

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
NOVEMBER 4, 2009 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. October 7, 2009 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission 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
6. PUBLIC HEARINGS
 - A SUP-0022-2009 King of Glory Lutheran Church SUP Amendment
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF OCTOBER, 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:

Deborah Kratter
George Billups
Joe Poole III
Reese Peck
Rich Krapf
Jack Fraley
Chris Henderson

Staff Present:

Steven Hicks, Development Manager
Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Tammy Rosario, Principal Planner
Leanne Reidenbach, Senior Planner
Jason Purse, Senior Planner
Ellen Cook, Senior Planner II
Sarah Propst, Planner
Terry Costello, Development Management Asst.

2. PUBLIC COMMENTS

Mr. Rich Krapf opened the public comment period.

Mr. Robert Duckett with the Peninsula Housing and Builders Association (PHBA) spoke. He outlined that PHBA members were concerned that the recommendations in the Comprehensive Plan draft to lower density in the rural residential areas and maintain low-to-moderate density levels in the Primary Service Area (PSA) will not accomplish the goals of directing growth to certain areas inside the PSA. He stated that in further discussions with members, they feel that the proposed conditions will make it difficult for average individuals on average incomes to live in James City County. Mr. Duckett urged the Commissioners to address these and encouraged them to make changes to the Comprehensive Plan draft.

Mr. Steve Romine, an attorney with LeClairRyan, spoke on behalf of Verizon Wireless. He stated that he had sent some correspondence to the Steering Committee registering objections to specific language that was in the draft Comprehensive Plan that dictated technology solutions with respect to wireless communication facilities in the Community Character section. He stated that some language in the current draft is problematic for the same reasons that he stated to the Steering Committee. Mr. Romine stated he feels that the County's current policy adequately serves the community's interest. The policy protects the general welfare, preserves the County's aesthetic and historic quality, while allowing flexibility for the wireless companies to serve the community. He stated that the County's current policy to effectively hide new facilities and to reduce their incompatibility with and impact on adjacent development has been successful. Mr. Romine stated that they feel that the current Comprehensive Plan allows companies to deploy new technologies and in doing so provide the best solution. He stated that he specifically takes issue with the phrase "appropriately regulating wireless communication technology to preserve existing community character" on page 98 of the draft plan. He stated that a technology

preference would raise significant legal concerns. Mr. Romine stated that a specific preference is not simply one of placement of facilities, instead utilizing a specific technology to provide wireless service is a choice that carries with it significant engineering tradeoffs. He stated that a preference for a new technology steps outside the boundaries of traditional local zoning authority. This narrow field is wholly governed by the federal government. He stated that wireless phone service is a communication service and as such has always been subject to exclusive federal regulation. Mr. Romine stated that the Federal Communications Commission (FCC) has asserted federal primacy over the areas of technical standards in competitive market structures for cellular service. He stated the FCC has stated that state and local government entities can not have any role in adoption of technical standards for cellular service. He stated the FCC asserts exclusive jurisdiction over the technical aspects of cellular service is consistent with the Supreme Court's long standing recognition. Mr. Romine stated that any preference for a certain technology would exceed the bounds of permissible regulation of aesthetics and community character under the County's traditional zoning authority. He did not feel that the Planning Commission and the Board of Supervisors should adopt a potentially unlawful preference that could be subject to challenges.

Mr. Krapf closed the public comment period.

Mr. Fraley requested to make a comment. He thanked Mr. Duckett and Mr. Romine for their comments. He stated that with respect to housing, there are 15 action items listed in the draft Comprehensive Plan. He stated that the Steering Committee did consult with the County Attorney's office and the language concerning wireless facilities is lawful.

3. MINUTES – SEPTEMBER 9, 2009

Mr. Chris Henderson moved for approval of the minutes with a second from Mr. Joe Poole.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated that the DRC met on September 30, 2009 to discuss three cases. The first case was SP-0071-2009, Warhill Community Gymnasium. The facility is proposed to be 32,000 square feet. The DRC unanimously recommended preliminary approval subject to agency comments that were attached to staff's report. He stated the DRC added their expectation that the exterior building elevations would be presented to the DRC once they are completed. The second case was SP-0074-2009, Sidewalk Waiver Request for Nick's Lawn Care at 8231 Richmond Road. Following some discussion, the DRC approved the modification request by a vote of 4-1, to provide an eight foot wide pedestrian trail along the property's frontage. Mr. Poole stated the third case was SP-0064-2008, Autumn West Townhomes. After a lengthy discussion, the DRC unanimously deferred action on this by-right residential site plan until October 28th. He stated the applicant was encouraged to arrange a separate meeting with

adjacent residents before the October 28th meeting. Mr. Poole stated that staff and the applicant were encouraged to provide graphics that could be easily viewed by all attendees.

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

In a unanimous voice vote, the DRC action report was approved (7-0).

B. Policy Committee

Mr. Henderson stated that the Policy Committee did not meet in September.

C. Other Reports

There were no other reports.

5. PUBLIC HEARINGS

A. SUP-0014-2009 Chickahominy Riverfront Park

Ms. Leanne Reidenbach stated that Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County Parks and Recreation, for a Special Use Permit to make improvements to existing facilities at Chickahominy Riverfront Park and to master plan the entire park property for community recreation. The property is located at 1350 John Tyler Highway, is zoned PL, Public Land, and is designated Park, Public, or Semi-Public Open Space on the Comprehensive Plan. This special use permit was previously presented at the September 9th Planning Commission public hearing and was deferred. Based on discussion at that meeting, staff has amended conditions #3 and #7 regarding tree clearing to include review by the Director of Planning and the Development Review Committee. Staff has also mailed adjacent property owner notifications to the corrected addresses and has not received comments back from any of the recipients. Staff finds this proposal, with conditions, to be consistent with surrounding land uses and the Comprehensive Plan. Staff recommends that the Planning Commission recommend approval of this special use permit with the attached conditions to the Board of Supervisors

Mr. Poole thanked the applicant and staff for incorporating the changes to conditions #3 and #7.

Mr. Krapf asked if there were any public comments.

There being none, he closed the public hearing.

Mr. Fraley moved for approval with the amended conditions, with a second from Mr. Reese Peck.

Mr. Henderson stated he continues to be concerned over the lack of public utilities to this site. He is concerned with the liability that the County will be undertaking as proprietor of the

temporary structures that will be located at the site. He feels that the County is called to a higher standard with regards to public utilities and he cannot support the plan as presented.

In a roll call vote the application was approved. (6-1, AYE: Fraley, Kratter, Billups, Poole, Peck, Kraft; NAY: Henderson)

B. SUP-0019-2009 Treasure Island Road Wireless Communication Facility

Mr. Fraley stated that he serves on the Board of Zoning Appeals (BZA) and there are some outstanding issues between the Board and AT&T. He stated that Mr. Adam Kinsman, Deputy County Attorney, has advised him that under the law he has no restrictions from hearing this case. Mr. Fraley has chosen personally to recuse himself from this case.

Ms. Sarah Propst stated that Ms. Lisa Murphy of LeClairRyan has applied for a special use permit to allow a 124 foot wireless communications facility to be built on a parcel zoned R-8, rural residential. The site is 0.83 acres out of a 457.8 acre parcel and is located at 1700 Treasure Island Road. It is shown as Rural Lands in the Comprehensive Plan. The surrounding 450 acre parcel is utilized as a farm and is in the Gospel Spreading Farm Agricultural and Forestal District (AFD-0012-1986). The adopted conditions for the AFD designation allow the placement of a wireless communications facility. The conditions with this application also include the maintenance of a 100 foot buffer of mature trees surrounding the tower site.

She stated that staff believed that this is an appropriate location for a wireless communications facility. Due to the topography and vegetation, the tower will not be visible from the nearby Vineyards neighborhood and has a very limited visual impact on the Colonial Parkway. Additionally, the construction of a wireless communications facility on this site will not impact the current use of the property as a farm. All agencies have reviewed this application and have offered no objections. Staff finds this proposal to be in accordance with the Zoning Ordinance and the Comprehensive Plan. She stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors for the construction of a wireless communications facility at 1700 Treasure Island Road.

Mr. Poole asked if the Colonial National Historic Park has been consulted.

Ms. Propst answered that a representative of the National Park Service was present tonight and they are in agreement with the location of the tower.

Mr. Poole asked if the color of the tower was to be an unpainted galvanized finish.

Ms. Propst answered that this determination would be at the discretion of the Planning Director at the time the site plan is approved.

Ms. Kratter asked if there were any comments from adjacent property owners or others from the neighboring subdivisions.

Ms. Propst stated she was not contacted by anyone who was opposed to it. There was

one telephone complaint from an individual living on the property.

Mr. George Billups asked if the ownership issue of the land was resolved.

Ms. Propst answered that in 2007 there was a court decision that determined ownership of the property to be James City County Bible and Agricultural Training School. This land is sometimes referred to as the Gospel Spreading Farm.

Mr. Billups asked if there was approval for this application from the Board of Directors of the James City County Bible and Agricultural Training School.

Ms. Propst stated that they have approved it and they are the applicants.

Mr. Billups asked if the members of the Board of Directors were on file.

Ms. Propst stated that she did not have the names with her.

Mr. Kinsman clarified the court decision regarding ownership. He stated that Judge Powell of the Circuit Court confirmed that the property was owner by the James City County Bible and Agricultural Training School. Judge Powell also confirmed that Mr. Howard Smith had a life interest in the property and he could remain on the property for the remainder of his life. Mr. Kinsman stated that the application was signed by a representative of the School, and by signing it he has asserted he has the right to sign it.

Mr. Krapf opened the public hearing.

Ms. Lisa Murphy of LeClairRyan spoke on behalf of the applicant, New Cingular Wireless PCS, trading as AT&T. She stated that statistics show that 20% of individuals have only wireless phones in their home. The type and quality of reception that will be received is part of the decision making process in deciding whether to go completely wireless or not. She stated there is an increasing need to have service where the users are. Ms. Murphy displayed where the service and coverage is currently and where current antennas are located. She stated that the Colonial Parkway was included in this, and the challenge has been to provide service while attempting not to have the tower visible from the Parkway. She stated that AT&T involved the National Park Service from the beginning of the project. Ms. Murphy stated that there were several balloon tests performed over the course of the project. She displayed the signal propagation with the proposed site. She displayed the pictures showing the results of the balloon tests. Ms. Murphy stated that the National Park Service has requested that the pole be a galvanized finish. She stated that because of the amount of bikers that travel the parkway, the Historic Triangle Bicycle Advisory Committee was notified. They had no problems with the location of the tower.

Ms. Murphy distributed information to the Commissioners concerning the court order that determined ownership of the property. She stated that the decision was that the rightful owner of the property is the James City County Bible and Agricultural Training School. The court went on to enjoin the Smiths from representing to anyone that they have a right to the title

or interest as an owner of the property. Ms. Murphy stated the Gospel Spreading Church and Judge Powell of the Circuit Court gave Mr. Smith the ability to live on the property until his death or relocation to another property.

Ms. Murphy stated that the property will be leased by AT&T from the Gospel Spreading Church and none of the property will be removed from the Agricultural and Forestal District. She displayed examples of what a “slick stick” tower would look like. She requested that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Henderson asked if Treasure Island Road was a public right-of-way.

Ms. Murphy was unsure. She stated that Treasure Island Road does not have access to Colonial Parkway.

Mr. Henderson asked if there were other property owners on Treasure Island Road other than the Gospel Spreading Church.

Ms. Murphy was not aware of any.

Mr. Poole appreciated the request for a galvanized finished pole.

Mr. Howard Smith, 101 Dogwood Drive, stated he has been connected with the farm on the property for several years. He gave a history of the farm that is on the site and the property itself. He stated that this farm is known as the oldest laboring farm and is the last existing dairy farm in James City County. Mr. Smith expressed his concern over a major storm changing the tree line and making the tower more visible. He stated that there are four families that live on the property.

Mr. M. D. Smith spoke concerning the application. He gave a history of the property and he stated he is the one who operates the farm and is caretaker of the property. He stated he has been on the property since 1943. Mr. Smith read some passages from the bible that referred to God owning the land.

Mr. Karl Jones spoke and stated he was a member of the Gospel Spreading Church. He stated he currently resides in Hampton. He came to the meeting tonight to obtain some information regarding the special use permit. Mr. Jones stated he would like to see what outcome is determined to ensure that the church members benefit from the decisions. He felt that most church members were not aware of the proposed tower.

Mr. James Stokes, treasurer of the James City County Bible and Agricultural School, spoke concerning the application. He stated this application is not dealing with a sale, but a lease over a period of time. He stated that the Church operates a camp during the summer for children. A concern is the lack of telephone service at the site. Mr. Stokes stated that each week there are 60 – 75 children attending this summer camp. He stated this is a safety issue with children there and no phone service. He stated that during the day these children are taken on hikes away from the building and if there was an emergency there could be a problem contacting help. Mr. Stokes

stated that he is willing to share information with anyone that is interested.

Ms. Griffin-Allmond spoke and stated she was a resident of the farm. She asked that the Planning Commission defer their decision until this request is communicated to the congregation of the Church of God.

Ms. Valerie Jones spoke and stated she was a member of the Gospel Spreading Church. Her concern was that this request was not communicated to the members of her congregation.

Mr. Anthony Smith spoke and stated he was a member of the Church of God and also works on the farm. He stated that the Church of God purchased the farm many years ago. He expressed his concern over the fact that this application was not communicated to the members of the Church of God. Mr. Smith expressed his concern over the health concerns of living near the tower.

Mr. Krapf closed the public hearing.

Mr. Henderson expressed his concerns about proper notice to impacted property owners and occupants. He stated he would be surprised that AT&T would not identify property owners and engage in some dialogue concerning the application.

Ms. Murphy answered that part of the challenge was that the individuals who spoke were from the church that sued for ownership of the property involved in the case. She stated that the County notified adjacent property owners but was unsure about what notification the owner made with those living on the property.

Mr. Kinsman stated that the court order ensued because Mr. Smith was building a house on the property and the County was put in a difficult position of who is allowed to obtain a building permit. Judge Powell of the Circuit ruled that there is one owner of the Gospel Spreading Farm and that is the James City County Bible and Agricultural Training School. Mr. Smith is allowed to remain in the existing house for the remainder of his life. He stated that legal notices are sent to the owners of record. But the owner of record for this property is the applicant so he was unsure as to whether a notice would actually be mailed.

Mr. Krapf stated that there was a sign placed on the property and an advertisement was made in the local newspaper.

Mr. Kinsman stated that the sign is not required by the Code of Virginia, but the County goes beyond what is required to give ample notice. The advertisement in the newspaper is run twice for two successive weeks.

Mr. Billups expressed his concern over the property being a part of history in the County. He spoke about the court decision and how things may have been framed a certain way. He was concerned that this may be viewed as a takeover. He stated that this farm was a part of Afro-American history. Mr. Billups stated that individuals have a right to be involved in the process that affects their lives and expressed his concerns over the lack of communication to the

residents of the property. He stated that the County may have some liability with regards to this application. He suggested deferring the case to allow for more discussion among those most affected.

Ms. Kratter asked the applicant if he would consider having a discussion with those who spoke today and others who might be affected. She mentioned a case that the DRC had heard that month where the applicant agreed to a deferral so as to meet with concerned citizens and adjacent property owners.

Mr. Stokes stated that the Board of Directors would consider it. He did state that there have been several balloon tests done and that many of the residents were present at that time. Mr. Stokes stated that this is not a black and white issue and that some of the residents who spoke tonight are not members of the church involved. He stated that the Board of Directors has protected that land. There has been an ongoing issue with regards to land ownership. Mr. Stokes stated they will meet with anyone interested, but they would like to move forward.

Mr. Kinsman stated that the Planning Commission is a body in charge of making land use decisions. This is not a race issue nor is it an ownership issue. The ownership issue is settled and the County cannot question the court's ruling. He stated the Commission should be looking at the James City County Code and the Wireless Communications Ordinance to determine whether or not this application meets those ordinances. The decision should be based solely upon this.

Mr. Poole stated that he appreciated the comments made by the Commission, the applicant, and the public present. He is prepared to support the application, but would have no objections if the applicant wanted to defer it. He was unsure as to whether the reasons suggested for the deferral are similar to a case mentioned earlier where the applicant agreed to defer the case to meet with citizens and nearby owners. Mr. Poole stated that this application deals with a large parcel of land owned by the same entity and ownership has been determined. He stated he is sensitive to the history of this site but the pictures indicated that there were power lines and utility lines around that serve the property. He felt that in this case, the applicant has made a good faith effort to be mindful of the historic value of the property. Mr. Poole is not convinced that there is an issue with the notification of adjacent property owners. He does, however, respect the issue concerning those who are living on the property.

Mr. Billups stated that he would just request that the individuals on the property be given some consideration. He was referring to the use of land in his previous comments, not the ownership. Ownership of the land has been established.

Mr. Krapf clarified that the issue before the Commission is the special use permit application for a wireless communications tower. The issue of ownership has been determined by a court order. He stated the Commission needs to treat this case like every other case. There is an applicant who is the legal owner of the property making a request for a special use permit that is in accordance with County ordinances, the Comprehensive Plan, and other related materials. Mr. Krapf appreciated Mr. Stokes' flexibility in meeting with those interested, but he does support this request.

Mr. Peck asked Ms. Murphy if they were willing to meet with interested parties regarding the case.

Ms. Murphy stated that they would be more than willing to meet with anyone interested. She felt that what was stated earlier this evening had to do with internal/external ownership disputes. She stated the applicant had a balloon test on March 20, 2009 and there was an advertised test conducted on September 14, 2009. Ms. Murphy stated there was a community meeting on September 24, 2009 that was also advertised, but no citizens attended.

Mr. Peck asked if the Commission approved the application would the applicant be willing to meet with concerned citizens for informational purposes only.

Ms. Murphy answered yes.

Mr. Poole moved for approval of the application with the acknowledgement that Mr. Stokes would meet before the Board of Supervisor's meeting, with interested parties for informational purposes.

Mr. Krapf seconded the motion.

Ms. Kratter would like the public meeting to be a condition of the application.

Mr. Kinsman stated that this could not be a condition of the special use permit since it is not a land use condition. It could be part of the motion and understood as a condition, but could not be added to the application.

Ms. Kratter stated that it should be a condition of the Commission's recommendation.

In a roll call vote, the application was approved (5-1). (AYE: Kratter, Henderson, Poole, Peck, Krapf. NAY: Billups, and Mr. Fraley recused himself)

6. PLANNING COMMISSION CONSIDERATIONS

A. 2009 Comprehensive Plan – Historic Past, Sustainable Future

Mr. Krapf thanked staff for incorporating all of the changes from the September 30, 2009 work session in to a final draft for tonight's meeting. For tonight's meeting he would like to address those items that the Commission agreed to follow up on from their last meeting, and then discuss new items that have surfaced since the September 30, 2009 meeting.

There was some discussion as to whether specific language regarding the population targets was approved. Ms. Kratter thought that the language concerning the targets would be reviewed tonight. The language can be found on page 169 of the draft plan.

The next topic was the implementation priorities. Mr. Krapf stated there was a request to

discuss how the low, medium, and high ratings were decided upon.

Mr. Jason Purse stated that staff tried to identify items that were already in the County's work program, such as the Zoning Ordinance amendment process that is planned after the Comprehensive Plan is adopted. Those items that staff knew they would do were labeled as high priority. Mr. Purse said that other departments were contacted to determine what was in their particular work programs and what they considered high priorities. Then the Steering Committee's suggestions were taken into consideration, along with those suggestions from the Planning Commission and the Board of Supervisors. He stated that County Administration was consulted as to the items that they knew would be on the work program. Mr. Purse stated that some of the items that needed additional research or funding were identified as a lower priority. Items that were more long term goals were listed as a lower priority.

Mr. Fraley suggested moving some items to the category of high priority under the Environmental section. For instance, Action 1.1.2 is stated as "promote the use of better site design and low impact development and effective BMPs." This item has a lot of history behind it with public committees that worked on that principle. He felt this should be a high priority.

Mr. Fraley suggested Action 1.1.2.5, Action 1.1.2.6, and Action 1.1.2.8 all be changed to a high priority status. Mr. Fraley also believed that the items involved in the protection of trees should continue to be a high priority.

The Commission agreed to the changes.

Mr. Allen Murphy stated that the overarching goal would be to move better site design items to a higher priority. With these changes, it is suggested that some actions would be at a higher priority than other actions under that particular strategy.

Mr. Fraley stated that in his opinion that would be correct. He asked if this would be an issue.

Mr. Murphy answered no, as long as it was understood that some have a higher priority than others even though the overarching strategy was to promote better site design.

Ms. Kratter stated that she was not sure if having certain items as a lower priority due to budgetary concerns was an appropriate measure to group the items. She stated that there may be items that are very important, but due to budgetary constraints are not able to be done. These items should still be categorized as a high priority.

Mr. Purse stated that items that would require attention, time, and/or funds were not marked as a lower priority across the board. It was not staff's intent to base it solely on funds available.

Mr. Krapf asked Ms. Kratter to initiate the discussion on the executive summary. She stated that she sent the Commissioners and staff her suggestions for revisions and additions. She felt that the executive summary is important because it helps to set the tone for the entire

document. She added Mr. Krapf's comments to her suggestions. Ms. Kratter did not receive any other additional comments from staff or other Commissioners.

Mr. Krapf had a question concerning Ms. Kratter's insertion under the heading "Snapshot: Where We Have Been and Where We Are Today." The insertion was "recognizes that although fast paced growth has provided new options in employment, services, and housing; citizen input indicates that a large majority want future growth to be limited in order to protect the unique character of the County." He questioned the word "limited." He would be more comfortable with "manage growth" as oppose to "limit growth."

Ms. Kratter stated that the majority of citizens participating in this process have stated that limiting growth is what they would like to see.

Mr. Henderson stated that the way he reviewed the results of the citizen surveys was that there was approximately 32% - 34% of the population that strongly agreed with the statement that James City County was growing too fast. The balance either moderately agreed or disagreed with that idea. Mr. Henderson did not feel that 34% was a majority. He stated that he objects to the inclusion of that language in the executive summary. He also felt that a majority of changes in the executive summary have the tone of controlling or limiting growth. Mr. Henderson does not believe the majority of citizens are in agreement with this as the numbers show in the surveys that were taken. Based on this, he is unsure whether he could support the changes proposed by Ms. Kratter.

Ms. Kratter quoted that the draft stated "that these comments are reinforced by the results of the Virginia Tech survey which indicated that 83% of the respondents agreed that the development of the land in the County was happening too quickly. This is a 5% increase over the last survey performed in 2001." She felt that this indicated that a majority of the citizens did not want business as usual. Ms. Kratter felt that since surveys were conducted to ask people their opinions, then the draft document needed to reflect these opinions. She believes that the changes she has proposed reflect the input from the citizens so that they feel they have been heard.

Mr. Fraley stated that he is in agreement with the changes so long as the survey is reflected accurately. He stated the survey results were that 58% strongly agreed and 25% somewhat agreed that the development was happening too quickly. He would not group both categories as one and state 83%.

Ms. Kratter stated she would have no objection to this if it was broken down into categories every place that mentioned survey percentages. In other discussions that have taken place, the Commission has taken the liberty of combining these areas.

Mr. Fraley asked if there were any other percentages cited in the executive summary.

Ms. Reidenbach did not believe there were.

Mr. Fraley felt that the breakdown could be included in the executive summary only

without going back and changing all the numbers throughout the document.

Ms. Reidenbach stated that there was one other citation of the Virginia Tech Survey, where it was mentioned whether the County was a good or excellent place to live.

Mr. Fraley suggested to adding the “strongly agreed or somewhat agreed” to the language quoting the 83%.

The Commission and staff agreed on this.

Mr. Krapf suggested removing the word “large” from “large majority.”

The Commission and staff agreed.

Ms. Tammy Rosario stated that this was an example, and there were a few others, where the discussions have strayed from sticking to the exact survey wording and proceeded to a next level of broadly connecting what the survey said with a particular direction in the document. She stated staff felt some discomfort with this. Staff took a more conservative approach of reporting the survey results more literally. She stated that if the Commission felt that something needed to be added with regard to the survey, staff could propose something.

Ms. Reidenbach added that there was more detail concerning the citizen surveys after the executive summary.

Mr. Poole stated that he appreciated the comments and suggestions from the Commissioners and staff. He still feels that this plan is a guide, not an ordinance. The details should be left to the Zoning Ordinance update and the public hearing cases that are heard by the Commission. There could be a lot of time spent rewriting this plan. He feels uncomfortable getting into the level of detail that is taking place at the moment. Mr. Poole would be in agreement to accept the draft plan as presented with no more edits.

Ms. Kratter stated that these changes were given to the Commissioners and staff prior to tonight’s meeting. She stated the understanding was that the executive summary was going to be a collaborative effort between her, Mr. Fraley, and staff. For a variety of reasons, it was not completed as such. She felt it was crucial to have some of the changes added; otherwise, there was no point to having all of the citizen participation. She felt it was important to have something that holds everyone accountable for listening and understanding; otherwise, the document may not be very useful.

Mr. Fraley stated caution should be taken when making changes due to the fact that the document could be changed constantly to suit any particular person’s wording preferences and viewpoints.

Mr. Krapf felt that the action items were the translation of the survey results. Each Commissioner at some point would need to agree that they could support the Comprehensive Plan and were in general agreement with its content. It was suggested to accept the executive

summary in the draft as presented by staff. Five Commissioners were in agreement.

Mr. Krapf stated that Mr. Peck had a suggestion of listing a top five or top ten of “super priorities” that would be highlighted. He previously asked Commissioners for their input and was given a few suggestions. Mr. Krapf did not submit any because he felt there were so many good action items, and to highlight a few would take away from the rest. He felt that every year the Board of Supervisors determines what projects are priorities. Mr. Krapf asked Commissioners if there was a consensus to have a top five or top ten list of priorities.

Mr. Fraley stated he only responded because Mr. Krapf asked him for input.

Mr. Krapf asked the Commissioners if they wanted to add a top five or top ten priority listing. Two out of seven Commissioners agreed, but since the majority did not want to add this, it was determined to not include the list in the draft.

Ms. Kratter then discussed the changes that she had sent out to Commissioners and staff. She stated her changes were to make the County more responsive to its citizens. She felt there were some areas where something was stated incorrectly or was not clear enough. She stated the first one was in the vision statement under the heading “Sustainable Future.” She wanted it clarified that “to sustain” is not the same thing as “to survive.” Ms. Kratter wanted to emphasize after the first sentence because she felt that there should be more than “leaving the County in good shape.” Sustain means that the County will be strengthened and preserved for that which is most special. The Commission and staff were in agreement.

Mr. Poole stated he did not receive some of this information until today. He encouraged fellow Commissioners to use the County email addresses since some of this was sent to his home email address and he could not retrieve some of it. He expressed his views about getting too detailed and having more and more revisions to the draft.

Ms. Kratter suggested taking what staff had added to the executive summary regarding the definition of “consider,” redefining it and moving it to page 9 of the Planning Process.

Mr. Purse stated that staff felt that this text was better in the Implementation Guide along with the schedule. The Planning Process concerns the process of developing a comprehensive plan and the approval process, not so much of what happens after it is approved.

Mr. Krapf suggested adding it to the Implementation Guide also since it discusses a reporting mechanism through the annual report on the status of the action items.

Mr. Purse stated that Ms. Kratter’s suggestions concerning the definition of “consider” were in the Implementation Guide text already, but that staff could insert additional wording. It was added to page 197 of the document.

Ms. Kratter was in agreement with this.

Ms. Kratter wanted to review the exact language that would be adopted for the

determination of the population level. She felt that this should be called out and also added to the discussion of Demographics on page 12. She suggested the wording to be “indeed for the first time the plan includes a new strategy and calls for a determination of the population level and rate of growth that will ensure a high quality of life and protect and preserve our unique character and natural resources and a review of all legislative actions and policies with a view to controlling the amount and pace of development consistent with that vision.” She stated she refined some language that had been approved by the Planning Commission earlier.

Mr. Fraley stated that the approved language was in Land Use Action 1.5.3 on page 169 of the draft plan. He stated that a motion was made to approve this language at the previous public hearing.

Ms. Kratter wanted to clarify this language.

Mr. Krapf stated that Ms. Kratter’s suggestion is to take this language and move it into the Demographics section. She thought it was important to highlight in this section since it was the first time that the Comprehensive Plan has this item. She would also like to clarify the language in Land Use (Action 1.5.3).

Ms. Rosario stated that in addition to being in the Land Use section, it is also highlighted in the Executive Summary per the direction of the Planning Commission at the last meeting. If it were added to the Demographics section, it would change the character of that section from a presentation of facts to having the element of goals, strategies, and actions.

Mr. Krapf asked Commissioners if they would like to add this wording suggested by Ms. Kratter to the Demographics section. Only one Commissioner voted yes; therefore, it will not be added to the Demographics section.

Ms. Kratter suggested changing the wording on page 27 in the Economic Development section from “beer” to “brewing.” The Commission agreed to the change.

Ms. Kratter suggested changing the wording earlier in the paragraph from “economic sustainability is the creation of,” to “economic sustainability requires an adaptive.” The Commission agreed to the change.

Ms. Kratter spoke on some changes in the Housing section. On page 43 she suggested changing the wording of “role of housing in a sustainable community” to “sustainable housing in a community.” The Commission and staff agreed to the change.

Ms. Kratter pointed out that for Action 1.3.1, it says that a review and a revision will be “done” as opposed to “considered.” She also pointed out where it was stated that a fast track system would be “developed” as opposed to “considered.” She stated that these items will increase density and asked the Commission if the wording should be changed. Ms. Kratter suggested changing the wording to “reviewing and assessing the feasibility.”

Mr. Fraley stated that this action item was to promote and support affordable and

workforce housing. He suggested changing it to “review and consider.”

The Commission and staff agreed to the change.

Ms. Kratter stated the same would be true of Action 1.3.12, where it would read to “consider a fast track system” as opposed to “develop a fast track system.”

The Commission and staff agreed to the changes.

Mr. Fraley stated that the Steering Committee and the citizen groups went through the language very carefully when developing these action items.

Mr. Peck stated that affordable housing is a real need in the County. He stated his view was that this language was to encourage affordable housing. There are costs to affordable housing. He is comfortable with leaving the language as is.

Mr. Billups expressed the importance of developing a fast track program to develop affordable and workforce housing in the County. He asked whether the Board of Supervisors has adopted anything regarding workforce housing.

Mr. Kinsman answered that he was unaware of any specific document regarding workforce housing.

The Commission agreed to leave the language as is for Action 1.3.12.

Ms. Kratter suggested changing the word “attain” to “obtain” for Action 1.3.8. The Commission and staff agreed to the change.

Mr. Kratter suggested a change of wording on the statement in the Community Sustainability Spotlight on page 75 to “maintain healthy ecological processes.” She would like to clarify that in the next few sentences the thought is to survive or maintain the environment. She believes that the County would probably want to do more to preserve and enhance the environment.

Mr. Fraley stated his concerns over the statement that the “citizens desire more than basic environment survivability.” He does not believe this came from citizen comment. He believes that this statement reads negatively. He agrees with upgrading some of the definitions. He suggested “County residents expect that the environment will be preserved and enhanced as a valuable asset.”

Ms. Rosario stated that it may be out of place to discuss citizen commentary in the sustainability spotlight. It is not consistent with other spotlights.

Ms. Kratter suggested the statement “sustainability would require that the environment be preserved and enhanced as a valuable asset.”

The Commission and staff agreed.

Mr. Henderson stated that there will be more stormwater regulations being implemented. There may be issues when discussing enhancing as opposed to preserving. He believed the term “enhance” was too broad.

Mr. Peck suggested “preserve and protect.”

The Commission agreed to Mr. Peck’s suggestion.

Mr. Krapf expressed his concerns about the level of detail in going through these changes in the draft.

Ms. Kratter asked about the comments expressed earlier from the wireless carriers concerning encouraging certain technology.

Mr. Kinsman stated that there were no issues encouraging certain technology as long as preferences are not specified.

Ms. Kratter expressed some concern over the language in Action 1.7.1 on page 193 under Community Character concerning wireless communications.

Mr. Fraley stated that the County Attorney had reviewed the language and what is proposed is as specific as the County can be.

Ms. Kratter agreed with this.

Ms. Kratter suggested changing the language in Action 1.5.1 on page 101 in the Community Character section.

Mr. Fraley was not comfortable with the change suggested. He would like the language to remain since there was a lengthy discussion between staff and the Steering Committee on this topic.

Mr. Poole again expressed his concerns about rewriting the plan and how detailed the changes are. He respects his fellow Commissioners opinions but does not feel that this is a constructive use of their time.

Mr. Krapf asked the Commissioners if there were any other edits. There were none.

Mr. Henderson had a question concerning the insertion on page 25 of the percent of revenue derived from non-residential sources. He thought there was a companion chart to go with this information and asked if it was going to be included in the final text.

Ms. Rosario stated it is included in the technical report.

Mr. Henderson suggested moving the chart from the technical to the final text document.

He felt it would clarify the information stated.

Ms. Rosario stated staff is comfortable with the material itself since there was extensive work done in developing it; however, it was included in the technical report with the other detailed information in a similar manner to what has been done for the other sections. She stated staff's preference would be to leave the chart in the technical report, and make a reference to the chart's location in the final text.

Mr. Krapf asked for a vote to include the chart and footnotes on page 25 concerning the revenue from non-residential sources. Only three Commissioners voted yes; therefore, the chart and footnotes will not be included on page 25 but remain in the technical report, with an added reference in the final text.

Mr. Henderson moved for approval of the 2009 Comprehensive Plan with a second from Mr. Poole. An errata sheet will be presented along with a copy of the draft.

Ms. Kratter suggested making the changes and sending it in its entirety.

Mr. Murphy stated that the Board of Supervisors will receive the amended draft, but an errata sheet is done for audit purposes.

Mr. Poole asked if this draft expands the primary service area (PSA).

Ms. Rosario answered that the Hill Pleasant Farm area proposed to be designated as Economic Opportunity (EO) will ultimately add acreage to the PSA, but that would be done only after a satisfactory master plan was developed for the property at a later time. There is the expectation of this area will be added, but it is not actually added in this Plan. Therefore, this draft does not expand the PSA.

Mr. Poole appreciated the work of staff, the Community Participation Team, the Steering Committee, the Planning Commission, and citizens involved in the process, for their work and dedication. He views the plan as a strategic plan, with the real decision making involving sustainability and quality of life dependent on the decisions of the public hearing cases that come before the Commission and the Board of Supervisors. He believes this plan limits growth in the outlying areas. Mr. Poole stated he is not comfortable with the population cap because he believes it may inadvertently create some growth that might not be desired. He feels this plan addresses commercial growth in encouraging reuse and re-energizing commercial areas instead of placing new commercial growth further out. He believes this is an important part of sustainability and community character. Mr. Poole feels that the development of a master plan is key to the development of the new Economic Opportunity area. He does not support the annual amendment process. He does not feel that the County can move forward if there is an opportunity to amend the plan annually.

Mr. Fraley stated that overall he believed that the PSA contracted slightly with all of the land use applications.

Ms. Rosario stated that was correct, the overall the area was reduced slightly with the approval of the Hazelwood Holdings application.

Mr. Fraley clarified that the amendment process does not necessarily mean amendments would be done every year. It permits someone to apply for an amendment. Mr. Fraley thanked staff for all of their hard work and dedication. He appreciated their responsiveness and the quality of work that was presented.

Ms. Kratter stated that she continues to be disappointed that not enough was included in the plan to require accountability by appointed and elected officials. Despite this, she will support moving this plan to the Board of Supervisors.

Mr. Henderson felt that this plan is a citizens' plan. Overall, he feels that it is a plan worthy of James City County and will serve the County well going forward. He feels that the annual amendment process will serve the County well also. There is still a lot of work to do regarding limiting growth in the rural lands. Mr. Henderson felt that the plan does a good job encouraging business growth and is prepared to support the plan.

Mr. Peck felt that this plan was a clear statement to the citizens that the officials have listened and heard their concerns. There were institutional reforms set up in the plan along with a list of priorities to be undertaken. For the first time, there is a monitoring and reporting process. He believes that these are fundamental changes. Mr. Peck thanked staff for working with the Commission because he realizes it was a give and take and educational process. He strongly supports the plan.

Mr. Billups thanked staff for all of their work that was done and the work still left to do. He appreciated Mr. Fraley's work as the Chairman of the Steering Committee and his involvement in the Community Participation Team.

Mr. Krapf thanked staff and his fellow Commissioners for their work.

In a roll call vote, the draft Comprehensive Plan was approved (7-0). (AYE: Fraley, Kratter, Henderson, Billups, Poole, Peck, Krapf.)

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy had no comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

The Planning Commission representative for the Board of Supervisor's meetings in October is Mr. Krapf.

Mr. Poole asked if staff would like the binders returned that have been given to the Commissioners. Staff will contact the Commissioners and let them know.

9. ADJOURNMENT

Mr. Henderson moved for adjournment with a second from Mr. Peck.

The meeting was adjourned at 10:00 p.m.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

MEMORANDUM

DATE: November 4, 2009

TO: The Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: Initiation of a Subdivision Ordinance Amendment to amend Section 19-26 – Term of validity for the preliminary plan and extension

The County Attorney's office has notified staff of an inconsistency between the James City County Code 19-26 and the Virginia State Code §15.2 – 2260. The Subdivision Ordinance states that a subdivider shall have no more than one year from the date of approval of the preliminary plan to record a final subdivision plat or seek an extension of preliminary approval for a period of one year from the Subdivision Agent.

The State Code states that once a preliminary subdivision plan has been approved, it shall be valid for a period of five years, provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and diligently pursues approval of the final subdivision plat.

Staff recommends that the Planning Commission adopt the attached resolution to initiate consideration of this amendment to the Subdivision Ordinance.


Christopher Johnson, Principal Planner

Attachment:

1. Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a subdivision ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Subdivision Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Section 19-26 of the Subdivision Ordinance to amend the term of validity for the preliminary plan in accordance with State Code requirements. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Richard Krapf
Chair, Planning Commission

ATTEST:

Allen J. Murphy, Jr
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 4th day of November, 2009.

**SPECIAL USE PERMIT-0022-2009, King of Glory Lutheran Church SUP Amendment
Staff Report for the November 04, 2009 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

November 04, 2009

7:00 p.m.

December 08, 2009

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Matthew Connolly of LandTech Resources, Inc

Land Owner:

King of Glory Lutheran Church

Proposal:

To amend the adopted SUP conditions to allow the placement of two modular buildings and accessory uses at 4881 and 4897 Longhill Road.

Location:

4881 and 4897 Longhill Road, Berkley District

Tax Map/Parcel:

3240100032 and 3240100033

Parcel Size:

Parcels Combined Acreage-12.95 acres

Existing Zoning:

R-2, General Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Parcels are located inside the Primary Service Area (PSA)

STAFF RECOMMENDATION

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Matthew Connolly has applied for a special use permit to amend the adopted SUP conditions for King of Glory Lutheran Church (SUP-0019-2007) to allow the placement of two modular buildings and expand the church's accessory uses onto recently acquired 4881 Longhill Road, previously the site for Crossroads Youth Home. This site will be incorporated into the existing church property and allow the church to utilize the existing buildings for office use, group meetings space and Sunday school activities. Houses of worship are a specially permitted use in the R-2 district. A special use permit is required since the changes in use represent an expansion to a specially permitted use.

As shown on the attached master plan, existing buildings "A" and "E" are proposed to be used as office/meeting space for youth group and for Sunday school classes. Buildings "B", "C", "D" and "F" are currently being used as storage space and this use will continue. The two proposed temporary trailer/modular buildings, labeled on the master plan as buildings "G" and "H" will also be used for youth group meetings and Sunday school classes.

The proposed change to the existing King of Glory church property at 4897 Longhill Road is an internal connection from its northernmost parking area to an existing driveway leading to buildings "A" through "H". The purpose of this driveway is to ensure vehicular and pedestrian connectivity between the properties and to allow patrons to park their vehicles in the parking lot area and walk to buildings "A" through "H". A site plan addressing issues related to the placement of new structures, internal driveway connectivity, landscaping, and the closing of the former Youth Home entrance onto Longhill Road will be required. Since both properties are now owned by King of Glory church, staff has proposed a condition requiring a boundary line extinguishment between both parcels prior to final site plan approval (SUP condition No. 2)

Both properties are zoned R-2, General Residential and front on Longhill Road, a Community Character Road according to the 2003 Comprehensive Plan. Wellspring United Methodist Church, located to the north is also zoned R-2. A portion of Ford's Colony, zoned R-4, Residential Planned Community, is located to the west of the site. South of the site is Bazzle's Apartments, zoned R-2. Williamsburg Plantation, zoned R-2, and Regency at Longhill Apartments, zoned R-5, Multi-family Residential, are located across Longhill Road east of the site. Staff finds that the proposed modular building addition is compatible with the surrounding zoning and development.

PUBLIC IMPACTS

Archaeology Impacts:

Staff Comments:

The subject properties are not located within an area identified as a highly sensitive area in the James City County archaeological assessment. Given the redevelopment and change in use proposed by this application, an archaeological assessment is not required.

Public Utilities:

Staff Comments:

The properties are located within the Primary Service Area (PSA) and served by public water and sewer. At the time of site plan submittal, the James City Service Authority (JCSA) will require calculations to be submitted showing the adequacy of the water meter and capacity of the grinder pump station serving the site. Further, the applicant will be required to submit water conservation standards which will be approved by the JCSA. Staff has added conditions (SUP conditions Nos. 3 and 4) requiring the approval of these items prior to final site plan approval.

Transportation:

2007 Traffic Counts-Longhill Road (Route 612):

Olde Town Road (Route 658) to Route 199-20,055 average daily trips.

2026 Volume Projected-Longhill Road (Route 612):

Olde Town Road (Route 658) to Route 199 is projected at 21,000 average daily trips.

This segment of Longhill Road is not under the “watch” category listed in the 2003 Comprehensive Plan.

VDOT comments: VDOT recommended the existing Youth Home entrance onto Longhill Road accessing buildings “A” through “H” be eliminated as it does not meet geometric standards and it has limited sight distance. The elimination of this entrance would eliminate the existing northbound left-turn lane into the former Youth Home property. VDOT has also reviewed the average vehicular trip generation data submitted with this application and concurs with information provided by the applicant.

Staff Comments: Staff has proposed a condition (SUP condition No. 5) ensuring the closing of the entrance and the removal of the existing northbound left-turn lane striping on Longhill Road.

According to information provided by the applicant, the proposed modular buildings will generate one peak hour trip to and from the site, a minor increase to the 35 peak hour traffic generated by the current conditions found on the site. A traffic study is not necessary since more additional trips to and from the site during the peak hour of the operation is not generated by the proposed changes. The entire site currently provides a total of 166 parking spaces (i.e. 161 spaces located at 4897 Longhill Road and 5 spaces (including 2 handicap parking) located at 4881 Longhill Road). Only 107 parking spaces are required per the Zoning Ordinance. The proposed modular buildings will not trigger the need for additional parking spaces on the site.

Environmental:

Watershed: Powhatan Creek

Environmental Comments: The majority of stormwater runoff on the existing church property is captured by an existing storm water pond located at the southern tip of the parcel. Stormwater runoff from the former Youth Home property is captured by a receiving channel located west of the parcel. The Environmental Division has reviewed this SUP application and finds that the amount of new impervious surface proposed will have a minimum impact on existing storm water receiving channels/ponds. Further, the Environmental Division has requested that the applicant submit a conceptual stormwater plan for the combined parcels.

Staff Comments: Staff concurs with the Environmental Division and has proposed a condition (SUP condition No. 6) addressing the need for a stormwater plan for the combined parcels.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p><i>Low Density Residential (Page 120):</i></p> <p>Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p> <p>Staff Comment: The proposed modular building addition to the church site is consistent with the Comprehensive Plan land use designation.</p>
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Transportation

General	<i>Longhill Road-Page 78:</i> It is recommended that Longhill Road from Seasons Trace to Olde Towne Road not be improved to four lanes despite its projected 2026 volume of 22,000. Despite the opening of the Route 199 expansion, existing volumes remain well above the capacity of a standard two-lane road. Although classified as a two-lane facility, Longhill Road acts like a three-lane facility because of numerous turn lanes. However, it will be important to monitor the actual delay in this segment. Additional residential or commercial development along this corridor beyond that currently planned should be allowed only if acceptable levels of service can be maintained.
	Staff Comment: The proposed modular building additions will require minimum work within VDOT's right-of-way and minor improvements will be necessary to accommodate the addition. Further, the proposed new uses to the property will have a minor impact on traffic generation, from 35 peak hour trips to 36 peak hour trips. The closing of the driveway accessing buildings "A" through "H" will ensure only one vehicular access point onto Longhill Road from the combined properties.

Community Character Corridor

Goals, Strategies and Actions	<i>Goal # 1-Page 95:</i> Improve the overall appearance of the County's urban and rural environment.
	<i>Strategy # 2-Page 95:</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.
	Staff Comment: The proposed addition to the site will not negatively impact Longhill Road, a Community Character Road according to the 2003 Comprehensive Plan, as the site is well buffered by natural vegetation. Staff has proposed a SUP condition (SUP condition No. 7) to ensure that once the entrance is closed and removed, this area will be landscaped in accordance with the requirements of the Zoning Ordinance. Further, staff finds that this is a small addition to the site and compatible in scale, size, and location with the church site and adjacent properties.

Staff Comments

Staff finds that the proposed modular buildings and expansion of accessory church uses are minor additions to the church site and that impacts to traffic and to the environment will be minimal. Further, staff notes that the proposed addition will not disturb any of the natural wooded buffers (except for clearing related with utility connections and footer placement) which surround the site and protects nearby residential uses and the character of the surrounding area.

RECOMMENDATION:

Staff finds the proposed addition consistent with surrounding zoning and development and generally consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of SUP-0022-2009 with the following conditions:

1. **Master Plan:** This Special Use Permit ("SUP") amends the adopted SUP conditions for JCC Case SUP-0019-2007 and allow the placement of two modular units and accessory uses on properties located on JCC Tax Parcel Numbers 3240100032 and 3240100033, more commonly known as 4881 and 4897 Longhill Road (the "Properties"). Development of the Properties shall be generally in accordance with the Master Plan entitled "Master Plan of Property Situated at 4881 and 4897 Longhill Road JCC-SUP-0022-2009 King of Glory Lutheran Church SUP Amendment" prepared by Land Tech Resources, Inc, dated September 23, 2009 and revised on October 27, 2009 (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Boundary Line Extinguishment (BLE):** Prior to final site plan approval, a plat showing the extinguishment of the common property line between parcels located at 4881 and 4897 Longhill Road must be submitted and approved by the County.
3. **Water Conservation:** The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
4. **Irrigation:** In the design phase, the developer and designing engineer shall include the design of storm water systems that can be used to collect storm water for outdoor water use for the entire development. Only surface water collected from surface water impoundments may be used for irrigating common areas on the Property (the "Irrigation"). In no circumstances shall the James City Service Authority public water supply be used for irrigation.
5. **Access:** The existing vehicular entrance at 4881 Longhill Road shall be eliminated per VDOT requirements and landscaped in accordance with Section 24-96, landscape area(s) along right(s)-of-way. No Certificate of Occupancy for the proposed modular buildings shall be issued until the existing northbound left-turn lane striping allowing access to 4881 Longhill Road-has been removed.
6. **Conceptual Stormwater Plan:** Prior to submission of a site plan for the Property, a conceptual stormwater plan depicting how stormwater will be treated in the entire site (i.e. Parcels located at 4881 and 4897 Longhill Road) shall be submitted to the Environmental Division for review and approval.

7. **Landscaping:** A landscaping plan shall be submitted and approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall, at a minimum, address the requirements found in section 24-95, Landscape Areas Adjacent to Buildings of the Zoning Ordinance and show a 50-foot-wide landscape buffer, in accordance with Section 24-96, Landscape Areas along Right-of-Ways, in the vehicular access area slated for removal.
8. **Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
9. **Dumpsters/HVAC Units:** All dumpsters and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Planning Director, or his designee, prior to final site plan approval.
10. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining all the permits necessary for the construction of the modular units and the placement of the modular units on a foundation.
11. **Severance Clause:** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

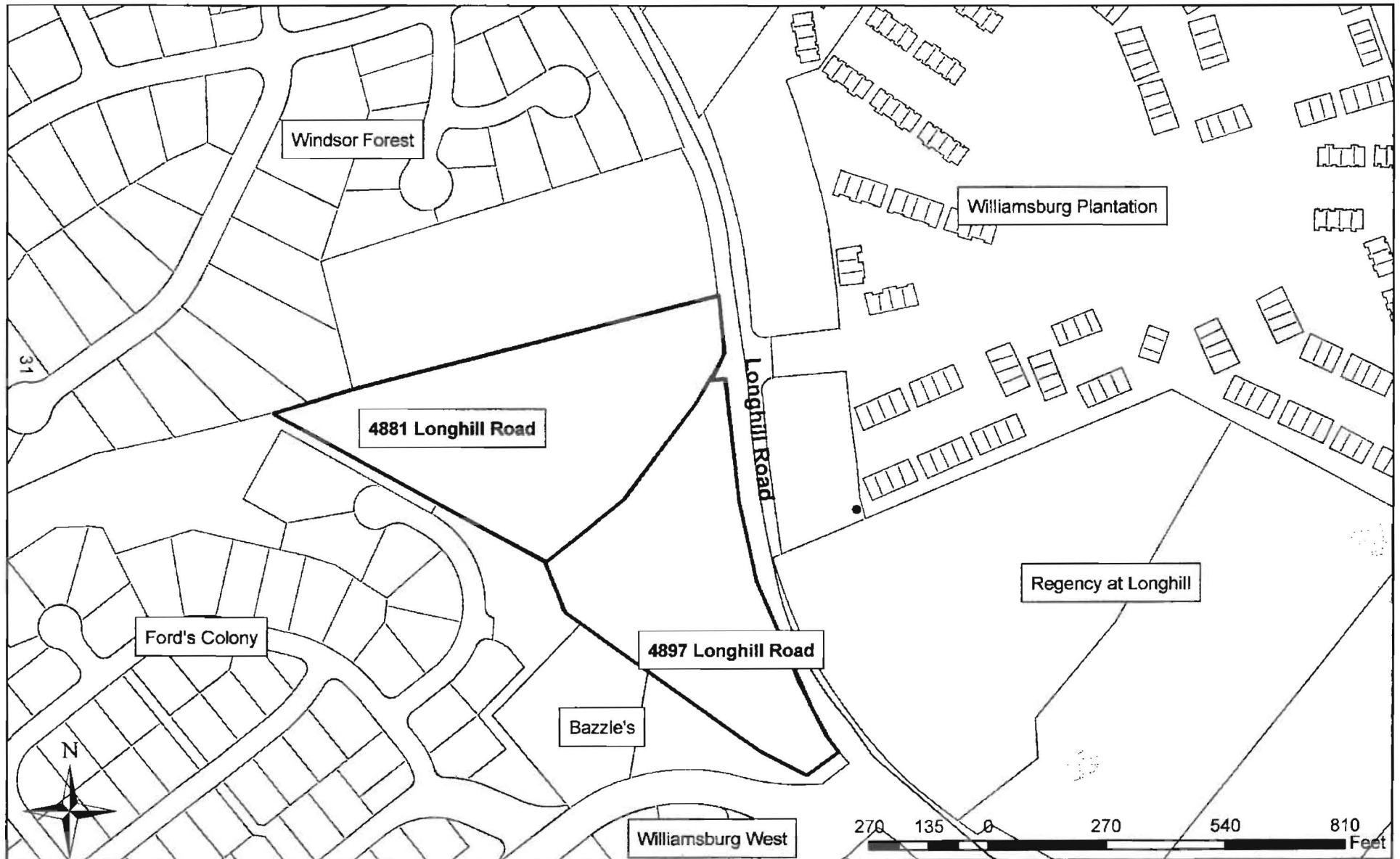
Jose Ribeiro, Planner

ATTACHMENTS:

1. Master Plan (under separate cover)
2. Location Map

JCC-SUP-0022-2009

King of Glory Lutheran Church



MEMORANDUM

DATE: October 28, 2009

TO: Planning Commission

FROM: Allen Murphy, Director of Planning / Assistant Development Manager

SUBJECT: Planning Commission 2010 Meeting Schedule

Attached is the schedule for DRC and Planning Commission meetings. Please note that the January DRC and Planning Commission meetings have been moved to January 6th and 13th due to the December Holidays.

Planning Commission 2010 Schedule						
Meeting Dates	Application Deadlines	Ad to the Press	Display Dates	APO/Applicant Letters	Packets Delivered	1 st & 2 nd Proffer Deadlines
Jan 13	Dec 2	Dec 23	Dec 30 & Jan 6	Dec 30	Jan 6	Dec 23 & 30
Feb 3 (6pm start time)	Dec 23	Jan 15	Jan 20 & 27	Jan 20	Jan 27	Jan 13 & 22
Mar 3	Jan 20	Feb 12	Feb 17 & 24	Feb 17	Feb 24	Feb 10 & 19
Apr 7	Feb 24	Mar 19	Mar 24 & 31	Mar 24	Mar 31	Mar 17 & 26
May 5	Mar 24	Apr 16	Apr 21 & 28	Apr 21	April 28	Apr 14 & 23
Jun 2	Apr 21	May 14	May 19 & 26	May 19	May 26	May 12 & 21
Jul 7	May 26	Jun 16	Jun 23 & 30	Jun 23	Jun 30	Jun 16 & 25
Aug 4	Jun 23	Jul 16	Jul 21 & 28	Jul 21	July 28	Jul 14 & 23
Sep 1	July 21	Aug 13	Aug 18 & 25	Aug 18	Aug 25	Aug 11 & 20
Oct 6	Aug 25	Sep 17	Sep 22 & 29	Sep 22	Sep 29	Sep 15 & 24
Nov 3	Sept 22	Oct 15	Oct 20 & 27	Oct 20	Oct 27	Oct 13 & 22
Dec 1	Oct 20	Nov 12	Nov 17 & 24	Nov 17	Nov 24	Nov 10 & 19


DRC 2010 Schedule		
Meeting Dates	Application Deadlines	Packets Delivered
Jan 6	Dec 2	Dec 30
Jan 27	Dec 23	Jan 20
Feb 24	Jan 20	Feb 17
Mar 31	Feb 24	Mar 24
April 28	Mar 24	Apr 21
May 26	Apr 21	May 19
Jun 30	May 26	Jun 23
Jul 28	Jun 23	Jul 21
Aug 25	Jul 21	Aug 18
Sep 29	Aug 25	Sep 22
Oct 27	Sep 22	Oct 20
Nov 24	Oct 20	Nov 17

PLANNING DIRECTOR'S REPORT

November 2009

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** At the October Design Review Board meeting, members considered signage for 5372 Discovery Park Boulevard (the building where Middleburg Trust Company is located). The DRB also approved a plan for one of the new single family lots in Section 7 & 8, a trellis and additional outdoor seating at the Greene Leafe, and elevations for two-story duplexes along Foundation Street (Section 2 & 4, Block 11).
- **Policy Committee Meetings.** No additional Committee meetings have been scheduled; however, staff will be contacting members to schedule meetings this winter to review FY11 Capital Improvements Program requests.
- **Comprehensive Plan.** The Planning Commission unanimously adopted the draft 2009 Comprehensive Plan at its October 7 public hearing. The Board of Supervisors has scheduled a work session on November 10 at 4 p.m. to discuss the Plan. A public hearing on the Plan will follow at 7 p.m.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. November's topics include planning with large institutions and community visioning.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **2010 Planning Commission Calendar.** For the schedule please see attached documents.
- **Board Action Results** – October 13th and 27th
SUP-0013-2009 Cardinal Acres Two Family Dwelling – Adopted 5 - 0
SUP-0020-2009 Vossel & Gross Family Subdivision Amendment – Adopted 5 - 0
SUP-0018-2009 Robinson Family Subdivision – Adopted 5 - 0
S-0012-2009 Chanco's Grant Vacation of Recreation Area Designation – Denied 5 - 0



Allen J. Murphy, Jr.

Case Type	Case Number	Case Title	Address	Description	Planner	District	
Conceptual Plans	C-0050-2009	American Heritage RV Park Expansion	146 MAXTON LANE	Master plan for park expansion	Luke Vinciguerra	Stonehouse	
	C-0051-2009	Howard Drive BLAs	154 HOWARD DRIVE	Boundary line adjustments between 154 Howard Drive, 156 Howard Drive, 158 Howard Drive, and VEPCO	Jose Ribeiro	Roberts	
	C-0052-2009	Jamestown H.S. Cellular Tower	3751 JOHN TYLER HGWY	Proposing a 120 foot stick style monopole tower within a 2500 square foot compound and access road to be located behind Jamestown High School.	Leanne Reidenbach	Berkley	
	C-0053-2009	CVS/Food Market Candle Factory Site	7521 RICHMOND ROAD	This is for construction of a CVS Pharmacy with a drive thru and a food market	Sarah Propst	Stonehouse	
	C-0054-2009	Jackson Minor Subdivision	111 JACKSON STREET	Divide .9 acre lot in Harwood Subdivision into 2 lots	Kathryn Sipes	Roberts	
Site Plan	SP-0083-2009	Colonial Heritage Ph. 3 Sec. 1 Landscaping SP Amend.	6799 RICHMOND ROAD	Change landscaping plan for duplex units to match the approved plan for same product in Ph. 1, Sec. 1	Jose Ribeiro	Stonehouse	
	SP-0084-2009	Colonial Heritage Ph. 1 Sec. 5 Landscaping SP Amend.	6799 RICHMOND ROAD	Changing landscape plans for duplex units to match the approved plan for some product in Ph. 1 Sec. 1	Sarah Propst	Stonehouse	
	SP-0085-2009	Wireless Tower Colocation SP Amendment	4338 CENTERVILLE RD	This application is to co-locate an antenna on the existing tower, add an equipment shelter, and install associated equipment.	Luke Vinciguerra	Powhatan	
	SP-0086-2009	College Creek Waterline Crossing	5560 WILLIAMSBURG LANDING DR	Install a 12" waterline across College Creek	Leanne Reidenbach	Jamestown	
	SP-0087-2009	Franciscan Brethren Adult Daycare SP Amend. - Fire Hydrant and Sprinkler Addition	6422 CENTERVILLE RD	Site Plan shows placement of a new fire hydrant and fire sprinkler line plan.	Jose Ribeiro	Powhatan	
	SP-0088-2009	Williamsburg Memorial Park Regrading SP Amend.	130 KING WILLIAM DR	Parcel abuts York County. SP amendment pertains to regrading of cemetary along the roadside and drainage ditch to accomodate new burial plots.	Sarah Propst	Powhatan	
	SP-0089-2009	Norge Railway Station SP Amend.	7770 CROAKER ROAD	Historical accessory building, sanitary sewer, and wood decking	Jason Purse	Stonehouse	
	SP-0090-2009	Spencer's Grant Lot 45 & 46 Grading Amend.	WILLIAM SPENCER	Revised grading in the area of lots 45 & 46, as well as the proposed conservation area behind those lots.	Leanne Reidenbach	Roberts	
	SP-0091-2009	Lifepointe Christian Church Entrance SP Amend.		Project for VDOT entrance to the site	Kathryn Sipes		
	SP-0092-2009	Villages of Windmill Meadows Pavillion	6001 CENTERVILLE RD	This application is to add a pavillion which will be 416 sq	Jason Purse	Powhatan	

Special Use Permit	SUP-0023-2009	Hunt Family Subdivision	7150 RICHMOND ROAD	Allow for a family subdivision consisting of less than 3 acres pursuant to JCC Code Sec. 24-214.	Kathryn Sipes	Stonehouse
	SUP-0024-2009	Hospice Support Care Wireless Tower	4445 POWHATAN PKWY	This application is to construct a 120 foot tall monopole tower with a 4 foot tall lightening rod and associated ground equipment.	Jason Purse	Powhatan
Subdivision	S-0054-2009	Warren Farm Estates Lot 5 Subdivision & Lots 2 & 3 BLE	2243 FORGE ROAD	Subdividing Lot 5 in Warren Farm Estates. Extinguishing a boundary line between lots 2 and 3	Sarah Propst	Stonehouse
	S-0055-2009	Hunt Family Subdivision and BLA	7150 RICHMOND ROAD	Create a parcel of less than 3 acres pursuant to JCC Sec. 24-214 and BLA of a second one-acre lot	Kathryn Sipes	Stonehouse