

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 TEN, 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:

Rick Krapf
Al Woods
Tim O'Connor
Reese Peck
Mike Maddocks
Jack Fraley
Joe Poole

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Jason Purse, Senior Planner
Leanne Reidenbach, Senior Planner
Jose Ribiero, Senior Planner
Kate Sipes, Senior Planner
Mike Woolson, Senior Environmental Planner
Carla Brittle, Business Facilitator
Brian Elmore, Development Management Assistant

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. MINUTES

A. September 1, 2010 Regular Meeting

Mr. Joe Poole moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (7-0).

3. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Rich Krapf stated the DRC met on September 29th. He stated the DRC reviewed C-0032-2010 New Town Shared Parking conceptual plan. Staff recommended deferral until the Oct 27th DRC meeting so the applicant could incorporate the American Family Fitness expansion into the parking plan. The DRC voted 4-0 for deferral. The DRC also reviewed SP-0077-2010 Williamsburg Pottery site plan. The applicant presented a site plan and a memo identifying master plan amendments and landscape specifications. The DRC verified that the project complies with the parking ordinance. The DRC also discussed the three buildings' linear siting, LEED elements, and the applicant's desire to convey a village or marketplace feel and look. By a vote of 4-0, the DRC agreed to grant preliminary site plan approval subject to agency comments. Approval included consideration of a September 23rd memo outlining minor master plan amendments and landscape elements. The DRC then addressed an appeal of the Planning Director's determination that the conceptual building elevations and architectural specifications were inconsistent with the 2007 adopted design guidelines. The applicant presented a revised

architectural rendering. The new elevation eliminated most of the steep gable rooflines that were a major element of concern and substituted other Dutch Colonial rooftops in their place. By a vote of 3-1, the DRC agreed that the elevations better complied with the previously approved architectural guidelines for this project. The DRC also reviewed C-0037-2010 Keith Corporation – Norge Center conceptual plan for a 19,000 square foot retail building on a 25-acre parcel adjacent to the Norge Farm Fresh property. The parcel lies within the Norge Community Character Area and Richmond Road Community Character Corridor. The DRC recommended revisions to the color scheme and design elements on the front and north walls facing Croaker Road. The DRC also discussed potential traffic impacts and suggested that the applicant submit any subsequent revisions to the DRC prior to full Commission review.

Mr. Peck asked Mr. Poole to explain his vote against the revised Pottery elevations.

Mr. Poole stated there should not be a strict adherence to traditional or historic architecture in the 2007 design guidelines. He stated that the design is out of step with a Community Character Corridor. A less literal and more contemporary design could fit the open landscape better.

Mr. Krapf stated the DRC members who voted to approve the revised elevations believed the design moved away from traditional colonial architecture. He stated there would also be extensive buffering along Richmond Road.

Mr. Peck asked Mr. Allen Murphy his opinion on the design guidelines.

Mr. Murphy stated he had not seen the latest proposal, so he could not comment.

Mr. Jack Fraley moved for adoption of the report.

In a unanimous voice vote, the report was adopted (7-0).

B. Policy Committee

Mr. Fraley stated the Policy Committee would meet November 8th to discuss the ordinance update timelines and progress and the Commission's Annual Report. The Committee will also meet November 22nd to discuss the Economic Opportunity district, December 13th and 16th to discuss the Capital Improvement Plan, and hold several January and February meetings.

C. Other Committee/Commission Reports

There were no additional reports.

4. PUBLIC HEARING CASES

A. Z-0002-2009/MP-0002-2009 – Governor's Grove Section III Proffer & Master Plan Amendment

Mr. Peck stated the applicant has requested deferral until the December 1, 2010 Commission meeting.

Mr. Murphy stated staff had no objections to the deferral.

Mr. Peck opened the public hearing.

Mr. Peck continued the public hearing until December 1, 2010.

B. Zoning Ordinance Amendment – Section 24-666

Mr. Adam Kinsman stated the case returned to the Commission due to an advertising error. He stated the ordinance amendment was identical to the previously submitted language bringing County Code into compliance with new Code of Virginia regulations.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).

C. AFD-02-86-2-2010 Hankins Property Croaker AFD Addition

Mr. Jason Purse stated Mr. George Hankins, representing Hankins Land Trust 123, wishes to enroll portions of two properties for a total of 234.6 acres into the Croaker Agricultural and Forestal District (AFD). Mr. Purse stated that it was staff position that placing these properties in an AFD did not serve the public interest as a master plan and zoning was in place on the property. Therefore, staff recommends denial of the AFD addition. The AFD Advisory Committee also voted 7-0 to recommend denial.

Mr. Poole asked Mr. Purse to elaborate on the AFD Committee's vote.

Mr. Purse stated the properties' master plan and rezoning were not intended for long-term agricultural use. He stated the properties could be developed in contradiction to AFD goals.

Mr. Fraley asked if staff discussed down-zoning with the applicant to allow the entire parcel to be included in the AFD.

Mr. Purse stated rezoning was discussed at the AFD Committee meeting.

Mr. Peck opened the public hearing.

Mr. Fraley asked if the applicant had considered down-zoning the entire parcel.

Mr. Hankins stated he has been unable to sell or profitably develop the property for 19 years. He stated that he would consider any option that would help get the property enrolled in the AFD. Mr. Hankins said that he would discuss a possible down zoning with staff.

Mr. Purse stated staff would work with Mr. Hankins on filing a rezoning application. He stated the AFD addition could be resubmitted concurrently with the rezoning.

Mr. Fraley asked if Mr. Hankins would be willing to defer the case to work with staff.

Mr. Hankins stated he would be willing to defer the case.

Mr. Kinsman stated it would take three or four months for a rezoning application to appear before the Commission.

Mr. Peck continued the public hearing until the January 2011 Commission meeting.

D. AFD-05-86-2-2010 Racefield Property Barnes Swamp AFD Addition

Ms. Kate Sipes stated Mr. and Mrs. Steven Johnson have applied to add two properties, 230 and 260 Racefield Drive, totaling 121 acres, to the Barnes Swamp AFD. The parcels are consistent with zoning, land use designations, surrounding uses, and AFD goals. The AFD Committee voted 7-0 to recommend approval. Staff recommends approval of the addition.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Krapf moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).

E. SUP-0020-2010 Diamond Healthcare Special Use Permit Amendment

Mr. Purse stated Mr. Greg Davis of Kaufman and Canoles, representing Diamond Healthcare, has applied to allow an additional 17 psychiatric care beds at Williamsburg Place. He stated the DRC previously approved building expansion, parking expansion, and stormwater and facility infrastructure for the physical expansion. The applicant has requested a parking waiver for less than the two spaces per hospital bed requirement. The applicant conducted a parking study showing the facility requires less parking than the average hospital and requests one space per bed and per employee, which is the same formula used for past Williamsburg Place expansions. Staff finds the proposal consistent with surrounding uses and recommends approval of the expansion and parking waiver.

Mr. Greg Davis, representing the applicant, stated the proposal adds 17 psychiatric beds to the 40 approved by SUP in 2008. He stated the new beds would result in small expansions of an already approved building and a parking expansion. The State Health Department identified a

need for additional psychiatric beds in the area and incentivized expansion. The new expansion timed perfectly with the ongoing site construction. The plan features a bio-retention system, roof run-off irrigation system, and a tree preservation plan. Parking needs were weighed against creating unnecessary impervious cover.

Mr. Poole asked if the City of Williamsburg had expressed concerns over the project's proximity to Waller Mill Reservoir.

Mr. Purse stated staff has heard no concerns from the City.

Mr. Mike Maddocks asked if there were neighboring residences.

Mr. Davis stated the neighboring properties were a church and a self-storage business.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval with staff conditions and the parking waiver.

In a unanimous roll call vote, the Commission recommended approval of the SUP with conditions and recommended approval of the parking waiver (7-0).

F. SUP-0022-2010 Charlie's Antiques

Ms. Leanne Reidenbach stated Mr. Charlie Crawford of Charlie's Antiques applied to allow a 4000 square foot retail building to sell garden supplies and antiques, a 1250 square foot office, and a landscape stone storage area. The property is zoned A-1, General Agriculture and located at 7691 Richmond Road and 3645 Toano Woods Drive. Mr. Crawford plans to downsize his neighboring business at 7762 Richmond Road and relocate to the project properties. Mr. Crawford rezoned the adjacent western property in 2007 from A-1, General Agriculture to B-1, General Business to relocate Charlie's Antiques. The approved master plan includes a 2.25-acre garden and display area used under the current proposal. Staff finds the proposal consistent with surrounding land uses and recommends approval with staff conditions.

Mr. Maddocks asked if any Toano Woods residents commented on the project.

Ms. Reidenbach stated the neighbors she had spoken with were satisfied after learning there would no street access through Toano Woods.

Mr. Fraley asked if any future property owner of the property from the 2007 rezoning could develop any B-1 by-right use.

Ms. Reidenbach stated the proffers disallowed several B-1 uses on the property. She stated the proffers required DRC review of any proposal contrary to the master plan.

Mr. Fraley stated he was concerned with predictability to citizens when the County approves projects that later change their land use.

Mr. Krapf stated the Commission approved the 2007 rezoning partially due to the proposal being less intense for its Low Density Residential designation and for the Community Character Corridor (CCC). He stated he concurred with Mr. Fraley's thoughts on predictability.

Mr. Peck opened the public hearing.

Mr. Crawford stated he was unable to complete the 2007 project due to the economic downturn. He stated the proposal would retain a business in Toano while preserving the Community Character Corridor. Any future owner of the adjacent B-1 property would have to bring their proposal before the County.

Mr. Fraley asked if the applicant would support down-zoning the 2007 property to A-1. He stated there was no guarantee a future use would come before the Commission.

Mr. Crawford stated he was unable to commit to that proposal.

Mr. Krapf stated he was concerned with the Condition #4 regarding the CCC buffer. He asked if the applicant would object to adding a sub-condition prohibiting hardscape elements for sale in the corridor. The business includes hardscapes, such as large boulders, which if installed along the road, could extend the retail floor space into the CCC.

Mr. Crawford stated no small items would be sold within the buffer for security and aesthetic reasons. He stated any large rocks incorporated into the buffer would not be for sale.

Mr. Krapf asked if staff would be comfortable with a hardscape sub-condition.

Mr. Murphy stated staff would support a condition that added permanent stone as landscape feature but precluded statuary and benches for sale.

Mr. Poole asked about business plans for the B-1 parcel.

Mr. Crawford stated the parcel is for sale.

Mr. Tim O'Connor asked if the properties along the Toano Woods Road cul-de-sac would be screened.

Mr. Crawford stated mature trees would be used for screening the project property and Pumpkinville. He stated there would be a 30-foot buffer on the rear right side. He also clarified that customers who liked the display boulders in the buffer could purchase other ones and that the boulders in the buffer would not be removed.

Ms. Reidenbach clarified that the ordinance prohibits structures from being installed in CCC buffers. Structure is defined as being permanently attached to the ground. The ordinance does not prohibit temporary or moveable items such as statues or benches.

Mr. Karl Ruhlin, 3648 Toano Woods Road, stated he was concerned with lighting, building height, tree buffering, and a future business moving in front of his home.

Ms. Reidenbach stated the storage area has a 30-foot landscape buffer as screening and the property along Toano Woods remains wooded under the current plan.

Mr. Peck stated the master plan ensures more trees than usual would be used as buffers.

Mr. Fraley asked about requirements for neighboring dissimilar uses.

Mr. Murphy stated outdoor storage must be screened, which has been provided by the proposal.

Mr. Kinsman stated the hardscape condition language would read “and (iii) shall include only permanent natural landscape elements and rock incorporated as part of a landscape design.”

Mr. Crawford stated he agreed with that language.

Mr. Peck closed the public hearing.

Mr. Krapf moved to recommend approval with amended Condition #4 (iii).

Mr. Poole stated he was comfortable with the setbacks and master plan provisions.

In a roll call vote, the Commission recommended approval with amendments (6-1; Yes: O’Connor, Woods, Maddocks, Poole, Krapf, Fraley; No: Peck).

G. SUP-0023-2010 Cranston’s Mill Pond Dam

Mr. Jose Ribiero stated Mr. Brent Foltz of Cranston’s Mill Pond LLC has applied to allow repair of the non-conforming dam at 6616 Cranston’s Mill Road and the adjacent property would be repaired. The parcels are zoned A-1, General Agriculture, and designated Conservation Area and Rural Lands. Once repaired, the pond will be compliant with Virginia Dam Safety Act regulations and will be used for recreation or a nutrient bank. Staff finds the project consistent with surrounding land uses and recommends approval with revised Conditions #3 and #4. Revised Condition #3 requires submittal of an emergency action plan prior to preliminary site plan approval. Condition #4 now specifies that acquisition of all local, state, and federal permits is required prior to issuance of a land disturbing permit.

Mr. Peck opened the public hearing.

Mr. Shannon Varner, representing the applicant, stated the permit process with Department of Environmental Quality and Army Corps of Engineers was moving along well.

Mr. O’Connor asked why the dam was classified as a hazard in the staff report.

Mr. Varner stated there was a road 100 yards downstream.

Mr. Bert Geddy, 8297 Richmond Road, stated he was an adjacent property owner and supported the project because of water quality improvements.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval with amendments.

In a unanimous roll call vote, the Commission recommended approval of the SUP (7-0).

8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

9. COMMISSION DISCUSSIONS AND REQUESTS

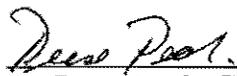
Mr. Krapf asked Mr. Peck to explain his vote on Charlie's Antiques.

Mr. Peck stated he voted against the proposal as it represented a business expanding into an area designated Low Density Residential on the Comprehensive Plan.

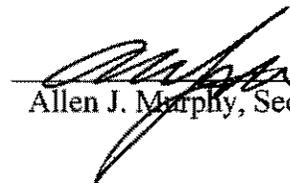
10. ADJOURNMENT

Mr. Fraley moved to adjourn the meeting.

The meeting was adjourned at 8:20 p.m.



Reese Peck, Chairman



Allen J. Murphy, Secretary