

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF DECEMBER , 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

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

STAFF PRESENT

Marvin Sowers, Planning Director
Jenny Lyttle, Assistant County Attorney
David German, Planner
Melissa Brown, Acting Zoning Administrator
Darryl Cook, Environmental Director
Toya Ricks, Administrative Services Coordinator

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Hearing no requests; the public comment period was closed

3. MINUTES

A. November 6, 2006 Regular Meeting

Ms. Jones motioned to approve the minutes.

Ms. Hughes seconded the motion.

In a unanimous voice vote the minutes of the November 6, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Mr. Billups stated that the Policy Committee will meet later in December to prepare new guidelines for the CIP (Capital Improvement Programs).

B. Development Review Committee (DRC)

Mr. Kennedy presented the DRC report stating that the Committee met on November 29, 2006 and considered one case: SP-74-06 New Town Section 9 which was approved 3-0. Mr. Kennedy stated that the meeting was continued to December 4, 2006 at 5:30 p.m. where additional cases were considered. SP-124-06 Weatherly at White Hall, SP-129-06 Massie Parking Lot Expansion, SP-125-06 Sentara New Town, and C-126-06 Overhead Utility Waiver were approved 4-0. SP-118-06 Thomas Nelson Community College Parking Lot was deferred until Wednesday December 6, 2006, 7:30 a.m.

Mr. Hunt motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved.

Mr. Fraley acknowledged and thanked Mr. Obadal for his report and efforts with regard to the environmental design and protections of the New Town Sections 7 & 8 case. He stated that citizens interested in obtaining a copy of the report should contact Mr. Obadal.

5. PUBLIC HEARINGS

A. SUP-22-06 Hill Pleasant Farm

Mr. Fraley stated that the applicant has requested an indefinite deferral and asked if Staff agreed.

Mr. Sowers said Staff agreed.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was closed.

B. SUP-31-06 Toano Middle School Bus Entrance

Mr. Fraley stated that the applicant requested deferral until the January Planning Commission meeting and asked if Staff concurred.

Mr. Sowers stated that Staff concurred.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued to January 10, 2007.

C. SUP-27-06 Homestead Garden Center

Ms. Melissa Brown presented the staff report stating Mr. Stanley B. Treleaven of Commonwealth of Virginia Group has applied for a special use permit to operate a retail garden center utilizing existing structures and outdoor display areas. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4). Planning Staff recommended approval of this application.

Mr. Fraley opened the public hearing.

Mr. Stanley Treleaven represented Homestead Garden Center and said he was available for questions.

Hearing no requests to speak the public hearing was closed.

Mr. Kennedy motioned for approval.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Billups, Obadal, Jones, Hughes, Hunt, Kennedy, Fraley (7); NAY: (0).

D. SUP-15-06 Mann Service Station

Mr. David German presented the staff report stating that Mr. Joseph Kniatt has applied for a Special Use Permit to allow for the conversion of the former service station located at 9447 Richmond Road into a contractor's warehouse and office. The project, if approved, will utilize the existing service station building on the parcel, which will be renovated for the intended use. The property is also known as Parcel (1-48) on JCC Tax Map (2-4), zoned A-1, General Agriculture, and is designated as Rural Lands on the Comprehensive Plan. Properties designated Rural Lands are primarily intended for agricultural and forestall activities, along with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Commercial and retail uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. The intended use is specially permitted in this zoning district. Planning Staff recommended approval of the application with attached conditions.

Mr. Fraley opened the public hearing.

Mr. Joseph Kniatt, the applicant, stated that he was available for questions.

Mr. Hunt stated his pleasure at seeing the building being utilized.

Mr. Billups asked if equipment such as trucks or bulldozers will be parked in the fenced lot at the back of the property.

Mr. Kniatt stated that there would be pick-up trucks, one backhoe, and maybe tractors.

Hearing no other requests to speak, the public hearing was closed.

Ms. Jones motioned for approval.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the application was recommended for approval (7-0). AYE: Billups, Hunt, Obadal, Jones, Hughes, Kennedy, Fraley (7); NAY: (0).

E. Z-6-06 Charlie's Antiques

Mr. David German presented the staff report stating that Mr. Timothy Trant has applied, on behalf of Charlie and Susan Crawford, to rezone 7.60 acres of a 22.65-acre parcel from A-1, General Agriculture, to B-1, General Business, with proffers, to allow for retail store and garden center with provision for the sale of yard goods, outdoor displays and storage on the site. The property is located at 7709 Richmond Road, and is further identified as Parcel (1-3) on JCC Tax Map (13-3). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing. Planning Staff recommended denial of this application, citing conflict with the 2003 Comprehensive Plan Land Use designation for the subject parcel.

Mr. Obadal asked if the Comprehensive Plan permitted some commercial in low density residential areas.

Mr. German answered yes and stated that it was the determination of Staff that this use is more intensive than intended by the Comprehensive Plan.

Mr. Obadal asked about the number of customers Charlie's Antiques has in a day.

Mr. German deferred the question to the applicant.

Mr. Obadal said he understood the number of customers to be less than 30 per day.

Mr. Charlie Crawford, the landowner, agreed.

Mr. Obadal stated that the operation was rather unobtrusive, and asked if the applicant has made any proposals to ensure that the business does not appear to be unsightly from Route 60.

Mr. German stated that the applicant has proposed a perimeter buffer with landscaping materials and fencing as well as a low stone wall on the front. He stated Staff's opinion that it would be an attractive site.

Mr. Obadal asked if surrounding landowners had stated any objections.

Mr. German stated that the only objection came from a public meeting held by the applicant where neighbors expressed concern that when the undeveloped portion of the property was developed in the future, access might be drawn off of Toano Woods Road, through the Toano Woods subdivision.

Mr. Obadal asked for clarification.

Mr. German stated that Toano Woods Road is adjacent to the southern boundary of the subject property and could be used as an access for the remainder of the site. He also stated that the applicant has maintained that this would be not allowed, and that access for the balance of the site would be drawn through Parcel #1330100004, located adjacent to the subject property on its eastern side.

Mr. Obadal asked how long the applicant has been in the community.

Mr. German deferred the question to the applicant.

Mr. Crawford answered thirty-two years.

Mr. Kennedy stated that across the street from the site is the Massie facility which was rezoned in 1991 from A-1 to M-2 and that it abuts the Mirror Lakes subdivision. Mr. Kennedy stated that the road in question would require VDOT (Virginia Department of Transportation) approval. He also stated that heavy equipment is parked at the Country Contractors property and the asked zoning of that property.

Mr. German said it is currently zoned A-1.

Mr. Kennedy asked the differences between the two businesses.

Mr. German said he did not review the plan for Country Contractors and did not know how the two differed.

Mr. Kennedy stated his concern about aesthetics and asked if the applicant had made any agreement to remove the tractor trailers on the site.

Mr. German said the plan shows well screened areas and absence of the trailers.

Mr. Billups asked what the applicant could do to meet Comprehensive Plan requirements and gain Staff's support of the project.

Mr. Sowers stated that what is primarily at issue is the use and that the proposal would require an amendment to the Comprehensive Plan to allow Staff to recommend approval.

Ms. Hughes stated that it appeared to her that the project would be permitted in A-1 with a special use permit (SUP) and not require rezoning. She stated that she has no problem with the business, only that rezoning to B-1 would set a precedent for rezoning in the area. She asked what is allowed in B-1 that would not be permitted in A-1 with an SUP.

Mr. Hunt stated that Olive Branch Christian Church has been in existence since 1832 and would remain rural in character in perpetuity. He said he did not foresee a proliferation of rezoning to B-1 as a result of this application.

Ms. Jones added that the applicant has proffered to prohibit thirteen uses.

Ms. Hughes said she was concerned about a natural progression to B-1 rezoning on adjacent properties thereby permitting uses such as banks, service stations etc. that would not be in character.

Mr. German stated that although the potential is there, any such proposal would require a public hearing. He also noted uses that are typically permitted in B-1 that will not be permitted with the proposal. Mr. German stated that any proposal to rezone would need to be permitted through a similar process.

Mr. Kennedy stated he appreciated Ms. Hughes' argument. He said he prefers this proposal over other potential A-1 uses on the site.

Mr. Fraley asked if there were discussions between the applicant and Staff concerning rezoning versus an SUP.

Mr. German stated that for more than a year there has been ongoing discussions about the different ways to approach the proposal. He stated that primarily at-issue is the storage of construction stone and sale of yard goods which is not permitted in A-1.

Mr. Fraley asked if the applicant was led by Staff to a rezoning instead of an SUP.

Mr. German stated that no attempt was made to lead the applicant in any direction. He stated that the applicant was made aware that the operation as he described it would not be permitted in A-1, even with an SUP.

Mr. Sowers stated that the Zoning Administrator determined that a B-1 designation was necessary due to the storage of stone outside rather than inside, and the sale of yard goods (items that are placed in the yard for decorative purposes).

Mr. Fraley opened the public hearing.

Mr. Timothy Trant of Kaufman and Canoles represented the applicant stating that customer volume at Charlie's Antiques on December 4, 2006 was twenty customers, and that his client has assured him that the trailers will be removed.

Mr. Kennedy stated that his other question were hours of operation.

Mr. Trant presented the proposal highlighting the history of the business. Mr. Trant stated that Charlie's Antiques has become part of the cultural identity of the area. He also said the hours of operation would be 9-5.

Mr. Kennedy asked about delivery times.

Mr. Crawford stated that deliveries are not made before 8 a.m.

Mr. Kennedy asked that delivery hours be limited to the hours of operation, and that back-up warning beepers be turned to the lowest legal volume setting on any vehicles or equipment outfitted with these devices.

Mr. Trant stated the applicant's willingness to work with Staff regarding Mr. Kennedy's request.

Mr. Obadal stated that the business offers a unique public benefit and noted the number of neighbors who were in attendance in support of the application.

Mr. Rich Krapf represented the Friends of Forge Road and Toano stating their group's support of the project, with stipulations, due to consistency with surrounding uses, low impact to public schools and water/sewer utilities, and large buffer adjacent to Toano Woods, and requested the removal of the trailers.

Mr. Daniel Tucciarone, of Fairfax Station, Virginia, stated that many people such as himself visit Williamsburg to shop at Charlie's Antiques and visit other businesses while in the area.

Mr. Robert Yacobi, of 6 Chanteraine Close, noted that thirty customers a day is fewer than four an hour and recommended approval.

Mr. Tim O'Connor, of 3617 Toano Woods Road, stated that Charlie's Antiques is a good neighbor, the proposal is a great use of the land, and stated his support.

Mr. Crawford thanked citizens and staff for their help and confirmed that the trailers would be removed.

Mr. Fraley informed the television audience of the large numbers of people who had stood up to show support of the application.

Hearing no other requests the public hearing was closed.

Mr. Kennedy motioned for approval stating his knowledge that Mr. Crawford is a man of his word and that it eases his mind to have the proposed operation as a neighbor.

Ms. Jones seconded the motion.

Mr. Fraley stated his support of the application citing reduced impervious cover, open space, buffering with enhanced landscaping, architecture, hidden parking, aesthetics, and public support.

Ms. Hughes complimented the applicant on all his efforts. She stated that the business is a part of the character and a good use of the land. Ms. Hughes stated her support.

Mr. Billups concurred with Ms. Hughes' comments stating his concerns about rezoning the property, but stated his overall support due to the economic development benefits and public support that the application received.

In a unanimous roll call vote the application was recommended for approval (7-0).
AYE: Billups, Hunt, Obadal, Jones, Hughes, Kennedy, Fraley (7).

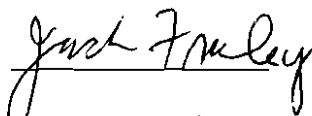
6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report reminding Commissioners that beginning January 10, 2007 meetings will be held on Wednesday noting that the DRC meeting schedule would remain the same.


Mr. Fraley asked that Staff research a process that would allow the Commission to give out awards for exceptional environmental design uses and stated that he would contact the Board of Supervisors' Chair for advice.

7. Adjournment

There being no further business the Planning Commission was adjourned at 8:20 p.m.



Jack Fraley, Chairman



O. Marvin Sowers, Jr., Secretary