

Ms. Cook replied yes.

Mr. Obadal asked how staff determined the necessary parking on this site and if there was a provision in the Zoning Ordinance that states one parking space is needed for every so many square feet for a skateboard park.

Ms. Cook stated there was not a specific provision in the Zoning Ordinance and it falls under the Planning Director's determination. The determination was based on two skateboarders per car and the maximum occupancy for the skateboard park which is 50 skateboarders.

Mr. Obadal asked if staff drew any parallels to other types of uses in the parking section of the Ordinance.

Ms. Cook stated staff questioned whether there were any other similar facilities that the applicant could do a comparison with; however, there were not many facilities available within the County other than an outdoor skateboard park. She added that staff felt that the parking determination was a reasonable measure which fell under the Planning Director's determination.

Mr. Sowers stated that staff generally looks and tries to find comparable uses in the area with assistance from the applicant. Not being able to find a similar facility, staff would refer to similar uses as well as the maximum occupancy and national standards.

Ms. Cook added that the site appears to have more than 30 additional parking spaces than what is required.

Mr. Obadal asked for clarity concerning parking determinations as it pertains to the other uses on the site.

Ms. Cook stated the site has 190 parking spaces and staff determined that 158 parking spaces are needed with all uses fully occupied.

Ms. Hughes asked if there was also going to be an outdoor skateboard park adjacent to the front parking lot.

Ms. Cook stated no and that area was a BMP in conjunction with the front parking area which will be landscaped.

Mr. Fraley asked if it would be accurate to state that this project is non-compliant with the current standards for Community Character.

Ms. Cook stated yes in terms of the buffer requirement recommended by the Comprehensive Plan.

Mr. Fraley asked Ms. Cook to comment on the beautification of this project that was expected.

Ms. Cook stated there were several items: (1) removal of the existing billboard which is not part of the SUP; (2) a condition of the SUP stated that this site will be landscaped in accordance with the Ordinance; and (3) ornamental bushes or shade trees are required to be planted in the middle landscape island.

Mr. Fraley commented that the applicant for the Prime Outlets case requested relief from landscape requirements which was not granted and wants to insure staff is consistent in how these items are approached and that the same kind of landscaping anticipated is similar to what Prime Outlets was required to install.

Mr. Sowers stated that the condition before the Commission allows staff to go beyond the Zoning Ordinance with the Planning Director's approval.

Mr. Hunt commented that the original Massey property and Pottery property are open fields and the transition to an intensely landscaped frontage is not typical in that area.

Mr. Fraley asked staff to point out where the mini-storage units were to be located and confirmed that the amount of storage units was unknown at this time.

Mr. Sowers stated that this building was over the square footage threshold and the DRC would review the site plan. He also noted that the parking ordinance would also limit the amount of units created.

Mr. Fraley asked if it was common for a plan to be reviewed without the number of the mini-storage units specified.

Mr. Sowers stated that the number of units is necessary during the site plan stage so that the parking requirements can be established.

Mr. Fraley noted that B-1 was the only zoning district which did not include a screening requirement from adjacent properties.

Mr. Sowers stated it could be an oversight when the Ordinance was written.

Mr. Fraley stated his concern about screening and neglected uses within the warehouse.

Mr. Obadal discussed his safety concerns with the skateboard park sharing the same parking lot with the mini-storage. His concerns included the amount of traffic and children standing and playing in the same parking lot.

Ms. Hughes commented that one of the conditions was to remove the entrance on the eastern portion of the property which looks like the most convenient entrance for any moving vehicles to get back to the mini-storage space.

Ms. Cook stated that the entrance was on an adjacent property and it is not likely to be closed. Staff suggested the closure because it could be a potential area to put landscaping if it were filled in.

Ms. Jones asked if the parking of the mini-storage was separate for the parking of the skateboard park.

Ms. Cook stated a good portion of the skateboard park parking will be in the rear adjacent to the mini-storage and there might be an entrance to the retail portion of the skateboard park from the front of the property.

Mr. Fraley opened the public hearing.

Mr. Bill LaVancher, 3091 North Riverside Drive, stated that he was the lessee of the facility and could answer some of the concerns of the skateboard park. He stated he has an approved site plan and has already done some landscaping that relates to the parking area and believes LandTech has calculated and incorporated parking spaces for the actual storage unit based on the criteria given by the owner. Included in the plan, there is an extensive landscaping plan and façade renovations which will show improvements to the front of the building. The rear entrance will serve as the entrance to the skateboard park and the front entrance will serve the retail portion of the business. He added that parking that will actually occur is quite minimal with the relationship to the actual number of kids that will be skating due to parents dropping their kids off at the skateboard park. Future plans include expanding the area to include various sports activities.

Mr. Obadal stated that he thought it was very worthwhile to have the type of facility that is being described, but is concerned not only with adequate parking but about the safety of the children from the traffic coming to and from the mini-storage area.

Mr. LaVancher stated that most skateboard parks are exterior and children do skate all over the parking lot and various other places; however, their operation plan includes session times so that a child can come and skate for a designated period of time. There will be staff monitoring the parking lot and the inside skateboard park. He added that total control is nearly impossible but the intent is to place as much restriction on the issue as possible with constant monitoring and good education.

Mr. LaVancher also stated that customers will be encouraged to use Noland Avenue to access the facility once the link between the properties develops.

Mr. Obadal asked if speed bumps could be installed to slow traffic down.

Mr. Kennedy stated that speed bumps would be a bigger draw to skateboarders and they will utilize anything with a bump, speed bumps, stairwells, etc. He questioned how much the County can enforce when it comes to combined uses. We have to start hoping that our children will have common sense not to play in the street.

Mr. Obadal stated he would rather see a speed bump used as a ramp than to see a fast pick-up truck speed through the parking lot.

Mr. Kennedy stated that he thought it was too much and we need to put faith in people to know between right and wrong.

Mr. Hunt stated that his experience with mini-storage is that there is hardly anyone there at any given time and they do not generate much traffic.

Ms. Jones asked if the mini-storage was a definite part of the plan.

Mr. Vernon Geddy III, representing the owner, stated that this is a vacant building with no productive use. This plan will bring it back into productive use with a number of improvements described in the staff report. He added that the mini-storage units will be

entirely within the existing warehouse building and the mini-storage use is a very low traffic generator. The owner is very excited about the skateboard park and if it is successful, it may expand into that area. The plan is to partition the warehouse into storage units, but it would be easy to remove the partitions should the skateboard park expand.

Mr. Fraley stated that he thought that the two uses were not compatible and would be more enthused if the project had a youth based usage theme.

Mr. Geddy stated that this is not a new development but someone is trying to take an existing building and make it economically productive.

Mr. Obadal asked if there were any architectural plans for the left side of the building where the existing bay doors are located.

Mr. LaVancher stated that he understood that the bay doors would remain for people accessing the storage units.

Hearing no other requests, the public hearing was closed.

Ms. Jones motioned to approve the application.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the applications and attached conditions were recommended for approval (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report highlighting a few items:

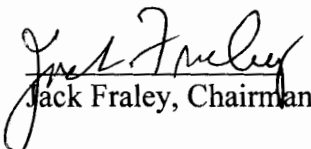
- The Board of Supervisors will be holding a work session on New Town and the Commission is invited at 4:00 p.m. July 25, 2006.
- The Planning Division recently got notification that we will receive significant funding for the Monticello Avenue and Five Forks intersection corridors. The money will available in 2009.
- Recent staff position changes.

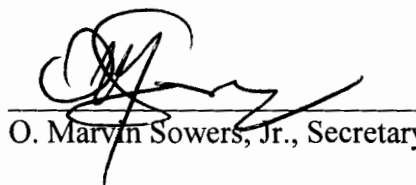
Mr. Fraley asked for an update concerning crosswalks and other amenities for walking and biking at the Monticello Avenue and Ironbound Road intersection.

Mr. Sowers stated that VDOT had a public hearing last week and presented their plans for Phase II of the intersection. Both phases had a significant amount of pedestrian improvements including sidewalks, handicap ramps, etc. The plans do not include painted crosswalks or push button pedestrian signals. Discussions are being held with VDOT concerning the need for pedestrian crosswalks.

7. Adjournment

There being no further business, the Planning Commission meeting was adjourned at 8:18 p.m.


Jack Fraley, Chairman


O. Marvin Sowers, Jr., Secretary