Development Review Committee Government Center Complex Conference Room, Building A

September 30, 2015 - 4 p.m.

- 1. Roll Call
- 2. Minutes

August 26, 2015

- 3. A.New Business
 - 1. C-0018-2015, New Town Shared Parking Update
 - 2. C-0067-2015, Lightfoot Marketplace MP Consistency
 - 3. SP-0049-2015, The Promenade at John Tyler Master Plan Consistency
- 4. Adjournment

AGENDA

DEVELOPMENT REVIEW COMMITTEE

September 30, 2015 4:00 p.m.

James City County Government Complex

Building A Conference Room

- 1. Roll Call
- 2. Minutes August 26, 2015
- 3. New Business
 - a. C-0018-2015, New Town Shared Parking Update
 - b. C-0067-2015, Lightfoot Marketplace MP Consistency
 - c. SP-0049-2015, The Promenade at John Tyler Master Plan Consistency

Leanne Ellen

Savannah

4. Adjournment

C-0018-2015, New Town Shared Parking Update Staff Report for the September 30, 2015 Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Larry Salzman

Land Owner: New Town Associates

Proposed Use: Mixed Use (Primarily Commercial & Residential)

Location: New Town Section 2&4: Town Center

Tax Map/Parcel No.: 3840100050, 3842400006, 3822400005, 3842400015, 3822600002, 3822400012,

3842400001C, and 3842400001D

Primary Service Area: Inside

Parcel Size: +/- 86 acres

Zoning: MU, Mixed Use, with Proffers

Comprehensive Plan: Mixed Use

Reason for DRC Review: Regular requested review of the off-site and shared parking plan at New Town which allows

for off-site and shared parking for all of the blocks listed above.

Project History:

Planning Commission: At its March 1, 2004 meeting, the Planning Commission approved the Development Review
Committee's recommendation to approve off-site parking, shared parking and waive the minimum off-street parking
requirements per the Zoning Ordinance as long as parking provided is in accordance with the New Town Design
Review Guidelines for Block 2 and Block 5 of New Town, Section 2 & 4.

Development Review Committee: On September 2, 2009 the DRC determined that shared parking updates could be
given twice-a-year. The DRC's last review of the shared parking update was on April 29, 2015 where the DRC
recommended approval of the updated shared parking report to the Planning Commission. The DRC also approved
implementation of time limited parking in identified private parking areas with a reduced number of spaces in Block 8
being eligible for time limited parking.

Staff Contact: Leanne Pollock Phone: 253-6685

STAFF RECOMMENDATION

The last Town Center parking update review occurred on April 29, 2015 when the DRC recommended approval of the shared parking update and implementation of time limited parking on a trial basis in certain areas of private parking lots. The applicant was advised to work with the Police Department to pursue implementation of time limited parking and restrictions on recreational vehicle parking on public streets. New Town Associates noted that there have been few changes to uses in the shared parking area and that they are continuing to work with the Police Department for additional time limited parking, but have not reached a decision at this point. New Town Associates has requested a deferral of the shared parking report until early 2016 given the lack of changes to report at this time. Staff recommends that the DRC defer the shared parking update until its meeting on January 27, 2016.

Learne Pollock

CONCEPTUAL PLAN 0067-2015. Lightfoot Marketplace Building 5 Staff Report for the September 30, 2015, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Ms. Jennifer Harris

Land Owner: Lightfoot Marketplace Shopping Center

Proposed Use: Medical office building

Location: 6401 Richmond Road

Tax Map/Parcel No.: 2430100038

Primary Service Area: Inside

Parcel Size: +/- 18.9

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Reason for DRC Review: Decision on master plan consistency, in accordance with SUP condition #1.

Project History:

Planning Commission: Recommended approval of the SUP at its 1/8/2014 meeting.

Development Review Committee:

- o Granted preliminary approval of SP-0045-2014 Lightfoot Marketplace at its meeting on July 30, 2014. This site plan included Buildings 1, 2, 3 and 4.
- Reviewed an appeal of the Planning Director's determination on architectural consistency (SUP condition #9) for the building elevation for Buildings 2 and 3 at its meeting on April 30, 2014. The case was deferred by the DRC, and after modifications to the elevation per discussion with the DRC, was approved administratively.

Staff Contact: Ellen Cook Phone: 253-6685

STAFF RECOMMENDATION

Condition #1 of the Lightfoot Marketplace special use permit states that all final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively approved case associated with the master plan. Condition #1 further specifies that if the Planning Director finds that there is a significant affect and disapproves the change, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission.

The applicant for this case proposes a medical office building on the portion of the property which is labeled on the master plan as building 5. As compared with the master plan, the proposed medical office building would be set further to the rear of the site, approximately twenty feet from the western property line. Instead of

two rows of parking between the internal roadway system and the building, the concept shows the equivalent of four rows of parking. The concept shows the previously proposed row of parking to the rear of the building being eliminated.

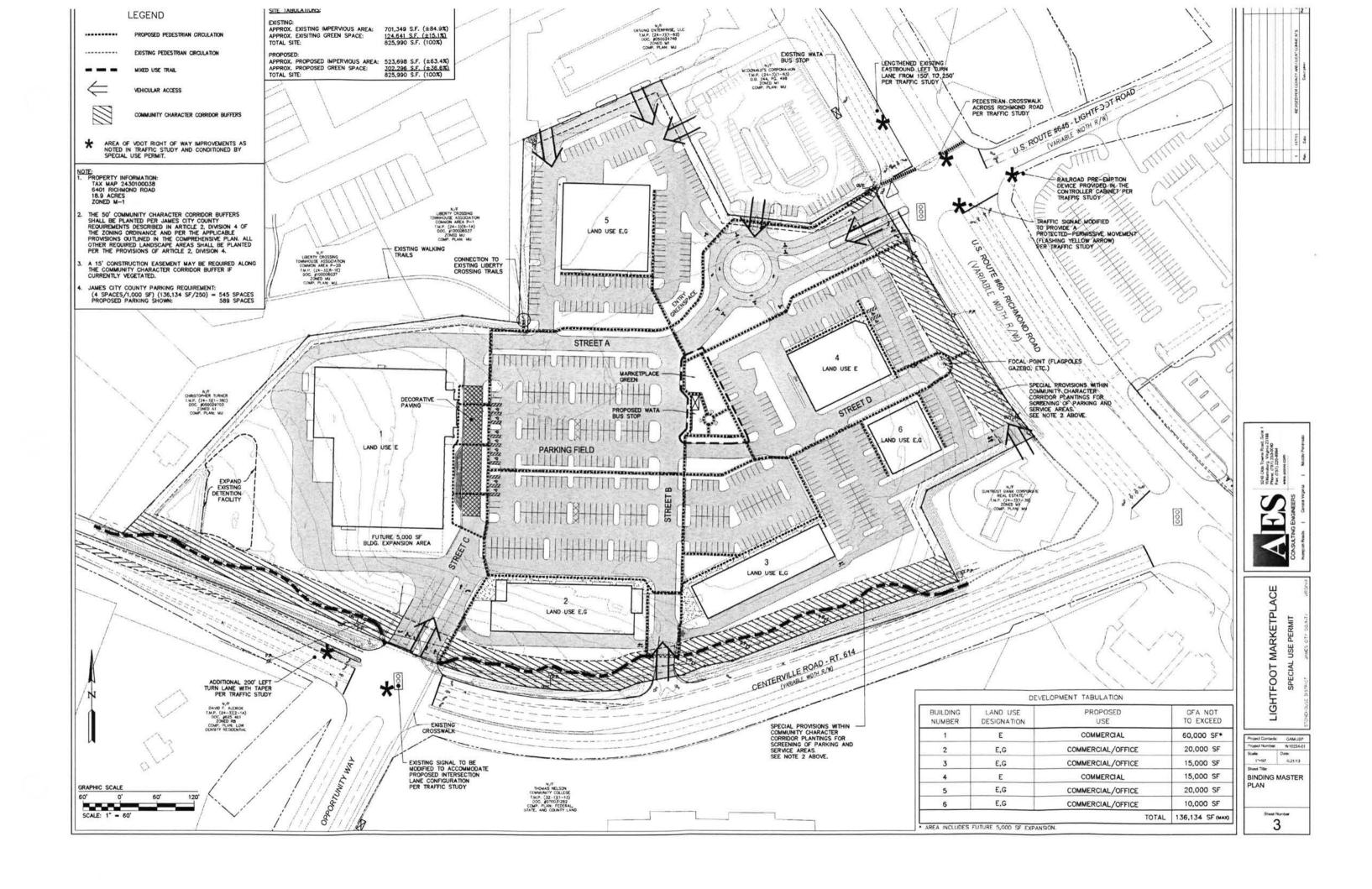
Staff finds that the placement of the building further back on the site (with more intervening parking) alters the relationship between the building and the internal roadways, reducing the feeling of this building having a frontage presence on the roadway. The proposed placement also alters the relationship between the building and the "entry greenspace" (essentially a pocket greenspace, which is shown and labeled on the master plan) and the pedestrian connection between building 5 and the marketplace green (also shown on the master plan). Staff has concerns about the function of the "entry greenspace" as a true entry feature due to the reduction in its width - the entry greenspace was shown on the master plan as having a width of approximately 30 feet for the portion facing the roundabout, approximately 48 feet for the portion facing the marketplace green, and approximately 40 feet for the portion facing Harris Teeter, whereas the new widths are approximately 25 feet, 33 feet, and 24 feet, respectively. Staff notes that with a 22,100 square foot building, 89 parking spaces would be required and that the most current concept appears to show 108 spaces.

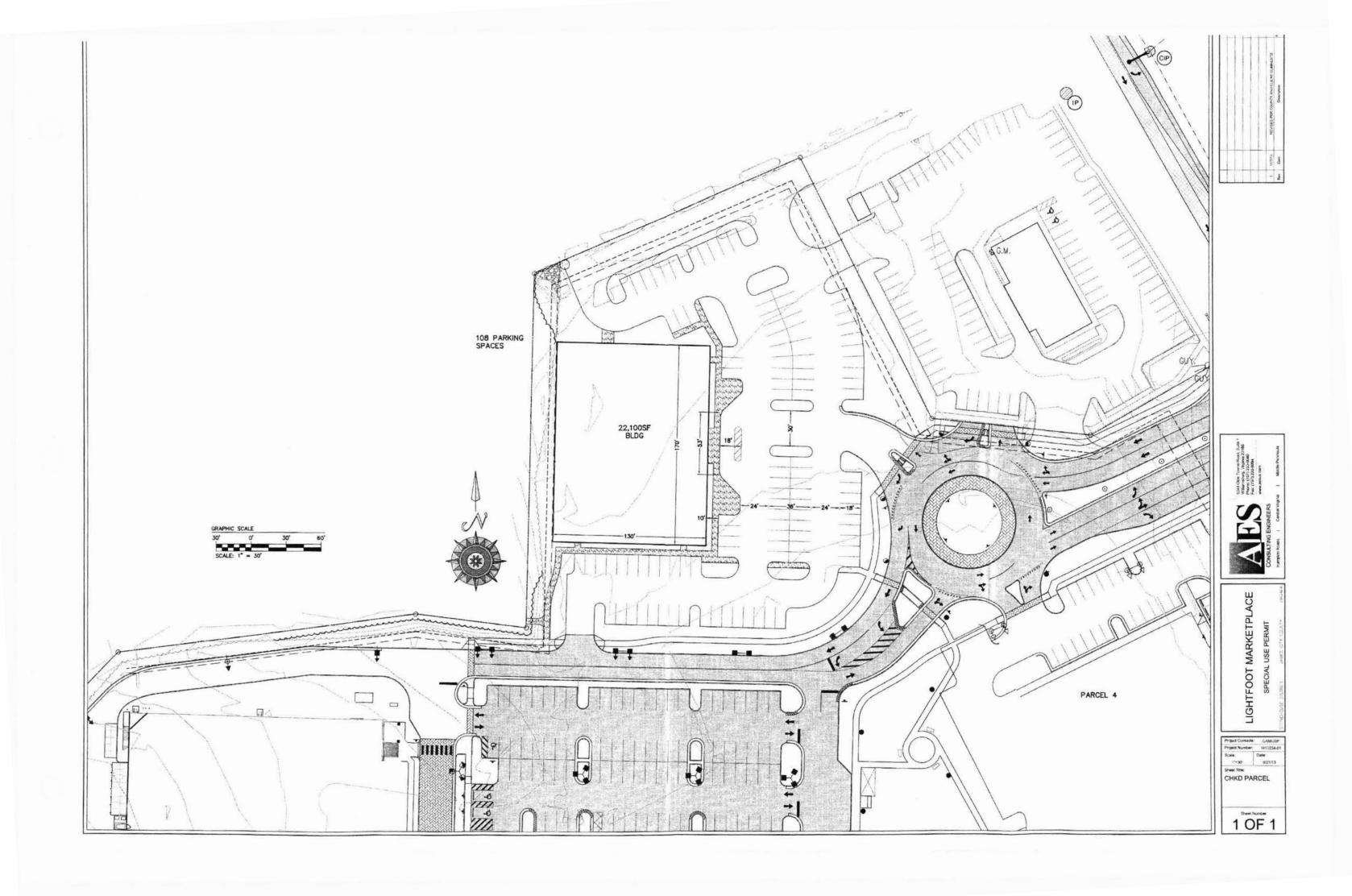
Staff recommends that the DRC recommend that the Planning Commission find the proposed placement of Building 5 and the configuration of the "entry greenspace" to be inconsistent with the master plan.

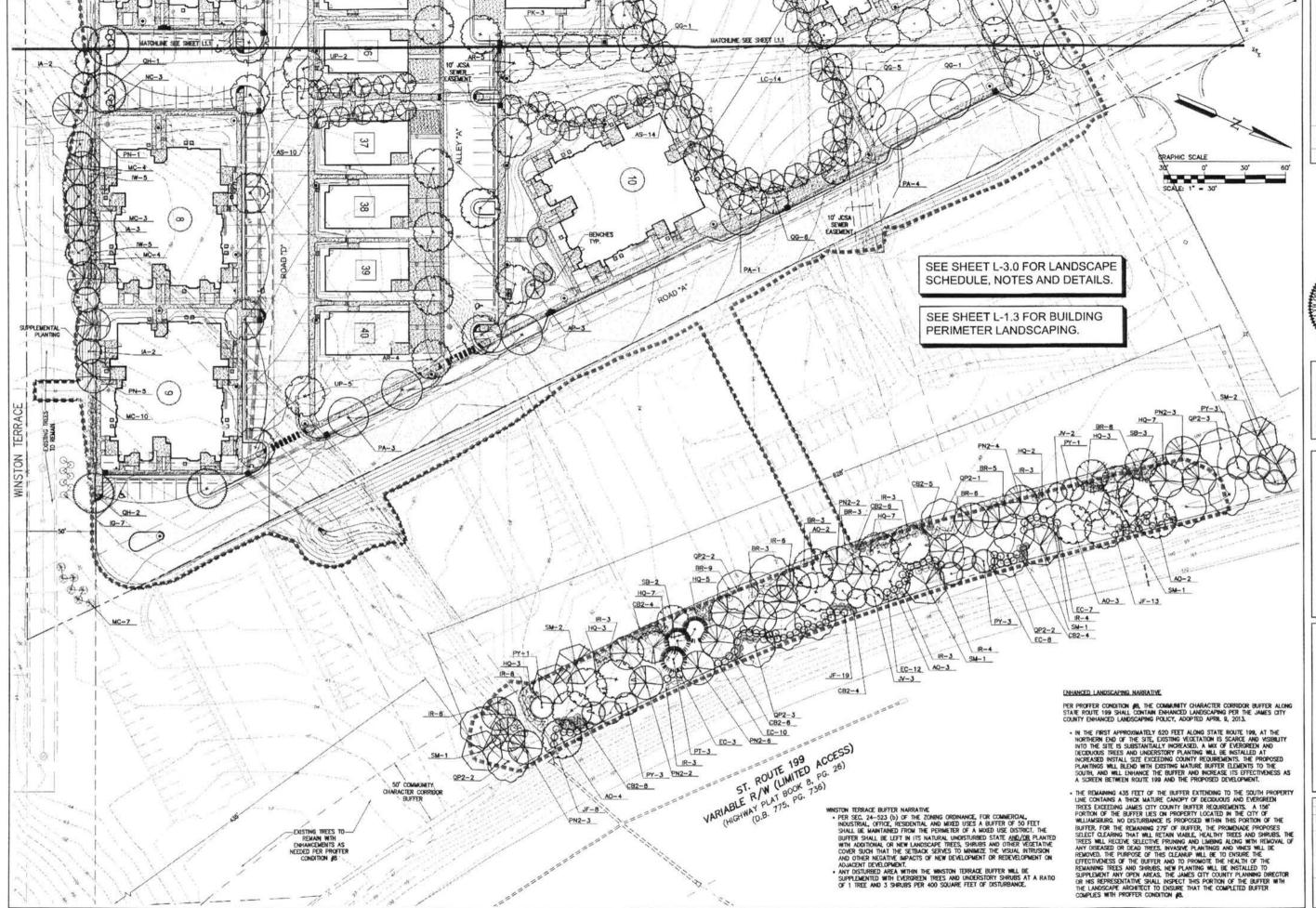
Ellen Cook
Ellen Cook

Attachments:

- 1. Adopted Master Plan
- 2. Concept Drawing Showing Proposed Building 5 Location







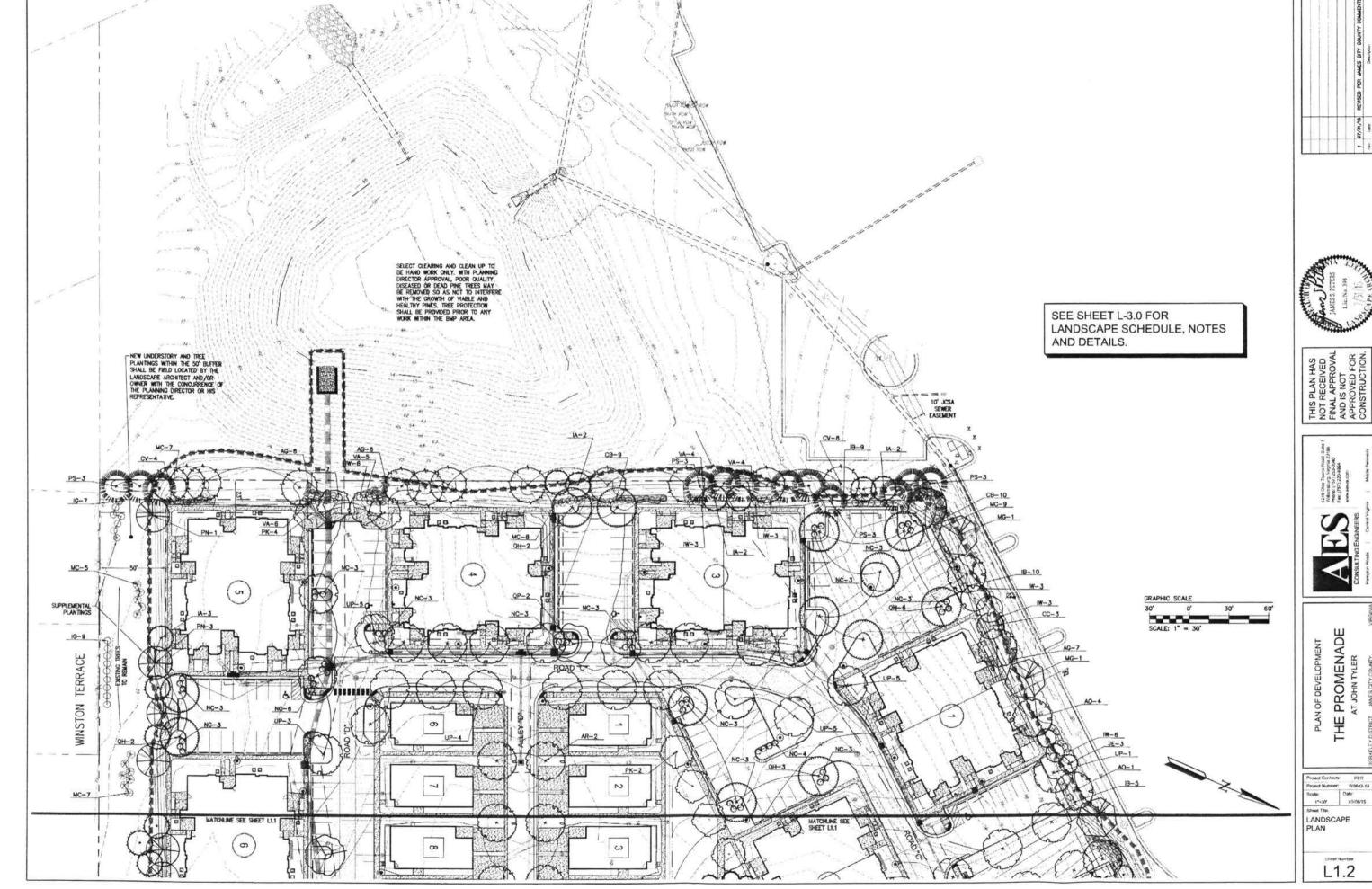
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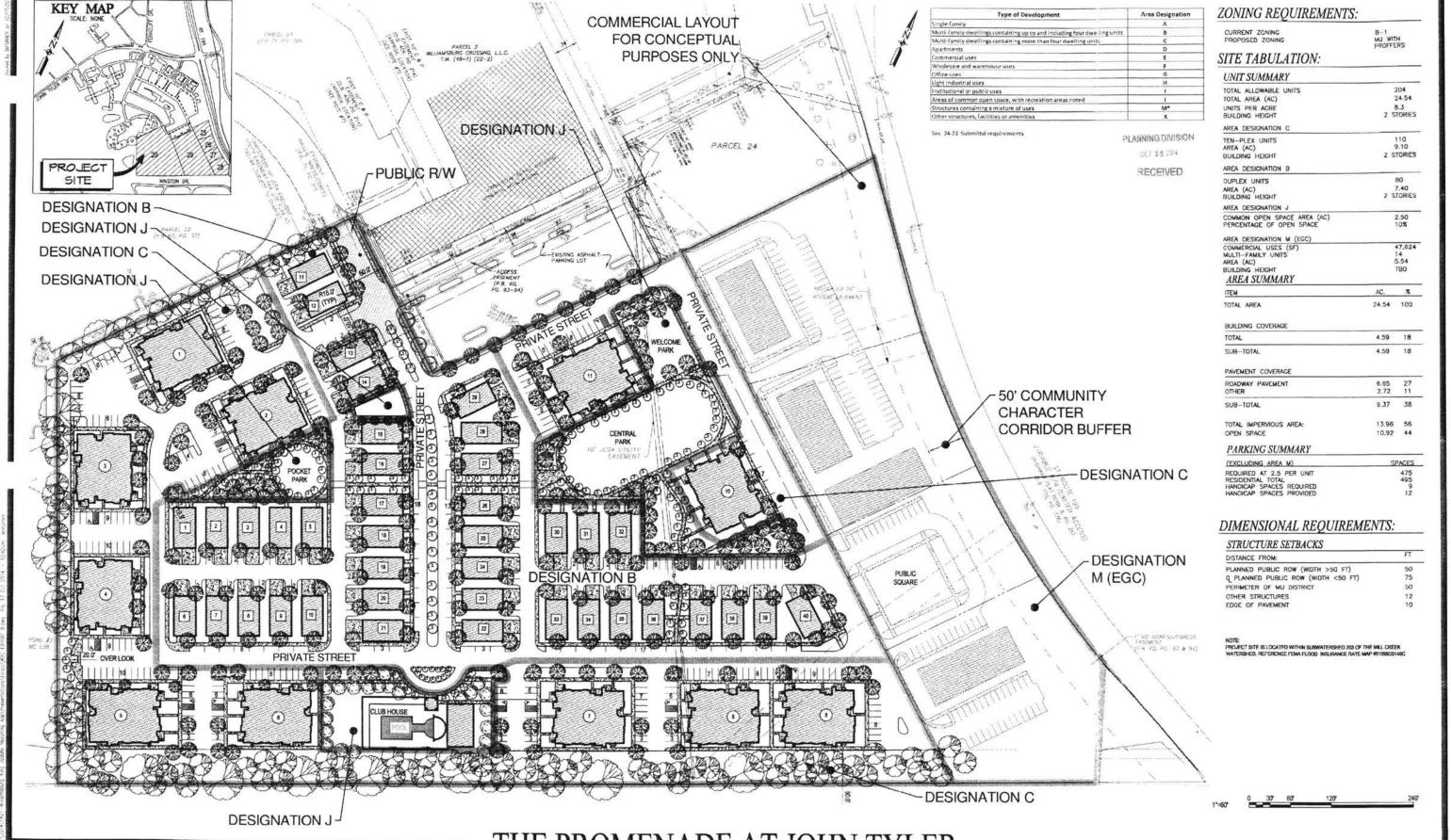
THE PROMENADE
AT JOHN TYLER P

roject Number W9842-19 Scale: Date: 05/08/15 LANDSCAPE PLAN

L1.0







THE PROMENADE AT JOHN TYLER JAMES CITY COUNTY, VIRGINIA

SITE PLAN 0049-2015. The Promenade at John Tyler – Master Plan Consistency Staff Report for the September 30, 2015, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Robert Cosby, AES Consulting Engineers

Land Owner: Mr. Gary Werner, Franciscus Homes

Proposed Use: Development of 190 condominium units

Location: 5294, 5299, 5303, 5304, 5307 and 5311 John Tyler Highway

Tax Map/Parcel No.: 4812200020, 4812200025, 4812200026, 4812200029, 4812200027 and

4812200028, respectively

Primary Service Area: Inside

Parcel Size: ± 24.54 acres

Zoning: MU, Mixed Use with proffers

Comprehensive Plan: Mixed Use

Reason for DRC Review: Section 24-516 of the Zoning Ordinance states that "All development plans

shall be consistent with the master plan. Development plans may deviate from the master plan if the Planning Director concludes that the plan does not significantly alter the character of land uses or other features or conflict with any conditions placed on the approval of rezoning." Section 24-23(a)(2) also details criteria for reviews of master plan consistency. The site plan proposes to disturb and replant a portion of the buffer between The Promenade at John Tyler and the Winston Terrace subdivision. The Planning Director has determined that the request to disturb into the buffer is not consistent with the master plan. Therefore, the applicant has appealed this

decision to the DRC.

Project History:

- The Development Review Committee considered Case No. C-0005-2014 on February 26, 2014 and provided preliminary feedback on the proposal.
- The Planning Commission recommended approval of Case No. Z-0003-2014/MP-0003-2014 on November 5, 2014.
- The Board of Supervisors approved Case No. Z-0003-2014/MP-0003-2014 on December 9, 2014.

Staff Contact: Savannah Pietrowski Phone: 253-6882

STAFF RECOMMENDATION

Section 24-523(b) of the Zoning Ordinance states "For commercial, industrial, office, residential and mixed uses a buffer of 50 feet shall be maintained from the perimeter of a mixed use district. The buffer shall be left in its natural undisturbed state and/or planted with additional or new landscape trees, shrubs and other vegetative cover such that the setback serves to minimize the visual intrusion and other negative impacts of

new development or redevelopment on adjacent development."

The Board adopted master plan included the 50 foot required buffer between The Promenade and the Winston Terrace subdivision. The applicant is proposing to disturb into this buffer for the purposes of grading. This disturbance will occur to varying extents along the buffer, with some portions being disturbed into by more than 20 feet. Although these areas would be replanted at a later date, staff finds that this may not provide the same level of protection as would be provided if the buffer were left in its natural undisturbed state. Staff is also concerned that disturbing into the buffer would intensify the visual and audible impacts during the construction process until the areas are replanted and given time to mature.

Section 24-523(c) of the Zoning Ordinance identifies the following criteria for considering requests to reduce setbacks and/or buffers:

- The proposed setback and/or buffer is for the purpose of integrating proposed mixed use development with adjacent development.
 Staff comment: The proposal does not meet this criteria, as the adjacent development is an established residential area with no connections to The Promenade at John Tyler.
- 2.) The proposed setback and/or buffer substantially preserves, enhances, integrates and complements existing trees and topography.
 Staff comment: The proposal does not meet this criteria due to the significant portions of the buffer proposed to be removed in some areas.
- 3.) The proposed setback and/or buffer is due to unusual size, topography, shape or location of the property, existing structures or other unusual conditions, excluding the proprietary interest of the developer.
 Staff comment: The proposal does not meet this criteria, as there are no unusual features or existing structures on this property.

Staff explored these criteria as a possible option for the applicant; however, as noted above, it did not appear that this proposal met any of the criteria for consideration. The applicant did request a waiver to the setbacks and buffers along the Riverside Regional Medical Center property based on these criteria during the rezoning process. The Planning Director determined that the request was consistent with integrating the proposed mixed use development with adjacent development and granted approval October 20, 2014. A revised request was submitted for this buffer during site plan review and was granted by the Planning Director August 26, 2015.

For the above reasons, and particularly given the concerns expressed during the legislative process by adjacent property owners within the Winston Terrace Subdivision regarding the importance of this buffer, the Planning Director has determined that the proposal is not consistent with the buffer shown on the master plan. Staff recommends that the DRC recommend that the Planning Commission find the proposal to be inconsistent with the master plan.

Savannah Putrowski

Attachments:

- 1. Site Plan Sheet C5.0, Overall Grading and Drainage Plan
- 2. Site Plan Sheets L1.0, 1.1, and 1.2, Landscape Plan
- 3. Adopted Master Plan
- 4. Approved minutes from the November 5, 2014, meeting of the Planning Commission
- 5. Approved minutes from the December 9, 2014, meeting of the Board of Supervisors

SP-0049-2015, The Promenade at John Tyler Master Plan Consistency

Approved Minutes of the November 5, 2014 Planning Commission Meeting

D. <u>Case No. Z-0003-2014/MP-0003-2014</u>, The Promenade at John Tyler Rezoning and Master Plan Amendment

Mr. Chris Johnson, Principal Planner, presented the staff report on the proposed Promenade at John Tyler located on parcels of property located at 5294, 5299, 5303, 5304, 5307 and 5311 John Tyler Highway.

Mr. Krapf called for disclosures regarding meetings or conversations with applicants.

Mr. Basic stated that he had a conversation with Mr. Geddy earlier in the day regarding Route 199 and Kings Way and during the community meeting that was scheduled on Monday, November 3, 2014.

Ms. Bledsoe stated that she had spoken with Mr. Geddy during the community meeting that was scheduled on Monday, November 3, 2014.

Mr. Wright stated that he had received a phone call from Mr. Geddy during the time he was out of town and was unable to make contact.

Mr. Heath Richardson stated that the La Fontaine HOA Board members contacted him and left a voicemail message. He stated that he returned their call and left a voicemail message but they never connected.

Mr. Tim O'Connor stated that he spoke with Mr. Geddy on Monday, November 3, 2014.

Mr. George Drummond stated that he received a phone call, but never had the opportunity to respond.

Mr. Krapf opened the public hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck & Hickman, 1177 Jamestown Road, representing the applicant Franciscus Homes, stated that Mr. Werner of Franciscus Homes and John Hopke of Hopke and Associates were present and would be happy to answer any questions.

Mr. Geddy presented a presentation regarding The Promenade at John Tyler Rezoning and Master Plan Amendment project.

Mr. Wright inquired as to when control of the property would be turned over to the homeowners.

Mr. Geddy replied that transfer would occur under the Condominium Act when 75 percent of the units were sold and/or time limits.

Mr. O'Connor inquired as to the ownership of Kings Way.

Mr. Geddy responded that James City County was the owner of Kings Way; it was dedicated on a subdivision plat many years ago as a public right-of-way. He stated that the County was not in the road business nor do they maintain roads, therefore, step two was never taken to address outstanding deficiencies and attempt to get VDOT to accept the road into the Commonwealth Secondary Road System.

Mr. O'Connor inquired if the playground that was discussed during the Development Review Committee meeting discussion would be part of the proposed project as it was not shown on the current master plan.

Mr. Geddy responded that would be an item for the community to decide. He stated that they created a number of parks where a playground could be constructed; however, there would be a clubhouse and pool.

Mr. O'Connor inquired if that was part of the current proposal.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component that was mentioned during the community meeting would be added to the property.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the commercial component would require clear cutting or would the trees remain.

Mr. Geddy responded that the existing vegetation of the commercial outparcels would not be touched until the land is developed.

Ms. Bledsoe stated that the applicant had taken on the responsibility of the VDOT punch-list and inquired if other persons or agencies were required to participate in the punch-list.

Mr. Geddy replied no.

Mr. Geddy stated that there were not any persons or agencies required to participate. He stated that they may call on other agencies for assistance.

Ms. Bledsoe inquired if there were any parties that could delay the punch-list.

Mr. Geddy replied no.

Mr. Wright inquired if the maintenance of the BMP would be shared between the applicant and The Riverside Medical Center.

Mr. Geddy confirmed.

Mr. Wright inquired if there would be an agreement for the shared maintenance of the BMP.

Mr. Geddy confirmed.

Mr. Richardson inquired as to why the project was not being phased.

Mr. Geddy replied that there were two reasons. First, the project was not a new mixed use development and second, that they were not able to commit to a time of development for the commercial component due to the project being market driven. He stated that Franciscus would be purchasing the site for The Promenade and that the existing outparcels owners would maintain ownership of the smaller portion closest to the street.

Mr. Geddy further stated that it was uncertain as to when the commercial portion would be developed.

Mr. Krapf inquired if the VDOT punch-list would be completed prior to the issuance of any Certificates of Occupancy for residential dwellings.

Mr. Geddy responded that the project would be bonded. He stated that the roads would not be brought into pristine condition only to be damaged by heavy equipment during construction, therefore, bonding the project to ensure the completion of the VDOT punchlist.

Mr. Krapf inquired as to why the public square which is part of the commercial outparcel development was not proffered.

Mr. Geddy responded that proffering of the public square could be tied in with the commercial development.

Mr. Wright inquired if the existing buffer between the development and Winston Terrace would remain in its natural state or have additional plantings.

Mr. Geddy responded that there may be a combination of both.

Mr. Wright inquired if that would be 50 feet.

Mr. Geddy confirmed.

Ms. Bledsoe inquired if the residents within that area would have access to the Williamsburg Crossing Trail.

Mr. Geddy replied that the applicant would be willing to provide connection to sidewalks within The Promenade on the condition that a proposed connection point was provided within Winston Terrace.

Mr. Basic stated that the shopping center was in decline and inquired if there were any vacancies and at what rate. He inquired if there were any vacancies which have occurred recently.

Mr. Geddy replied no.

Ms. Bledsoe stated that there were eighteen store front vacancies.

Mr. O'Connor requested that Mr. Geddy provide a summary of the Monday, November 3, 2014, Community meeting. He stated that it would be appreciated for those who were not able to attend.

Mr. Geddy responded that 20 to 30 people attended and they had a great exchange of information. He stated that many had a variety of questions and that they were answered to the best of their ability.

Ms. Joanie Lamberson, 307 Queens Crescent, representing the La Fontaine Home Owner's Association (HOA), stated that they were concerned that the development would not provide enough open space area within The Promenade.

Ms. Lamberson requested that the Planning Commission take into consideration the trash and recycling removal program while the project was in the planning stages. She stated that La Fontaine, Braemar Creek and Bristol Commons had very little space for trash compactors and recycling containers.

Ms. Lamberson expressed concerns regarding the narrowness of Kings Way. She stated that there were not any sidewalks for the elderly to walk on and sidewalks were a necessity especially having a proposed development within their proximity.

Ms. Annie McGrath, 309 Queens Crescent, yielded her time to speak.

Mr. Robert H. Puckett, Jr., 1407 Queens Crossing, representing the Board of Directors, expressed concerns regarding the maintenance of Kings Way. He stated that the stop light treadles were exposed and the drainage system which had not been maintained has contributed to the erosion of the road.

Mr. Puckett further stated that the owner of the shopping center is the responsible party for maintaining Kings Way and they were not interested in spending any money for maintenance.

Mr. Puckett expressed his concerns regarding Kings Way which would service 352 homes, a shopping center, a school, an outpatient surgical center and a medical center. He

articulated the importance of maintaining Kings Way due to the increased number of children which would affect traffic.

Ms. Lianne Van de Ven, 104 Winston Drive, expressed concerns regarding the loss of utilizing Williamsburg Crossing Trail. She suggested paving the trail since many people use it to gain access to the shopping center.

Ms. Van de Ven inquired if the County had any methods of preventing the shopping center from declining any further.

Mr. Glen Farnsworth, 133 Winston Drive and co-owner of 131 Winston Drive, stated that the project met the ten percent green space requirement, however, that wasn't much considering the additional area needed for items such as curbside trash cans or community dumpster and recycling containers.

Mr. Farnsworth stated that the applicant had not obtained ownership as of yet and the property would need to be rezoned to accommodate The Promenade. He stated that the traffic located at the intersection of Route 199 and Jamestown Road had become congested and the proposed project would increase those issues.

Mr. Farnsworth further stated that the cost of condominiums would remain the same in 30 years, however, townhomes and single family-dwellings appreciate and this would assist with tax revenue. He stated that townhomes would create more green space which would be a better community than what was being proposed.

Mr. Farnsworth stated that he was opposed to the project.

Ms. Bittina Manzo, 165 Winston Drive, expressed her concerns regarding the increase of traffic along Kings Way, John Tyler and Route 199.

Ms. Linda Cifelli, 134 Winston Drive, expressed her concerns regarding the increase of traffic along Jamestown Road and Route 199. She stated that she was opposed to the project.

Mr. John Waltner, 116 Winston Drive, stated that the building of houses in the area would be a good idea; however, he disagreed with the number of homes being proposed. He stated that he does not agree with the traffic study associated with the project.

Mr. Bill Bauernschmidt, 509 Neck-O-Land Road, representing the Greenwood Christian Academy, expressed his concerns regarding traffic issues related to the proposed project. He suggested having the entrance into Kings Way marked with a left hand turn lane and a right hand turn lane and/or straightaway.

Mr. Bauernschmidt suggested that small pilings be placed to prevent crossing over to the other lane. He further stated that they were interested in the placement of a school zone signs along Kings Way and a crosswalk from La Fontaine to the shopping center.

Mr. Robert Kramer, 109 Katheryn Court, expressed his concerns regarding the entrance into Kings Way. He stated that low density would be better for the community verses high density and he was against the proposed project.

Mr. Joe Parker, 127 Winston Drive, expressed concerns regarding drainage and visibility onto his property from the proposed project and traffic issues pertaining to Kings Way and Winston Terrace.

Ms. Sarah Dickson, 104 Katheryn Court, expressed concerns regarding drainage and traffic issues. She stated that low density would be better for the community verses high density. She suggested a drainage easement be constructed to ensure the well-being of their community.

A citizen from the audience inquired if the petition had been circulated.

Mr. Krapf stated that the Commissioners had received and reviewed the petition.

Ms. Gail Penn, 107 Braddock Road, stated that the ariel photograph in Mr. Geddy's presentation was not up-to-date; in fact, the area southwest of Riverside and La Fontaine had been clear cut to expand Marywood. She suggested preserving the shopping center prior to construction of more houses.

As no one else wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor to discussion by the Commission.

Mr. Richardson addressed staff regarding the student ratio estimating process and inquired how staff calculated the number of 35 students.

Mr. Johnson responded that the estimation of students generated by the proposed development was calculated using a worksheet developed by the County's Financial Management Services Department in conjunction with Planning Division. He stated that the calculation of students was generated based on the number and type of housing which was proposed and the number of students was an estimate.

Mr. Richardson inquired if VDOT were to adopt the maintenance of the thoroughfare would that include sidewalks, traffic lights, designated school zones, etc... or would the County have to lobby for those improvements of Kingsway to occur.

Mr. Johnson replied that the applicant had proffered to bring both Kings Way and Road A up to the standard to make them eligible for acceptance into the Secondary Road System. He stated that VDOT would review those roads at the time before they could be accepted into the Secondary Road System.

Mr. Richardson inquired if the Engineering and Resource Protection (E.R.P.) conducted a drainage study regarding the area of Riverside, existing communities and applicant's parcel.

Mr. Johnson stated that E.R.P. reviewed the master plan and community impact statement. He stated that E.R.P. would review the drainage should the project reach site plan status.

Mr. Johnson further stated that the developer would be responsible for engineering a drainage system to direct all runoff to appropriate areas.

Mr. Wright inquired if sidewalks or ditches would be included in the Road A improvements.

Mr. Johnson responded that staff would have to defer to the specific requirements and improvements contained on the VDOT punch-list. He stated that Kings Way does not have the capacity or the width to add a sidewalk.

Ms. Bledsoe stated that she was of the understanding that Kings Way could not be widened.

Mr. Johnson confirmed. He stated that the right-of-way width was limited and could not add additional lanes of traffic.

Mr. Johnson stated that the proffering of upgrades to the two roads, fixing the drainage issues, adding signage and pedestrian markings were all significant improvements over existing conditions.

Ms. Bledsoe agreed. She stated that the residents of La Fontaine were concerned about crossing the street during certain times of the day. She stated that painting a crosswalk would be advantageous to the residents of La Fontaine.

Ms. Bledsoe inquired if Kings Way and Road A would be turned over to VDOT should they be accepted into the Secondary Road System.

Mr. Johnson responded if Kings Way and Road A were brought up to eligibility and accepted by the County prior to being accepted into the Secondary Road System then VDOT would gain responsibility of the improvements and maintenance.

Ms. Bledsoe inquired if that was the goal.

Mr. Johnson responded that acceptance into the Secondary Road System would address a lot of the existing issues and accommodate the additional traffic the proposed development would add to Williamsburg Crossing and the surrounding road network.

Mr. O'Connor inquired if E.R.P. issued a bond amount.

Mr. Johnson replied that the bond amount would be calculated during site plan review following the review of the Erosion and Sediment Control plan.

Ms. Bledsoe inquired if school buses picked up children from La Fontaine Subdivision.

Mr. Johnson responded that the residents of La Fontaine mentioned that there was an existing bus stop at the intersection of Kings Way and Road A.

Ms. Bledsoe inquired if it would be detrimental to the residents should the bus continue further down the road.

Mr. Johnson responded that it would be the responsibility of the school division to determine the need for additional bus stops.

Mr. Krapf inquired of the applicant what roads would be utilized for ingress and egress of construction vehicles during development and vehicle routes that would be taken during phase construction.

Mr. Krapf also inquired if the units were as such for residents to take advantage of the recycling program and trash removal.

Mr. Geddy confirmed second inquiry. He responded that the construction traffic would utilize Kings Way and Road A.

Mr. O'Connor inquired if Mr. Hopke had any discussions with WATA regarding bus service.

Mr. Geddy responded that WATA had not been contacted, but there was an existing bus service into the site.

Mr. O'Connor inquired if Mr. Werner would be willing to install a bus shelter should WATA be willing to loop around from Road A into the shopping center

Mr. O'Connor addressed Mr. Hopke inquiring the height of the ten plexus buildings.

Mr. Hopke replied approximately 35 feet.

Mr. O'Connor inquired if taking into consideration the 50 foot buffer, would the top floor windows or terraces have a direct view into adjacent property owners' back yards.

Mr. Hopke responded that it would not be any different from constructing a two story house. He stated that the land slopes and by working with existing slopes would prevent constructing higher than necessary.

Mr. Basic stated that a request could be made to the Landscape Planner to inspect the existing buffer and add additional plantings in less dense areas of the buffer prior to issuing a Certificate of Occupancy.

Mr. Wright asked if the locations of the trash and recycling containers were planned within this development.

Mr. Werner stated that there would be designated areas within the community for residents to place their trash and recycling containers.

Mr. Wright stated that trash and recycling could occur on the same day.

Mr. Werner responded that communications with trash companies were conducted during the conceptual phase. He stated that the designated areas were drawn on the plan prior to development.

Mr. Richardson articulated his appreciation of the applicant and surrounding residents creating a forum to discuss all the concerns of the proposed project. He stated that the proposed development would invite teachers, police and fire personnel which would be beneficial to the County.

Mr. Richardson pondered the idea of what would occur should the 25 acres be developed in its current zoning, what traffic it would generate and what impact of larger townhomes would have on the inflow and outflow of traffic.

Mr. Wright stated that the County was in need of affordable housing. He inquired if it were possible to add a right turn lane into and out of Kings Way.

Mr. Holt stated that Route 199 was a limited access highway designation from the Virginia Department Transportation (VDOT) and there were exiting easements in place which would prevent additional curb cut.

Mr. Wright asked if contact could be made with VDOT to inquire the possibilities of adding a right turn lane. He stated that adding a right hand turn lane, without a stop sign, onto Route 199 would relieve traffic congestion.

Mr. Holt stated that the original master plan and original vision of the commercial site were designed with those existing entrances to accommodate the build out of the shopping center.

Mr. Krapf inquired if the Marywood expansion was taken into consideration when the traffic impact analysis was performed.

Mr. Holt stated that transportation engineers always include background growth and buildout of nearby residential neighborhoods and developments.

Ms. Bledsoe stated that she understood Mr. Parker's concerns regarding the drainage issues. She stated that she had concerns regarding the traffic dilemma and how the congestion would be addressed.

Ms. Bledsoe further stated that affordable housing was desperately needed within James City County for it had been discussed on numerous occasions.

Mr. Basic articulated his traffic concerns and the downward spiral of the shopping center. He stated that voting the application down creates more problems than solutions.

Mr. O'Connor expressed his gratitude towards Mr. Werner for proposing affordable housing and the residents of La Fontaine for their valuable comments and suggestions. He articulated the benefits of the proposed project.

Mr. Krapf stated that he agreed with the commissioners. He stated that the proposed rezoning would have fewer impacts than what the current zoning would create.

Mr. O'Connor noted that Mr. Werner was willing to provide a connection to the sidewalks within The Promenade into Winston Terrace; however, the trail appears to be lined across private property. He suggested not trespassing onto private property.

Ms. Bledsoe stated that she agreed.

Ms. Bledsoe moved to recommend approval for application Z-0003-2014/MP-0003-2014, The Promenade at John Tyler Rezoning and Master Plan Amendment, with the caveat that Mr. Geddy work with staff to develop a timing mechanism for the Public Square within the commercial outparcels.

Mr. O'Connor requested an installation of a bus shelter to be included in the caveat should WATA approve an additional bus stop.

Mr. Holt stated that he would defer to the applicant on the matter for the project is not a Special Use Permit and not able to attach conditions. He stated that all of the suggestions were offered voluntarily by the owner.

Mr. Werner stated that they were willing to work with staff regarding the timeline of the Public Square commercial outparcels and installation of a bus shelter should it be subject to WATA's approval.

On a roll call vote, the Planning Commission voted to recommend approval of Z-0003-2014/MP-0003-2014, and accept the voluntary proffers within the proffer additions agreed to by the applicant regarding the provisions of a bus stop and timing mechanism for The Public Square by a vote of 7-0.

Approved Minutes of the December 9, 2014 Board of Supervisors Meeting

4. Case Nos. Z-0003-2014/MP-0003-2014. The Promenade at John Tyler

Mr. Christopher Johnson, Principal Planner, provided a video presentation of the case and the staff report included in the Agenda Packet.

Mr. Onizuk stated that the primary concern that he has heard from residents along John Tyler Highway is traffic. He asked for clarification on the comparison of traffic analysis for commercial development verses residential development.

Mr. Johnson stated that King's Way Drive is the primary access for the current residents of LaFontaine and citizens going to the Riverside medical facility and would serve as the primary access to the proposed development. Currently, this portion of property being considered would allow for 240,000 square feet of additional non-residential development by-right under the current zoning. The Institute of Transportation Engineers Manual would suggest that non-residential development of that size would have significantly more vehicle trips and impacts associated with it than if it was developed for up to 204 residential units. On that basis, the only traffic improvement that is necessary for this application is a right hand taper off eastbound Route 5, John Tyler Highway onto King's Way Drive. The operational benefit of that right hand taper would not outweigh the cost associated with removing buffer in that area, would involve the relocation of a significant amount of utility lines, as well as the traffic signal at that location. Because of this, staff came to the conclusion that the operational benefit would not justify the expense of including the right hand taper in the proffer package as a warranted improvement. He stated that the applicant has agreed to the seven page punch-list of items and repairs required by VDOT in order to bring King's Way Drive and the proposed Road A into eligibility for inclusion in the State Secondary Road System.

Mr. Onizuk stated that he has heard concerns that the traffic on John Tyler and Route 199 is already significant in that area, and this development will only increase the traffic in that area.

Mr. Kennedy stated that many commercial developers have looked at this area over the years, and the overwhelming reason that no one has gone through with development is because there is not a cut-through to Route 199. The County has been told that VDOT will not put a cut-through there. That concern over ingress and egress has essentially stopped commercial development in this area for years. He stated that the traffic concerns him even if it only up to 204 residential units. He asked what would prevent the applicant from deciding not to go through with the commercial space in the plan and just put in more housing.

Mr. Johnson stated that the master plan shows those spaces as commercial. He stated that there could not be a by-right conversion of those spaces to residential. Changing those spaces would require Board approval.

Mr. Kennedy questioned the range for the affordable housing in the proposed plan.

Mr. Johnson stated that the Board's adopted Housing Opportunities Policy speaks to targeted price ranges at 30%-120% of area median income. In this area, that ranges from a low of \$99,875 to a high of \$381,981 which is a very wide range. He stated that legislative applications are judged against this policy to see if they will proffer 20% of the proposed development to be within this range. This applicant has proffered that all 204 proposed residential units will fall within that range and be affordable housing.

Mr. McGlennon asked if staff would have given a positive recommendation to any proposed development that did not include the improvements to King's Way Drive and Road A.

Mr. Johnson stated that to have any kind of development without the road improvements to make those roads eligible for the State Secondary Road System would be a challenge among staff.

Mr. McGlennon asked for an indication of which proffers exceeded the County's expectation in this proposed development.

Mr. Johnson stated that it would be the improvements to King's Way Drive and Road A, the drainage improvements that will contain run-off from Route 199 that is negatively impacting a stream behind the Winston Terrace Subdivision, and the 100% Affordable/Workforce Housing residential development.

Mr. Kennedy stated that he is concerned about the traffic and the neighboring residents if the shopping center is revitalized down the road, after this development is built. He also questioned if the existing shopping center had any proffers regarding architectural guidelines.

Mr. Johnson stated that the existing shopping center has the potential to add an additional 240,000 square feet of commercial development by-right.

Mr. Hipple asked if the project is an overall positive impact to the County.

Mr. Johnson stated that the Staff Report points out both the positives and the negatives of this project. He stated that it would be a fiscally negative impact as there would be more school children and traffic, but on balance with the proffers offered by the applicant including to improve the road and the architectural guidelines, there are more positives than negatives; which lead to staff's recommendation.

Mr. Hipple stated that from what he has read, this in-fill development seems to be more positive than negative, which does not seem to happen often with proposed residential

developments. He stated that this proposed development seems to be fitting policies of this Board more so than others in the past.

Mr. Onizuk stated that there is a demand for homes in this price range here in the County. He stated that this price range will service a good percentage of citizens in the community that fall within the median income range; however it will not serve those that are at the lower end of the median range.

As there were no other questions for staff at this time, Ms. Jones opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, attorney for the applicant, addressed the Board giving an overview of the proposed project.

Mr. Onizuk asked for clarification of the number of residential units available by-right under the current zoning.

Mr. Geddy stated that the 198 residential units under the existing mater plan were intended and allocated to La Fontaine property, which was developed to 160 residential units.

Mr. Onizuk stated that there is not 198 residential units remaining then. Mr. Geddy stated correct

Mr. Hipple asked about the buffer for the current neighborhoods.

Mr. Geddy stated that the property is heavily wooded with 20 foot evergreens at this point. The applicant intends to maintain a buffer of trees between the neighborhoods and transplant some of the existing trees into other areas as buffer.

Ms. Jones thanked the applicant and Mr. Geddy for holding the community meetings. She stated that the impacts on Winston Terrace need to be taken into consideration. She stated that some of the residents of Winston Terrace have asked about a fence being put in to separate the properties.

Mr. Geddy stated that the applicant has stated all along his willingness to install a fence, his intention though was to work that out during the site plan stage.

Ms. Jones stated that the other concern she has heard from Winston Terrace is that the pool on the proposed Master Plan will butt up to the back side of Winston Terrace and will be loud. Ms. Jones stated that in her opinion the pool would be served to be a more internal amenity on the property.

2. Mr. Russ Porter, 137 Winston Drive, addressed the Board in opposition to the proposed development because of the impacts on traffic on Jamestown Road and John Tyler Highway.

- 3. Ms. Elena Whitehead, 104 Hurst Street, addressed the Board in opposition to the proposed development stating that the price range is really not affordable for those residents that are really in need of housing.
- 4. Mr. Kimber Smith, 3051 Heritage Landing Road, addressed the Board in support of the proposed development as it will serve housing needs for citizens that is not currently available in the County.
- 5. Joan Lamberson, 307 Queens Crescent, President of the La Fontaine Homeowners Association, questioned the feasibility of the commercial buildings within the proposed development plan. She stated that La Fontaine is not overly opposed to the development plan except for the density and the traffic on King's Way.
- 6. Ms. Linda Cifelli, 134 Winston Drive, addressed the Board voicing her concerns over the traffic impacts of the proposed development.
- 7. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board voicing her concerns over quality of life from this proposed development.

- 8. Mr. Chris Henderson, 101 Keystone, addressed the Board voicing his concerns over traffic impacts, but stated that the development could help revitalize Williamsburg Crossing Shopping Center.
- 9. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board echoing the concerns of density and traffic increases.
- 10. Ms. Petra Nadal, 106 Indian Circle, addressed the Board stating that development in the County is getting to close together and right on top of each other.
- 11. Ms. Johanna Van De Ven, 104 Winston Drive, addressed the Board requested that the Board defer action so that all stakeholders could negotiate a better plan.
- At 10:10 p.m., Mr. Kennedy requested a brief recess, and Ms. Jones concurred. At 10:20 p.m., Ms. Jones reconvened the Board.
- 12. Mr. Jim Whitehead, 4638 Hickory Signpost Road, addressed the Board agreeing with other stated concerns regarding density.
- 13. Ms. Anne Penn, I 07 Braddock Road, addressed the Board stating that the Marywood Subdivision has actively building and those homes empty onto Jamestown Road as well. She opposed the development because of the density and traffic.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Onizuk stated that he has done a lot of research into the project and has spoken to many citizens. He has heard pros and cons, almost equally, from the citizens to whom he has spoken. He stated that he held a community meeting for the Jamestown District residents that live on the opposite of John Tyler Highway from the proposed development. He stated that at the end of the discussion, there was a hand vote done with 113 present in favor, 1/3 present in opposition, and 1/3 present were neutral. He stated from a land use perspective this proposal does make sense. He stated that if you reduce the density then the price would go up which would negate the intention of building affordable housing. He stated this proposal will offer housing prices that are not normally available in the County. He understands the concerns over traffic, the concerns over the shopping center, and the concerns over density. He stated that voting "no" will not change the current traffic issues or help the shopping center. He stated that he has worked very hard to communicate with the citizens of his district to understand their views on this proposal.

Mr. Kennedy stated that he does not believe that this proposal matches up with the other neighborhoods around it. He stated that he is not of the opinion that this proposal will help save the shopping center. He stated that this project will be a fiscal negative for the County. He does not believe that this proposal is a strong enough project to warrant the rezoning of the property. He stated that if this property came before the Board with a plan to revitalize the whole property and shopping center, then he would be much more supportive.

Mr. Hipple stated that this Board and previous Boards have asked for in-fill development, mixed use, affordability, and this project does all of that. He stated that he is concerned over the buffer to help protect the other neighborhoods, but the applicant has addressed that issue this evening. He stated that the Board needs to start laying out more specified direction on what should go in various parts of the County. The applicant has brought forth a proposal that seems to fit many of the things that the County has asked for. He understands the concerns over traffic, but this plan will generate less traffic than if it was developed as a commercial center. He believes this proposal is an overall good fit for the property and the County.

Mr. McGlennon stated that all of the Board members approach these cases from different viewpoints. He stated that the County has grown rapidly over the last several years and it has not always been done smartly. He stated that when he looks at the map of this area, it looks too dense. He would like to see a proposal that scales back the development and density. He stated that businesses are not interested in this parcel, so if it is not residential, then it more than likely will not be commercial either. He does not believe that this project will save the shopping center. He believes that this project needs to be reevaluated to fit more into the nature and character of this community. He would prefer that the developer go back to the drawing board, but if not, then he will not be supportive of the proposal.

Ms. Jones stated that citizens need to know that the Board does listen to their comments. Everyone may not always agree, but the citizens are heard. She understands the concerns about the shopping center and traffic on Jamestown Road, John Tyler Highway, and Route 199. She stated that the County has heard from businesses and manufacturers that one of the things they look at is how much affordable housing is available for workers. She stated that the County needs more affordable housing options. She appreciates the history of Winston Terrace, and understands their concerns. She believes this project will revitalize that comer of Route 199 and John Tyler Highway. She stated her concerns over the density of the buffer and having the pool area abut the back side of Winston Terrace and asked that the developer take those concerns seriously. She believes that overall this project will be good for the community.

Mr. Onizuk stated that citizen input in the process early on can greatly impact a project and help alleviate some of these last minute concerns being raised. Better communication can lead to better plans and projects as well as fostering relationships with the neighboring communities.

Mr. Hipple made a motion to approve the resolution included in the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. Onizuk, Ms. Jones, (3). NAY: Mr. Kennedy, Mr. McGlennon, (2).