

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

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Chris Henderson
Joe Poole III
Jack Fraley
Deborah Kratter

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Jose Ribeiro, Senior Planner
Bill Cain, Chief Environmental Engineer
Brian Elmore, Development Management Assistant

Absent:

George Billups
Reese Peck

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENTS

Mr. Krapf opened the public hearing session.

There being no speakers, Mr. Krapf closed the public hearing session.

3. MINUTES – OCTOBER 7, 2009

Mr. Chris Henderson moved for approval of the minutes as amended (with corrections emailed to staff prior to the meeting), with a second from Ms. Deborah Kratter.

In a unanimous voice vote, the minutes were approved as amended (5-0: Absent: Reese Peck, George Billups).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) – October 28th, 2009

Mr. Joe Poole stated that the Development Review Committee (DRC) reviewed three cases. The first, SP-0064-2008, Autumn West Townhouses, was deferred until the December 1st DRC meeting. The applicant requested deferral to schedule a DRC-requested community meeting with adjacent residents in Season's Trace. The site plan has also been slightly modified due to Fire Department comments. The DRC reviewed exterior and interior elevations for the second case, SP-071-2009, Warhill Community Gym, but took no formal action. The DRC requested to further review the exterior building materials for the gym. The DRC discussed site

layout, erosion control, and landscaping for the final case, SP-0082-2009, JCC Police Headquarters. The DRC unanimously approved the police building site plan with the request for a landscape modification and subject to attached agency comments. The DRC also requested exterior building materials for review at a future meeting.

Ms. Kratter moved for approval of the DRC report with a second from Mr. Henderson.

In a unanimous voice vote, the report was approved (5-0; Absent: Peck, Billups).

B. Policy Committee

Mr. Henderson stated the Committee would meet in November.

C. Other Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – To amend Section 19-26 of the Subdivision Ordinance to extend the term of validity for recording a final subdivision plat.

Mr. Chris Johnson stated the proposed initiating resolution will eliminate an inconsistency between County and State codes relative to the term of validity for a preliminary subdivision plan. The County code allows subdividers one year from the date of preliminary approval to record a final plat, while the State code states that preliminary approval is valid for five years with the submittal of a final plat. With adoption of the attached resolution, staff will present the item at the December Planning Commission meeting.

Mr. Henderson asked how many applications would be affected by the change.

Mr. Johnson stated he did not know how many plats in the County would be affected by the amendment. He said the inconsistency was brought to Staff's attention in the past few months and the applicable code section has not been changed since 2002.

Ms. Kratter asked if the revision could be handled during the upcoming ordinance review next year.

Mr. Johnson stated that the development community has requested the amendment as soon as possible and Staff does not see a reason to wait to address the inconsistency during the comprehensive ordinance review next year given the procedural nature of the change.

Mr. Allen Murphy stated the amendment intends to mirror language in the State code.

Mr. Poole moved for approval, with a second from Mr. Henderson.

In a unanimous voice vote, the initiating resolution was approved (5-0; Absent: Billups,

Peck).

6. PUBLIC HEARINGS

A. SUP-0022-2009 King of Glory SUP Amendment

Mr. Jose Ribeiro stated that staff revised SUP condition #4 regarding irrigation. He said the intent of the revision is to improve readability and create greater consistency with the 2007 Water Conservation Guidelines approved by the Board of Supervisors.

Mr. Ribeiro stated that Mr. Matthew Connolly has applied for a Special Use Permit to amend adopted SUP conditions for King of Glory Lutheran Church to allow placement of two modular buildings and expand the church's accessory uses onto a recently acquired property at 4881 Longhill Road. The newly acquired parcel was formerly operated as Crossroads Youth Home and the church plans to use the existing buildings for office space, meeting space, and Sunday school activities. The parcels are zoned R-2, where houses of worship are a specially permitted use. The SUP is triggered by the change and expansion of the church use. Longhill Road is a Community Character Corridor. Two modular buildings will be placed on existing impervious cover. A gravel drive will connect existing parking at the church to 4881 Longhill Road. The access from 4881 Longhill Road to Longhill Road will be closed. Staff recommends landscaping in place of the closed entrance in accordance with guidelines for the 50 foot Community Character Corridor buffer. A northbound left turn lane will also be eliminated. All agencies and staff recommend approval with conditions listed.

Mr. Ribeiro stated that no adjacent property owners had commented on the proposal.

Mr. Henderson stated that traffic queues on the property after church services. He asked if another entrance would be allowed by Virginia Department of Transportation (VDOT) 527 Ordinances, due to parking and spacing.

Mr. Ribeiro stated that VDOT has recommended closing the 4881 Longhill entrance due to lack of sight distance and to consolidate to only one entrance to the entire church property.

Mr. Henderson stated that vehicle stacking on the church property was an issue. He said the proposal would create additional traffic problems that could have been addressed. He asked if County emergency services wanted to retain use of the entrance.

Mr. Ribeiro stated the Fire Department's only comments were that the cut-through gravel road should be designed to support the weight of emergency vehicles.

Mr. Henderson stated that when gravel drives connect to asphalt, gravel tracks across asphalt, which degrades both surfaces. He asked who required the gravel drive.

Mr. Ribeiro stated that the applicant has proposed the gravel drive. He said the church master plan uses the gravel drive and a footpath for internal traffic.

Mr. Henderson stated his main concern was a lack of vehicular access to the property.

Mr. Fraley asked if the revised irrigation SUP condition was for outdoor irrigation and Mr. Ribeiro concurred.

Mr. Fraley stated that the DRC discussed irrigation for the Police building, but the applicant stated there were no irrigation plans for the project.

Mr. Krapf stated that as part of its LEED certification, the Police building received points for not having an irrigation system.

Mr. Fraley stated that the Police building applicant did not have to exclude an irrigation system to earn LEED points. He said the applicant stated they would not be watering. He did not want two irrigation standards for applicants. He asked if staff would require the irrigation condition if the applicant did not intend to water landscaping.

Mr. Ribeiro stated the watering condition was recommended by the James City Service Authority (JCSA). He said the JCSA wants conditions for SUPs and rezonings. Irrigation is a commonly used condition that is modified on a case-by-case basis.

Mr. Fraley stated he did not want two different standards for public and private irrigation.

Mr. Murphy stated that due to the modular buildings and wooded lot, if the applicant did not intend to irrigate, it would be acceptable. The intent of the SUP condition is to prevent connection to the JCSA system for irrigation purposes.

Mr. Krapf stated that the Crossroads property's stormwater runoff is captured by a receiving channel on the west of the property, which runs into Powhatan Creek. He asked Mr. Ribeiro to address the nature of the channel.

Mr. Ribeiro stated that all of the undeveloped land at 4881 Longhill Road drains into a natural channel contained within a Resource Protection Area. Developed land on these parcels drains to a stormwater pond. There will be no drainage issues from the proposal.

Mr. Henderson asked if the church had an irrigation system.

Mr. Matthew Connolly, the applicant, stated that he did not believe the church had an irrigation system.

Mr. Henderson asked if the church would be prevented from tying into JCSA if the irrigation system was already in place.

Mr. Murphy stated that the church would be precluded from expanding any existing irrigation system.

Mr. Krapf opened the public hearing.

Mr. Connolly stated that the gravel drive was temporary and was only added to the proposal when VDOT decided to close the entrance. The Crossroads buildings would eventually be demolished. The church had three distinct areas of expansion it was considering. One or two church staffers currently use the entrance each day. Twenty children attend Sunday school and walk to the Crossroads property from the existing church. The church may decide it is more economical to refurbish the existing buildings on the Crossroads property rather than adding the modulars.

Mr. Henderson asked Mr. Murphy if the placement of the temporary trailers in the property is triggering the SUP requirement.

Mr. Murphy stated that not only the placement of the temporary trailers but also the changing of use of 4881 Longhill Road property to a church use is triggering the SUP.

Mr. Connolly stated that parents dropping their children off for Sunday school create 40 trips in an hour from the entrance to be closed. He said that the two entrances are 170 feet apart and that the exit was dangerous.

Mr. Murphy stated that VDOT recognized a safety issue with the existing entrance. He said internal church stacking is common throughout the County and that safety on public roads is a main concern.

Mr. Connolly stated there has been no recent major increase in church attendance. Mr. Connolly also stated that the church may expand in the near future.

Mr. Murphy stated that additional future expansions would require a SUP.

Mr. Poole asked if the applicant was comfortable with all the eleven SUP conditions proposed by staff.

Mr. Connolly stated he was comfortable with the eleven SUP conditions, including the irrigation limitations.

Mr. Krapf closed the public hearing.

Ms. Kratter moved for approval as amended, with a second from Mr. Poole.

Mr. Henderson stated that if the church has an existing irrigation system, the SUP should not prohibit its future expansion. He said the applicant should have the same privileges as the Police building, with no irrigation required. He suggested striking the irrigation provision.

Mr. Murphy stated the County has Board-adopted irrigation guidelines. He stated the guidelines include a relief clause, allowing the General Manager of the JCSA to grant exceptions for shallow wells where surface water is lacking.

Mr. Fraley stated he did not recall similar language in previous proposals requiring inclusion of stormwater system designs for outdoor uses for an entire development.

Mr. Ribeiro stated that the condition has been used in previous projects. He stated the language for the condition comes almost directly from 2007 Water Conservation Guidelines. The requirement was changed in this instance due to a restrictive SUP already in existence.

Mr. Fraley stated there were public concerns about dying plants at the Police building. He stated he did not recall other site plans with the same requirements.

Mr. Murphy stated the irrigation condition was being added due to its being a SUP.

Mr. Adam Kinsman stated the original King of Glory SUP pre-dated his time at the County. He said the irrigation condition was now relatively common and had been included on a number of SUPs and rezonings.

Mr. Murphy stated the most recent language change was a reference to the 2007 Water Conservation Guidelines.

Mr. Fraley stated the irrigation condition should be more uniform.

Mr. Kinsman stated the only opportunity to impose the condition is during the legislative process. He said he would consider it more of a JCSA regulation than County ordinance.

Mr. Murphy stated the irrigation conditions could be reviewed along with the Zoning Ordinance updates.

Mr. Johnson stated that the JCSA recommended the irrigation condition language.

Mr. Henderson asked if staff had considered the possibility of a right-in or a right-in right-out movement at the entrance to the Crossroads property.

Mr. Ribeiro stated that staff did not investigate a possible right-in/right-out only entrance from the Crossroads property.

Mr. Murphy stated that staff relied on the VDOT recommendations and did not research an additional entrance.

Mr. Henderson stated that there is also a stacking issue for churchgoers turning left into the church from Longhill Road. He stated he would like an additional entrance and exit.

Ms. Kratter asked if the County provided police officers directing traffic after church services. She stated a police officer might be a safer alternative during church times.

Mr. Johnson stated that it is not unprecedented for local churches to pay for traffic control on Sundays, citing St. Bede as an example. He said the Crossroads entrance is much closer to

the Wellspring church entrance than to the King of Glory entrance. He said the applicant had not requested a second entrance. Had one been proposed, VDOT would have made a recommendation in their review comments. Staff will consult with VDOT on the issue of a second entrance prior to the case going before the Board of Supervisors.

Mr. Poole stated that the applicant agreed with the eleven conditions and did not request a new entrance.

Mr. Henderson stated Commissioners should take into consideration and discuss their personal experience with certain properties and uses.

Mr. Connolly stated it would be less expensive to keep the Crossroads entrance intact, but blocked. He stated VDOT wanted the entrance completely removed.

In a unanimous voice vote, the Commission recommended approval of the SUP, with additional staff research on a right-in/right-out entrance for the Crossroads property. (5-0; Absent: Billups, Peck).

Mr. Fraley stated his earlier questions were in regards to specific language he had not previously seen.

Mr. Poole stated that Commissioner experiences are not always relevant to proposals.

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that the 2010 Planning Commission calendar was included in their packets.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Krapf stated that Mr. Fraley was awarded the Citizens Planning Education Association of Virginia Award for Leadership in Public Education for work on the Comprehensive Plan.

Mr. Krapf stated that up to two Commissioners could attend the Board Comprehensive Plan work session on November 10 as members of the public.

Mr. Poole thanked Mr. Krapf for his work related to the Planning Commission job description.

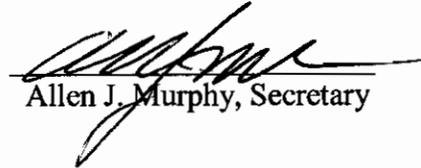
Mr. Krapf stated the Commission job description will be discussed during a review of bylaws at a Policy Committee meeting in November.

9. ADJOURNMENT

Mr. Poole moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 8:00 p.m.


Rich Krapf, Chairman


Allen J. Murphy, Secretary