

AGENDA  
JAMES CITY COUNTY PLANNING COMMISSION  
July 1, 2015 – 7:00 p.m.

**1. ROLL CALL**

**2. PUBLIC COMMENT**

**3. CONSENT AGENDA**

- A. Minutes from the June 3, 2015 Regular Meeting
- B. Minutes from the May 26, 2015 Joint Work Session
- C. Historic Minutes Reconciliation – Approval Date
- D. Historic Minutes Reconciliation - Missing

**4. REPORTS OF THE COMMISSION**

- A. Development Review Committee
- B. Policy Committee
- C. Other Commission Reports

**5. PUBLIC HEARING**

- A. Case No. Z-0002-2015, Gilley Estates

**6. PLANNING COMMISSION CONSIDERATION**

- A. Initiation of a Consideration of Amendments to the Zoning Ordinance to incorporate State Code Changes- Article VIII Appeals

**7. PLANNING DIRECTOR'S REPORT**

**8. COMMISSION DISCUSSION AND REQUESTS**

**9. ADJOURNMENT**

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF JUNE, TWO-THOUSAND AND FIFTEEN, 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:

Robin Bledsoe  
Rich Krapf  
Chris Basic  
George Drummond  
John Wright, III  
Heath Richardson

Staff Present:

Paul Holt, Planning Director

Absent:

Tim O'Connor

Ms. Robin Bledsoe called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Ms. Bledsoe opened the public comment.

As no one wished to speak, Ms. Bledsoe closed the public comment.

3. CONSENT AGENDA

**A. Minutes from the May 6, 2015 Regular Meeting and Development Review Committee Meeting: S-0015-2015/SP-0042-2015-The Settlement at Powhatan Creek**

Ms. Bledsoe stated that the DRC reviewed Case Nos. S-0015-2015/SP-0042-2015 at its meeting on May 28, 2015 and recommended preliminary approval

Mr. Heath Richardson moved to approve the consent agenda.

On a voice vote, the Commission unanimously approved the consent agenda.

4. REPORTS OF THE COMMISSION

**A. Policy Committee**

Mr. John Wright stated that the Policy Committee did not meet in May.

**B. Other Commission Reports**

Ms. Bledsoe stated that there were no other committee reports since the DRC report was included in the Consent Agenda.

**5. PLANNING DIRECTOR'S REPORT**

Mr. Holt stated that there was nothing more to add other than what was submitted in the Planning Commission packet.

Mr. Wright inquired whether there would be a Policy Committee meeting in June.

Mr. Holt stated that there would not be a Policy Committee in June as there are no topics scheduled for review.

**6. COMMISSION DISCUSSION AND REQUESTS**

Ms. Bledsoe stated that she would be the Board of Supervisors representative for the first meeting in June and Mr. Wright would cover the second meeting. Ms. Bledsoe further stated that Mr. Krapf would be the representative for July.

**9. ADJOURNMENT**

Ms. Bledsoe called for a motion to adjourn.

Mr. Rich Krapf moved to adjourn.

The meeting was adjourned at approximately 7:04 p.m.

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Robin Bledsoe, Chairwoman

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Paul D. Holt, III, Secretary

## MEMORANDUM

DATE: July 1, 2015  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Director of Planning  
SUBJECT: Historic Minutes - Approval

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The Records Management Division is in the process of building a public website for all of the historic Planning Commission Meeting Minutes. As staff is going through records and minute books, the following meeting minutes were found to be lacking an approval date:

- 10/25/1976
- 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
- 1/8/1991; 09/10/1991
- 08/18/1992
- 05/10/1994; 06/21/1994
- 03/15/1995; 08/08/1995; 12/12/1995
- 05/06/1996
- 07/02/1997
- 09/02/1998
- 06/07/1999
- 03/03/2003
- 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
- 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005; 08/01/2005
- 01/09/2006; 08/08/2006
- 01/08/2008
- 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
- 04/13/2011
- 04/04/2012

These minutes were either never voted on or presented for approval in the months surrounding those meeting dates. These minutes, to the best of staff's knowledge, are the official minutes of those meetings.

### **Recommendation**

Staff recommends the Planning Commission adopt the attached minutes into the official record.

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Paul D. Holt, III

## **Attachments**\*

Recordation Sheet and Minutes for:

1. 10/25/1976
2. 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
3. 1/8/1991; 09/10/1991
4. 08/18/1992
5. 05/10/1994; 06/21/1994
6. 03/15/1995; 08/08/1995; 12/12/1995
7. 05/06/1996
8. 07/02/1997
9. 09/02/1998
10. 06/07/1999
11. 03/03/2003
12. 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
13. 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005;  
08/01/2005
14. 01/09/2006; 08/08/2006
15. 01/08/2008
16. 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
17. 04/13/2011
18. 04/04/2012

\*Attachments may be found on line at the following link:

<http://www.jamescitycountyva.gov/agendas/pcagendas/070115pc.html>



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 1/8/1991

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The following minutes for the Planning Commission of James City County dated 1/8/1991 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 1/8/1991, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 1/8/1991.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY ONE, AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Mr. Gary M. Massie  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Michael A. Freda, Planner

Mr. Kuras congratulated Mr. Bradshaw on his four year reappointment to the Planning Commission, and Ms. Knudson on her reappointment as the Board's representative on the Commission during 1991. Mr. Kuras introduced and welcomed Mr. Donald Hunt who will be replacing Mr. Massie on the Commission. Mr. Kuras thanked Mr. Massie for his valuable input as a Commission member.

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Betzner, the Minutes of the December 11, 1991 meeting were approved.

3. ELECTION OF OFFICERS

Mr. Garrett nominated Mr. Kuras for Chairman of the Commission. Ms. McKenna seconded the nomination. Ms. McKenna, seconded by Mr. Davis, moved that the nominations be closed. Mr. Kuras was elected Chairman by unanimous voice vote.

Mr. Bradshaw nominated Ms. Gussman for Vice Chairman of the Commission. Mr. Garrett seconded the nomination. Ms. McKenna, seconded by Mr. Betzner, moved that the nominations be closed. Ms. Gussman was elected Vice Chairman by unanimous voice vote.

Mr. Massie informed the Commission that he would be available to serve on committees and looked forward to future contacts with the Commission.

4. DEVELOPMENT REVIEW COMMITTEE REPORT (See item #9)

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was accepted.

5. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING

Mr. Kuras stated that the staff report (appended) recommends a one month deferral to allow time to address Virginia Department of Transportation comments on the traffic analysis submitted with this application. Mr. Kuras opened the public hearing and continued it until the February 12, 1991 meeting.

6. CASE NO. Z-12-90/SUP-48-90. OLD DOMINION FRENCH WINERY

Mr. Kuras stated that staff concurred with applicant's request to defer action on these applications for one month in order to address VDOT comments made on the traffic analysis for this project and to allow time to scale down the project to accommodate traffic impacts (staff report appended). Mr. Kuras opened the public hearing and continued it until the February 12, 1991 meeting.

7. CASE NO. SO-2-90. FAMILY SUBDIVISION AMENDMENTS

Mr. Murphy presented the staff report (appended) and recommended approval of the proposed amendments to the Board of Supervisors.

Mr. Kuras opened the public hearing; there being no speakers the public hearing was closed.

Following discussion by the Commission, Ms. McKenna made a motion, seconded by Mr. Betzner, to recommend adoption of the ordinance as presented but to add or emancipated after the phrase "eighteen years of age or older." The motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, Knudson, Kuras, Lowe, McKenna (11). NAY: (0)

8. CASE NO. SUP-45-90. VIRGINIA NATURAL GAS PIPELINE

Mr. Sowers distributed a letter and diagram (appended) from Virginia Natural Gas requesting that the Commission reconsider this case based on submittal of new information. Mr. Sowers stated that following review of this material, the Commission should determine whether this case should be returned to the Planning Commission before going to the Board of Supervisors.

Following discussion, Ms. Gussman made a motion, seconded by Mr. Hagee, to return Case No. SUP-45-90 to the Planning Commission in order to review the significant new information contained in the letter from Virginia Natural Gas. Ms. Gussman asked that a representative from Virginia Power be present at the February 12, 1991 meeting to explain the letter and answer questions. The motion passed by unanimous voice vote.

9. ADDITION TO DEVELOPMENT REVIEW COMMITTEE REPORT

At a special meeting held prior to this meeting, the Commission reviewed the staff report recommending approval of the preliminary site plan for Case No. SP-120-90, W/JCC Middle School in Toano. Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the recommendation of approval of the preliminary site plan. The motion passed unanimously by voice vote.

Mr. Massie stated that he intended to abstain from voting on Case No. SP-113-90, Massie Equipment and Storage Yard, Above Ground Fuel Storage Facility and Shed.

10. FY92 GOALS AND WORK PROGRAM

Mr. Sowers presented the staff report (appended). Following discussion, upon a motion by Ms. McKenna, seconded by Mr. Betzner, the Commission unanimously accepted the report by voice vote.

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the staff report (appended).

12. SETTING OF FUTURE MEETING DATES

A field trip to the Sheldon Lumber Company site was scheduled for January 25, 1991 at 3 p.m. Planning Commission members were asked to meet at the lumber company's store on Richmond Road.

Mr. Sowers reminded the Commission of the Leadership Committee meeting on February 5 at 3 p.m. in Conference Room E.

13. MATTERS OF SPECIAL PRIVILEGE

a. Pursuant to the request of the Planning Commission, Mr. Rogers distributed a memorandum (appended) he prepared addressing procedure for conducting discussion among Commission members and the public, and the method of making and resolving motions as outlined in Roberts Rules of Order.

b. Mr. Kuras announced that Mr. Garrett would again serve as Chairman of the Development Review Committee, and that Ms. McKenna would again serve as Chairman of the Policy Committee. The members on each committee will remain the same with the exception of Mr. Hunt replacing Mr. Massie on the Policy Review Committee. Mr. Kuras also stated that the Leadership Committee would meet in February to consider changes.

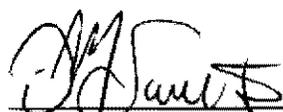
c. Mr. Massie stated his pride in what has been accomplished during his term on the Planning Commission. Mr. Massie highlighted two accomplishments of the Commission: the newly established Award for Excellence, and the Leadership Committee's liaison with the community. Mr. Massie also suggested that an advisory committee be created composed of engineers, attorneys and bankers which would provide input to the Planning Commission on ordinance and plan amendments.

d. Mr. Horne announced that Delegate Grayson would hold a meeting in Charles City County on January 12 from 10-12 p.m. regarding Route 5.

14. ADJOURNMENT

There being no further business, the January 8, 1991 Planning Commission meeting adjourned at 8:27 p.m.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary

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## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 01/08/2008

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The following minutes for the Planning Commission of James City County dated 01/08/2008 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 01/08/2008, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 01/08/2008.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

Ms. Hughes welcomed the newest Planning Commissioner, Mr. Reese Peck, who is replacing Mary Jones and completing her term which expires January 2009.

1. ROLL CALL

Planning Commissioners

Present:

George Billups  
Reese Peck  
Jack Fraley  
Tony Obadal  
Shereen Hughes

Staff Present:

Marvin Sowers, Director of Planning  
Adam Kinsman, Deputy County Attorney  
Jose Ribeiro, Planner  
Terry Costello, Development Management Assistant

Absent:

Rick Krapf  
Jim Kennedy

2. PUBLIC COMMENT

Ms. Hughes opened the public comment period.

There being no public comments, Ms. Hughes closed the public comment period.

3. MINUTES

A. November 1, 2007 Special Meeting

B. December 5, 2007 Regular Meeting

Mr. Obadal motioned to approve the minutes from the November 1, 2007 special meeting and December 5, 2007 regular meeting.

Mr. Fraley seconded the motion.

In a unanimous voice vote the minutes were approved (5-0).

#### 4. COMMITTEE AND COMMISSION REPORTS

Ms. Hughes stated that in order to have a quorum in January it was necessary to designate Mr. Obadal and Mr. Krapf to the DRC Committee, and place herself on the Policy Committee. She stated she also designated Mr. Fraley as the Chairman of the DRC. She also stated that this is temporary until the organizational meeting is held in February.

##### A. Development Review Committee (DRC) Report

Mr. Fraley presented the report stating that the DRC met January 4, 2008. Mr. Krapf, Ms. Hughes, Mr. Fraley, Mr. Billups and Mr. Obadal were present. The DRC made its quarterly review of the shared parking plan for the town center at New Town. He stated that there have been no substantial changes since the Committee's last review on September 5, 2007. Prime Outlets presented a conceptual plan to modify the size of two buildings that were originally approved on SP-0025-2006. There is no change in total square footage or impervious cover, but the Committee did request a supplemental master plan be provided to reflect all changes. The DRC approved this plan subject to agency comments. Health E Community presented a case to modify setback requirements for all 90 lots at the Michelle Point Development. This plan was originally approved under the residential cluster ordinance which allows for reduction of setbacks to 0 feet, but the approved master plan lists the front setbacks at 25 feet. Staff recommended a reduction from 25 feet to 20 for all 90 lots. The DRC granted preliminary approval subject to agency comments. Health E Community presented a site plan for a fence in the entry area of Pocahontas Square. The DRC granted preliminary approval subject to agency comments. A site plan to adjust certain building sizes for the Weatherly at Whitehall development was presented. The net change was a reduction in building coverage of approximately 800 square feet. The DRC granted preliminary approval subject to agency comments. A subdivision and site plan for Phase 2 for the Settlement at Powhatan Creek was presented. The Committee noted commendable environmental design features in certain areas but was concerned about disturbances to steep slopes and encroachments to RPAs. The DRC voted to defer this application and encourage the applicant and the Environmental Division to review additional environmental design features. The Committee reviewed a subdivision for proffered recreational facilities in the Burlington Woods development. The applicant proposed cash contributions in lieu of a tennis court and ball field. The Committee was amenable concerning the tennis court but felt that the ball field should be directly provided for the children who reside in the subdivision. The DRC voted to defer the application until the applicant decides on the placement of the ball field.

Mr. Obadal made a motion to approve the report.

Mr. Billups seconded the motion.

In a unanimous voice vote, the DRC report from January 4, 2008 was approved (5-0).

B. Policy Committee Report

Mr. Fraley stated that the Policy Committee did not meet since the last Planning Commission meeting.

C. Comprehensive Plan Update

Mr. Fraley spoke about the Comprehensive Plan Update. He stated that the CPT is active and meets every Thursday at 4 p.m. There is an important meeting scheduled for January 24, 2008 at 7 p.m for citizens to meet the members of the CPT team and to gain insight into the Comprehensive Plan Update.

Ms. Hughes added that this meeting on January 24, 2008 is JCC 102 which is a citizen education type workshop. She asked Mr. Sowers if citizens had to sign up for it.

Mr. Sowers stated that it is open to the public. He also stated that JCC 102 is a continuation of JCC 101 which is a general citizen's information meeting.

D. Other Committee/Committee Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

There were no considerations.

6. PUBLIC HEARINGS

A. Z-0014-2007 / MP-0011-2007 Chestnut Grove

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the February 6, 2008 Planning Commission meeting.

Ms. Hughes opened the public hearing.

There being no comments, Ms. Hughes kept the public hearing open.

Mr. Fraley motioned for deferral.

Mr. Billups seconded the motion.

In a unanimous voice vote, the motion was approved (5-0).

B. Z-0008-2007 / MP-0006-2007 Ford's Colony Section 37

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to

the February 6, 2008 Planning Commission meeting.

Mr. Billups motioned for deferral.

Mr. Fraley seconded the motion.

In a unanimous voice vote, the deferral was approved. (5-0).

C. Z-0005-2007 Ingram Road Rezoning

Mr. Jose Ribeiro presented staff's report for a rezoning for 112 Ingram Road. The proposal was to rezone .37 acres of land from R-8, Rural Residential, to B-1, General Business with proffers, in order to allow the construction of an approximately 1,400 square foot, two story office building with a 520 square foot attached garage. Mr. Ribeiro stated that with the submitted proffers, staff finds the proposal will not negatively impact surrounding property. He also stated that the applicant will be submitting a request for a setback waiver but that will be considered at the site plan review stage. He stated that staff also finds the proposal consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation, and the Primary Principles for Five Forks Area of James City County. Mr. Ribeiro requested that the Planning Commission approve this proposal with the voluntary proffers, and recommend approval to the Board of Supervisors.

Mr. Billups asked whether this would be setting a precedent for businesses having attached garages for employee use. He also asked if there were any similar situations in the County.

Mr. Ribeiro stated that the additional spaces in the garage were due to the small size of the site. He stated there was no area for employee parking. Mr. Ribeiro stated he did not feel this would be setting a precedent. He stated there have been instances where garages were used for employees. He further stated that the Zoning Ordinance did not clearly state that garages could not be used for commercial parking purposes.

Mr. Sowers stated that this use is common in residential areas but not as common in commercial areas. He also stated that the Zoning Ordinance does not state it is not allowed.

Mr. Billups asked about the Five Forks Principles He asked about VDOT widening a portion of Ingram Road so that it this could be used as an alternative to Ironbound Road and John Tyler Highway. He asked whether a setback reduction would have an effect on this.

Mr. Ribeiro stated he not believe that the setback modifications would have any effect. He stated that the applicant has complied with the transportation initiatives in the Principles for Five Forks by offering a prorated contribution to the improvement of the intersection of Ironbound Road and John Tyler Highway.

Ms. Hughes stated she believed that this widening improvement was suggested for the Ingram Road west of Route 5.

Mr. Obadal asked about the plantings and water conservation with regard to the well.

Mr. Ribeiro stated that the irrigation well is a standard JCOSA condition. He stated that no JCOSA water will be used for irrigation and JCOSA has allowed for some alternatives.

Mr. Obadal asked if one is barred from connecting to JCOSA water in this type of situation, and would site, size and well setbacks allow a well.

Mr. Sowers stated that staff can investigate this prior to the Board of Supervisors' meeting. He stated that the proffer would not allow the applicant to override the well setback requirements. He also stated that staff can advise the Board at that time.

Mr. Obadal asked whether there would be a requirement with respect to plantings.

Mr. Ribeiro stated that landscape buffer plantings have been proffered which are 125 % of the size of what is required. He also stated that the applicant has agreed to landscape along the perimeter of the property.

Mr. Fraley wanted to clarify that this application was not addressing the request for a setback reduction.

Mr. Ribeiro stated that that this application is not addressing that concern at this time.

Ms. Hughes opened the public hearing.

Ms. Hughes asked Mr. Scott Evans, the applicant, about the large oak tree and the large pines that are on the property

Mr. Evans stated that he would like to save the oak tree but that there is a requirement as part of the rezoning process that he install a sidewalk. He stated that if a sidewalk is required to be installed, the oak tree would have to be cut down.

Ms. Hughes asked if the applicant could work with staff to reach a solution to save the tree, and possibly look at other options, such as a soft surface trail or path.

Mr. Sowers stated that staff would be willing to work with the applicant before the case is presented to the Board of Supervisors.

Ms. Hughes closed the public hearing.

Mr. Billups made a motion to approve the application, and Mr. Fraley seconded it.

Ms. Hughes clarified the motion. The motion is to approve the application with the understanding that staff and the applicant will reach a solution with regard to the sidewalk requirement in order to save the large oak tree.

Mr. Adam Kinsman stated that it would be fairly easy to draw up an amended proffer regarding the sidewalk requirement and saving the tree in question.

Mr. Sowers also stated that he assumed the approval would include looking into the feasibility of an irrigation well and if not feasible revising the proffer accordingly.

Ms. Hughes also added that she felt this proposal would be an attractive addition to the Ingram Road area as well as the Five Forks Area.

In a roll call vote the application was approved. (5-0) AYE: Billups, Fraley, Peck, Obadal, Hughes. (Absent: Kennedy, Krapf)

Mr. Sowers also commended the applicant on working with staff concerning the Five Forks Principles.

#### 7. PLANNING DIRECTOR'S REPORT

Mr. Sowers mentioned that the Commission's minutes are on the County's website. He stated that two years are available currently and by the end of January, additional years will also be posted.

Mr. Sowers also stated that the Commission's organizational meeting is normally at the February 2008 meeting. He stated that at that time the Chairman normally designates which members will serve on different committees and the Commission would meet prior to 7 p.m. meeting to discuss officer election and committee appointments.

#### 8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley suggested that the Commission meet at 6:30 or 6:15 on February 6, 2008 to discuss the appointments and assignments. The Commission agreed on meeting at 6:30 on February 6, 2008.

Mr. Kinsman suggested recessing this meeting and then reconvene on February 6, 2008.

Mr. Billups asked Mr. Kinsman about irrigation wells, and whether these are allowed when there is a connection to JCSA water for regular use.

Mr. Kinsman stated that he thought there was a JCSA regulation that would not allow it. He stated that he thought there were many other conditions such as DEQ

requirements and such.

Mr. Sowers stated that staff can have JCSA review the matter.

Ms. Hughes stated that the proffer referred to has been previously approved by the Board of Supervisors.

Mr. Fraley thanked Ms. Hughes for all her work and dedication to the Planning Commission and stated he considers her an outstanding citizen and Commissioner.

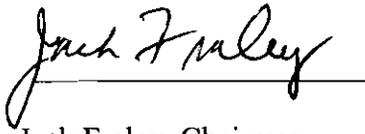
Mr. Billups reiterated that comment, and stated he appreciated all her work.

Mr. Obadal stated that he learned much from Ms. Hughes and she has lead the Commission well as the Chairperson.

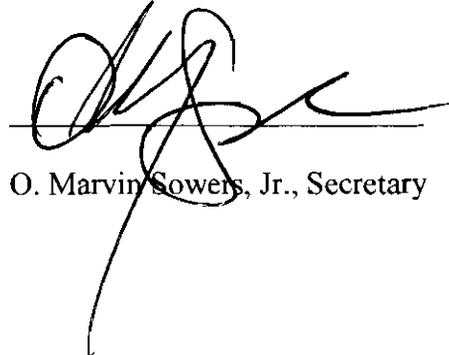
Ms. Hughes stated it was an honor working with everyone and she too has learned from her fellow Commissioners.

9. ADJOURNMENT

Ms. Hughes recessed the meeting until 6:30 p.m. on February 6, 2008.



Jack Fraley, Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 01/09/1990

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The following minutes for the Planning Commission of James City County dated 01/09/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 01/09/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 01/09/1990.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY, AT 7:30 P.M., BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Martin Garrett, Vice Chairman  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Ms. Judith Knudson  
Mr. Alexander Kuras  
Ms. Carolyn Lowe  
Mr. Gary Massie  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Frank M. Morton, III, County Attorney  
Mr. John T. P. Horne, Director of Development Management  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. R. Patrick Friel, Planner  
Mr. Donald E. Davis, Principal Planner

Mr. Garrett welcomed new Planning Commission members, Ms. Gussman and Ms. Knudson.

2. ELECTION OF OFFICERS

Mr. Garrett nominated Mr. Kuras for Chairman of the Commission. Ms. McKenna seconded the nomination and moved that the nominations be closed.

Mr. Kuras was elected Chairman by unanimous voice vote.

Mr. Garrett turned the Chair over to Mr. Kuras who thanked the Commission for the honor of being elected Chairman of the Commission.

Ms. McKenna nominated Mr. Bradshaw for Vice Chairman of the Commission. Mr. Garrett seconded the nomination and moved that the nominations be closed.

Mr. Bradshaw was elected Vice Chairman by unanimous voice vote.

3. SUBCOMMITTEES ASSIGNMENTS

The Commission made the following subcommittee assignments:

Development Review Committee: Martin Garrett, Chairman; A.G. Bradshaw; Wallace Davis and Alex Kuras.

Policy Committee: Willafay McKenna, Chairperson; Victoria Gussman; John Hagee, Carolyn Lowe and Gary Massie.

4. RESOLUTIONS OF APPRECIATION

Mr. Kuras read into the record Resolutions of Appreciation for Mr. Fred Belden and Mr. Robert A. Magoon, Jr. commemorating their years of service on the Planning Commission.

5. MINUTES

Upon a motion by Mr. Massie, seconded by Ms. McKenna, the December 12, 1989 Planning Commission Minutes were accepted as presented.

6. COMMITTEE REPORTS

The Development Review Committee Report and the Policy Committee Report were accepted as presented.

7. CASE NO. SUP-53-89. W. H. SPARRER (JOHN'S AUTO PARTS)

Mr. Friel presented the staff report (appended) stating that this case was approved by the Board of Supervisors in March, 1989, and was being reprocessed because an adjacent property owner was not notified of the application at that time. Mr. Friel stated that staff recommended approval of this case, with conditions, as stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. B. M. Millner, attorney representing Mr. Hans Frank, adjacent property owner who did not receive notice of this application, stated his client's intent to work with the applicant. Mr. Millner stated that his client requested consideration of the following: screen fencing no closer than 50 feet from Route 60 with additional landscaping, professional landscaping plan, realignment of the entrance, parking lot paving, and that an amendment be made to the special use permit for any new crushing equipment the applicant may wish to install. Mr. Millner requested that such amendment come before the Planning Commission and Board of Supervisors. Mr. Millner further requested that the permit expire one year after conditions of this permit are met and that the Board review this permit in the future.

Mr. Hans Frank requested that the special use permit be renewed annually by the Board.

Mr. Wendell Sparrer stated that the fence would be repaired and concealed by tall tree growth and that he would work with the Highway Department to conceal the entrance. Mr. Sparrer felt a one year review by the Board was unreasonable; he stated that in a meeting with Mr. Frank he had volunteered to restrict crushing from 10 a.m. to 4 p.m. Mr. Sparrer further stated that the crushing equipment will be used for "some period of time" but he objected to approval of any new crushing equipment by the Development Review Committee before it could be placed on the site. Mr. Sparrer stated that he should have guidelines so that he would not be at the mercy of DRC prejudice. He also stated that he agreed to enclose the motor of the crusher.

Ms. Jan Dickerson, Route 607, made the following comments: she attended the noise level demo on January 9 and found noise was not a problem on her property; the screening fence was unsightly, old, in need of repair and inadequate for the intended purpose; a year review was like harassment and felt 3 to 5 year review was more appropriate.

Mr. George Bord, crusher operator of W. H. Sparrer, Inc., stated that the crusher made less noise than a 10 wheeler and should not bother neighbors. Mr. Bord also commented that the company had free pick up service of junk.

Mr. Chester Holly who operates a wrecker service stated that W. H. Sparrer, Inc. is the only local business that takes cars; otherwise, he must take them to Newport News.

There being no further speakers the public hearing was closed.

Mr. Garrett made a motion, seconded by Mr. Bradshaw, to recommend approval to the Board of Supervisors.

Ms. Gussman made a motion, seconded by Ms. Knudson, to change condition #10 in the staff report to read that crushing of vehicles shall not take place before 10:00 a.m. or after 4:00 p.m., Monday through Saturday, and that no Sunday crushing shall be permitted.

Ms. Lowe, expressing environmental concerns, made a motion that this operation come before the Planning Commission for review every 5 years.

Mr. Morton, County Attorney, stated that the Commission could request to receive a report from Code Compliance.

Ms. McKenna felt there was County staff (inspectors, etc.) who could observe any change on the property and did not feel it necessary to impose this condition on an individual.

An amendment to the motion to require a review from Code Compliance in one year was defeated 8-2 (nay: Ms. Lowe and Ms. Knudson).

The motion on the floor to recommend approval with the amendment to condition #10 was approved 10-0.

8. CASE NO. Z-17-89 AND SUP-46-89. JACK L. MASSIE CONTRACTOR, INC.

Mr. Massie, stating conflict of interest, abstained from participation on this case.

Mr. Friel presented the staff report (appended) to rezone approximately 34.43 acres from A-1, General Agricultural, to M-1, Limited Industrial, and 17.06 acres from A-1, to M-2, General Industrial, on property abutting the CSX railroad. The applicant also applied for a special use permit to construct a ready-mix concrete plant, manufacturing and storage of precast concrete products, a cement stabilized aggregate base plant and storage and distribution of stone and concrete products on the 17.06 acres to be rezoned to M-2. Mr. Friel stated that staff recommended denial for reasons stated in the staff report.

Although the public hearing was closed at the December meeting Mr. Kuras permitted speakers.

Mr. Gary Clower, speaking for Jack L. Massie Contractor, Inc., made a brief presentation on the Massie Industrial Center and the need for this application, and stated that he had met with interested parties to discuss concerns. Mr. Clower also reviewed submitted proffers and stated that this application was good planning because it would not create a burden on County services, and the more intensive uses would be on the western portion of the site with the stone stockpiling relocated away from Mirror Lake Subdivision. Mr. Clower further stated that the lighting had been changed to address concerns of the neighbors and that a biannual meeting would occur with the neighbors to discuss concerns.

Ms. Susan McCleary, representing Mirror Lakes Subdivision, spoke at length on residents' concerns regarding the noise and air pollution (train and dust), the unpaved roads, the request for a height limit and additional screening, decline in property values by \$10,000 per home and RPOD impact. She questioned if the proposed location was the only site available for this project in the County. Ms. McCleary stated that the Commission rejected the ARC rezoning for similar reasons, and that the Commission should be concerned about citizen input and requested denial of this application. She stated that not following the Comprehensive Plan would undermine the Comprehensive Plan update process and credibility of the Plan and will discourage people from participating in the update.

Mr. Garrett spoke on criteria for managed growth regulation, one of which is fairness to residents, present and future, and fairness to landowners and how they can use their land. Mr. Garrett felt that the Comprehensive Plan, a means of regulating land use, was one way of implementing fairness, but noted that the efficient use of land parcels designated by the Comprehensive Plan is forced to change with growth. Mr. Garrett further stated ... "With respect to this specific case, it appears to me that an expansion of the industrial property is clearly predictable. This is a growing community and hopefully not just in residential households. Simultaneously, a major change in the Comprehensive Plan, on a piecemeal basis, would not be predictable. While I can support the industrial expansion wholeheartedly, I cannot support a major piecemeal change in the Comprehensive Plan. However, it is just as apparent to me that the most efficient use of this whole parcel, and one that would be predictable, does not conform to its existing designated use on the Comprehensive Plan and does not meet good planning criteria. But I am not prepared to view it on a piecemeal basis."

Ms. Lowe felt the expansion was too close to a residential area and that the most intensive uses were being relocated closer to the environmentally sensitive areas.

Ms. Gussman felt it unwise to have an expansion of heavy industrial use in the Reservoir Protection Overlay District.

Mr. Kuras spoke in favor of the needed tax base from industrial development.

Ms. McKenna stated that the citizen input at this and the previous Commission meeting allowed her to look at the proposal in a more faceted way.

Ms. Knudson also favored the needed tax base from industrial development but not by endangering the environment.

Mr. Bradshaw felt this proposal would be of value to the County.

Mr. Garrett made a motion, seconded by Ms. McKenna, to recommend denial of this case to the Board of Supervisors. The motion passed 8-1 with Mr. Bradshaw voting nay (Mr. Massie abstained).

9. CASE NO. SUP-49-89. NATHAN AND BETTY WALKER.

Mr. Friel presented the staff report (appended) for a special use permit to allow an accessory apartment for elderly parents within a single family dwelling at 101 Locust Place in Elmwood Subdivision. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Following a brief discussion, the Commission agreed to delete condition #2 stating that any new entrances to the accessory apartment not be located at the front of the dwelling.

Upon a motion by Mr. Bradshaw, seconded by Ms. McKenna, the Commission by roll call, voted 10-0 to recommend approval, with condition, of this case to the Board of Supervisors.

10. CASE NO. SUP-50-89. BUSCH PROPERTIES GOLF COURSE #3.

Mr. Hagee, stating conflict of interest, abstained from participation on this case.

Mr. Friel presented the staff report (appended) for a special use permit for an 18 hole golf course in M-1, Limited Industrial, located on 214 acres west of Route 60 between Busch Gardens and MacGruder Avenue. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Norman Mason of Langley & McDonald, on behalf of Busch Properties, stated that he had no disagreement with the staff report.

A brief discussion followed during which Mr. Mason indicated road accesses on a drawing, and stated that he would investigate the possibilities of staff's suggestion that effluent from the HRSD plant may provide adequate water for the golf course instead of using the existing water supply and/or drilling new wells.

There being no further speakers the public hearing was closed.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission by roll call, voted 9-0 to recommend approval, with conditions, to the Board of Supervisors (Mr. Hagee abstained).

11. CASE NO. SUP-51-89. C&P TELEPHONE SWITCHING STATION.

Mr. Friel presented the staff report (appended) for a special use permit to allow the placement of a telephone switching station on 23.6 acres zoned A-2, Limited Agricultural, located at 3131 Ironbound Road. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Jeff Stark, representing the applicant, Mr. I. V. Harris, Jr., stated that he was available to answer questions.

There being no further speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Davis, the Commission by roll call, voted 9-0 to recommend approval, with conditions, to the Board of Supervisors and recommended that location of the switching station away from the front of the property be considered.

12. CASE NO. AFD-1-89. R. H. ARMISTEAD.

Mr. Friel presented the staff report (appended) for an application to create an Agricultural and Forestal District on 312.09 acres located between Centerville Road and Longhill Road. Mr. Friel stated that on December 20, 1989, the Agricultural and

Forestral Districts Advisory Committee concurred with staff and unanimously recommended approval of the proposed AFD for a four year term with the stated restrictions and excluded the 25 foot strip adjacent to Centerville Road and Longhill Road. Mr. Friel further stated that, although staff is recommending approval, this is not a commitment for future recommendations of approval for this AFD or others within the PSA and that the policy of allowing AFDs in the PSA will be reviewed as part of the Comprehensive Plan update.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission by roll call, voted 10-0 to recommend approval.

13. CASE NO. Z-23-89. ZONING ORDINANCE AMENDMENT/NONCONFORMITIES.

Mr. Murphy presented the staff report (appended) stating that staff recommended approval of this amendment as presented. The amendment would allow existing development within business or industrial zones which have been made nonconforming with respect to open space, perimeter landscape requirements, or setback requirements as a result of a right-of-way dedication without compensation to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Ms. Knudson, the Commission by roll call, voted 10-0 to recommend approval to the Board of Supervisors.

14. CASE NO. Z-21-89 AND S-106-89. ZONING AND SUBDIVISION ORDINANCE AMENDMENTS/SIDEWALKS.

Mr. Murphy presented the staff report (appended) stating that the amendments were basically the same as those recommended in the Comprehensive-Sidewalk Plan approved as part of the Comprehensive Plan by the Board on December 4, 1989. Mr. Murphy further stated that staff recommended approval of this amendment as presented.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Mr. Hagee expressed concerns regarding sidewalks along subdivision entrance roads.

Ms. Gussman stated that she would abstain from voting on this case as she had just begun her tenure on the Commission in January and that she had not had adequate time to prepare for a decision on this case.

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Commission by roll call, voted 7-2, with Mr. Hagee and Mr. Massie voting nay, to recommend approval to the Board of Supervisors.

15. PLANNING COMMISSION AWARD FOR EXCELLENCE

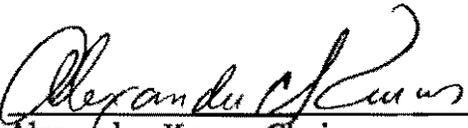
Mr. Davis presented the staff report (appended) on proposed criteria and a resolution which, if approved, would create the "Planning Commission Award for Excellence." The Commission unanimously approved the criteria and resolution with an amendment which states "which goes well beyond existing ordinances and reflects pride in ownership."

16. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report (appended).

17. ADJOURNMENT

The Planning Commission meeting of January 9, 1990 adjourned at 11:57 p.m.

  
Alexander Kuras, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 01/09/2006

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The following minutes for the Planning Commission of James City County dated 01/09/2006 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 01/09/2006, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 01/09/2006.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

- |    |                  |   |               |
|----|------------------|---|---------------|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                                 | <u>ABSENT</u> |
|    | Jack Fraley      | Mr. John Horne, Development Manager                 | Don Hunt      |
|    | Wilford Kale     | Marvin Sowers, Planning Director                    |               |
|    | Mary Jones       | Adam Kinsman, Assistant County Attorney             |               |
|    | George Billups   | Matthew Smolnik, Planner                            |               |
|    | Shereen Hughes   | Ellen Cook, Senior Planner                          |               |
|    | James Kennedy    | Joel Almquist, Planner                              |               |
|    |                  | Toya Ricks, Administrative Services Coordinator     |               |
|    |                  | Jason Purse, Planner                                |               |
|    |                  | Jose Ribeiro, Planner                               |               |
|    |                  | Kathryn Sipes, Planner                              |               |
|    |                  | Leanne Reidenbach, Development Management Assistant |               |

2. MINUTES

A. NOVEMBER 7, 2005 REGULAR MEETING

Mr. Kale said he was pleased with the changes that were made to the November 7<sup>th</sup> minutes.

Mr. Kale motioned to approve the minutes of the November 7, 2005 meeting.

Mr. Kennedy seconded the motion.

In unanimous voice vote the minutes were approved (6-0). (Hunt Absent)

B. DECEMBER 5, 2005 REGULAR MEETING

Mr. Kennedy motioned to approve the minutes of the December 5, 2005 meeting.

Mr. Kale seconded the motion.

In unanimous voice vote the minutes were approved (6-0). (Hunt Absent)

3. COMMITTEE AND COMMISSION REPORTS

A. POLICY COMMITTEE

Mr. Billups stated that the Policy Committee met in December and January regarding the definition of gardening supplies. He said the approved definition is included in a case being brought forth later in the meeting. Mr. Billups recommended approval of that definition at the appropriate time.

Mr. Billups also stated that the dates for the Capital Improvement Program (CIP) meetings had been set for January 31<sup>st</sup>, February 8<sup>th</sup> and 9<sup>th</sup>, and tentatively for February 14<sup>th</sup>. He also said a meeting had been scheduled with the School Board for February 19<sup>th</sup> to discuss their needs.

Mr. Billups said the Committee was moving forward with the Commission's requests made in November regarding policies to reflect more accurate information on school population, environmental concerns, and transportation conditions.

#### B. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley stated that the DRC considered four cases at its January 4<sup>th</sup> meeting. The Committee recommended preliminary approval subject to agency comments for three cases: New Town January 2006 Quarterly Shared Parking Plan Report, certain building setback modifications in New Town, and a site plan for 43 residential townhomes in New Town Block 11. The Committee recommended deferral of the Stonehouse Land Bay XXXI site plan pending resolution of issues related to the Stormwater Master Plan. Mr. Fraley said the voting on all four cases was unanimous.

Mr. Kennedy motioned for approval of the report.

Mr. Kale seconded the motion.

In a unanimous voice vote the DRC report was approved (6-0). (Hunt Absent)

#### 4. PLANNING COMMISSION CONSIDERATION

##### A. Toano Community Character Area Study Design Guidelines

Mr. Jason Purse introduced Mr. Fred Boelt, a member of the Toano Community Character Area Study Steering Committee, to discuss the process used to develop the design guidelines. Mr. Purse also requested a recommendation for approval.

Mr. Boelt introduced other members of the Steering Committee. He stated that the Committee worked with Renaissance Planning Group and held five meetings that were open to the public and included time for public comment and two public workshops. Mr. Boelt also talked about the history of the Toano area.

Mr. Eric Wright, Renaissance Planning Group, gave a presentation outlining the Guidelines that were developed. He stated that the 2003 Comprehensive Plan designated the area as a Community Character Corridor which meant the architecture, scale, materials, and spacing of the

buildings must compliment the historic character of the area and was used as a basis for the Guidelines.

Ms. Kristin Van Vorhees, Renaissance Planning Group, continued the presentation. She gave more detail on the specific elements identified in the Guidelines.

Mr. Kennedy asked about a previous effort to widen the buffer on Route 60 near the entrance corridor from Anderson's Corner and the current lack of parking in the Historic Toano area. He asked if the proposal suggested a realignment of Route 60.

Ms. Van Vorhees said the proposal was to add additional access points and parking lots behind the buildings.

Mr. Kennedy said he wondered where the property would come from to create the additional parking.

Ms. Van Vorhees showed the proposed parking locations on a map.

Ms. Hughes said she was a part of the roundtable discussion that proposed putting the parking behind buildings and on side streets for safety reasons given the amount of industrial traffic. She also asked about the size of the landscape buffer between the farmland area.

Ms. Van Vorhees said the buffer shown on the plan was meant to give a general idea since the development doesn't exist today.

Mr. Kennedy said quite a bit of emphasis was placed on leaving a rather large buffer.

Mr. Wright explained that Ms. Van Vorhees was referring to a buffer in a different location.

Mr. Kale asked if the Village of Whitehall development would fit with what was proposed for that development's location.

Mr. Wright answered yes with some modifications.

Ms. Van Vorhees concluded her presentation.

Mr. Billups asked if there were any problems with acquiring the land necessary for the project.

Mr. Wright said that land acquisition was not a part of the study. He said the Guidelines would be incorporated into the Comprehensive Plan for future development.

Ms. Jones asked who would pay for the streetscape implementation.

Mr. Purse explained the five implementation strategies which included working with developers, VDOT, grants, and individuals to fund the proposal.

Mr. Kennedy asked if the plan included preserving the current buildings.

Mr. Purse answered yes and said the hope was to work with citizens to have some of them designated on federal and state historic registries.

Mr. Kennedy asked if bike paths were purposed for the downtown area.

Mr. Wright said yes, that they helped to slow down the traffic.

Mr. Kennedy said the area needed a lot of traffic calming before the bike paths are in place.

Mr. Wright said other traffic calming measures including building massing planted medians are included in the proposal.

Ms. Hughes asked if the historic neighborhoods would be preserved.

Mr. Wright said the study did not go into neighborhoods but focused on the corners.

Ms. Hughes said she wondered if there was any danger of those neighborhoods being destroyed or erased.

Mr. Wright said the proposal was not parcel specific.

Mr. Kennedy said he was supportive of the plan. He said he hoped the Economic Development Authority would be involved through investment bonds and that capital would be needed similar to York County's investment in Riverwalk.

Mr. Fraley said the plan was big, creative, and visionary and that he would keep his fingers crossed.

Ms. Hughes agreed with Mr. Fraley. She said she was concerned that there would not be a transition between the rural areas and Historic Toano.

Mr. Kennedy said he was concerned with parking and the fact that agreement from multiple property owners would be necessary to make it work. He also stated his concern over traffic and compatibility with the industrial uses.

Mr. Kale said he saw the plan as an overarching concept that future developers would use as a guide for new projects that presented excellent out of the box ideas. He also said he saw the secondary roads being used by trucks. Mr. Kale said it reminded him of an area of Lancaster, Pennsylvania that exhibits a beautiful blend of agriculture with the village concept. Mr. Kale said the Board of Supervisors should carry the study through to Anderson's Corner.

Mr. Billups stated that it was an excellent plan and that he would like to see commitment to it from the Board of Supervisors. He also stated that he would like to see a timeline for each phase.

Ms. Jones agreed with Mr. Billups. She said she too was concerned that the parking areas needed coordination with the County as well as cooperation with citizens and business owners. She stated her support.

Mr. Fraley asked Mr. Sowers the status of a study of the Anderson's Corner area.

Mr. Sowers said a request was made to the Board of Supervisors concurrently with the request for the Toano Area study. He said the Board chose to move forward with the Toano Area study only at that time.

Mr. Fraley said the request should be made again and that a study should include the transition area between Anderson's Corner and Historic Toano. Mr. Fraley asked how staff proposed to move forward with the overall plan including benchmarks and timelines.

Mr. Purse said one of the first things was to work on the historic registry and then move forward using framework similar to the Five Forks Design Guidelines.

Mr. Sowers detailed the various matching grants and other funding options being considered.

Mr. Kale suggested including the implementation strategies with the Commission's recommendation to the Board.

Mr. Sowers said that would be appropriate if the Commission was comfortable doing so.

Mr. Fraley confirmed that Mr. Kale was proposing to forward both the Implementation Strategies and Design Guidelines in an endorsement to the Board.

Mr. Kennedy asked if it would be appropriate to ask that funding measures be considered by the Board as well.

Mr. Sowers said yes.

Ms. Jones thanked the citizens that worked on the Steering Committee.

Mr. Fraley summarized that the recommendation was for approval of the Toano Community Corridor Area Study Design Guidelines and Implementation Guidelines included in the staff report and consideration of capital requirements and funding sources.

Mr. Kale motioned for approval.

Mr. Billups seconded the motion.

In a unanimous voice vote the proposal was approved (6-0). (Hunt Absent).

B. Initiating Resolution – Zoning Ordinance Amendment – Residential Cluster -Curb & Gutter Requirements

Ms. Ellen Cook said staff received a request to amend the Residential Cluster Zoning Ordinance to permit the inclusion of certain alternatives and/or additional provisions for waiver or modification of the curb and gutter requirements. Staff recommended adoption of the initiating resolutions referring the matter to the Policy Committee.

Mr. Kennedy motioned to approve the resolution.

Mr. Kale seconded the motion.

Ms. Hughes said she was in favor of low impact design measures but that she felt that making changes to the Zoning Ordinance was a reactionary measure. She said she felt the matter should be reviewed in a comprehensive way not just making one change.

Mr. Kale said the proposed amendment put the County in the position to do as Ms. Hughes suggested.

Mr. Fraley said that Ms. Hughes' suggestion would be discussed during the Planning Director's report on the budget process later in the meeting.

Mr. Sowers said he thought the study Ms. Hughes referred to "Builders for the Bay Better Site Design" would be the next project staff would be directed to undertake.

In a unanimous voice vote the resolution was approved (6-0). (Hunt Absent).

C. Initiating Resolution – Zoning Ordinance Amendment – Athletic Field Lighting

Ms. Ellen Cook said that as a part of the Community Sports Stadium project staff received a request from James City County Parks and Recreation to amend the Zoning Ordinance to permit athletic field lights with an approved height waiver from the Board of Supervisors. Staff recommended adoption of the resolution referring the matter to the Policy Committee.

Mr. Kale asked why the proposal included amending height for all districts.

Ms. Cook said that currently all districts listed items that height waivers could be applied for and that the lists do not include athletic fields.

Mr. Kale asked if they could just add "anything the County government wanted to do?" Mr. Kale said that citizens are held to requirements that the County cannot adhere to itself. He

said that every time something doesn't work out for the County that the height requirement is amended but that regular property owners have to bite the bullet. He said that he has problems with that and does not see any reason to change the height in any residential zoned area.

Mr. Kennedy said he supported Mr. Kale's reaction. He said he realized it was needed in this venue but was not comfortable giving approval cart blanche. He said he agreed with Mr. Kale on the scrutiny a citizen would have to go through if making the same request.

Mr. Sowers said that Board of Supervisors approval would still be a requirement. He said the ordinance does allow a height waiver approved by the Board of Supervisors for a variety of items already. Mr. Sowers said that Parks and Recreation has discovered that there are some Districts in which sports facilities are located that they cannot currently light. He said this amendment would allow them to make application to the Board.

Mr. Fraley said it appeared to be global and not district oriented.

Mr. Sowers said an initiating resolution allows Staff to look at the ordinances but reserves the ability of the Commission and Board to decide which of those areas to actually amend.

Mr. Billups stated that any request should show cause as to why a modification is necessary. He said that he is hesitant to make any change to the ordinance until the next Comprehensive Plan review can be considered by the public. Mr. Billups also said that during the planning of the Warhill project this need should have been foreseen and should have been acted upon during the previous Comprehensive Plan review.

Mr. Kale said one of the elements taught in the planning commissioners course at Virginia Commonwealth University is the importance of dealing with public property because the County holds it in trust for all citizens for various uses. He said that consideration should be given only to this area not all districts.

Ms. Cook said that staff would be happy to take the issues mentioned under advisement and bring them forward to the Policy Committee.

Mr. Billups stated that the sentence including all districts should be excluded from the proposal.

Ms. Jones stated her feeling that the Policy Committee should be able to consider the proposal in its entirety. Ms. Jones made a substitute motion referring the matter to the Policy Committee for consideration.

Ms. Hughes seconded the motion.

The proposal was referred to the Policy Committee.

## 5. PUBLIC HEARINGS

- A. Z-13-05 Village at Toano
- B. Z-12-05 Moss Creek Commerce Center (Toano Business Center)
- C. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment
- D. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North
- E. Z-16-05/MP-13-05 New Town Sec. 9 Settler's Market
- F. Z-10-04 112 Ingram Road Rezoning

Mr. Fraley stated that the applicants for cases 5A-5F requested deferral of those cases until the February meeting.

Mr. Sowers said staff concurred with the requests. He also stated that staff recommended the Planning Commission hold a work session on the Stonehouse proposal.

Mr. Fraley opened the public hearings.

Hearing no requests to speak; the public hearings were continued until the February 6<sup>th</sup> meeting.

The Planning Commissioners, Mr. Sowers, and Mr. Kinsman discussed the Commissioners' availability regarding a Stonehouse worksession and the feasibility of taping the session. It was decided that the Mr. Kennedy and Mr. Kale would let staff know their availability on February 6<sup>th</sup> the following day and a date would be set at that time.

- G. ZO-6-05 Zoning Ordinance Amendment – Retail Gardening Supplies

Mr. Joel Almquist stated that pursuant to a citizen request Staff is proposing to amend the Zoning Ordinance to define plant and garden supply sales and to allow retail sales of plant and garden supplies as a specially permitted use in the A-1, General Agriculture, District. Staff recommended that the Planning Commission recommend approval.

Mr. Billups stated that the Policy Committee held a special meeting to approve the definition.

Mr. Kennedy asked if a property owner who wanted to sell stone would fall under the scope of this amendment.

Mr. Almquist said that only the sell of plants that are grown off-site as a primary use would fall under that definition.

Mr. Sowers added that the Zoning Administrator would be responsible for determining whether a use was primary or secondary in nature.

Ms. Hughes gave the background on the process used to develop the definition and stated that it is consistent with other districts.

lot closings for Section 4B through November 2005 showed substantially higher lot prices which is an indication that higher priced homes would be built on those lots. Mr. Geddy also said this would generate more tax revenue and would be less likely to attract young families with school age children. He requested a recommendation for approval.

Mr. Kale asked how many additional homes could be built in Greensprings West.

Mr. Geddy said no additional homes could be built if the amendment were approved.

Mr. Kale stated that he was uncomfortable going over the number of units approved by the County in 1989. He asked if it was correct that none of the previous amendments added additional units.

Mr. Geddy said Mr. Kale was correct.

Mr. Kale asked if the request for more lots was for the purpose of making more money.

Mr. Geddy said that was correct.

Mr. Kale asked if the applicant felt the proposed proffers would mitigate the additional impacts.

Mr. Geddy stated that the combination of proffers and housing prices would make up for the additional 30 lots.

Mr. Kale said he wished there was a way to penalize an applicant for every school age child above the applicants' projection. He also said he was disappointed that the applicant could not work with what was previously approved as other planned communities had been able to do.

Mr. Geddy said that most of the planned communities Mr. Kale mentioned were predominately single-family residential and were approved at densities that most people felt at the time would be difficult to achieve. He said this project was predominately multiple-family with a smaller portion of single-family residential. Mr. Geddy stated that there is now a realization that additional capacity was available and that the infrastructure is already in place.

Mr. Kale said that when he first joined the Planning Commission a resolution was approved which stated the County would not approve more than one unit per acre developments. He said this project was as close as he has seen.

Mr. Geddy said that he handled most of the Greensprings Rezoning requests and suggested that if more precise information had been available at that time on how things would fit into the Master Plan and they had requested 1535 units as opposed to 1505 than it would have been approved.

Ms. Hughes stated that a consideration of an amendment to a planned unit development should look back at what worked and what didn't. She said she has reservations with the proposal

Mr. Kale asked if the proposal was for a by-right or specially permitted use.

Ms. Sowers said it was a special use permit use.

Mr. Kennedy motioned to recommended approval.

Ms. Jones seconded the motion.

Mr. Fraley opened the public hearing.

Hearing no requests; the public hearing was closed.

In a unanimous roll call vote approval was recommended (6-0). (Hunt Absent).

H. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Matthew Smolnik stated that the applicant requested a deferral until the February 6<sup>th</sup> meeting to consider further revisions to the application.

Mr. Fraley opened the public hearing.

Ms. Ann Hewitt, 147 Raleigh Street, asked how many more deferrals the applicant would be allowed. She also stated that the applicant was a part of the Better Site Design Roundtable and asked why he could not come up with a suitable plan for the 16 acre site after 7 months. Ms. Hewitt stated her plans to continue to support compliance with the Comprehensive Plan with regard to this project.

Hearing no other requests to speak; the public hearing was continued.

H. Z-17-05/MP-14-05 Greensprings MP Amendment

Mr. Kathryn Sipes stated that Mr. Christopher Basic has applied on behalf of Jamestown, LLC to amend the master plan and proffers to increase the number of single family detached residential dwelling units of Greensprings West Phase VII. The applicant proposed an additional thirty units on approximately 35 acres; 17 units had been previously approved for the site. A total of 1505 units had been previously approved for the entire 1397 acre project; this proposal would bring the new total to 1535 units in the 1397 acre project. Staff found the proposal generally consistent with the previously approved Master Plan and recommended approval.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III gave an overview of the application and proposed proffers. He said that the applicant's fiscal impact study showed a positive impact while the County's showed a negative one because the County's study was based on home and lot sales in a section of Greensprings by another developer with smaller lots and lower home prices. Mr. Geddy said the

given the Environmental Division's concerns that some of the Stormwater Management Facilities in Greensprings West might be failing. She asked if the applicant could guarantee that they work.

Mr. Geddy said the issue was not with Stormwater Facilities in Greensprings West. He said the applicant was asked to do an analysis of all the stormwater ponds in the entire Greensprings Plantation development. Mr. Geddy said they would be happy to do any work in Greensprings West and anywhere else they have control. He said there are land bays that the developer had nothing to do with and that they would be hesitant to commit to something they have no control over.

Ms. Hughes said her other concern was that there are 65 children per 100 units in Greensprings. She said the community recreation was geared toward adult's not children's recreation. She asked if the applicant could provide open space designated for children's recreation.

Mr. Geddy said that there is or will be a clubhouse, a full-size pool, a wading pool, two tennis courts, open play areas, and a tot lot.

Ms. Jones asked for the location of those facilities.

Mr. Geddy showed the facilities on a map.

Mr. Fraley stated that his concern was the absence of playing fields and that the minimum half acre lot referred to in the proffers was inadequate.

Mr. Kale stated that the proffers had been approved by the Planning Commission and Board of Supervisors and would over-ride the guidelines of the current Comprehensive Plan.

Mr. Geddy said that if the proffers were contrary to the Comprehensive Plan that one would build according to the proffers.

Mr. Kale said that since the applicant is requesting an amendment that perhaps this would be an opportunity to correct a previous error.

Mr. Geddy said that would be correct assuming that there was a problem.

Mr. Kale also stated his concern with requesting this applicant to take a look at anything that is beyond the area he is developing with regard to storm water applications.

Mr. Kinsman said the request could be made only to the extent that this applicant still had some ownership in the other properties. He also said that if one particular BMP was failing that that particular owner or entirety could be required to remedy the situation since the proffer runs with the land.

Mr. Kale said that if the problem exists in another area with another developer then this developer should not be held accountable unless the current proposal would impact that area. He also stated his concern with the lack of adequate recreation.

Mr. Geddy said the applicant would be willing to consider an area to combine or create an open play area more inviting to children.

Mr. Fraley said he felt that an amendment to a master plan opens itself up to a review of other concerns.

Ms. Hughes asked that the Stormwater Facilities under this developer's control be reviewed.

Mr. Kennedy asked if the prior proposal talked about buffers in the area along Jolly Pond Road.

Mr. Geddy said there was a required perimeter buffer in R-4 at that time.

Mr. Kennedy said a citizen complained that he was told that the area next to his property was a green space lot. He also stated his agreement that the recreation issue be looked into.

Mr. Geddy stated that Greensprings far exceeds the open space requirement and was the first development to initiate and implement what was then called the Greenbelt Policy.

Mr. Billups questioned the dollar amount proffered to the James City Service Authority (JCSA) to expand services beyond the Primary Service Area (PSA).

Mr. Geddy said the area is outside the PSA and was approved in 1989 as part of the overall development and the services are already there. He said there is no request to expand it any further outside the confines of Greensprings West.

Mr. Billups said the applicant would still need JCSA to connect from one location to another.

Mr. Geddy said they will be connecting to the utility infrastructure JCSA built to serve Greensprings West.

Mr. Billups asked what percentage of the development had been completely built out.

Mr. Jim Bennett of Jamestown LLC said that approximately 170 lots out of 398 do not have homes constructed on them representing roughly half of the development.

Mr. Billups asked if roads were still under construction.

Mr. Bennett said roads are under construction in sections 4B and 5 and have been planned for sections 6 and 7.

Mr. Billups said he questions what the project will look like at build out in terms of schools, environment, safety, water and other items that become the responsibility of the County and the impact 30 additional houses will have on them. He also questioned the legalities of making owners of separate sections responsible to mitigate impacts of the overall project. Mr. Billups said he did not think the Commission was ready to act on the matter until the applicant made changes to the plan. He also stated that the monies proffered to Housing Partnership are not significant enough to have much impact.

Mr. Billups asked for a timeline on building the remaining houses.

Mr. Bennett said approximately 150 homes were built last year and that assuming that trend continued built out should be reached in about 3-4 years.

Mr. Geddy added that all the studies and information the applicant has provided have been based on total build out.

Mr. Kennedy stated that he felt the current Adequate Facilities Test is inadequate so that he does not put a lot of faith in data indicating that facilities are adequate. He also said that school overcrowding is a fact and that with the cost of housing escalating at a mind boggling pace the notion that \$600,000 homes will not have children in them may be flawed as well. He also stated that although he was pleased the applicant met the requirements for JCSA and would fall under the County's policy on water conservation; \$600,000 homes tend to use more water bringing irrigation issues. Mr. Kennedy said he thought the project was good overall but needed some changes such as recreation facilities and a turf management plan.

Mr. Geddy said that given the feedback from Commissioners the applicant would like to request deferral of the case to allow time to look into a stormwater management analysis and turf management.

Ms. Jones said she thought Greensprings West is an outstanding community. She said it is a planned community and she doesn't have an issue with 30 extra lots being added. She did agree with the Commissioners that additional recreation space was warranted.

Mr. Fraley stated that he would be happy to support the project if the applicant made the changes Mr. Geddy mentioned.

Mr. Tim Crowder, 3301 Windsor Ridge South, said the biggest issue for the homeowners was recreation for the kids but that they have no problem with the additional 30 homes.

Hearing no other requests to speak, the public hearing was continued until the February 6<sup>th</sup> meeting.

## 6. PLANNING DIRECTOR'S REPORT

Mr. Fraley said that Mr. Kennedy is shown on the County's website as a member of a committee that he is no longer a part of and requested the information be corrected. He also said there was some confusion over the date of the May meeting and confirmed that it is May 1<sup>st</sup>.

Mr. Sowers presented the Planning Director's report reminding members that the next Rural Lands public workshop would be January 12<sup>th</sup> at 6:30 at the James City County Library. He also said the Commission will hold its annual re-organization meeting in February which includes selecting a Chairman and Vice-Chairman and that discussion of nominations could be done in closed session.

Mr. Fraley said his suggestion would be to meet prior to the next regular meeting.

Mr. Kennedy said he too felt it should be done in February because there was a possibility of having as many as two new members in February.

Ms. Jones said early February would be appropriate because the Policy Committee had several Capital Improvement Program (CIP) meetings scheduled in mid-February and suggested meeting at 6:30 pm the night of the next regular meeting.

Mr. Sowers asked Mr. Kinsman if tonight's meeting should be adjourned and recessed until February 6<sup>th</sup> at 6:30 pm.

Mr. Kennedy stated that the Commission did not know what would happen at the end of the month in terms of re-appointments and that the Stonehouse workshop should be postponed until the new Commission was in place.

Mr. Sowers agreed to share Mr. Kennedy's comments with the Stonehouse applicant.

Mr. Kinsman asked if the Commission desired to meet in closed session for the election of officers next month.

Mr. Fraley answered yes.

Mr. Fraley, Mr. Kale, and Mr. Kinsman discussed the proper procedure for closing tonight's meeting. It was decided that the meeting should be adjourned.

Mr. Fraley stated his desire to have two studies included in the Division's up-coming budget. He said he would like to have a comprehensive review of the residential zoning ordinances. Mr. Fraley stated that they were no longer modern and that there are some inconsistencies between some of them and the Comprehensive Plan. He also stated that he would like the process of how traffic impacts studies are done reviewed. He said he felt that the method used is flawed and that professional staff should be used to evaluate traffic impacts instead of relying on traffic impact studies that he feels are inadequate and that are done by consultants who are paid by applicants. Mr. Fraley also noted that Virginia Department of Transportation (VDOT) responds to studies presented to them and does not make suggestions.

Mr. Kale stated his endorsement of both studies. He said he agreed with Mr. Billups that making amendments causes problems but he didn't want to wait until the next Comprehensive Plan review.

Ms. Hughes asked Mr. Sowers if the Better Site Design study was already budgeted for. She said she felt it should be a part of a comprehensive review of the ordinances.

Mr. Fraley agreed Ms. Hughes.

Ms. Hughes she did want to go through the ordinances, do another study, and then go through the ordinances again.

Mr. Sowers agreed that there should be some integration of the studies.

Ms. Jones agreed with Mr. Fraley that an in-house person should evaluate traffic impacts and give a comprehensive outlook. She asked if Mr. Fraley wanted the Policy Committee to handle the studies.

Mr. Billups stated that he suggested several years ago that each department include in the staff report a statement of how the new project would impact their area.

Ms. Hughes said Mr. Billups made an excellent point that Greensprings West has not been built out so that the data given was for what had been built to date but that another 175 homes have been approved that would have kids.

Mr. Fraley requested that the studies be put in the budget process so that funding could be requested.

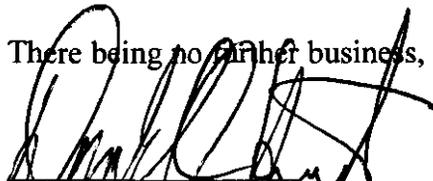
Mr. Sowers stated he would include those suggestions in the Division's budget request along with the Division's other major work items for the next two years.

Mr. Fraley stated his feeling that an in-house traffic consultant was critical.

Mr. Kale stated that if the decision was made to hire a consulting firm that the firm assign someone familiar with the local area who could commit to the project a period of time.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 10:05 p.m.

  
Donald Hunt, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 01/10/2005

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The following minutes for the Planning Commission of James City County dated 01/10/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 01/10/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 01/10/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL  
A. Joe Poole, III  
Ingrid Blanton  
Donald Hunt  
George Billups  
Wilford Kale

ALSO PRESENT  
John Horne, Development Manager  
Mike Drewry, Assistant County Attorney  
Marvin Sowers, Planning Director  
Karen Drake, Senior Planner  
Pat Foltz, Development Management Assistant

2. MINUTES

Mr. Poole memorialized Mr. Joe McCleary and the Planning Commission observed a moment of silence.

Mr. Poole welcomed Mrs. Ingrid Blanton to the Planning Commission. She will represent the Jamestown district.

Mr. Sowers introduced Mr. Matthew Smolnick, a new planner with James City County.

Mr. Poole noted that on page 6, the paragraph needed adjustments to clarify his position.

Ms. Blanton noted several typographical errors in the minutes on pages 2, 7, and 8.

Mr. Hunt moved approval of the minutes with corrections.

The Planning Commission approved the minutes as adjusted.

3. COMMITTEE AND COMMISSION REPORT

- A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Hunt presented the DRC report. The DRC heard six cases at its December 1<sup>st</sup> meeting. The DRC recommended approval subject to agency comments for the following cases: SP-110-04. Christian Life Center Expansion, Phase 1, S-80-04. Williamsburg Winery, SP-121-04. Williamsburg Crossing, Parcel 23, SP-127-04. New Town, Phase One Retail. The DRC recommended deferral for S-091-04, Marywood Subdivision. Additionally, the DRC found C-128-04, Greensprings Trailhead Parking in accordance with the Comprehensive Plan.

Mr. Kale moved approval of the DRC report.

Ms. Blanton seconded the motion.

The Planning Commission approved the DRC report with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Kale presented the progress of the Policy Committee, and presented their upcoming schedule of meetings.

4. PUBLIC HEARINGS

A. CASE NO. SUP-32-04 Williamsburg Place

Ms. Drake presented the staff report. Mr. Greg Davis and Mr. Dustin DeVore have applied on behalf of Diamond Healthcare of Williamsburg, Inc for a special use permit to expand the existing Williamsburg Place facility located at 5477 and 5485 Mooretown Road by adding 12 outpatient units and enlarging the existing dining room, office space and parking lot. The property is zoned M-1, Limited Business/Industrial and can be further identified as part of parcels (1-11B) and (1-11C) on the James City County Real Estate Tax Map (33-3). The property is designated Limited Industry on the 2003 Comprehensive Plan Land Use Map. Staff recommended approval of the application.

Mr. Billups asked if the Chairman of the Board of Zoning Appeals had been consulted during the review process.

Ms. Drake responded that Mr. Allen Murphy, the Zoning Administrator, supported the application.

Mr. Sowers clarified that a request for a parking waiver, instead of being heard by the Board of Zoning Appeals, could be granted by the Planning Commission.

Mr. Billups stated that a waiver granted in this case could extend into consideration of other cases.

Mr. Hunt stated that he believed the parking waiver would work on this site and that it would be appropriate for the Planning Commission to grant it.

Mr. Kale stated that the privacy controls surrounding the facility were stringent and he stated that he felt the additional parking spots would not be warranted.

Mr. Poole opened the public hearing.

Mr. Greg Davis of Kaufman and Canoles gave a short presentation outlining the operations of Williamsburg Place. Mr. Davis stated that the special use permit would not change the number of patients treated as stated in the original conditions, only change the number of residential units used to treat them. He made himself and his staff available for questions.

Mr. Poole asked if the parking bays shown on the map were already in place.

Mr. Davis reviewed the currently placed and future parking lots.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. Hunt commended Diamond Healthcare as an asset to the community and offered his support.

Mr. Kale stated that the company has a well-deserved reputation and asked that the parking spots be reduced in order to preserve the campus feel to the facility. He stated his support.

Ms. Blanton stated that she supported the application and that, with regard to a parking waiver, that the facility would need fewer parking spots than presented.

Mr. Poole stated his support for the application.

Mr. Hunt moved to approve the application and the waiver.

Ms. Blanton seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-0: AYE (5) Poole, Billups, Blanton, Hunt, Kale.

5. INITIATION OF ZONING ORDINANCE AMENDMENTS

Ms. Drake presented the initiating amendments. The amendments would permit water storage tank uses and provide height restrictions for those uses. Staff will submit reports and a draft amendment to the policy committee for review.

Mr. Hunt asked if tentative site locations had been identified.

Ms. Drake identified possible sites in Season's Trace and in Stonehouse.

Mr. Kale asked if these would replace existing water tanks.

Ms. Drake responded that these new facilities would replace the existing tanks.

Mr. Kale moved approval of the initiating amendments.

Mr. Hunt seconded the motion.

The Planning Commission approved the initiating amendment with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. Mr. Sowers noted that the February meeting of the Planning Commission would be the organizational meeting where a chairman would be selected and committee assignments would be decided. Mr. Sowers recommended delaying that activity in recognition of the Board of Supervisors' upcoming appointments to the Planning Commission.

Mr. Hunt concurred with Mr. Sowers in delaying the organizational meeting until appointments had been completed. He suggested a tentative date in March for the meeting.

Mr. Kale stated that the bylaws of the Planning Commission did not provide a mechanism to reorganize in such a way. He recommended that a DRC chairman be appointed by a motion.

Mr. Poole stated that the three members of the DRC should appoint a chairman among their own members.

Mr. Billups suggested that the Vice Chairman take over the capacity of Chairman of the DRC to encourage an orderly transition.

Mr. Kale stated that he didn't mind waiting but cautioned that the delay might cause problems. Mr. Kale recommended moving forward in February.

Mr. Drewry suggested that the Planning Commission set a date to decide the appointment of committee members. He added that the chairman of a committee should likely be selected by the committee members.

Mr. Sowers added that the DRC chair is selected by the committee members.

Ms. Blanton recommended that the committee delay until a later date.

Mr. Billups asked to delay the organizational meeting because of the impending appointment of two members of the Planning Commission.

Mr. Hunt stated that he thought he would, as the vice chairman, serve as chairman until the Commission had 7 members, whereby the chairman would be selected by the Commission.

Mr. Kale stated that he believed the Commission should move forward at the next Planning Commission.

Mr. Billups recommended a motion to proceed with the vice chair moving into the chairman position. He moved the ascension of Mr. Hunt, the Vice-chairman, to the chairmanship until such time as the commission is filled.

Mr. Kale seconded the motion.

Ms. Blanton confirmed that the motion on the floor did not address the eventual date of the organizational meeting.

Mr. Sowers added that the Policy Committee may convene prior to the organizational meeting, and that an additional member would need to be appointed to the policy committee.

Mr. Kale clarified that the transfer of the chairmanship, according to the motion, would be effective February 1.

Mr. Poole stated that, as the exiting chairman, that he would refrain from making additional appointments and that the responsibility would fall to Mr. Hunt as the vice chairman.

Mr. Hunt proposed appointing himself to the Policy Committee so as to achieve a quorum.

Mr. Kale stated that the Capital Improvements Program would not proceed until the committee had been selected.

Mr. Billups suggested that Mr. Poole step-down as chairman at the end of the current meeting so as to transfer the chairmanship immediately.

Mr. Kale urged the Planning Commission to move quickly with regard to organizational concerns.

Mr. Poole stated the motion allowed Mr. Hunt to proceed as chairman.

Mr. Kale moved that the organization meeting be scheduled for the February Planning commission.

Mr. Hunt seconded the motion.

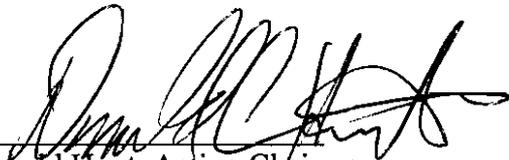
The Planning Commission recommended approval of the application by a vote of 5-0: AYE (5) Poole, Billups, Blanton, Hunt, Kale.

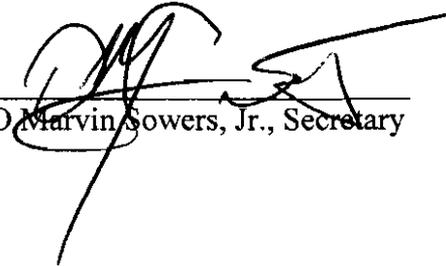
Mr. Poole opened the floor to Planning Commission members to talk about Mr. Joe McCleary.

Mr. Kale, Mr. Hunt, Mr. Billups commemorated Mr. McCleary.

7. ADJOURNMENT

There being no further business, the January 10, 2005, meeting of the Planning Commission was recessed at approximately 8:10 p.m.

  
\_\_\_\_\_  
Donald Hunt, Acting Chairman

  
\_\_\_\_\_  
O Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 02/04/2009

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The following minutes for the Planning Commission of James City County dated 02/04/2009 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 02/04/2009, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 02/04/2009.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF FEBRUARY, 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  
Reese Peck  
Jack Fraley  
Rich Krapf  
Joe Poole III  
Chris Henderson

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Adam Kinsman, Deputy County Attorney  
Luke Vinciguerra, Planner  
Leanne Reidenbach, Senior Planner  
Angela King, Assistant County Attorney  
Terry Costello, Development Management Assistant

2. PUBLIC COMMENT

Mr. Krapf opened the public comment period.

There being no public comments, the public comment period was closed.

3. MINUTES

A. January 7, 2009 Regular Meeting

Mr. Poole moved to approve the minutes.

Mr. Henderson seconded the motion.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee

Mr. Krapf stated the Development Review Committee met on January 28<sup>th</sup> to discuss Case No. S-0075-2008. This case involved a request for a sidewalk waiver for McFarlin Park. McFarlin Park is located at the corner of Jamestown and Neck-O-Land Road so sidewalks are required along both roads. Mr. Krapf stated the applicant requested that the sidewalk along Neck-O-Land Road be waived but that the sidewalk along Jamestown Road remain. There are no existing sidewalks along Neck-O-Land Road and McFarlin's Park frontage is interrupted by three existing single family lots that do not have sidewalks. By a vote of 4-0, the DRC recommended that the sidewalk waiver for Neck-O-Land Road be approved.

Ms. Kratter moved to approve the DRC report.

Mr. Henderson seconded the motion.

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

B. Policy Committee

Mr. Peck stated the Policy Committee met on January 14<sup>th</sup> to discuss changes in the Capital Improvement Program. Information outlying both the FY 2010 process and suggestions for future processes were included in this month's Planning Commission packet. The Committee also examined Commission bylaw changes and has suggested several changes that have been distributed to the Commission. Mr. Peck stated meetings for the Committee have been scheduled for February 11<sup>th</sup> and 17<sup>th</sup> at 7 p.m. in Building A of the Government Complex. Discussions will include evaluating FY 2010 CIP projects.

Mr. Poole asked about the revisions to the bylaws and the discussions about ex parte communications. He asked what the status was.

Mr. Peck stated he would bring up this subject later in the meeting.

C. Other Committee/Commission Reports

Mr. Fraley gave an update on the Steering Committee. He stated the Committee met on February 2<sup>nd</sup> to discuss the housing section of the Comprehensive Plan. Staff made a presentation and also distributed the technical report. The Committee then reviewed the goals, strategies and actions of the technical report. The next meeting of the Committee is February 9<sup>th</sup> where the topic will be public facilities. There will also be a meeting on February 12<sup>th</sup> at 7 p.m. to review the economic development section of the Comprehensive Plan.

5. PLANNING COMMISSION CONSIDERATIONS

A. SUP-0015-2008 Franciscan Brethren of St. Philip Group Home and Day Care

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing to March 4, 2009.

B. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007 Monticello @ Powhatan North (Phase 3)

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing to March 4, 2009.

C. SUP-0024-2008 Windsor Meade Tower

Mr. Fraley stated he would be abstaining from making any comments or voting on this case. He stated the Board of Zoning Appeals and Cingular / AT&T have legal matters between the two, and he does serve on the Board of Zoning Appeals.

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 4, 2009 Planning Commission meeting.

Mr. Krapf opened the public hearing and continued it until March 4, 2009.

D. SUP-0021-2008 Jamestown Road Mediterranean Restaurant

Mr. Luke Vinciguerra stated the case involved a sit-down restaurant in an existing building at 1784 Jamestown Road. Sit-down restaurants require a Special Use Permit in the Limited Business district. Furthermore, buildings over 2,750 sq ft in the Limited Business district with a Land Use designation of Neighborhood Commercial require a Special Use Permit.

The approximately 1.2 acre parcel is currently occupied by two existing structures formerly owned by Duke Communications. The applicant proposes to demolish the existing smaller structure and use the remaining building to house a 96 seat restaurant Mediterranean style restaurant. Additionally, the plan proposes a 24 space parking lot, outdoor dining patio with fountain and a storm water management facility at the rear of the property. There are no plans for exterior building renovations at this time.

Per the Commission's recommendation, the applicant has met with neighbors to discuss the project. The result was restrictions preventing the owner from using outdoor speakers after 10pm, forbidding private well use, and the inclusion of rain barrels. Overall, staff finds the proposal, with conditions, to be consistent with surrounding land uses, the land use policies of the comprehensive plan, and the Comprehensive plan Land Use Map. Staff recommends the Commission recommend approval of the application to the Board of Supervisors, with attached conditions and approve of the landscape modification request.

Ms. Kratter asked how the neighbors were notified of the application and the meeting that was held by the applicant.

Mr. Vinciguerra stated there were notified by mail and there was a red public hearing sign posted.

Ms. Kratter asked if members of staff attended the meeting between the neighbors and the applicant.

Mr. Vinciguerra stated staff from the Environmental Division did attend the meeting.

Mr. Vinciguerra stated staff does feel that the neighbors' concerns have been addressed.

Mr. Henderson asked what the minimum number of parking spaces that is required.

Mr. Vinciguerra stated that the restaurant has 96 seats, and the parking required is one space per 4 seats, which the applicant has met.

Ms. Kratter asked when the original date the application was filed.

Mr. Vinciguerra stated the application was filed on October 22, 2008.

Mr. Krapf stated that this application came before the Commission last month, but was deferred due to lack of time for neighbors and citizen groups to review the application.

Mr. Geddy stated that a meeting was held between the applicant and any concerned citizens that were interested. He felt that all concerns have been addressed.

Mr. Fraley stated he appreciated the applicant's willingness to work with the neighbors and citizens' groups.

Mr. Krapf asked for public comments.

There being none, he closed the public hearing.

Mr. Poole moved to approve the application. He recognized the existing zoning and the land use designation as neighborhood commercial, the significant redevelopment opportunity, and the applicant's sensitivity to existing vegetation. He expressed his appreciation that the applicant was willing to defer from last meeting to allow citizen comments to be addressed.

Ms. Kratter seconded the motion.

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

6. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he did not have anything to add to the report. He did state that it has been mentioned in the past, with regards to the CIP revisions, to obtain the full endorsement of the Commission before discussing it at the joint worksession with the Board of Supervisors.

Mr. Krapf thought it was a good idea to bring this up during the Commission's discussions and requests.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Krapf made a presentation to the Commission that was done by the Friends of Forge

Road with the assistance of the Junior Women's Group. This was a booklet to document some of the historical houses and buildings in and around Toano to help increase public awareness of the importance of Toano in the County's history.

Mr. Krapf then brought up the CIP documents that were included in the packets this month.

Mr. Peck stated this is a policy paper that has been worked on since June 2008. The goal is to more closely line the Capital Improvements Planning Process to the Comprehensive Plan, and also restructure the public input process so that the public and the Commission are able to have more discussion.

Mr. Henderson stated that one of the goals was to create a document that is a five year rolling financing plan that identifies the sources and uses of funding for the County for capital improvement projects. He felt this was a long range planning tool that would prove beneficial to the County.

Ms. Kratter asked if this proposal would still be effective given the current economic conditions. She also asked if the Board of Supervisors and Planning Commission need to be more involved in prioritizing maintenance items.

Mr. Peck answered that discussions are move toward the maintenance items being reviewed in a more programmatic approach. One idea, developing a comprehensive replacement schedule across all departments has been discussed. It would allow administrative staff to suggest what maintenance items should be prioritized. Mr. Peck also stated that the Committee has proposed a conceptual approach that will take a couple of years to implement.

Mr. Krapf stated he felt the process in the past was flawed in the sense that projects were ranked high, medium and low, and that far exceeded the available budget. He believes that by doing a more reasoned, prioritized segregated approach, it will be a more thoughtful recommendation that will be sent to the Board of Supervisors.

Mr. Henderson felt another advantage to this is that during the discussion of the public facility portion of the Comprehensive Plan it will be determined what facilities will be needed and constructed. So when the CIP process involves the ranking of projects, this list will be evaluated against that section of the Comprehensive Plan that states what facilities are needed.

Ms. Kratter stated she was focusing on the elimination of the review capital maintenance and / or equipment requests.

Mr. Fraley explained how the CIP works currently. He felt the recommendations made were positive in that it moves the process up earlier, and permits the public to comment in the beginning of the process. He thought it would be beneficial to get feedback before the budgets are completed.

Mr. Billups felt it was important to have specific documentation from a needs assessment

perspective when reviewing the CIP applications.

Mr. Henderson asked Mr. Billups if he would expect the needs assessment to be completed by an independent third party not associated with staff.

Mr. Billups felt it could be handled by staff.

Mr. Henderson used the police and fire department as an example. As part of their presentation they included response times that would justify their need for facilities and equipment. He felt that there would be some performance measures tied to some requests and then for others it may prove more difficult.

Ms. Kratter stated that she assumed that staff has available data as far as performance measures.

Ms. Reidenbach stated that the Comprehensive Plan does have service standards for certain facilities. She stated that these standards currently form the basis of developing CIP projects.

Ms. Kratter asked about competing needs. She gave the example of stating the police and fire needs are above the needs of the library system.

Ms. Reidenbach stated there is not a hierarchy currently in place. She stated the current process requires the Planning Staff to rank the projects according to the Comprehensive Plan and whether it fulfills the needs of other master plans that are in effect.

Mr. Krapf stated at the last Policy Committee meeting it was suggested to develop a more structured process that allows for flexibility to use discretion, but also try having some sort of priority type system. He stated that the Policy Committee can request the department making a request to provide more information and / or make a presentation and answer questions.

Mr. Peck requested the Commission to endorse the concept that the Policy Committee has presented.

Mr. Henderson seconded the motion.

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

Mr. Peck requested presentations to the Planning Commission concerning the Shaping Our Shores Project and also on the regional water plan.

Mr. Murphy stated staff will take these requests under advisement and will report back to the Chairman and the rest of the Commission.

Mr. Poole understood the importance of the items mentioned by Mr. Peck, but wanted the Commission to be cognizant of the fact that staff is currently working on the Comprehensive

Plan and other projects and requests. He personally did not feel the need for a presentation on these, but will defer to his colleagues.

Mr. Peck clarified that he was interested in whoever was working on the project to make the presentations. He also stated that the Planning Commission had an affirmative responsibility under the County Charter to make a recommendation to the Board of Supervisors concerning the Shaping our Shores and the Regional Water Plan.

Mr. Krapf stated he would discuss this with Mr. Murphy and report back to the full Commission.

Mr. Henderson added to the list of requests for information, the feasibility study of the airport.

Mr. Peck stated the Policy Committee had some recommendations with regards to the bylaws. It was suggested that the Policy Committee work on these and refine the language. He asked for the Commission's input.

Mr. Krapf stated that this might be beneficial for the Policy Committee to review and make recommendations to the full Commission.

The Commission agreed.

Mr. Fraley suggested a special meeting or another date since the CIP discussions are on the agenda for the next two meetings. Mr. Fraley commented that staff is heavily involved in the Comprehensive Plan update, and they are also operating with a smaller number of positions. He wanted to the Commission to keep this in consideration that the Comprehensive Plan update and the CIP process is very time consuming.

Ms. Kratter asked for all prior communications for her review.

Mr. Kinsman stated he would provide the information.

Mr. Poole expressed his concerns over Commissioners being actively involved with a local political party.

Mr. Peck stated that this will be addressed by the Policy Committee.

Mr. Kinsman stated that Ms. Angela King, Assistant County Attorney, will be assisting the Planning Commission starting at the March meeting.

Mr. Krapf thanked Mr. Kinsman for all his assistance with the Planning Commission.

Mr. Billups asked about the Zoning Ordinance and its alignment with the Comprehensive Plan once it is adopted.

Mr. Murphy stated he anticipated a comprehensive revision of the Zoning Ordinance once the Comprehensive Plan is completed.

Mr. Fraley stated this revision will require every Planning Commissioner to participate.

Mr. Henderson mentioned that the Steering Committee has inquired into creating a new district, Economic Opportunity District. He wanted to know if the Commission wanted to simultaneously look into this as well.

Mr. Fraley stated that this will be addressed by the Steering Committee, but that the Steering Committee has not made any recommendation. He suggested that the Commission will review this when the full report comes before them when the Comprehensive Plan update comes before the Commission.

Mr. Peck stated it may be beneficial to set priorities. This was especially important once the Comprehensive Plan update is completed. Mr. Michael Chandler has offered to come speak on lessons learned when implementing a comprehensive plan.

Mr. Fraley stated staff has provided the Steering Committee documentation from Mr. Chander as to the elements of a comprehensive plan that he believes that should be taken into consideration and should be included. One issue will be assessing the Comprehensive Plan against the resources available to actually implement it. Mr. Fraley stated he will be consulting with Mr. Kennedy, the Chairman of the Board of Supervisors, about resources available to implement the Plan.

Mr. Krapf asked for the full Commission to get a copy of Mr. Chander's report for their review.

8. ADJOURNMENT

Mr. Billups moved to adjourn.

Ms. Kratter seconded the motion.

The meeting was adjourned at 8:15 p.m.

  
Rich Krapf, Chairman

  
Allen J. Murphy, Acting Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 02/07/2005

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The following minutes for the Planning Commission of James City County dated 02/07/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 02/07/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 02/07/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH OF FEBRUARY, TWO-THOUSAND AND FIVE, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

I. ROLL CALL

Jack Fraley  
Ingrid Blanton  
Donald Hunt  
George Billups  
Wilford Kale  
Jim Kennedy  
Mary Jones

ALSO PRESENT

John Horne, Development Manager  
Mike Drewry, Assistant County Attorney  
Marvin Sowers, Planning Director  
Karen Drake, Senior Planner  
Chris Johnson, Senior Planner  
Matt Arcieri, Senior Planner  
Pat Foltz, Development Management Assistant

2. ORGANIZATIONAL MEETING

Mr. Hunt recommend that the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, including nominations for Commission Chairman and Vice-Chairman and consideration of appointments to Commission committees.

At 7:00 pm the Planning Commission reconvened in open session

Mr. Kale moved the adoption of the resolution for the closed session.

Mr. Billups seconded the motion.

Mr. Hunt, the acting chairman, opened the floor for nominations for chairman.

Mr. Kale nominated Mr. Hunt as the new chairman.

Mr. Kennedy seconded the nomination.

Mr. Fraley moved to close the nominations.

Mr. Kennedy seconded the motion.

The Planning Commission approved Mr. Hunt as chairman with a unanimous voice vote.

Mr. Hunt opened the floor for vice-chairman nominations.

Mrs. Jones nominated Mr. Fraley.

Mr. Kale seconded the nomination.

Ms. Blanton motioned to close the nominations.

The Planning Commission confirmed Mr. Fraley as vice-chairman with a unanimous voice vote.

3. PRESENTATIONS

Mr. Hunt presented Mr. Joe Poole III with a plaque commemorating his service with the Planning Commission.

3. MINUTES

Mrs. Blanton requested a clarification of her comments on Williamsburg Place.

Mrs. Jones pointed out a spelling correction in the newly distributed minutes.

Mr. Kennedy moved approval of the amended minutes.

Mrs. Blanton seconded the motion.

The Planning Commission approved the amended minutes with a unanimous voice vote.

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley delivered the DRC reports for January and February. The DRC heard five cases at its January 12<sup>th</sup> meeting. It recommended preliminary approval be granted for S-067-03 - Ford's Colony Section 33, C-007-03 - New Town Parking, SP-136-04 - Fieldstone Glen, and S-111-04/SP-139-04 - Colonial Heritage Phase 3, Section 1. For S-091-04, Marywood, the DRC approved the proposed open space and sidewalk waiver but denied the applicant's request for a cul-de-sac exception.

The DRC heard three cases at its February 2<sup>nd</sup> meeting. The DRC approved a building setback waiver for Blocks 1-9 of New Town. The DRC deferred consideration of SP-116-03 - Stonehouse Glen Section 2 and SP-130-04 - Abe's Mini Storage.

Mr. Kale moved to accept the report.

Mr. Kennedy seconded the motion.

The Planning Commission approved the DRC report with a unanimous voice vote.

B. POLICY COMMITTEE REPORT

Mr. Kale delivered the Policy Committee report. Mr. Kale deferred discussion of the zoning ordinance amendments to the pending public hearing.

5. PUBLIC HEARINGS

A. CASE NO. Z-13-04, MP-13-04, SUP-31-04 Monticello at Powhatan North

Mr. Johnson presented the deferral request. Mr. Tim Trant of Kaufman & Canoles has applied on behalf of Powhatan Enterprises, Inc. to rezone 36.5 acres of land from R-8, Rural Residential District, to R-2, General Residential District/Cluster, with proffers. The applicant proposes to construct 96 dwelling units in 24 quad buildings, for a gross density of 2.63 units per acre. The property is located at 4450 Powhatan Parkway, and is further identified as Parcel (1-1) on James City Real Estate Tax Map (38-3). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral request.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

B. CASE NO. Z-15-04, MP-11-04, SUP-34-04, Villas at Jamestown

Mr. Johnson presented the deferral request. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have submitted an application to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). The property is designated Low Density Residential and Mixed Use on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Recommended uses on property designated for Mixed Use include community-scale and neighborhood commercial and office uses. The development proposes a density of approximately 3 units per acre. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral request.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

C. CASE NO. Z-14-04 Pocahontas Square Proffer Amendment

Mr. Johnson presented the deferral request. Mr. Jay Epstein has applied to amend the proffers for approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail currently zoned R-5, Multi-family Residential, with proffers. The applicant has proposed to amend proffers related to the percentage of affordable dwelling units, the owners association, sidewalks, and cash contributions for community impacts. Ninety-six affordable townhouse units at a density of approximately 6.9 dwelling units per acre were approved for this site in 2003. The property is also known as parcels (1-4), (1-5A) and (1-5) on the James City County Real Estate Tax Map (59-2). The site is designated for Low Density Residential development on the James City County Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral.

Mr. Kale asked which proffers had been proposed for amendment.

Mr. Johnson responded that staff and the applicant were actively collaborating and that staff anticipated being able to bring a recommendation forward to the March meeting.

Mr. Sowers commented that the new applicant, Mr. Epstein, had made significant changes in his application since it was filed after the deadline.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

D. CASE NO. Z0-05-04 Zoning Ordinance Amendment – Public Water Storage Facilities

Mr. Kale reported that the Policy Committee had met to discuss this case and the succeeding case for height limits in the Rural Residential district. Mr. Kale asked Ms. Drake to outline the particulars of the case. The Policy Committee had recommended approval of both amendments.

Ms. Drake noted existing water storage facilities. Staff had prepared an ordinance to amend the James City County Code by amending Section 24-200, Public Utilities to

allow public water storage facilities to exceed the height limits specified by each zoning district with an approved height waiver and the issuance of a special use permit; and to amend Section 24-289, Utilities in R-4, Residential Planned Community Districts and Section 24-499, Permitted Uses in Planned Unit Developments to make water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions as specially permitted uses. She noted two proposed facility sites in Stonehouse and Season's Trace.

Ms. Blanton asked for confirmation of the actual constructed height of the completed towers.

Ms. Drake responded that the planned height would be 165 feet.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, asked the Planning Commission to approve the amendment.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kale moved the approval of the Policy Committee minutes and recommendation.

Mr. Billups seconded the motion.

The Planning Commission approved the motion by a vote of 7-0: AYE (7): Hunt, Jones, Billups, Blanton, Hunt, Kale, Kennedy. NO (0).

E. CASE NO. ZO-01-04 Zoning Ordinance Amendment – Rural Residential Height Limits

Mr. Johnson presented the staff report. Staff had prepared an ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article V, Districts, Division 8, Rural Residential, R-8, Section 24-354, Height Limits, to allow public or semi-public buildings such as schools, churches or libraries to be erected to a height of 60 feet from grade, provided that the required front, side and rear yards are increased one foot for each foot in height over 35 feet.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy moved approval of the amendment.

Mrs. Blanton seconded the motion.

The Planning Commission approved the motion by a vote of 7-0: AYE (7): Hunt, Jones, Billups, Blanton, Hunt, Kale, Kennedy. NO (0).

F. CASE NO. SUP-36-04 Farm Fresh Gas Pumps

Mr. Trey Davis presented the deferral request. Mr. Michael Griffith of FF Acquisition, LLC, has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2). The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral.

Ms. Blanton noted that the addition of gas pumps would require a relocation of parking spaces. She questioned the need for the total number of spaces.

Mr. Davis responded that a survey was underway to determine the need for those spaces.

Mr. Billups asked if the Zoning Ordinance distinguished between normal cars and compact cars in the determination of parking spaces required.

Mr. Sowers responded that the Zoning Ordinance does not distinguish between compact cars and normal cars.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing and deferred the case to the March Planning Commission.

G. CASE NO. SUP-37-04 Winston Drive Duplex

Mr. Arcieri presented the staff report. Mr. Peter Bunai has applied for a special use permit to construct a duplex unit on a parcel located at **115 Winston Drive** and further identified as Parcel No. (9-5B) on James City County Real Estate Tax Map No. (48-1). The property is zoned R-2, General Residential. The parcel is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff recommends denial of the application.

Mrs. Blanton asked if the drainage comments issued by the Environmental Division were affected by the size of the duplex.

Mr. Arcieri responded that the comments were predicated on building size, and the parcel poses several environmental challenges.

Ms. Blanton asked for an explanation of the diagram presented as part of the staff report.

Mr. Arcieri deferred to the applicant.

Mr. Hunt opened the public hearing.

Mr. Peter Bunai addressed the character of the surrounding neighborhood and stated that, for residential reasons, building a duplex would be preferable to building a normal home with an accessory apartment.

Mr. Billups asked if the diagram was representative of what the applicant was prepared to build.

Mr. Fraley asked Mr. Arcieri if the addition of two front doors was the only difference between a duplex and a single family home with an accessory apartment.

A discussion ensued as to the differences between duplexes and accessory apartments.

Mr. Billups asked if having two driveways on the site would pose a significant difference in the zoning classification of the structure.

Mr. Arcieri replied that there would not be a significant difference. Further he clarified that staff's recommendation was based on the Comprehensive Plan.

Mr. Kale asked if the Zoning Ordinance addressed how many people could live in an accessory apartment.

Mr. Fraley asked if the Planning Commission were to recommend approval, what specific conditions staff would recommend attaching to the application.

Mr. Sowers highlighted condition 6 in the Planning Commission report.

Mr. Fraley asked the applicant if he had reviewed the conditions attached to the application.

Mr. Bunai responded that he would work with the conditions in building the house.

Ms. Tracy Corpus, 117 Winston Drive, spoke to the quality of Mr. Bunai's work and recommended the Planning Commission approve the application.

Mrs. Jones asked if Ms. Corpus lived in an accessory apartment.

Ms. Corpus responded that she lived in a single family home.

Mr. J. P. Waltner, 116 Winston Drive, credited Mr. Bunai's work within the neighborhood.

Ms. Barbary Haley, 104 Winston Drive, spoke to Mr. Bunai's good work in the neighborhood and recommended the Planning Commission approve the application.

Mr. Morris Dickson, 104 Catherine Court, stated that he was neutral with regard to the application but lived downstream and pointed out that the drainage problems on the property were significant.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mrs. Jones asked how Mr. Bunai would situate parking and garages in his eventual design.

Mr. Bunai clarified his design.

Mr. Sowers responded that condition 6 would have to be amended to site those improvements as proposed by Mr. Bunai.

Mr. Kale asked how many other property owners in the surrounding area could apply to build duplex units.

Mr. Arcieri responded that, in theory, any property owner in the R-2 zoning district could apply to have a duplex, provided the lot exceeds 15,000 square feet in area.

The Planning Commission discussed the precedents that the approval of this duplex might create.

Mr. Fraley voiced his concern that approving this application could open the door to future applications.

Mrs. Blanton stated that she supported the application and, despite her concerns, she would support the application.

Mrs. Jones credited the applicant for his work but expressed her concerns that the case would open a precedent and that the plan was not compatible with the Comprehensive Plan.

Mr. Billups spoke to his concern of the applicant's right to construct his home they way he wants to. He counted appearance as a factor, but did not feel there was enough justification to deny the application on that basis and that condition 6 gave staff the ability to regulate the appearance of the eventual home. He moved to approve the application.

Mrs. Blanton seconded the motion.

Mr. Fraley clarified whether or not the motion included the conditions recommended by staff in the staff report.

Mr. Billups stated that the motion included conditions 1-7.

Mr. Hunt asked the applicant if he was satisfied with the conditions.

Mr. Bunai responded that, under condition 6, he would be able to proceed as long as he had approval to construct his house with two front doors. He stated that he could accept the conditions.

Mrs. Blanton stated she would support the application with reservations.

Mr. Billups clarified that he meant the motion to allow the construction of two front doors.

Mr. Hunt asked Mr. Sowers if Mr. Billups' motion required an amendment of the stated conditions.

Mr. Sowers stated that the motion required an amendment to the conditions to meet Mr. Billups' intent.

Mr. Fraley stated that he did not understand the motion as presented.

Mr. Billups stated that he was removing the stipulation prohibiting two front doors.

Mr. Kale asked if the applicant agreed to the other conditions.

Mr. Bunai stated that he understood the motion and was willing to work with it.

The Planning Commission failed to pass the motion by a count of 3-4. AYE: (3) Blanton, Billups, Hunt. NO: (4) Kale, Kennedy, Fraley, Jones.

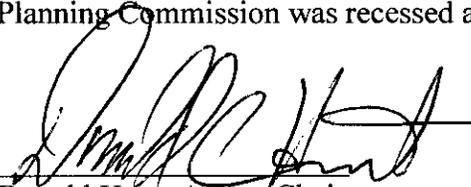
7. PLANNING DIRECTOR'S REPORT

Mr. Sowers highlighted the Planning Division's impending move on Feb. 10-11 and stated that Planning would remain open for business. Mr. Sowers asked Mr. Hunt if he was prepared to announce the Policy Committee membership.

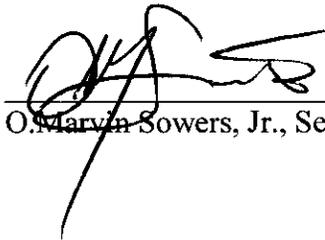
Mr. Hunt announced the members: Mr. Billups, Mr. Kennedy, Ms. Jones, and Mr. Fraley.

8. ADJOURNMENT

There being no further business, the January 10, 2005, meeting of the Planning Commission was recessed at approximately 8:10 p.m.



Donald Hunt, Acting Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 02/13/1990

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The following minutes for the Planning Commission of James City County dated 02/13/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 02/13/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 02/13/1990.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

THE PLANNING COMMISSION OF JAMES CITY COUNTY, VIRGINIA, RECONVENED AT A REGULAR MEETING HELD ON THE THIRTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND NINETY, AT 7:30 P.M., 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Mr. Gary M. Massie  
Ms. Willafay McKenna

2. ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Frank M. Morton, III, County Attorney  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Donald E. Davis, Jr., Principal Planner  
Mr. R. Patrick Friel, Planner  
Mr. Michael A. Freda, Planner  
Ms. Elizabeth R. Sullivan, Planner  
Mr. Chris Dawson, Civil Engineer  
Mr. Larry Foster, General Manager, James City Service Authority

Mr. Kuras commented on the success of the community forums for the Comprehensive Plan and encouraged the public to attend.

Ms. Gussman stated that she was employed by The Colonial Williamsburg Foundation (Manager of Property Resources and Planning) and would excuse herself from participation if a conflict of interest occurred.

3a. DEVELOPMENT REVIEW COMMITTEE REPORT

The Development Review Committee Report was approved as presented.

3b. POLICY COMMITTEE REPORT

Ms. McKenna stated that a recommendation for the Capital Improvement Program would be considered later on the agenda. The Policy Committee Report was approved as presented.

4. CASE NO. SUP-52-89. POWHATAN CROSSING SEWER MAIN. MR. JAMES BENNETT OF AES ON BEHALF OF C. LEWIS WALTRIP.

Ms. Sullivan presented the staff report (appended) for a special use permit to allow the construction of an 8 inch sewer main. Ms. Sullivan stated that staff recommended approval, with conditions, as defined in the staff report.

Ms. Lowe commented that the staff report states that a 404 permit might be needed for this sewer line. She said she was under the impression that if a 404 permit was acquired then a 401 certificate from the state was also required.

Mr. Dawson responded that a 401 certificate was required whenever an individual 404 permit is acquired. The type of 404 permit referred to in the staff report is a nationwide permit for utility work in wetlands and this type of 404 permit would not require a companion 401 certificate.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Following discussion, Mr. Massie made a motion, seconded by Ms. McKenna, to amend Condition #5 to state that if construction had not commenced within 12 months of the date of issuance and completed within 6 months of commencement, the permit would become void. The amendment motion passed 10-0 by roll call vote.

Upon a motion by Mr. Garrett, seconded by Mr. Bradshaw, the Commission by roll call, voted 10-0 to recommend approval, with the amended conditions, to the Board of Supervisors.

5. CASE NO. SUP-1-90. DR. MEREDITH AVERITT ON BEHALF OF WILLIAM W. AND PATRICIA ANN STEWART

Mr. Friel presented the staff report (appended) for a special use permit to allow a veterinary clinic on 1.25 acres of a 19.221 acre parcel located at 8205 Richmond Road. Mr. Friel stated that staff recommended approval, with conditions, as defined in the staff report.

Mr. Kuras opened the public hearing.

Mr. Andy Bradshaw, on behalf of Dr. Averitt and Mr. and Mrs. Stewart pointed out that the site was not flat and clear, as stated in the staff report, but sloped on the rear and was heavily wooded. Mr. Bradshaw further stated that the applicant did not want the parking area in the rear of the property as he felt visibility was needed, and needed an exercise area with six runs at the rear of the property.

There being no further speakers the public hearing was closed.

Ms. Knudson felt it was not necessary for the clinic to be visible from the road, and preferred the parking area to be in the rear of the property.

Following discussion the Commission agreed to amend Condition #3 to read that particular emphasis be placed on the buffering of the use and the parking areas from adjacent residences and Richmond Road, and that existing trees be retained in a manner that maintains the wooded character of the site, as approved by the Development Review Committee. The Commission also agreed that an exercise area be permitted for the use of no more than 6 animals at one time for one hour periods between the hours of 8 a.m. and 5 p.m.

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the Commission by roll call, voted 10-0 to recommend approval with the amended conditions to the Board of Supervisors.

6. CASE NO. SUP-2-90. MOORETOWN ROAD WATER TRANSMISSION MAIN.  
MR. STEVEN O. WIGLEY ON BEHALF OF MR. DAVID L. HERTZLER

Mr. Freda presented the staff report (appended) for a special use permit to allow the construction of an 8 inch water transmission main in the VDOT right-of-way along Mooretown Road. Mr. Freda stated that staff recommended approval, with conditions, as defined in the staff report.

Mr. Kuras opened the public hearing.

Mr. William Jones, whose parcel of land runs parallel to the proposed main construction, stated that he had no objection to this project but requested that he be notified as the project advanced. Mr. Foster agreed to contact Mr. Jones.

There being no further speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Ms. Lowe, the Commission by roll call, voted 10-0 to recommend approval, with conditions, to the Board of Supervisors.

7. CASE NO. Z-3-90. ORDINANCE AMENDMENT/BUILDING LINE DEFINITIONS

Mr. Murphy presented the staff report (appended) to amend the definition of building line. Mr. Murphy stated that staff recommended approval.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Upon a motion by Mr. Bradshaw, seconded by Ms. McKenna, the Commission by roll call, voted 10-0 to recommend approval to the Board of Supervisors.

8. CAPITAL IMPROVEMENT PROGRAM FY91-95

Mr. Davis presented the staff report (appended) and stated that at the worksession held at 6 p.m. on February 13th, the Commission requested only minor changes in language.

Mr. Kuras opened the public hearing.

Mr. Gene Farley stated that he would like to see the request for improvements to secondary roads move up in priority.

There being no further speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the staff recommendation of approval to the Board of Supervisors was approved 10-0 by roll call vote.

9. CASE NO. ZO-5-90. ORDINANCE AMENDMENT REQUIRING SPECIAL USE PERMITS FOR CERTAIN COMMERCIAL AND OFFICE USES

Mr. Sowers presented the staff report (appended) and discussed two alternatives for ordinance amendments which would require special use permits for certain commercial uses, including shopping centers.

Following discussion, the Commission agreed to continue discussion at the Policy Committee Meeting at 4 p.m. on Wednesday, February 21st. It was subsequently decided to recess and reconvene the Planning Commission meeting at that time so that the entire Commission could attend.

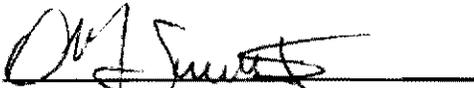
10. MATTERS OF SPECIAL PRIVILEGE

At Mr. Garrett's suggestion, the Commission agreed to consider guidelines for time limits on speakers at public hearings.

11. ADJOURNMENT

There being no further business, the Planning Commission recessed at 9:05 p.m. to reconvene on February 21, 1990 at 4 p.m. in Building E conference room.

  
Alexander C. Kuras, Chairman

  
O. Marvin Sowers, Jr., Secretary

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## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 02/21/1990

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The following minutes for the Planning Commission of James City County dated 02/21/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 02/21/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 02/21/1990.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A RECONVENED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FIRST DAY OF FEBRUARY, NINETEEN HUNDRED AND NINETY AT 4:00 P.M., BUILDING C BOARDROOM, 101E MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander Kuras, Chairman  
Mr. A.G. Bradshaw  
Mr. Wallace Davis  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John Hagee  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Mr. Gary Massie  
Ms. Willafay McKenna

ALSO PRESENT

Mr. John Horne, Director of Development Management  
Mr. O. Marvin Sowers, Director of Planning  
Mr. Donald E. Davis, Principal Planner  
Mr. Trenton L. Funkhouser, Planner  
Mr. Richard Costello, AES

The Commission recessed the February 13, 1990 Planning Commission meeting to reconvene on February 21, 1990 to continue discussion of the following case.

2. CASE NO. ZO-5-90. SUPs FOR CERTAIN COMMERCIAL AND OFFICE USES

The meeting opened with some comments from Mr. Garrett, and a short discussion of the problems recently experienced during site plans and recently approved rezonings within the County in regard to land use conflicts, road impacts, tree and environmental protection, site layout, and other issues.

Mr. Hagee asked if a landscape ordinance would help alleviate some of the shortcomings of the commercial development process. Mr. Hagee also asked that the proposed landscape ordinance address the retaining of trees. Mr. Sowers stated that the proposed landscape ordinance would help with these problems, but that it would not address other issues such as development phasing, off-site improvements, environmental protection, and overall development layout and design, especially in regard to the surrounding area and road system. He further noted that an SUP process

would be more flexible and comprehensive and allow consideration of overall planning issues at a point where design and financial decisions have not already substantially occurred.

Mr. Kuras complimented the Greenbelt Policy and suggested that this policy could address landscaping. Mr. Horne stated that the Greenbelt policy has been beneficial, but stressed the fact that the policy was not part of ordinance requirements. An ordinance amendment addressing landscaping would be a more comprehensive method of addressing this matter.

Mr. Garrett suggested that too much land was zoned incorrectly when the Zoning Ordinance was first established in the County. In addition, Mr. Garrett stated that subsequent zoning was not closely aligned with the 1975 Comprehensive Plan.

Ms. McKenna indicated concern with spot development and the cumulative effects of small developments.

Mr. Garrett indicated that growth along the Richmond Road corridor can not be stopped and suggested that better management is called for.

Mr. Garrett indicated concern regarding the possibility of the proposed landscape ordinance attempting to deal with development shortcomings. Ms. Lowe suggested that the proposed landscape ordinance is vital, but that a SUP process could more fully address commercial development concerns.

Mr. Sowers suggested that an SUP gives the opportunity to minimize curb cuts by requiring cross easements through adjacent developments and the use of interior drives for strip development. Mr. Sowers stated that zoning ordinance requirements are minimum requirements and a SUP provides the opportunity to exceed them where warranted and produce a unique, quality community rather than the type of development most other communities are experiencing.

Mr. Massie stated that problems with development have not been fully identified and that he doubted whether these problems would have been addressed had the Planning Commission utilized an SUP process for commercial development. Mr. Massie also indicated that the proposed SUP process impacts large developments unfairly.

Mr. Hagee questioned whether present zoning requirements were being utilized effectively. Mr. Hagee asked if developers utilized the existing voluntary pre-application conferences available to development applicants. Mr. Sowers indicated that a large portion of the developers participate, but many others do not.

Ms. Gussman indicated that a traffic impact study should be related to traffic generation and the study requirement be divorced from a square foot threshold. Ms. Gussman also indicated concern with the 10,000 square foot threshold placing smaller businesses into the SUP process.

Mr. Hagee asked what the difference was between alternatives 1 and 2 in the proposed SUP ordinance. Mr. Sowers stated that alternative 2 would place virtually all proposed shopping center developments in the SUP process and alternative 1 would only require the larger developments to conform to the SUP process. Ms. Gussman stated that proper zoning should address problems with commercial development and an SUP process should only be used for large scale commercial development.

Mr. Kuras questioned the Planning Commission's ability to guide development and indicated that private initiative could be suppressed by restrictive development criteria. Ms. McKenna cited examples of convenience stores and fast food restaurants enhancing their appearance only when required by various localities and stated that developers would respond positively to reasonable development criteria and will only maintain high standards when they are required.

Mr. Costello indicated that the County needed an SUP ordinance similar to the proposed alternatives, based on either the number of stores or total square footage. He also suggested a conceptual plan ordinance addressing internal traffic circulation, square footage, and impacts on surrounding development. He also indicated that the County needed a traffic study ordinance similar to the York County ordinance. He also indicated that present County landscaping requirements were inconsistent among zones and suggested that B-1 and M-1 zone requirements be more closely aligned. Mr. Costello also stressed stronger buffering and screening and suggested that residential development provide the same adjacent property protection as that required of commercial development.

Mr. Hagee asked if a landscape ordinance could address buffering and screening concerns. Mr. Sowers stated that the existing landscaping ordinance is primarily oriented towards aesthetics and minimum screening, and that establishment of more effective transitional areas between conflicting land uses can be better achieved through an SUP and a master plan. Ms. Lowe asked if this statement implied that certain elements of a previously proposed County landscape ordinance would be removed. Mr. Sowers stated existing screening requirements would be reviewed and strengthening would be recommended.

Mr. Kuras suggested that any action on a landscape or SUP ordinance be postponed until the update to the Comprehensive Plan was completed.

Mr. Massie indicated that he would like the proposed SUP ordinance to address impacts as opposed to land uses. Specifically Mr. Massie felt that runoff analyses in the Reservoir Protection Overlay Districts and similar requirements were more equitable and less likely to be perceived as discriminatory.

Mr. Kuras expressed concern that ordinances similar to the proposed SUP ordinance might discourage development. Ms. Lowe stated that due to the location of James City County between two major metropolitan areas and the desirability of land and the community of the County, that concern over discouraging development is not well founded.

Ms. Gussman suggested raising the threshold for requiring traffic impact studies from 10,000 square feet to 20,000 square feet in the proposed SUP ordinance.

Mr. Horne asked Commission members if they felt comfortable with discussing the proposed SUP ordinance at the Planning Commission meeting scheduled for March 13, 1990. The members stated that following the public hearing of the ordinance that they would be better prepared to recommend a particular alternative of the proposed SUP ordinance, but at this point no Commission changes were requested.

3. ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 p.m.

  
 Willafay McKenna  
 Chairperson

  
 O. Marvin Sowers, Jr.  
 Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 03/03/2003

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The following minutes for the Planning Commission of James City County dated 03/03/2003 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 03/03/2003, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 03/03/2003.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL  
A. Joe Poole, III  
John Hagee  
Donald Hunt  
Peggy Wildman  
Joseph McCleary  
George Billups  
Wilford Kale

ALSO PRESENT  
Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Cynthia Grom, Administrative Services Coordinator  
David Anderson, Planner  
Christopher Johnson, Senior Planner  
Karen Drake, Senior Planner

2. MINUTES

The Commission approved the minutes of the February 3, 2003 meeting with adjustments with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were two cases that were heard at the last meeting, one for the Corner Pocket restaurant in New Town asking for a parking lot waiver and one for the Colonial Heritage Club House, reviewed by the DRC because of its size of over 30,000 square feet. Both were recommended for approval by the DRC.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee was in their review process. He commented they were on schedule, and listed the rest of the topics yet to be covered, explaining that Land Use has been extended to take up 4 weeks instead of the original 2 weeks allocated for it. He also mentioned he had given a report to the Board of Supervisors at their February 25<sup>th</sup> meeting. The BOS were impressed with what had been accomplished so far and liked the idea that the Land Use application analysis was being done by both staff and a consultant. On behalf of the public, Mr. McCleary explained what a Land Use Designation Change is. He also mentioned the BOS suggested that the Steering Committee get more input from local businesses.

Lastly, Mr. McCleary spoke of the Community Participation Team, which was still going strong and being very active in the process. They recently participated at the Neighborhood Conference held on March 1<sup>st</sup>, at Lafayette High School. He also listed the upcoming Community Conversations dates coming up on March 6<sup>th</sup> at Mt. Gilead Baptist Church & March 10<sup>th</sup> at Lafayette High School.

4. PUBLIC HEARINGS

A. CASE NO. SUP-3-03 JCSA Route 5 Water Main Extension Amendment.

Mr. Christopher Johnson presented the staff report. Following approval of the SUP-22-01 by the Board of Supervisors on June 11, 2002, the JCSA conducted additional engineering analysis which indicated that approximately 350 feet of water main would need to be relocated to the south side of Route 5 within an existing JCSA easement before crossing under Route 5 and extending west to Greensprings Plantation Drive. The adopted Special Use Permit conditions require a 250-foot undisturbed wooded buffer along Route 5 with the exception of the clearing necessary for the entrance driveway to the site and further limit the placement of utilities to within ten feet from the edge of pavement. The JCSA has submitted an application to amend the

conditions of SUP-22-01 to allow an alternative alignment for a portion of the water main. The changes will allow the JCSA to locate a portion of the water main within their existing easement. With the exception of Conditions 11 and 12, there are no other changes proposed to the adopted conditions of SUP-22-01. Staff finds the proposal, with the attached conditions, consistent with 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.

Mr. Joe Poole, III, opened up the public hearing.

Mr. Larry Foster, Director of James City Service Authority and applicant, thanked staff for all of their help in getting this case moved so quickly. When asked by Mr. Joe Poole if the extension affected the wooded buffer on Route 5, he replied "No, it does not."

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joe McCleary made a motion to approve.

Mr. Wilford Kale seconded the motion.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

B. CASE NO. SUP- 23-02 Mt. Gilead Duplexes.

Mr. David Anderson presented the staff report, on behalf of Sarah Weisiger. He explained the applicant had requested the case be indefinitely deferred.

Hearing no questions, Mr. Joe Poole, III opened and closed the public hearing, and stated the case would be deferred indefinitely.

C. CASE NO. SUP-4-03 Hankins Farms Water and Sewer Extension.

Mr. David Anderson presented the staff report. Mr. Vernon Geddy, III has applied on behalf of Howard B. Hankins and Hankins Land Trust for a special use permit to allow for the extension of water and sewer service to the Hankins Farm property. The proposed water and sewer mains would extend from the intersection of Croaker Road and Rochambeau Drive, extend approximately 2,400 feet east along Rochambeau Drive, cross through a residential lot, and cross Cloverleaf Lane, Interstate 64, and Fenton Mill Road to Hankins Farm property. A total of approximately 3,740 ft. of water main and 3,490 feet of force main are proposed to be constructed. The proposed water main and force main would be dedicated to and operated by the James City Service Authority and are intended to serve the Hankins Farm Property. The proposed mains could also serve existing development directly abutting the water and sewer main alignment along Rochambeau Drive. Twelve inch water and sewer mains are proposed for this project. The James City Service Authority is currently working at a site plan level to determine the appropriate size of the mains. Therefore, the size of the mains will not be tied to the SUP. Appropriately sized mains will be provided as a condition of site plan approval. Staff finds the proposal to extend public water and public sewer to the Hankins Farm property consistent with the Comprehensive Plan, consistent with the proffered rezoning for the Old Dominion French Winery which encompasses this property, and recommends the Planning Commission approve this special use permit application with conditions.

Mr. Wilford Kale asked Mr. Larry Foster, General Manager of JCSA, how they determined what they can serve and what will be needed in regards to water supply for a project of this size. He wondered what kind of service could be provided if the desalt plant is not up and running.

Mr. Larry Foster said no service will be provided until the water lines are installed. He said it was based on calculations regarding the type of development and the capacities needed.

Mr. Wilford Kale asked Mr. Foster if they knew of any changes in the area regarding land use

designation, since we are in the middle of the revision of the Comprehensive Plan.

Mr. David Anderson stated that there is a land use designation change application in for this property. It is requesting a change from mixed use to change the language to allow for additional residential. He explained that it did not change it significantly, but they are requested revised language. He did not think it would affect the engineering calculations.

Mr. Joe McCleary asked for clarification from Mr. Foster regarding who is paying for this project.

Mr. Larry Foster confirmed that the applicant would be paying for it and then it would be dedicated to JCSA. Extensions of JCSA line driven by development are paid for by the developers.

Mr. Joe Poole, III, opened the public hearing.

Mr. Vernon Geddy, representing the applicant, explained the purpose of the project. He noted that the Hankins family has no specific proposal in the wings at this time. However it would be there for future possibilities if the Hankins family decided to do something.

Mr. Joe McCleary noted that in Mr. Anderson's presentation that one part of the pipeline is going across private property, and asked for clarification.

Mr. Vernon Geddy explained that part of the extension would go through an easement obtained by the applicant by permission of the private owner.

Mr. Wilford Kale asked if this was a business decision made by the trust to enhance the marketability of the property.

Mr. Vernon Geddy answered that he believed that would be entirely accurate.

Mr. Joe Poole, III asked when the approved master plan on the property was granted.

Mr. Vernon Geddy replied it was in 1991.

Mr. George Billups inquired if the line would be available to other residents.

Mr. Larry Foster explained that yes, it would be available for typical connection fees. The connection fees are based on the individual home and number of bathrooms. He said it was \$300.00 per bathroom fixture, with a typical bathroom having three fixtures. For example a 2 ½ bath home would be \$2,400.00 for water and \$2,400.00 for sewer.

Mr. Wilford Kale asked if water restrictions would be placed on the golf course like other ones.

Mr. Larry Foster clarified that the line was only for domestic use. There is a condition that specifies that the club house would have to hook up, but just for domestic use and not for the kind of demands you would have for a golf course. With regulations, the JCSA discourages any use of public water for irrigation of golf courses.

Mr. Joe Poole, III, invited the citizen speakers to come forward to the podium.

Mr. Williams Brantley, resident of 4523 Clover Leaf, and also speaking on behalf of his parent who resides at 4590 Rochambeau Drive, asked whether or not residents would be required to tap in. He also asked what side of the road on Rochambeau that the lines would be extended down.

Mr. Larry Foster answered no; they would not be required to tap in.

Mr. David Anderson explained where the lines were going to be placed.

Mrs. Barbara Abbott, resident of 4470 Rochambeau Drive, asked about the placement of the water and sewer lines and wondered why they were being placed there. She thought it would be easier to place the lines in a different spot.

Mr. David Anderson explained where the lines were going to be placed along Rochambeau Drive and Croaker Road.

Mr. Steve Romeo, Engineer for Landmark Design Group, explained when they prepared the plans for this project, the original master plan showed the lines as running this way. In order to re-route the lines now would require a master plan amendment. He explained that it was less expensive to run the lines as planned, with less traffic interference.

Mr. Joe Poole, III, asked about the lines being buried to an acceptable depth and the land being refilled and tamped, reseeded and restored.

Mr. Steve Romeo answered all work would be done according to JCSA compliance and standards.

Mr. John Hagee commented to Mrs. Abbott that having water and sewer lines would enhance the property values.

When Mrs. Abbott asked about water restrictions and the impact this will have on the current situation, Mr. Donald Hunt answered that if he was one of the people that all live in the residences there, which all have wells, he would welcome the lines and the opportunity to tap in, in case of a well drying up.

Mr. Joe Poole, III, explained the nature of the special use permit application that it was not for an additional number of residences or commercial buildings. They are not approving a new user, just the public facilities potentially to service it.

Mr. Bob Bailey, speaking on behalf of his parent who resides on Fenton Mill Road, was concerned about where the line comes in by the property line.

Mr. Steve Romeo explained that the lines come in to the left of the property by 30 to 40 feet.

Hearing no other questions, Mr. Joe Poole, III, closed the public hearing.

Mr. Joe McCleary asked Mr. Leo Rogers, County Attorney, if the extension of the special use permit condition from 24 to 36 months was a problem.

Mr. Leo Rogers answered that the County had no problem with the time extension. He explained that policy decisions were made on a case by case basis.

Mr. Joe Poole, III, stated his support of approval for this project with the conditions.

Mr. Joe McCleary seconded his comments, and noted his appreciation for Mrs. Abbott's comments as well.

Mr. Joe Poole, III, commented that he especially liked condition no. 6 regarding hours of construction.

Mr. George Billups asked if doing the extension of water and sewer changed the zoning or would be a consideration of future zoning requests.

Mr. David Anderson replied that it doesn't change the zoning.

Mr. Marvin Sowers explained that the property in question by the special use permit is the only property that is actually within the PSA. Under the conditions, other properties would not be eligible for a line extension, so it would not directly affect any future rezoning requests.

Mr. Wilford Kale asked if the north side of Rochambeau would remain outside of the Primary Service Area.

Mr. Marvin Sowers replied yes.

Mrs. Peggy Wildman made a motion to approve.

Mr. Joe McCleary seconded the motion.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

5. PLANNING COMMISSION CONSIDERATION

A. Capital Improvement Program (CIP)

Mr. Wilford Kale, Chairman of the Policy Committee, started off the presentation by thanking Ms. Karen Drake for all of her hard work and effort to make sure things were prepared and taken care of.

Ms. Karen Drake presented the Policy Committee's CIP Priority Ranking report. She summarized the report that was included in the Planning Commission packet and went through the Capital Improvements Ranking for FY'04.

Mr. Wilford Kale discussed the "No Priority" ranking and the two projects submitted by the Williamsburg/James City County School System, the proposed 3<sup>rd</sup> High School and the Athletic Sports Complex that fell under that ranking. He explained how the Policy Committee was concerned that by putting a ranking on these projects would result in the Policy Committee and the Planning Commission getting involved in the middle of the political controversy surrounding these projects. Thus, by using the "No Priority" ranking, they hoped to avoid this. He said the committee felt that until the School Board and the Board of Supervisors settled terms in regards to these projects, they didn't feel they should make a priority ranking as no money was going to be spent until an agreement was made. He also commented that the entire process went very smoothly and that all of the county departments were very responsive to the Policy Committee's questions.

Mr. Joe McCleary seconded Mr. Kale's comments. He noted that all members of the Policy Committee as well as members of the Planning Commission are strong supporters of providing the best education they can obtain for the children in the County. He mentioned how Mr. Billups is a life long educator with more than 20 years as a high school principal, and is a great asset when it comes to matters affecting public education. He noted that the Policy Committee and the Planning Commission, over the last few years, have consistently moved up the rankings for school items and public safety items, where habitability and safety were concerned, and that they have a good record concerning those areas. He also noted that the Policy Committee sought the council of Mr. Leo Rogers, County Attorney, on this matter as what was the best course to take, so that they did not appear to be getting into the middle of a controversy, and endorsing something one way or the other when it has yet to be settled by the School Board, the Board of Supervisors and the voters of the community, since the projects are something that would have to go to a referendum.

Mr. Wilford Kale explained that he has been in support of the concept of an Athletic Complex since it was first raised in a Policy Committee meeting years ago. He said he sees the benefit in a combined facility, but they put it under the "No Ranking" priority as to not get into the middle of the controversy surrounding it.

Mr. Joe Poole, III commented that the reasoning behind the decisions made sense to him. He liked the items that fell under the "High Priority" ranking, such as Water Quality Improvement, and PDR (Purchase of Development Rights). He made the suggestion that on page 36 that the italicized statement "The Policy Committee recommended not ranking this project due to unresolved questions of public policy" be moved below the items it was referring to.

Mrs. Peggy Wildman pointed out a typo on page 30 to change the word "Trial" to "Trail".

Mr. Joe Poole, III, asked whether or not the funding and payments for the Operating Contribution projects would continue to go through. He also asked about how the projects that fell under that category did not result in a tangible asset but was for the benefit of the County's citizenry.

Ms. Karen Drake responded that yes, they would go through to the final budget that goes to the Board of Supervisors, and that they fell under the category of Operating Contribution projects since they do not result directly in a County asset. She gave the example of the Underground Utilities request to make it clearer to understand that the project results in a benefit for the County but is not a County owned asset.

Mr. Wilford Kale explained that it was changed about a year ago, as the Policy Committee was asked to do it this way.

Ms. Karen Drake explained that this was the second year the Operating Contributions category was being used and it came about as a result of the change in the accounting systems.

Mr. Joe Poole, III asked if they were still budgeted to go on to support these endeavours.

Ms. Karen Drake replied that was correct.

Mr. Joe Poole, III asked for any other questions, comments or recommendations from the Planning Commission members.

Mr. Wilford Kale made a motion to approve.

Mr. Joe McCleary seconded the motion.

In a unanimous voice vote the Commission approved the CIP report.

## 6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers discussed the upcoming Community Conversations and the different format that was going to be used.

Mr. Joe Poole, III, addressing his remarks to the other Planning Commission members, commented on attendance to Board of Supervisor meetings when no land use cases are being reviewed. He said he would leave it up to their good judgment on whether or not to attend. He felt it was important to go but it was a judgment call on part of the member whose turn it was to attend.

Mr. Joe McCleary reiterated his standing offer to let the PC member call him if they need someone to fill in for them. He said he would be more than happy to go.

Mr. Joe Poole, III, discussed his recent meeting with Paul Fryling, a newly elected Chairman of the City of Williamsburg Planning Commission. Mr. Fryling is also a colleague of Mr. Poole's. They discussed the possibility of having a regional meeting of the Planning Commission members of the three localities after the Comprehensive Plan is done. He was planning to work on this for the Fall, and welcomed any input on some of the items to be discussed. He also referred to the Regional Issues Committee, made up of the three local government bodies, of which Mr. Billups is a member. He commented on the mailing that Mr. Sheppard, Chairman of the Regional Issues Committee, sent recently that included a very helpful map of the land use designations.

Mr. George Billups commented that Mr. John Horne, James City County Development Manager, and key planners from York County presented the Land Use designation map to the Regional Issues Committee at the last meeting, in January. A key issue is the future development of the Route 199 Corridor. He also mentioned that Mr. Jay Harrison was made Chairman of the committee, replacing Mr. Sheppard.

Mr. Donald Hunt inquired whether or not the Route 199 Corridor plans included an upper river York crossing. At one time they were considering the Lightfoot extension as a possible location for the crossing. He wanted to get the status.

Mr. Marvin Sowers explained that Gloucester County was looking for money to continue the study, but until then it was on hold until funding could be made available. He also mentioned that the Planning Division received a copy of the land use designation map and they were looking at it to as part of the Comprehensive Plan update.

Mr. Joe Poole, III mentioned the Council of Chairs, a meeting of the Chairman of the Board of Supervisors with the Chairmen of the School Board, Industrial Development Authority and Planning Commission. Mr. Jay Harrison will discuss items of mutual concern and facilitate dialog. He said their meeting would be Wednesday, March 5<sup>th</sup> at 8:30 am at the Ukropt's community meeting room. Mr. John McDonald was expected to do a presentation on the budget.

Mr. John Hagee asked Mr. Marvin Sowers about the Listening Posts at the Community Conversations.

Mr. Marvin Sowers explained the format.

7. ADJOURNMENT

There being no further business, the March 3, 2003, meeting of the Planning Commission was adjourned approximately at 8:19 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 03/04/2009

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The following minutes for the Planning Commission of James City County dated 03/04/2009 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 03/04/2009, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 03/04/2009.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF MARCH, 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  
Chris Henderson  
Reese Peck  
Jack Fraley  
Rich Krapf  
Joe Poole III

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Angela King, Assistant County Attorney  
Dave German, Senior Planner  
Leanne Reidenbach, Senior Planner  
Brian Elmore, Development Management Assistant

Absent:

George Billups

2. ORGANIZATIONAL BUSINESS

Mr. Krapf identified the committee members for the upcoming year.

The Development Review Committee (DRC) will consist of Mr. Poole (Chairman), Mr. Billups, Mr. Fraley, Mr. Henderson, and Mr. Krapf.

The Policy Committee will be comprised of Mr. Henderson (Chairman), Mr. Fraley, Ms. Kratter, Mr. Peck, and Mr. Krapf.

3. PUBLIC COMMENT

Mr. Krapf opened the public comment period.

Mr. Robert Richardson, 2786 Lake Powell Road, showed a video clip from a local television station. He spoke on comments that were broadcast that involved Mr. Henderson. He referred to his website for comments from the public.

Mr. Mickey Harden, 6284 St. John's Wood, spoke concerning the previous comments. He stated how he felt that Mr. Henderson has a right to speak concerning national and local politics.

Mr. Chuck Buell, 112 Killington, spoke on behalf of the James City County Citizens' Coalition (J4C). He spoke on the 2008 Comprehensive Plan update. He stated the Coalition consists of many citizens that live throughout the County, along with many homeowner's associations and other organizations. He stated the three overriding goals of the 2003 Comprehensive Plan were to preserve the quality of life, to control residential growth while

2008, Summerplace. This application is a proposed by-right 165 single-family lot subdivision situated on 924 acres. Items discussed concerning the plan were interconnectivity, the number of cul-se-sacs, and the possibility of a waiver for cul-de-sacs that extend beyond 1,000 feet. There were also discussions concerning topography and the potential of clustering further away from the environmentally sensitive areas. Mr. Poole stated this was a conceptual plan and that the applicant appreciated comments from the DRC. The final plan will come back to the DRC since the development has more than 50 lots.

Mr. Fraley moved that the DRC report be approved.

Mr. Henderson seconded it.

In a unanimous voice vote the report were approved. (6-0, Billups absent)

B. Policy Committee

Mr. Henderson stated the Policy Committee met three times in February. At the February 11<sup>th</sup> meeting the Committee initiated their review of the Capital Improvement Program. At the February 18<sup>th</sup> meeting the Committee continued their review and prepared a series of recommendations that the Planning Commission will review this evening. Mr. Henderson stated the Committee will be developing a set of criteria on which to base future reviews of CIP projects. At the February 24<sup>th</sup> meeting the Committee prepared a summary of the changes to the CIP Process which was presented to the Board of Supervisors on February 24, 2009 during a joint worksession. The Committee will meet on March 11, 2009 at 6 p.m. in Building A to discuss amendments to the County Ordinances regarding signage illumination in Community Character Areas and along Community Character Corridors, restrictions on vehicle sales from certain parcels of land, and treatment of non-retail space in calculating parking requirements for outlet malls. Mr. Henderson stated the Committee will also be discussing criteria for CIP ranking.

C. Other Committee / Commission Reports

Mr. Fraley stated the Steering Committee is continuing its weekly meetings. The meeting scheduled for March 2, 2009 was cancelled due to weather. The next meeting will be March 9, 2009 at 4 p.m. covering public facilities and economic development. Mr. Fraley mentioned the website for an updated schedule and materials.

Mr. Fraley commented on Mr. Buell's presentation from the J4C's. He stated the Steering Committee is reviewing technical reports, goals, strategies, and actions for various sections of the Comprehensive Plan. He also stated the Committee has extended their schedule by three weeks. Mr. Fraley stated that with build out, under current zoning population estimates are around 118,000 while build out under the Comprehensive Plan designations around 180,000 people. The Committee has not finalized any land use designations. Mr. Fraley stated that it is necessary to have tools to control growth, and the Comprehensive Plan is not a tool to control growth. He stated tools used to control growth would include, but not be limited to, not accepting a level service of traffic for any development lower than a "C" and to have a true

Ms. Kratter asked if there were residences adjacent to this property and what was located across the street.

Mr. German answered that residences were located adjacent to the property and the parking lot for the Williamsburg Outlet Mall was across the road. He also stated the property is surrounded by dense vegetation along its side and rear boundaries, and that it is also somewhat shielded from Centerville Road. He stated that the applicant is not proposing any changes to the property that would make it stand out or look different from the adjacent properties.

Mr. Fraley asked if adjacent property owners had been properly notified. He asked if there were any comments from these residents.

Mr. German stated they were notified and that staff did not receive any communication from any of these residents.

Mr. Fraley asked why the project had gone through six separate deferrals.

Mr. German stated the applicant had several issues to address such as the size of the facility, and the State's involvement in the facility concerning licensing, and that there were several design changes that were submitted and required review. The applicant has worked with Code Compliance and the Fire Department to address their concerns. Mr. German stated that staff concerned itself with ensuring that the facility would be safe, comfortable, and feasible before it was presented to the Planning Commission.

Ms. Kratter asked if there was a time limit set with regards to financing and the beginning of construction.

Mr. German stated the applicant had already begun some renovation of the home, and is entitled to use the residence as a group home by-right. There is a two-year time limit from the date the Board of Supervisors approves the application for the site to be operational as an adult day care center. Mr. German stated that the applicant intended to bring in residents in small numbers and expand the operation gradually.

Mr. Krapf asked if there was any public comment on this application.

Being no comments, Mr. Krapf closed the public hearing.

Mr. Poole moved that the application be approved. He noted that this application is not merely a commercial enterprise, but specifically addresses the need of a special population.

Ms. Kratter seconded the motion.

Mr. Henderson suggested that the hours of operation expanded.

Sister Agnes spoke on behalf of the application, stated that there is a need to be flexible

Mr. Fraley asked if staff foresees any issues with past or future applications of this type of use where the days and/or hours have been limited.

Mr. Murphy stated that staff reviews each case separately. He stated he believed this was the first special use permit application that has been received for an adult day care facility located in a residential structure. He stated that no precedent had been set by previous cases. He stated that staff was comfortable with the conditions listed with the special use permit, including the adjusted hours.

Mr. Fraley asked if specific information, such as the hours of operation in this case, were included when notifications are sent to adjacent property owners. This may cause some different responses from the adjacent residences.

Mr. Murphy thought that might be possible; however, the specific operating details of an application are not normally known when the advertisement is placed in the newspaper. If this information was available early in the application process, and it was pertinent, then staff would make every attempt to relay that information. He stated that the advertisements tend to be generic, making it incumbent on the recipient to take notice of it, and to participate in the public hearing process if he/she has an interest in commenting on the case.

Mr. Fraley stated there have been problems with notifications in the past. He thought it was important for the public to be aware that notifications are general in nature, and that it is incumbent upon interested people to follow up with staff to obtain more details.

Mr. Poole stated that the Planning Commission has been diligent in delaying cases when proper notification has not been given. He also mentioned that signs are placed at or near the property referenced for a pending case, and that he had noticed such signage on the subject parcel.

Mr. Henderson felt that size of the structure, compared to the total acreage of the property, should help to mitigate any effects on traffic.

Mr. Krapf restated the motion as to approve the application with the operating hours being Monday – Sunday from 6:30 a.m. to 7:00 p.m.

In a roll call vote the application was approved. (6-0) AYE: Poole, Fraley, Kratter, Henderson, Peck, Krapf. (Absent – Billups)

D. SUP-0026-2008 Williamsburg Place Expansion

Ms. Leanne Reidenbach stated that this application is for a special use permit to allow a 40 bed psychiatric care facility on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. The site is located at 5477 and 5485 Mooretown Road and is shown as Limited Industry on the Comprehensive Plan. Staff believes that is an appropriate area for an expansion and has suggested a few conditions to limit storm water runoff to the CSX right-of-

Ms. Reidenbach stated the landscape requirement applies to the Mooretown Road frontage of the property rather than the CSX property. She stated that staff has left it up to the discretion of the applicant as to how to situate the building.

Mr. Fraley asked if there was agreement as to what 125% of code meant with respect to landscaping.

Ms. Reidenbach stated that condition #10, which addresses landscaping on Mooretown Road, was a condition on the prior special use permit. It has already been satisfied with the exception of the additional five parking spaces. This condition specifically states that 125% is based on the number of plants and trees.

Mr. Fraley asked if the ordinance was clear as to what this means.

Mr. Murphy stated that the language under condition #10 is clear. There have been discussions in the past and staff intends to be diligent in language in special use permit conditions.

Mr. Krapf opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles, spoke on behalf of Diamond Healthcare. He stated that Williamsburg Place has a long history in James City County. He displayed a map of the land and where the existing buildings are located and where the expansion will take place. Mr. Davis stated the expansions will add 40 additional beds to the facility, 25 will be for acute psychiatric services for impaired professionals, and 15 of the beds will be reserved for psychiatric inpatient care for those in the local community. Mr. Davis mentioned the environmental considerations that the application has addressed. He stated that the money involved in installing and maintaining pervious pavement would be best directed toward the expensive cistern system and the bioretention facility. He stated this expansion will have 55 new full time staff positions and a budget of \$3.5 million in salary, wages, and benefits. The estimated purchase of services and supplies would be \$500,000 and the estimated capital expenditure for the project would be \$9.5 million. He displayed the conceptual architectural drawing. Mr. Davis asked the Commission to take notice of the letters of support issued to the State in the Certificate of Public Needs process by Eastern State Hospital, Sentara Williamsburg Regional Medical Facility, and by the County Administrator.

Mr. Krapf closed the public hearing.

Mr. Fraley complimented the applicant and the environmental protections that the application provided. He felt that this was an industry that the County should be targeting for growth.

Mr. Henderson thanked the applicant for presenting a strong application and for being a strong corporate citizen in the County. It is important that the County recognizes the applicant's efforts and their need to expand. Mr. Henderson thought it was important to recognize the

will be feedback from the Board of Supervisors before next year's rankings are done.

Mr. Henderson asked about the Warhill Community Gymnasium and the funding for FY09 and FY10. He thought it was important to mention that this was a budgeted item and then was deleted from FY09 budget. He felt this project was important to consider for funding in FY10 and an estimated amount should be included in the packet forwarded to the Board.

Mr. Krapf stated that in the staff report there are some specific recommendations, this project being one of them, and maybe this should be included in the recommendation to the Board of Supervisors.

Ms. Reidenbach noted that she would include the dollar amount for the gymnasium with the information forwarded to the Board of Supervisors.

Mr. Fraley noted that this project was footnoted in the information that staff provided. He stated the Committee recommended that financing for the gymnasium be included in any bond offering for the new law enforcement building.

Mr. Poole thanked those who were on the Policy Committee for their hard work. He appreciated the qualifications in the report.

Mr. Fraley wanted to thank Ms. Reidenbach, Ms. Kate Sipes, and Mr. John McDonald for their work on this project.

Ms. Kratter moved to adopt the recommendation for the FY 2010 – FY2016 Capital Improvements Program.

Mr. Poole seconded the motion.

In a roll call the recommendation was approved. (6-0) AYE: Poole, Fraley, Kratter, Henderson, Peck, Krapf. (Absent – Billups)

#### 7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated the agenda for the March 9, 2009 Steering Committee meeting will include discussion on public facilities and economic development.

Mr. Krapf asked about the Shaping our Shores presentation.

Mr. Murphy answered this project will be presented to the Board of Supervisors in a worksession. A report will be distributed to the Board of Supervisors. He anticipated a presentation to the Planning Commission by staff following the worksession, possibly in May.

Mr. Henderson asked what the current status was of Settler's Market given the recent financial issues concerning AIG and their affiliated developers.

Administrator and the Board of Supervisors initiated that process. That project proceeded according to the guidelines that were set at that time. He felt that the request for a presentation assists the Planning Commission's involvement.

Mr. Henderson asked if the Planning Commission was consulted during the master plan process concerning other Parks and Recreation projects. This may have set the precedent for the Shaping our Shores project.

Mr. Peck wanted to stress that he was not questioning who was heading the projects, but that at some point in the planning process the Commission needs to be making some recommendations and observations on how it fits in with the overall development of the County.

Mr. Murphy stated that the project has been under the general guidance of the County Administrator in consultation with the Board of Supervisors. The process has been public with public hearings, displays, a project website, and video segments on TV48. The Planning Commission will consider this project when land use designations are considered through the Comprehensive Plan process. The Planning Commission will also see the project as zoning changes are likely necessary in order for development to occur on these parcels.

Mr. Henderson complimented staff on the Capital Improvements Program. He commented on the James City Concerned Citizen's Coalition's presentation. He stated the Steering Committee has had discussions about green space and the presentation of rural lands.

Mr. Peck shared his concerns about growth. He did not want to give the impression that the County has not been doing anything with regards to growth. There are a lot of things to take into consideration. Some financing decisions have been based on growth. It was important to have managed growth.

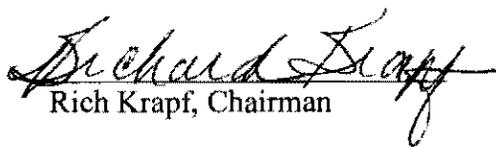
Mr. Krapf mentioned that the County website will reflect the Planning Commissioner's County email, and not their personal email, beginning March 5th.

9. ADJOURNMENT

Mr. Henderson moved that the meeting be adjourned.

Mr. Poole seconded the motion.

The meeting was adjourned at 9:05 p.m.

  
Rich Krapf, Chairman

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Allen J. Murphy, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 03/07/2005

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The following minutes for the Planning Commission of James City County dated 03/07/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 03/07/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 03/07/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

Jack Fraley  
Ingrid Blanton  
Donald Hunt  
George Billups  
Wilford Kale  
Jim Kennedy  
Mary Jones

ALSO PRESENT

John Horne, Development Manager  
Leo Rogers, County Attorney  
Marvin Sowers, Planning Director  
Karen Drake, Senior Planner  
Tammy Rosario, Senior Planner  
Ellen Cook, Planner  
Pat Foltz, Development Management Assistant

2. MINUTES

Mr. Leo Rogers, County Attorney, introduced Ms. Kathryn Aston, the new Assistant County Attorney, to the Planning Commission.

Mr. Fraley corrected page 12, list of policy committee members.

Ms. Blanton corrected page 11, the second line, "the" wavy lines..., on page 10, she clarified that her concerns were in regard to environmental issues.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Billups seconded the motion.

The Planning Commission approved the minutes as amended with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the DRC report. The DRC heard five cases at its March 2 meeting. SP-145-04 - Colonial Heritage Phase 2 Section 1 and SP-116-04 - The Station at Norge were unanimously recommended for preliminary approval. SP-150-04 - Abe's Mini-Storage, SP-6-05 - Stonehouse The Villas, and S-91-04 - Marywood were deferred.

Mr. Kale motioned for approval of the report.

Ms. Blanton seconded the motion.

The Planning Commission approved the actions of the DRC with a unanimous voice vote.

B. OTHER COMMITTEE REPORTS

Mr. Billups recommended deferring discussion of the Policy Committee report until the discussion of the Capital Improvement Program later in the meeting.

4. PUBLIC HEARINGS

A. Z-15-04 & SUP-34-04 The Villas at Jamestown

Ms. Cook presented the deferral. The applicant requested more time to resolve outstanding issues.

Mr. Sowers recommended opening the public hearing and leaving it open until the April 4 meeting.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April meeting.

B. Z-13-04 & SUP-31-04 Monticello at Powhatan North

Ms. Rosario presented the request for indefinite deferral. The applicant requested more time to resolve outstanding issues.

Mr. Fraley commended the applicant for his willingness to work with the Planning Commission to address the issues raised by staff and the general public.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

C. SUP-36-04 Farm Fresh Gas Pumps

Ms. Cook presented the deferral request. The applicant requested additional time to resolve outstanding issues.

Ms. Blanton asked if parking on the site had been discussed since the last meeting.

Mr. Sowers responded that parking had been discussed but the main issue to be resolved was the placement of the gas pumps in relation to the utility lines.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt continued the public hearing until the April 4 meeting.

D. Review of the FY 2006-2010 Capital Improvements Program

Ms. Rosario presented the staff report. She outlined the Policy Committee recommendations of capital improvements for public facilities and water and sewer systems in the County for Fiscal Year 2006 – 2010.

Mr. Fraley asked for some background as to how many high-priority projects, historically, are funded.

Mr. Kennedy stated that the Supervisors use the list as a guide for their own budget considerations, and that a range of projects are funded.

Mr. Billups stated that the main goal of the CIP was to assign priority to public projects using the Comprehensive Plan as a guide.

Mr. Hunt stated that the list reflects the best set of priorities, based on the consensus of the committee.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

Mr. Fraley motioned to accept the CIP rankings.

Mr. Billups seconded the motion.

The Planning Commission accepted the recommendation of the CIP rankings with a unanimous voice vote.

E. SUP-01-05 Alice's Wonderland Playhouse

Ms. Rosario presented the staff report. Ms. Alice Wilson has applied for a special use permit to operate a child daycare center at 2942 Chickahominy Road. The parcel is further identified as parcel (2-2) on JCC Tax Map (22-2). The property is zoned R-8, Rural Residential and is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map. Recommended uses on properties designated Rural Lands include agricultural and forestal activities together with certain recreational public or semi-public and institutional uses. Rural residential uses are appropriate at a density of no more than

one unit per three acres. Smaller direct agricultural or forestal support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area.

Staff recommended the Planning Commission approve the application with the conditions listed in the staff report.

Ms. Blanton asked if the proposed drainfield enlargement would help the applicant move the operation away from sensitive areas on the site and away from using disposable items.

Ms. Rosario responded that, to accommodate the food preparation and laundering requirements of the use, the drainfield would be modified and could potentially keep the applicant from relying on disposable items.

Mr. Billups asked what effect water conservation measures would have on the well system.

Ms. Rosario responded that drought tolerant landscaping and water conserving fixtures would reduce the impact on the groundwater supply in the area.

Mr. Billups asked what the maximum number of anticipated children would be.

Ms. Rosario responded that the maximum occupancy would be forty-nine persons, including children and staff. The most children that could be served, given a set ratio between staff and children, would be forty children.

Mr. Billups affirmed that the building and site would have to go through renovation and site design before the use could be initiated.

Ms. Rosario responded that the applicant must go through the site plan review process, where issues connected to landscaping, stormwater management, and parking would be resolved. The applicant would also need approval from the Health Department and the Virginia Department of Social Services prior to obtaining a license.

Mr. Fraley asked about the traffic requirements for the site.

Ms. Rosario responded that VDOT had recommended the existing access points be reduced to one at the east end of the property. This recommendation would be considered during the site plan stage.

Mr. Hunt opened the public hearing.

Ms. Alice Wilson stated her support for this process and her willingness to work with the County to provide a needed service to the Toano area.

Ms. Alice Wilson stated her support for this process and her willingness to work with the County to provide a needed service to the Toano area.

Mr. Kale asked Ms. Wilson if she had any issues with the conditions recommended by staff.

Ms. Wilson responded that she had none.

Mr. Alonzo Sackrin spoke in support of the application, citing the advantages of the proposed use.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy spoke to the revitalization of the structure and stated his support of the application. He motioned approval.

Mr. Kale stated his support for the application and added that child care businesses are closely regulated by the Commonwealth of Virginia. Mr. Kale seconded the motion.

Ms. Blanton commended the applicant for her work and stated her support.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

F. SUP-02-05 & SUP-03-05 JCSA Water Storage Facility Warhill & Stonehouse

Ms. Drake presented the staff report. JCSA has applied on behalf of Stonehouse at Williamsburg, LLC for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 9186 Six Mt. Zion Road in the Stonehouse Commerce Park. The property is zoned PUD-C, Planned Unit Development-Commercial and can be further identified as Parcel (1-1) on the JCC Real Estate Tax Map (6-4). The property is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

JCSA has also applied on behalf of James City County for a special use permit and height waiver to construct an elevated water tower storage facility approximately 165' tall and the associated water transmission mains at 5700 Warhill Trail in the Warhill Sports Complex. The property is zoned R-8, Rural Residential and can be further identified as Parcel (1-12) on the JCC Real Estate Tax Map (32-1). The property is designated Park, Public, or Semi-Public Open Space on the 2003 Comprehensive Plan Land Use Map.

Staff recommended approval of both cases.

Ms. Blanton asked if an archaeological study was required as part of this application.

Ms. Drake responded that the information presented utilized existing archaeological study information.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, made a short presentation outlining the visual impacts, benefits for the water system, and the daily workings of the water towers.

Mr. Kale asked Mr. Foster how the current storage facilities are attached to the water main in Season's Trace.

Mr. Foster stated that the tank is currently served by an existing water line through Season's Trace.

Ms. Blanton asked Mr. Foster to review any interruptions of service that might be incurred by the constructions.

Mr. Foster responded that JCSA did not anticipate any service interruptions.

Mr. Kennedy stated his support for the application and highlighted JCSA's history of positive work.

Mr. Billups asked if any plans existed to develop property adjacent to the site.

Mr. Foster responded that he knew of no plans to develop the immediately adjacent areas since the parcels are part of the Warhill tract and are under County control.

Mr. Hunt asked Mr. Foster what he perceived the timeline for construction to be.

Mr. Foster responded that he expected both facilities to be online by 2007.

Mr. Mark Rinaldi representing the Economic Development Authority, 101-C Mounts Bay Road, thanked the Commission for its favorable recommendation for ZO-01-05 and expressed his support of the two cases presented.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy moved approval of both items.

Mr. Kale seconded the motion.

The Planning Commission voted 7-0 to support both applications: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

G. Z-14-04 Pocahontas Square Proffer Amendment

Ms. Cook presented the staff report. Mr. Jay Epstein has applied to amend the proffers for approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail currently zoned R-5, Multi-family Residential, with proffers. The applicant has proposed to amend proffers related to the percentage of affordable dwelling units, the owners association, sidewalks, and cash contributions for community impacts. Ninety-six affordable townhouse units at a density of approximately 6.9 dwelling units per acre were approved for this site in 2003. The property is also known as parcels (1-4), (1-5A) and (1-5) on the James City County Real Estate Tax Map (59-2). The site is designated for Low Density Residential development on the James City County Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff recommends approval of the application.

Mr. Kennedy asked if redistricting had been accounted for in the school numbers presented in the staff report.

Ms. Cook responded that the 2005 enrollment numbers were used to determine school projections.

Mr. Kennedy asked if any other affordable housing projects were expected to be resubmitted or revised.

Ms. Cook responded that Pocahontas Square was the only affordable housing project resubmitted for a proffer amendment at this time.

Mr. Kennedy spoke to the need addressed by this affordable housing project but expressed concern that the number of affordable units in this application had been reduced from the previous application. He stated that he was in favor of the deed restrictions placed on units to keep them in the affordable range.

Mr. Sowers stated that the deed restriction placed on units to keep the units affordable was one of the primary factors that caused staff to recommend approval.

Ms. Blanton expressed her reservations at the revisions presented in this application, where the number of affordable units was decreased substantially. She asked what the basis was for the cash proffers presented in the application.

Ms. Cook responded that the cash contributions proffered by the applicant were consistent with recent cash proffers for schools and community impacts. Another typical

cash proffer, for JCSA, was not suggested since the site is served by Newport News Waterworks.

Mr. Kennedy asked about the discrepancy between the cash proffers presented in this application and the projected school proffer figures being considered for incorporation into a formal Board School Proffer policy.

Mr. Sowers responded that, in absence of a board policy addressing cash proffers, that the proffers were based on typical recent cash proffers.

Mr. Fraley asked what factors dictated the calculation of cash contributions proffered per lot.

Mr. Sowers responded that, in absence of a Board policy, no differentiation was figured into the suggested per-lot proffer amounts.

Mr. Rogers addressed the cash proffer policy issue. He stated that the Board will be evaluating the overall impact created by each residential development and differentiating them by the types of units proposed.

Mr. Fraley asked if cash proffers had been included for the original project.

Ms. Cook responded that no cash proffers had been included.

Mr. Kale asked Ms. Cook to state the difference in the density figures presented in the application and the density recommended in the Comprehensive Plan.

Ms. Cook outlined the two sets of figures.

Mr. Kale asked why the higher density in the application had received a favorable recommendation originally.

Ms. Cook responded that the higher density of surrounding development had been taken into account, as had the expressed need for affordable housing.

Mr. Sowers added that the density would still be lower than the adjacent development of Brookside Haven.

Mr. Billups asked if the Office of Housing and Community Development had been consulted about the current application.

Mr. Rick Hanson, of the Office of Housing and Community Development, stated that he had worked directly with Planning in reviewing this project and that the application offered some significant advantages.

Mr. Kennedy asked if the people on the affordable housing waiting lists lived in James City County.

Mr. Hanson responded that most of the people on waiting lists in his office either lived or worked in James City County.

Mr. Billups asked Mr. Hanson if he had negotiated any agreements to secure affordable housing units in this or any other recent development.

Mr. Hanson responded that his office had worked with a number of developers who have participated in the County's affordable housing programs.

Mr. Sowers added that the proposed proffers contained provisions requiring coordination between the applicant and the Office of Housing and Community Development.

Mr. Fraley asked Mr. Hanson how many names are on the waiting list for affordable housing and how long the average wait is.

Mr. Hanson responded that his list has about one hundred qualified buyers and that the average waiting time varies with the type of housing desired by the buyer.

Mr. Fraley asked Mr. Hanson if this proposal would significantly help the aims of his Office.

Mr. Hanson responded that this project would help his Office.

Ms. Blanton asked Mr. Hanson how this application compared to the previous project.

Mr. Hanson responded that this proposal offered new benefits, such as deed restrictions and a range of pricing points.

Ms. Blanton asked how Mr. Hanson felt about the Health-E Community concept.

Mr. Hanson responded that he supported many of the features offered by Health-E-Communities.

Ms. Jones asked Ms. Cook if units priced under \$110,000 would all be the smaller 1,200 square foot units.

Ms. Cook responded that the units priced under \$110,000 would be the smaller units shown on the Master Plan.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a short presentation outlining the application. He detailed the actions of the previous developer, RML Corporation, and Mr. Epstein's plans to develop the site using the Health-E Community model.

Mr. Kennedy complemented Mr. Epstein on his past work. Mr. Kennedy asked what probability there was that the developer might need further revision of the proffers.

Mr. Epstein referred to his previous work with Michelle Point, which has not to this date required any proffer amendments.

Mr. Kale asked if Mr. Epstein had reduced any affordable housing units in Ironbound Village.

Mr. Epstein responded that, while he did not act as the original developer in Ironbound Village, he had built every proposed affordable unit proffered by the rezoning.

Mr. Hanson concurred with Mr. Epstein.

Ms. Blanton asked if Mr. Epstein had any concerns about the demand for the higher priced townhomes.

Mr. Epstein responded that he felt very comfortable with the demand for the townhomes.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Fraley commented that he liked the project for the area and that he enthusiastically supported the project.

Ms. Jones stated that she liked the application and was prepared to support it.

Ms. Blanton stated her enthusiastic support of the project.

Mr. Kennedy commented that, with regards to land use, the project fits the area. Though he cited changes in the application along with the anticipated impact to the schools as reservations, he added his support to the application.

Mr. Billups stated that the County still faced serious challenges in regard to affordable housing. He stated his support.

Mr. Kennedy motioned approval.

Mr. Billups seconded the motion.

The Planning Commission voted 7-0 to support the application: YES: (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO: (0)

5. PLANNING COMMISSION CONSIDERATION

A. Monthly Board of Supervisor's Meeting Representative for 2005

Mr. Sowers stated that this item requested staff to forward an amendment

Mr. Hunt called for comments on the Board representation schedule.

The 2005 schedule for Planning Commission representation at the Board of Supervisor's meetings was approved with a unanimous voice vote.

B. Initiating Resolution – Zoning Ordinance Amendment & Appeals

Mr. Sowers stated that this item requested staff to forward an amendment dealing with appeals to the Zoning Administrator. He asked the Commission to adopt the resolution.

Mr. Rogers added that law students had been assisting with the preparation of these amendments and that presentations would be forthcoming at a future meeting.

Mr. Kale moved approval.

Mr. Billups seconded.

The resolution was adopted with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He reminded Commissioners of the scheduled Ballon Test the next day, March 8, at 9:00 AM for a communications tower at the site of the Christian Life Center in Toano.

Mr. Kale confirmed the location.

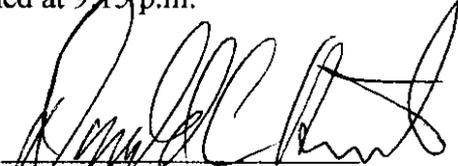
Ms. Blanton asked for an exact location of where the ballon will be flying.

Mr. Sowers suggested meeting at the location to determine any weather delays or cancellations.

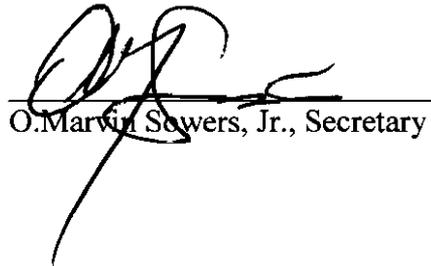
Ms. Jones confirmed that the application was being brought forward by the Christian Life Center.

7. ADJOURNMENT

There being no further business, the March 7, 2005 Planning Commission adjourned at 9:15 p.m.



Donald Hunt, Acting Chairman



O. Marwin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 03/15/1995

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The following minutes for the Planning Commission of James City County dated 03/15/1995 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 03/15/1995, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 03/15/1995.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

AT A RECONVENED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTEENTH DAY OF MARCH, NINETEEN HUNDRED AND NINETY-FIVE AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Ms. Willafay McKenna  
Mr. Martin Garrett  
Mr. John F. Hagee  
Mr. Raymond L. Betzner  
Mr. Donald C. Hunt  
Mr. Jay H. Everson

ALSO PRESENT

Mr. O. Marvin Sowers, Jr.  
Mr. Gary A. Pleskac, Planner  
Mr. Leo P. Rogers, Assistant County Attorney

2. Case No. SUP-8-95. Williamsburg Montessori School

Mr. Pleskac presented the staff report (appended) for a special use permit to allow classroom expansion for the existing Williamsburg Montessori School at 4214 Longhill Road. Mr. Pleskac stated that staff recommended approval with the conditions detailed in the staff report.

Mr. Everson questioned what would happen if Mr. C. E. Lewis or Mr. Ron Piland, joint owners of Lynnette Drive, decided not to maintain the road.

Mr. Sowers responded that since it is a subdivision plat notation it would be a civil matter for enforcement; however, under the special use permit, there is a proposed special use permit condition that the County would be involved in enforcement and that it would be the school's responsibility to maintain a portion of the road.

Mr. Kuras opened the public hearing.

Mr. John Farley, Chairman of the Montessori Board, introduced Ms. Carlotta P. Cundari, the school's administrator; Mr. C. E. Lewis and Mr. Ron Piland, and Mr. Arch Marston with AES Engineering. Mr. Farley stated that he had no objections or exceptions to the report and that he is prepared to meet the staff recommendations.

In response to questions, Mr. Farley stated the following: the children would not cross Lynnette Drive; the children would be using the recreation facilities behind the school; playground equipment would be installed behind the duplex; and, of the seven parking spaces required, only two or three spaces would be occupied during the day.

Mr. Gilbert Bartlett, representing Mr. and Mrs. Charles E. Lewis, introduced Mrs. Lewis who presented a history of her family's ownership of the property relative to the school. Mrs. Lewis stated concern regarding the three duplexes they own, two of which are directly behind the playground and the other across from the proposed expansion. Mrs. Lewis stated that the duplexes provide income presently and also for their retirement years. Mrs. Lewis expressed concern that should the school expand they would have difficulty renting the end unit because a playground was installed after the duplexes were built, cars would be ingressing and egressing, and there would be additional playground and increased noise. Mrs. Lewis felt it would be impossible for two cars to pass on Lynnette Drive. Mrs. Lewis also felt that when Lynnette Drive is used for after school activities it would be impossible for passage of an emergency vehicle.

Mrs. Lewis informed the Commission that the 3000 sq. ft. store adjacent to the school would be vacant as of June 1, 1995 and suggested the building as an alternative.

In response to Mr. Hagee's inquiry, Mrs. Lewis stated that there is no landscaping behind her duplexes separating them from the school area. Mrs. Lewis felt that a fence or landscaping would take away the view but not the noise; however, she did acknowledge that it would be an improvement.

Mr. Farley stated that he did not know until the day before that the store was available and had not had an opportunity to investigate the possibility as an alternative.

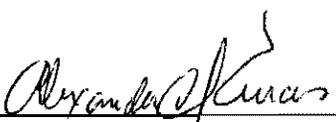
Mr. Bartlett related the development of Warhill Tract to increased future traffic on Longhill Road and to Montessori School, in particular. Mr. Bartlett was concerned about the parking on Lynnette Drive for both the arrival and departure of students and for after school activities, as well as the passage of emergency vehicles. Mr. Bartlett was also concerned about the difficulty of entering Longhill Road and the lighting being intrusive. Mr. Bartlett felt the vacant store was an alternative.

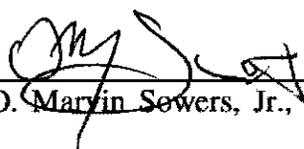
Mr. Farley stated that he was comfortable that there was access for emergency vehicles and with restricting or eliminating parent parking on Lynnette Drive.

Following a brief discussion regarding the concerns expressed, Mr. Garrett made a motion, seconded by Ms. McKenna, to defer action until April 11, 1995, with the public hearing remaining open.

### 3. ADJOURNMENT

There being no further business, the reconvened meeting of the March 14, 1995 Planning Commission meeting adjourned at 3:50 p.m.

  
\_\_\_\_\_  
Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Maryin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 04/04/2012

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The following minutes for the Planning Commission of James City County dated 04/04/2012 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 04/04/2012, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 04/04/2012.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf

Tim O'Connor

Chris Basic

Mike Maddocks

George Drummond

Absent

Al Woods

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Senior Planner I

Christopher Johnson, Principal Planner

Tammy Rosario, Principal Planner

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

Mr. O'Connor introduced Mr. George Drummond, the newest member of the Planning Commission.

2. RECOGNITION

A. Mr. Joe Poole

Mr. O'Connor presented Mr. Joe Poole with a Certificate of Appreciation and Resolution.

Mr. Poole thanked the public and his fellow Planning Commissioners for the opportunity to serve the community.

B. Mr. Jack Fraley

Mr. O'Connor presented Mr. Jack Fraley with a Certificate of Appreciation and Resolution.

Mr. Fraley thanked staff and the public for the opportunity to serve.

Mr. O'Connor stated that between the two men they had served more than 20 years on the Planning Commission. He stated that the two had served their community well with their thoughtful leadership.

3. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

Mr. Tom Hitchens, 350 Thompson Lane stated he wanted to speak on the proposed

development in Peleg's Point. Mr. Hitchens provided his phone number to the public, 757-345-9528. He stated that the proposed development will be detrimental to the environment. He stated that the area is already prone to flooding. He stated that any additional flooding could compromise the public's safety. He stated additionally, Neck-O-Land Road would not be able to handle the increased traffic.

Ms. Carol Mathews, 4733 Captain John Smith Road stated she is a board member of the Peleg's Point Home Owners Association (HOA). She stated that the only reason this project is moving forward is due to the fact that it has been grandfathered. She stated that if this proposal was held to the standards required for new development today, the plans would not be approved due to the environmental sensitivity of the property. She stated that Neck-O-Land Road is already overtaxed. She stated that Neck-O-Land Road has flooded several times and is surrounded by wetlands.

Ms. Jackie Conrad, 105 Branscome Boulevard, stated she lives near the proposed development. She stated that she is concerned with Section 6, and stated that it is next to a two and a half-acre pond. She stated that the plans should be delayed until further research can be completed and certain questions are answered. She relayed several questions that she would like answered. She asked if the builder would be posting a performance bond, guaranteeing that the lot's infrastructure is stable. She asked what the legal obligations would be for the Home Owners Association (HOA) if the pond requires maintenance. She asked if the HOA is dissolved, who then would be responsible. She asked, if all the residents of Peleg's Point understand and agree to these responsibilities. She stated that there had been several inconsistencies with the information provided by Ray Paul, including calculations to determine flooding conditions. She stated that she would like JCC to consider buying the land using eminent domain. She stated that the proposed two and a half-acre pond borders Neck-O-Land Road and the emergency exit. She stated that if the pond blows out it could isolate 300 plus residents. She asked, given all these conditions, if any one of the Planning Commissioners would consider purchasing a home in this location.

Mr. Keith Sadler, 9929 Mountain Berry Court stated he is a representative and member of the Concerned Citizens of the Historic Triangle and he objects to the common pages of the Comprehensive Plan.

Mr. Fraley, 104 Thorpe's Parish stated that the Planning Commission should think very carefully about moving forward with the proposed plans for Peleg's Point. He stated that the cumulative impact of the proposed development could have many unintended consequences. He stated that the area in question is already under duress. He stated that he had walked in that area recently while it was raining and saw firsthand many pools of water accumulating with just moderate rainfall. He asked that this case be considered independently for the other cases or the DRC report. He asked that the public have another opportunity to discuss their concerns before moving forward. He suggested that the developer should consider building fewer houses than what is currently proposed.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public comment period.

4. MINUTES

A. March 7, 2012 Regular Meeting

Mr. Rich Krapf made a motion to approve the minutes.

In a unanimous voice vote, the minutes were approved.

5. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated that the DRC met on March 28, 2012 to discuss three cases. He stated that the first case was S-0059-2005, Peleg's Point, Section 6. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion by Mr. Mike Maddocks the DRC voted (4-0), to grant preliminary approval, subject to agency comments. He stated that the next case was S-0037-2007, Ford's Colony, Section 35, Westport. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion he made the DRC voted (4-0), to grant preliminary approval for the revised layout of Westport subdivision, subject to agency comments. He stated that the final case was Z-0003-2012/ MP-0001-2012, New Town, Section 12. He stated that there was no action taken on this case. He stated that the DRC reviewed a master plan and illustrative layout for a proposed 274 for-rent townhouse unit development in Section 12 of New Town. He stated that the rezoning and master plan application have been submitted and are tentatively scheduled for the May 2, 2012, Planning Commission meeting.

Mr. Krapf stated that at this meeting there were comments from the public during the public comment period regarding Peleg's Point. He stated that one question asked was regarding the modeling calculations; did the estimates include rainfall or was it solely reflecting tidal water. He stated that the applicant, the County Engineer and the independent consultant (hired by the County to review this project) all agreed that the models included the 100-year max tidal surge as well as the worst 100-year vertical rainfall. He stated that there was a discussion regarding stormwater management practices. He stated, not only were the new stormwater management practice measures being employed sufficient to handle the proposed 79 new units but they would also benefit a portion of the existing units in Section 5.

Mr. Basic stated that the DRC meeting lasted an hour and a half. He stated prior to that there was another public meeting (for Peleg's Point, Section 6). He stated that this case has been thoroughly reviewed.

Mr. Krapf made a motion to approve the DRC report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf thanked staff member, Tammy Rosario for attending the meeting.

He stated that the Policy Committee met Tuesday, March 20, to discuss the upcoming April 30, joint Planning Commission meeting with JCC, York County and the City of Williamsburg. He stated, he, Mr. Maddocks and Mr. O'Connor discussed possible topics for that meeting. He stated that they agreed that the topics should be broad in scope, important to JCC and applicable to at least one of the other two jurisdictions. He stated that included in the meeting package (for this evening) was a memo from Mr. Allen Murphy outlining the efforts. Mr. Krapf stated he would like to go thru the main topics that the Policy Committee is recommending for review at the April 30 joint Planning Commission meeting. He stated, he would like to verify that there is consensus on the chosen topics for discussion. He stated that the chosen topics were: economic opportunity, affordable and workforce housing, long range development of Riverside, Marquis and Kingsmill areas, transportation, agriculture and fisheries and overall, big picture priorities.

Mr. Basic made a motion to approve the Policy Committee report.

In a unanimous voice vote, the report was approved.

C. Other Commission Reports

Mr. Maddocks stated that there was not a Regional Issues Committee meeting this month.

6. PUBLIC HEARING CASES

A. SUP-0001-2012/Z-0001-2012, Williamsburg Seventh day Adventist Church Expansion

Mr. Jose Ribeiro stated that James Peters of AES has applied on behalf of the Williamsburg Seventh-Day Adventist Church for a Special Use Permit (SUP) to allow the expansion of the existing church building. He stated that concurrent with the SUP application, the applicant is proposing an amendment to existing proffers regarding a scenic easement. He stated that this property is zoned R-1, Limited Residential, and is designated Low Density Residential in the Comprehensive Plan. The Comprehensive Plan also designates Route 5 as a Community Character Corridor.

Mr. Ribeiro stated that the church is located on a nine acre parcel south of Route 5 between Saint George's Hundred subdivision and the Williamsburg Community Chapel. He stated that the existing building is centered on the property. He stated that the perimeter and much of the property is covered by vegetation offering a natural buffer from adjacent properties.

Mr. Ribeiro stated that this property was originally part of a larger 363 acre parcel which was rezoned in 1986. He stated that in 1987 an application to amend approved proffers was granted by the Board of Supervisors (BOS). He stated that the purpose of the amendment was to exempt a 9.2

acre tract of land from approved proffers and to allow for the development of a church and accessory uses.

Mr. Ribeiro stated that one of the proffers associated with the church, retained from the original rezoning, established a scenic easement along the church property's frontage, 145 feet from the centerline of Route 5. He stated that the applicant has indicated a desire to maintain the scenic easement by removing, pruning, and planting vegetation. He stated that, as currently written, the proffer does not allow for this type of activity within the scenic easement. He stated that the purpose of this proffer amendment is to allow the applicant the flexibility to maintain the vegetation within the scenic easement. He stated that given the environmentally sensitive nature of a scenic easement and the importance of Route 5 as Community Character Corridor, the amended proffers would ensure that prior approval from the Planning Director must be granted before any alterations are made inside the easement.

Mr. Ribeiro stated that this proposal also requests an SUP to allow a 5,500 square foot expansion of the existing church building. He stated that according to the applicant, the expansion would not increase the seating capacity of the existing church (currently at 150 seats). He stated that the addition being proposed would contain a multi-purpose area for social gatherings, meetings, and classrooms. He stated that houses of worship are a specially permitted use in R-1. He stated that for specially permitted uses, any expansion or modification also requires an SUP. He stated that the church currently does not have an SUP since it was built at a time when the Zoning Ordinance permitted houses of worship by-right in R-1. He stated that if approved, this SUP would bring the entire site into conformance with the current zoning regulations as well as allow the proposed 5,500 square foot expansion.

Mr. Ribeiro stated that the site is located within the Powhatan Creek watershed and therefore subject to Special Stormwater Criteria requirements. He stated that the site is relatively flat with two onsite stormwater management features treating water runoff. He stated that with the proposed building expansion and additional impervious surface, these two features will be upgraded. He stated that the proposed expansion will not increase the seating capacity of the church. He stated that staff finds that the proposed number of parking spaces (40), to be adequate for the use. He stated that the Virginia Department of Transportation (VDOT) has reviewed this application and has requested that additional information be provided at the site plan review stage for the entrance. He stated that condition number three ensures compliance with VDOT's request.

Mr. Ribeiro stated that Staff finds that the proposed building addition is consistent with the surrounding zoning and development and is compatible with the 2009 Comprehensive Plan. He stated, in addition, Staff finds the amendment to the scenic easement proffer language consistent with the Zoning Ordinance. He stated that Staff recommends the Planning Commission recommend approval of this application to the BOS with the conditions listed in the staff report and acceptance of the amended proffers.

Mr. Maddocks asked for clarification, that the applicant only wants the vegetation more manicured and not reduce it.

Mr. Ribeiro responded affirmatively.

Mr. Maddocks asked if residents in Jamestown Hundred would see the building with the proposed expansion.

Mr. Ribeiro stated that he visited the site with the Senior Landscape Planner to better understand visibility concerns. He stated that he had spoken with a resident from Jamestown Hundred who was concerned with the visibility of the exposed facilities as well. He stated that she was also concerned about the potential noise generated during construction. Mr. Ribeiro provided pictures of the buffer at different distances. He stated that it is possible that one would be able to see portions of the building. He stated that the buffer is dense enough to shield the facilities from view for adjoining properties.

Mr. Basic stated he shares Mr. Maddocks' concerns. He stated that the existing vegetation does appear to be dense enough to obscure the view of the building. He stated that if the buffer was not there he would potentially ask for improvements to the architectural elevations.

Pastor Michael Messervy, 196 Racefield Drive spoke on behalf of Williamsburg Seventh day Adventist Church. He stated that the building was constructed in 1992. He stated that each weekend they have approximately 75 attendees for their services. He stated that worship services are on Saturday at 10 a.m. He stated that the church is involved in a number of community partnerships with FISH, Faith In Action, Housing Partnership in Williamsburg and Hospice House. He stated that this project is seeking to finalize the construction of the support facility. He stated that the original building has sufficient space for worship services but the supportive facilities require more space. He stated that typically, after each service the congregation will have lunch together. He stated that the addition will give them a more appropriate setting for this activity. He stated that they also have several age-appropriate bible study classes but currently only have two classrooms. He stated that the proposed addition would add two new classrooms. He stated that the addition would also include more bathrooms and more kitchen space. He provided images of the aerial view.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public hearing.

Mr. Krapf stated that the proposed language and amendment to the proffers will enhance the landscaping. He stated that he supports the building addition and the amendment to the proffer. He made a motion to approve the application.

In a unanimous roll call vote, the motion was approved (5-0; Woods, absent).

B. SUP-0003-2012, David Nice Building Expansion

Mr. Ribeiro stated that Mr. Brandon Nice has applied for an SUP to allow for an expansion to an existing contractor's office building on a .93 acre parcel located at 4575 Ware Creek Road. He stated that the parcel is zoned A-1, General Agriculture and is shown as Rural Lands on the Comprehensive Plan.

Mr. Ribeiro stated that an existing 4,415 square foot building is located onsite. He stated that the expansion includes an approximately 828 square foot increase to the building footprint. He

stated that the immediate plans for expansion are to include an 828 square foot, first floor conference room. He stated that in order to provide flexibility for potential future expansion, Mr. Nice has requested that a second floor be added to this application. He stated that the proposed expansion will ultimately be two stories, and approximately 1,656 square feet.

Mr. Ribeiro stated that when the building at 4575 Ware Creek Road was first used as an office, in 1988, contractor's offices were a permitted use in the A-1, General Agricultural District. He stated that the Ordinance was amended in 1989 to make all contractors' offices specially permitted uses. He stated that since that time the building has been expanded twice, receiving SUP's in 1999 and 2003. He stated that the conditions for this expansion are the same as the previous applications. He stated, however, one condition was removed that limited the number of employees to 20. He stated that since the size of the building, and associated parking, indirectly limits the amount of space available for employees, staff is comfortable with removing the condition while ensuring minimal additional impacts on the surrounding area due to this expansion.

Mr. Ribeiro stated that the site is identified by the 2009 Comprehensive Plan as Rural Lands. He stated that principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. He stated, however, certain commercial uses which require very low intensity settings relative to the site in which it will be located may be considered on a case-by-case basis, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Mr. Ribeiro stated that staff finds the proposal to have minimal additional impacts beyond the existing building and is compatible with the 2009 Comprehensive Plan. He stated that the existing office has the appearance of a single-family residential structure and the expansion will match the materials and colors of the existing structure. He stated that the two story expansion will have minimal additional impacts on the surrounding properties.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the BOS.

Mr. Maddocks asked why the change was made to the Zoning Ordinance in 1989 requiring an SUP for a contractor's office in A-1.

Mr. Murphy stated that the A-1 Zoning designation has evolved over the past 30 years. He stated when he began over 30 years ago, many commercial uses were permitted in A-1 along with residential and agricultural uses. He stated that over the years changes were made. He stated ultimately the decision was made to require an SUP for contractors' offices. He stated that this empowers the legislative body to evaluate and determine the appropriateness of this type of business on a case-by-case basis.

Mr. Krapf stated that in the packet of materials there were two renderings provided. He stated that one is of a single story building and the other is of a two story building. He asked which of the two is the applicant proposing.

Mr. Ribeiro stated that the applicant will be building the single-story structure at this time; with intension to add a second story should they need more space several years down the road. He stated that the applicant wanted to eliminate future SUP amendments for a possible addition.

Mr. O'Connor asked if the applicant had discussed the possibility of adding onto the back of the building instead of adding the second story.

Mr. Nice stated that they do not intend on adding to the back of the building after the proposed addition is complete. He stated that if business demands it the only expansion would be the second story addition seen in the rendering provided.

Mr. Maddocks made a motion to approve the application with the conditions listed in the staff report.

In a unanimous voice vote, the motion was approved (5-0; Woods, absent).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that he had nothing further to report this evening.

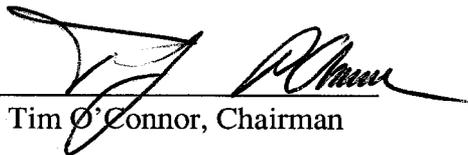
8. COMMISSION DISCUSSIONS AND REQUESTS

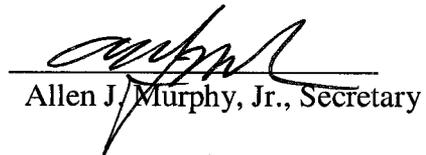
Mr. Basic asked who on staff would be taking the AICP exam in the fall.

Mr. Ribeiro stated that he would be taking the exam though there may be others on staff with the same intention.

9. ADJOURNMENT

The meeting was adjourned at 7:55.

  
Tim O'Connor, Chairman

  
Allen J. Murphy, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 04/06/2005

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The following minutes for the Planning Commission of James City County dated 04/06/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 04/06/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 04/06/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS CONTINUED TO THE SIXTH DAY OF APRIL, TWO-THOUSAND AND FIVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

- |                     |   |               |
|---------------------|---|---------------|
| 1. <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                             | <u>ABSENT</u> |
| Jack Fraley         | Christopher Johnson, Senior Planner             | Jim Kennedy   |
| Ingrid Blanton      | Matthew Arcieri, Senior Planner                 |               |
| Donald Hunt         | Toya Ricks, Administrative Services Coordinator |               |
| George Billups      |   |               |
| Wilford Kale        |   |               |
| Mary Jones          |   |               |

2. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

The DRC heard 5 cases at its April 6<sup>th</sup> meeting. Three cases were unanimously recommended for preliminary approval subject to agency comments: S-116-03 Stonehouse Glen Section 2, SP-141-04 Carolina Furniture, and SP-016-05 Newtown Retail Phase 2. SP-150-04 Abe's Mini Storage was deferred at the applicant's request due to environmental issues. S-015-05 Colonial Heritage Phase 3 Section 2 was unanimously deferred by the DRC without objection from the applicant for resolution of Environmental issues.

Mr. Kale motioned to approve the report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved. (6-0, Kennedy absent)

3. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Zoning Ordinance Amendment – Administrative Fees

Mr. Matt Arcieri distributed a draft statement to be forwarded to the Board of Supervisors regarding a proposed increase in administrative fees for the purpose of funding a new half-time Development Management position. At its April 4<sup>th</sup> meeting, the Commission voted 6-0 against raising certain fees and requested staff to draft a statement to the Board.

Mr. Fraley asked for clarification on the Commission's position regarding paragraph 2, increasing the site plan fee levied on new residential units. Mr. Fraley said he thought there could be other ways through the budget process to fund the new position.

Ms. Blanton recalled making the comment that perhaps a position that had a greater effect on residential aspects of development was the best source of fees. She also stated that she was persuaded during discussions that sources other than fees should be considered.

Mr. Kale stated that he was not present at the April 4<sup>th</sup> meeting and would abstain on the vote.

Mr. Billups said the new position should be funded through the County as a regular budgetary personnel item.

Mr. Hunt agreed with Mr. Billups. He stated that some alternative funding source should be found other than imposing specific fees on targeted areas.

Mr. Fraley suggested language recommending the Board of Supervisors utilize the normal budgeting process as a means to support this position.

Mr. Billups agreed. He also stated his thoughts on the process for establishing new positions.

Mr. Arcieri suggested striking the second half of the sentence starting with “or increase...”

Ms. Blanton wanted to add language making a specific recommendation that this position be funded through the ordinary budgetary process.

There was a general discussion.

Ms. Jones stated her support for the person chosen for the new position. Ms. Jones said she has worked with Tammy Rosario on several occasions. She stated that although she finds Ms. Rosario to be hard working and dedicated she is uncomfortable as a Planning Commissioner making personnel decisions.

Mr. Arcieri read the statement as amended.

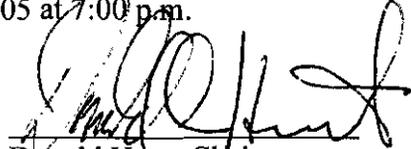
Mr. Fraley moved to accept the statement.

Ms. Jones seconded the motion.

In a unanimous voice vote the statement was accepted. (5-0, Kale abstained Kennedy absent)

4. ADJOURNMENT

There being no further business the meeting was adjourned at 7:15 p.m. until May 2, 2005 at 7:00 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 04/13/2011

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The following minutes for the Planning Commission of James City County dated 04/13/2011 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 04/13/2011, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 04/13/2011.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTEENTH DAY OF APRIL, TWO-THOUSAND AND ELEVEN, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Jack Fraley

Joe Poole

Tim O'Connor

Rich Krapf

Al Woods

Mike Maddocks

Reese Peck

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager

Adam Kinsman, Deputy County Attorney

Tammy Rosario, Principal Planner

Ellen Cook, Senior Planner

Jason Purse, Senior Planner

Brian Elmore, Development Management Asst.

Mr. Jack Fraley called the meeting to order at 4:00 p.m.

2. URBAN DEVELOPMENT AREAS DISCUSSION

Mr. Fraley stated that the purpose of the work session is to update the full Planning Commission on the County's progress in complying with the state's new Urban Development Areas (UDAs). He stated that the UDAs would be discussed during an upcoming regular Commission meeting, with staff presenting their resolution of certification to the Board of Supervisors (BOS) by July 1<sup>st</sup>. The Commission will not vote tonight, although it will vote on a Board recommendation at their May 4 meeting.

Ms. Ellen Cook stated that, per the statute, UDAs should be able to accommodate densities of 4-single family residences, 6 townhomes, or 12 apartments, and a Floor Area Ratio (FAR) of 0.4. Staff stated that the Mixed Use designation allows uses equal or greater than the 0.4 FAR and densities of 18 units per acre. Staff confirmed that the County's mixed use areas could accommodate the 10-20 years of growth mandated by the UDA statute. The county is under no obligation to approve any UDA-oriented development plan. Staff confirmed that existing mixed use area design principles mirror much of the UDA requirements. The code does not require the county to use fiscal incentives for UDA development, but requires any incentives used to be listed in the Comprehensive Plan. One UDA must be established as a receiving area, and if the County proceeds with the establishing of the TDR program after the TDR feasibility study, it would comply with the code. The code allows any locality that adopts a resolution certifying that their current plans are compliant to avoid amending their existing Comprehensive Plan. Staff recommends approval of a resolution certifying that the county's plan is compliant with the UDA code. The County has met with adjacent localities to discuss UDAs, as required by the code. The Economic Opportunity area

could serve as a future UDA. To the extent directed by the Board of Supervisors, public infrastructure funding shall be directed into the UDAs when possible. The law also requires reexamination of UDA sizes and boundaries every 5 years into conjunction with the Comprehensive Plan update. Each UDA shall be shown on the Comprehensive Plan map.

Mr. Reese Peck stated this was the first he heard of staff discussing UDA with other localities and of staff characterizing the 2012 Comprehensive Plan update as strategic rather than a general update. One of reasons for the 2012 plan update is to deal with regional issues.

Ms Tammy Rosario stated regional meetings were more general land use discussions, not specifically about UDAs. She stated that during the regional Comprehensive Plan coordination process the localities would retain their own Comprehensive Plans and timelines. The three localities could discuss UDAs further, but the strategic update is not intended to be a reexamination of land use issues.

Mr. Peck asked about using the Primary Service Area (PSA) to comply with the law.

Ms. Cook stated additional research would be required to determine if the PSA could be modified to accommodate the UDA requirements, and that there would likely be implications associated with this, which were listed in the staff memo.

Mr. Peck asked if the County would rely on Mixed Use development standards to comply with the law.

Ms. Cook stated the County would use densities, intensities, and development standards.

Ms. Rosario stated the Zoning Ordinance's Mixed Use districts support those higher densities and development patterns.

Mr. Peck stated the legislation wants localities to direct growth into certain areas and preserve rural areas. He stated other counties, such as Albemarle, already have designated high-growth areas that comply with the law. Those counties meet the certification by having stated policies that direct future growth and financial support into high-growth areas embodying UDA design principles. He stated that approach is fundamentally different from saying there are principles in the Comprehensive Plan which support urban development.

Mr. Joe Poole stated he would not support any policy that would allow carte-blanche growth in areas without adequate infrastructure.

Mr. Rich Krapf stated the legislation required a minimum of one UDA. He stated the mixed use areas incorporate every requirement of the law. The law usurps local

planning and the county should meet the minimum requirement of passing a resolution certifying compliance rather than wasting time and money on an additional Comprehensive Plan update.

Mr. Maddocks asked if staff agreed with Mr. Krapf's recommendations.

Mr. Allen Murphy said yes.

Mr. Fraley stated he agreed with Mr. Krapf's Comprehensive Plan recommendations. He stated staff should reconsider using the County's disparate mixed use areas to comply with the law. He asked staff to reconsider Five Fork's UDA designation, stating it was inconsistent with the 2004 Five Forks area study. Five Fork's residents would be anxious to learn of their UDA designation. Instead of using distinct mixed use parcels, the county should designate the New Town area, the Lightfoot-Croaker corridor, and Stonehouse as UDAs.

Ms. Rosario stated there is room to narrow the UDA designation list. She stated if there is discomfort or differing opinions, staff would feel comfortable removing Five Forks from the UDA list. She stated the three areas mentioned by Mr. Fraley would not be big enough to handle 10 years of growth.

Mr. Krapf stated he agreed with the Five Forks comments.

Mr. Poole stated he was comfortable removing Five Forks from the list.

Mr. Al Woods asked if the reluctance to modify the Comprehensive Plan arose from the work and resources involved or from a desire to protect the community's desires as expressed in the Plan. He stated if that is the case, the Commission should be doing what is necessary to sustain that character.

Mr. Krapf stated all of those reasons were factors. He stated the Comprehensive Plan had been through significant public input and the resources to change it would be substantial.

Mr. Fraley stated UDAs would be an issue during the 2012 Comprehensive Plan update. He stated he would begin discussions with the Regional Issues Committee.

Mr. Peck stated he was concerned about certifying the UDAs. He stated a major planning principle was to engage the community. The Board and the community at large did not yet understand the impacts of this major legislation. The County cannot legitimately say it made specific decisions to use the UDA model as a growth management tool. Legitimate discussion on the UDAs should be held at a policy level.

Mr. Poole stated the legislation simply requires the County to certify a UDA. He stated the County has several areas. He supports the staff resolution. There were significant community discussions during the Comprehensive Plan, and adjustments

could be made in upcoming Comprehensive Plan reviews and updates.

Mr. Murphy stated only certain strategic areas of the Comprehensive Plan would be updated in 2012.

Mr. Fraley opened the public comment session.

Mr. Gerald Johnson stated Five Forks' inclusion in the UDA would violate its area study principles. He asked for removal of Five Forks UDA designation.

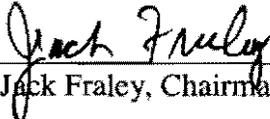
Mr. Scott Walter, representing the Virginia Campaign for Liberty, stated urban and sustainable developments harmed personal property rights. He stated there is a bill at the state to make urban development plans optional, not mandatory, and he hopes the Commission supports that legislation.

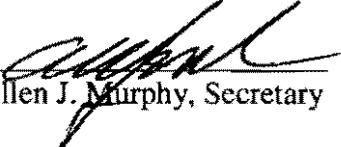
Ms. Judy Fuss, 3509 Hunter's Ridge, stated she was involved with the Five Forks study, and would like to see the area removed as a UDA due to its inconsistency with UDA requirements.

Ms. Sarah Kadek, stated that members of James City Count Citizen's Coalition has not yet reviewed other UDAs as completely as Five Forks, and would in particular like to review the Toano UDA. She stated the UDA list could be reduced to 8 or 9, and that the Five Forks intersection cannot accommodate higher growth.

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, stated the association would offer a full opinion on the UDA at the May Commission meeting. She stated the association recommends using the Economic Opportunity area as a UDA.

The meeting was adjourned at 5:11 p.m.

  
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Jack Fraley, Chairman

  
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Allen J. Murphy, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 05/02/2005

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The following minutes for the Planning Commission of James City County dated 05/02/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 05/02/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 05/02/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

Jack Fraley  
Ingrid Blanton  
Donald Hunt  
George Billups  
Jim Kennedy  
Mary Jones  
Wilford Kale

ALSO PRESENT

Marvin Sowers, Planning Director  
Michael Drewry, Assistant County Attorney  
Trey Davis, Planner  
Ellen Cook, Planner  
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Mr. Fraley corrected pages 5, 6, 9, 10, 12 and 14 of the minutes of the April 4, 2005 Planning Commission meeting.

Mr. Kennedy motioned to approve the minutes as amended.

Mr. Fraley seconded the motion.

Mr. Kale abstained because he was not present at the April 4<sup>th</sup> meeting.

The Planning Commission approved the minutes as amended with a unanimous voice vote. (6-0, Kale abstained)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered 5 cases at its April 27<sup>th</sup> meeting. A Site Plan for Abe's Mini Storage and a Conceptual Master Plan for Olde Towne Timeshares were deferred at the applicants' requests. Colonial Heritage Phase 3 Section 2 Subdivision, Oaktree Office Park and Airtight Self-Storage Expansion, and Wedmore Place at The Williamsburg Winery were recommended for preliminary approval pending agency comments.

Mr. Kale motioned the approved the report.

Mr. Kennedy seconded the motion.

The Planning Commission approved the report with a unanimous voice vote. (7-0)

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
- B. SUP-4-05 Christian Life Center Tower
- C. Z-7-05/MP-5-05 Jamestown Retreat

Mr. Hunt stated that the applicants requested deferral of these cases until the June 6<sup>th</sup> meeting.

Mr. Hunt opened the public hearing.

Mr. Reid Weir asked for clarification of the applicants' requests.

Mr. Hunt explained the procedure for a deferral request.

Mr. Weir wanted to be notified when the Jamestown Retreat case is brought before the Commission. He also asked that the same density be allowed for his property should this application be approved.

Hearing no requests to speak, the public hearings were continued to June 6, 2005.

D. SUP-16-05 Treleaven Warehouse and Nursery

Mr. Trey Davis presented the staff report. Mr. Stanley B. Treleaven of T&S Associates, Inc. has applied for a special use permit to allow for an existing structure to be used as a contractor's warehouse. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

Staff recommended approval.

Mr. Fraley asked for more information regarding the sight distance waiver that may be required prior to final Site Plan approval.

Mr. Davis explained that the Virginia Department of Transportation (VDOT) asked that the sight distance be reviewed at the site plan stage. If it is determined that there is not enough sight distance the property owner will be required to submit a deed for recordation stating awareness of the condition.

Mr. Kale verified that the driveway currently exists.

Mr. Billups asked if distinct differences existed between the current and the proposed uses.

Mr. Davis stated that the existing use is considered non-conforming. He further stated that although both uses pertain to the construction trade and that traffic and car trips would be similar; the SUP process allows the County to add some conditions to the site.

Mr. Kale inquired as to whether the SUP would apply to the nursery only or the entire site.

Mr. Davis answered that the SUP would apply to the contractor's warehouse only. He said the nursery is allowed by right.

Mr. Hunt opened the public hearing.

Ms. Jones asked whether the applicant was comfortable with the conditions.

Mr. Treleaven, the applicant, answered yes.

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

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded the motioned.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY: (0).

E. SUP-36-04 Farm Fresh Gas Pumps

Ms. Jones recused herself stating that a family member worked for the firm representing the applicant.

Mr. Trey Davis presented the staff report. Mr. Thomas C. Kleine of Troutman and Sanders has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval.

Ms. Blanton wanted to know the final outcome on the number of parking spaces.

Mr. Davis stated that the number of parking spaces would be reduced by thirty-two for a total of 176 spaces.

Mr. Kennedy wanted to know if school buses would continue to be allowed to park at the store. He also asked for enforcement of the fire lanes including proper signage.

Mr. Davis referred questions regarding school bus parking to the applicant. He said he would inform the Fire Department of the issues with the fire lanes.

Mr. Billups asked for clarification of the recommendations listed in item #7 regarding the outside display and sale of merchandise.

Mr. Davis stated that the second sentence specified some of the items that the applicant would not be allowed to display for sale.

Mr. Kale said that he also thought the language was confusing.

Mr. Davis stated that new language could be drafted to clarify the intent of the recommendation.

Mr. Hunt opened the public hearing.

Mr. R.J. Nutter, Troutman and Sanders, represented the applicant. Mr. Nutter stated that Farm Fresh customers would receive discounted gas purchases based upon the amount of in-store purchases. He also stated that Farm Fresh was in the process of adding this feature to most of its stores in the Southeast. He said the application proposed no new curb cuts and offered enhanced landscaping.

Mr. Kennedy asked the applicant to work to enforce the fire lanes and inquired about the affect of school bus parking.

Mr. Nutter stated that during peak hours about 50 spaces remained empty so that school buses should not be a problem. Mr. Nutter agreed to work with Staff during site plan review to address the fire lanes.

Mr. Rich Krapf, 2404 Forge Road, represented Friends of Forge Road and Toano. Mr. Krape stated that the application was not consistent with the James City County 2006 Budget statement or the County's Comprehensive Plan. He also recommended denial of the application.

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

Mr. Billups stated that he was in favor of the application. He said the gas pumps would offer a convenience to Farm Fresh customers. Mr. Billups also stated that the greenway would be protected by the additional landscaping.

Mr. Kennedy stated his appreciation of Mr. Krape's statement. He also said the competition would be good. Mr. Kennedy stated that he was in favor of the application.

Ms. Blanton said the proposal did not have a lot of negative impacts. She said she would support the application.

Mr. Fraley said he would support the project. He stated that the proposal would provide lower cost gasoline for customers in the area.

Mr. Hunt stated his interest in hearing that discounts would be offered to Farm Fresh customers. He also said the impacts to Route 60 would be low.

Mr. Kennedy motioned to approve the application.

Mr. Billups seconded the motion.

In a roll call vote the application was approved 6:0. AYE: Billups, Kale, Blanton, Kennedy, Fraley, Hunt (6); NAY:(0). Jones abstained.

F. Z-15-04/MP-11-04 Villas at Jamestown

Ms. Ellen Cook presented the staff report. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have applied to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). Staff recommended approval.

Mr. Billups asked for the cost and square footage of the units.

Ms. Cook answered that the units would be approximately 1,700 – 1,800 square feet. She deferred to the applicant for the cost.

Ms. Blanton asked for Staff's projections on fiscal impacts.

Ms. Cook said the Financial Management Services department estimated approximately \$92,000 per year in positive impacts.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis made a presentation outlining the proposed development.

Ms. Blanton asked for the location of the Low Impact Development (LID) aspects of the proposal.

Mr. Davis stated that the Storm Water Management Plan was a part of the Master Plan.

Ms. Blanton wanted to know what alternatives were being considered should the LID not be feasible.

Mr. Davis answered that the site design and storm water control principles in the County Ordinance would govern and that the applicant would be held to those standards.

Ms. Jones asked how much of the storm water run-off would be captured.

Mr. Davis said 100%.

Ms. Jones inquired about the four different price ranges.

Mr. Davis stated that there were four different models each with different square footage.

Mr. Kennedy wanted to know if data existed on the number of ambulance trips required for a similar project in York County. He stated his concern that the amount proffered for emergency services might not be adequate.

Mr. Davis did not have that data.

Mr. Hunt asked if the existing project in York County was age restricted.

Mr. Davis answered no. He stated that the concept was usually more appealing to older adults.

Mr. Kale stated his preference in funding emergency medical services rather than the costs associated with school age children. He also said he was glad the proposal followed the Five Fork Principles. Mr. Kale talked about the benefits of containing storm water run-off.

Mr. Fraley commended the applicant on the proposal. He also asked the applicant to consider removing the curb and gutters proposed in the application.

Mr. Davis stated that the curb and gutters were proffered based on the applicant's interpretation of the County's requirement. He also stated the applicant would be willing to remove them if possible.

Mr. Kale asked Mr. Sowers the procedure for removing the curb and gutter requirement.

Mr. Sowers said the Ordinance allows the DRC to make a special waiver at the development stage. Mr. Sowers also said the proffers could be amended before the Board meeting if the Commissioners wanted to act on the matter immediately.

Mr. Drewry suggested the Planning Commission make a comment concerning their recommendation on the removal of the curb and gutters and allow staff to research the procedure.

Mr. Kale agreed with Mr. Fraley concerning the curb and gutters. He stated that the Windsor Forest community benefited during recent heavy rainfall due to the absence of curb and gutters in that neighborhood.

Mr. Mark Kaisand of STAT Services, 2510 Manion Drive, discussed the possibility of a regional Best Management Pond (BMP) in this area instead of separate BMPs for his property and the subject parcel.

Mr. Hunt asked for the location of the BMP Mr. Kaisand was required to construct.

Mr. Kaisand indicated the location on the overhead map.

Mr. Kale asked Mr. Kaisand who he had talked to regarding the BMP:

Mr. Kaisand said Cornerstone Design, his Engineer, submitted plans to the County a few weeks ago and had been in contact with the developer for this proposal.

Mr. Gerald Johnson, 4513 Wimbledon Way, represented the Historic Route 5 Association. He stated that traffic continues to be a concern in the Five Forks area and expressed concerns about site access. He also stated his agreement for removal of the curb and gutters.

Mr. Ed Esposito, 4749 Bristol Circle, said that he was looking forward to the project. He recommended the Commission approve the project.

Mr. David Fuss, 3008 Chelsford Way, represented The Friends of the Powhatan Creek Watershed. He stated his preference that the parcel be developed according to its current by-right density. Mr. Fuss discussed different methods of minimizing impacts to the surrounding watershed which were not part of the proposal, including a setback from the buffer, stream stabilization and nutrient management.

Mr. Fraley informed Mr. Fuss of the provisions for public comment at the DRC meetings.

Ms. Jones asked Mr. Sowers if a process existed for coordinating the BMPs.

Mr. Sowers said Planning and Environmental Staff would work on the issue.

Ms. Jones wanted to know if the lower BMP encroached on the Resource Protection Area (RPA) buffer.

Mr. Davis said the drawing was only preliminary. He said that if the BMP needed to be in the buffer a permit and approval would be necessary.

Mr. Fraley asked Mr. Davis if the applicant would consider a buffer setback exception for building number 16 only.

Mr. Davis stated the applicant felt the Master Plan was adequate. He also stated that the applicant would be very cautious about proffering a comment for the buffer setback.

Mr. Fraley stated his frustration that the ordinances sometimes act mutually exclusive of one another and hinder innovative and creative plans.

Mr. Drewry said the applicant would be held to the Master Plan although it's not quite as strong as a proffer. He also stated that adequate legal phrasing could be added in a proffer statement.

Mr. Davis requested the Planning Commission approve the application with a comment concerning the setback allowing the applicant and Staff to provide appropriate legal language before the Board of Supervisors meeting.

Mr. Kale asked for clarification regarding the buffer setback issue.

Mr. Billups asked Mr. Davis if the applicant would be willing to work with Stat Services on Storm Water Management.

Mr. Davis stated that it was an Engineering issue that could be resolved.

Mr. Billups commented about the role of the Planning Commission in determining if a proposal is in compliance with the Comprehensive Plan and Ordinances and then forwarding a recommendation to the Board of Supervisors. He also stated his support of the project.

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

Ms. Blanton stated that her approval of the application would include an understanding that the LID aspects and the expanded buffer setbacks are integral to the Master Plan.

Ms. Jones stated her appreciation of the application. She also stated her preference for proposals that offered housing to individuals and families of all ages. Ms Jones said she supported the application.

Mr. Kale moved to approve the application along with the inclusion of comments regarding the elimination of curb and gutters and a clear statement concerning the buffer setback.

Mr. Fraley seconded the motion.

Mr. Kennedy said he liked many aspects of the proposal. He stated that although he had concerns about the proposal he would support it.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Fraley, Kennedy, Blanton, Jones, Hunt, Kale (7); NAY (0).

5. PLANNING COMMISSION CONSIDERATION

A. ZO-3-05 Initiating Resolution – Zoning Ordinance Amendment – Zoning Fee Change

Mr. Marvin Sowers presented the request. At the April meeting the Commission considered a similar Ordinance Amendment regarding a fee proposal in order to generate additional revenues within the Development Management division. That request was unanimously recommended to the Board of Supervisors for denial. As a result the Board considered alternate proposals to generate the additional revenue, including an alternative to increase rezoning and residential site plan fees.

Mr. Sowers recommended adoption of the Initiating Resolution allowing Staff to present the alternative at the June 6<sup>th</sup> meeting.

Mr. Kennedy motioned to approve the request.

Ms. Blanton seconded the motion.

In a unanimous voice vote the request was approved. (7-0)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. Mr. Sowers informed the Commissioners of a joint Work Session with the Board of Supervisors on May 24<sup>th</sup> at 4 p.m. He also suggested that tonight's meeting be adjourned until that time.

7. ADJOURNMENT

There being no further business, at 8:55 p.m. the May 2, 2005 Planning Commission meeting was adjourned until May 24, 2005 at 4:00 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 05/03/2004

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The following minutes for the Planning Commission of James City County dated 05/03/2004 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 05/03/2004, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 05/03/2004.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

ROLL CALL

A. Joe Poole, III  
Peggy Wildman  
Jack Fraley  
Joseph McCleary  
Donald Hunt  
Wilford Kale  
George Billlups

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
John Horne, Development Manager  
Pat Foltz, Development Management Assistant  
Sarah Weisiger, Planner

2. MINUTES

Mr. Kale moved to approve the minutes of the April meeting.

Mr. McCleary seconded the motion. The motion passed by a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary, chairman of the DRC, presented the DRC report. The committee heard five cases at its April 28th meeting. The DRC recommended the Planning Commission grant preliminary approval for case SP-035-03, Prime Outlets Phases V-A+B. For cases SP-018-04, New Town Block 8, Phase IB Residential, and SP-027-04, Greensprings Condominiums, the DRC deferred action until their June meeting. Additionally, the DRC granted an overhead utility waiver for case C-050-04, 7456 Little Creek Dam, and ruled that the proposed conceptual layout in C-050-04, Clubhouse Point, was consistent with the overall Stonehouse master plan.

With regard to the Prime Outlet plan, Mr. Kale inquired into whether the plan addressed access issues, specifically if the new plan would solve the current problem of customers using the service roads to access the stores.

Mr. McCleary responded that this problem had been partially addressed in the plan and that additional signage could offer an eventual solution.

Mr. Poole asked if SP-014-04, Action Park of Williamsburg, had been deferred again.

Mr. McCleary stated that staff had been working on this issue and that it had been deferred again.

Ms. Wildman moved to approve the DRC report.

Mr. Hunt seconded. In a unanimous voice vote the Planning Commission adopted the DRC report.

4. PUBLIC HEARING CASES

A. CASE NO. Z-11-03 & MP-12-03 Stonehouse Modifications

Ms. Weisiger stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the June meeting of the Planning Commission in order to resolve outstanding issues concerning the Stonehouse master plan and proffers. Staff concurred with the request.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the June 7th meeting.

B. CASE NO. Z-01-04/MP-02-04 New Town Section 5

Ms. Sarah Weisiger presented the staff report. Mr. Alvin P. Anderson has applied on behalf of New Town Associates, LLC, to amend the master plan and proffers for approximately 8.8 acres currently zoned R-8, Rural Residential with proffers and M-1, Limited Business/Industrial with proffers and to rezone approximately 7.1 acres, currently zoned R-8 with proffers to M-1 with proffers to allow construction of 63,358 square feet of wholesale, warehouse and/or industrial uses. The Comprehensive Plan Land Use Map designates this property for Mixed Use development; the principal suggested uses are a mixture of commercial, office and limited industrial with some residential secondary uses. This property is located at 152 and 155 Tewning Road and is more specifically identified as a portion of Parcels (1-3) and (1-4) on the JCC Real Estate Tax Map No. (38-2). Staff recommended approval of the application.

Mr. McCleary noted that, though the parcel will not be considered as part of New Town if approved, that it will still come before the DRC through the site plan process.

Mr. Poole opened the public hearing.

Mr. Greg Davis, representing the applicant, New Town Associates, gave a short presentation summarizing of the proposal. Mr. Davis spoke to the access of the site, the relation of Section 5 to the overall layout of New Town, and to the topography of the site, specifically dealing with environmental concerns. Mr. Davis stressed that any light industrial or warehouse uses on this property would be screened visually from the remainder of New Town and would preserve the environmentally sensitive features of the site.

Mr. McCleary confirmed the precise dimensions of the developable area on the parcel.

Mr. Kale inquired into an acreage discrepancy between the plan and the listed statistics.

Mr. Davis explained the difference as a result of the inclusion of portions of Sections 3 and 4 of New Town in the calculations.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Leo Rogers if language could be added to future proffers requiring developers to replace scenic buffers if they were destroyed due to accident or a natural disaster.

Mr. Rogers responded that, practically, it would be very difficult for the County to define and enforce such a proffer.

Mr. Hunt concurred with Mr. Rogers.

Mr. Poole voiced his support for the application as a whole.

Mr. McCleary motioned to approve. Ms. Wildman seconded.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

C CASE NO. SUP-130-04 Williamsburg Farms Country Inn

Ms. Weisiger presented the deferral. Mr. Patrick Duffeler has applied for a special use permit to construct and operate a 36-room inn. The site is at **5800 Wessex Hundred Road**, and can be further identified as Parcel (1-10) on James City Real Estate Tax Map (48-4). The property is zoned R-8, Rural

Residential and is designated Low Density Residential on the Comprehensive Plan Land Use Map. The applicant had asked for a deferral to resolve outstanding issues. Staff concurred with his request.

Mr. Hunt asked Ms. Weisiger to elaborate on the nature of the outstanding issues.

Ms. Weisiger responded that VDOT required more detailed traffic analysis.

Mr. Poole opened the public hearing.

Ms. Christine Payne, a resident of the Vineyards, spoke to the traffic issues surrounding the application, specifically that a critical traffic level has been reached on Lake Powell Road.

Mr. Roger Eschelman, also a resident of the Vineyards, seconded Ms. Payne's concerns over the traffic that will be generated by the inn. Additionally, Mr. Eschelman raised the issue of public utility burden that will be placed on the infrastructure by this additional proposal.

Hearing no other requests to speak, Mr. Poole deferred the case until the June 7<sup>th</sup> meeting.

Mr. Sowers offered the assistance of the Planning Division staff to help answer the citizens' questions.

Mr. Billups suggested setting up meetings with neighborhoods potentially affected by this application.

#### D. CASE NO. SUP-12-04 Hogan Daycare

Ms. Weisiger presented the staff report. Ms. Catherine Hogan has applied for a special use permit amendment for the continued operation of a child day care center at 233 Nina Lane. The existing special use permit for the day care expires on July 10, 2004 and must be renewed. The property is zoned R-2, General Residential and is more specifically identified as Parcel No. (3-203) on JCC Tax Map No. (23-4). The parcel is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Staff recommended approval of the renewal of the special use permit.

Mr. Billups asked if the application conforms to the state regulations for daycare facilities.

Ms. Weisiger responded that the Hogans have a state license to operate a day care.

Mr. Poole opened the public hearing.

Mr. John Hogan, the applicant, delivered a short presentation, stressing that the business has yet to receive a complaint or negative response from the residents of Kristiansand. Mr. Hogan also responded to Mr. Billups's question, responding that the daycare operates well within state standards and routinely passes state inspections.

Mr. McCleary inquired into the possibility of Mr. Hogan's moving to another home and how that eventuality would affect the daycare.

Mr. Hogan responded that, if he were to move, that he would relocate to another neighbourhood. He and his family are currently investigating options.

Mr. Kale inquired if, at any point, the daycare had reached its care capacity.

Mr. Hogan responded that it currently operates at capacity.

Ms. Cindy Hogan of 208 Bruton Drive, spoke to the overall quality and benefits offered by the Daycare Center. She voiced her support for the renewal application.

Mr. Poole closed the public hearing.

Mr. Kale moved to approve the application. Ms. Wildman seconded.

Ms. Wildman thanked the Hogans for their quality daycare work and voiced her support for their application. Ms. Wildman also credited the Policy Committee for crafting an effective policy.

Mr. Poole voiced his support for the application.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

E. CASE NO. SUP-14-04 4311 John Tyler Highway Monopole Tower.

Ms. Weisiger presented the deferral. Mr. Nathan Holland has applied on behalf of Omnipoint Communications for a special use permit to add a 38-foot extension to an existing 112-foot tall communications tower. The site is at 4311 John Tyler Highway, and can be further identified as Parcel (1-20) on James City Real Estate Tax Map (46-2). The property is zoned R-8, Rural Residential District, and is designated as Low Density Residential on the Comprehensive Plan Land Use Map. The applicant requested a deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the June 7th meeting.

5. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted the next meeting of the Builders by the Bay roundtable meeting on Friday, May 7, and the Board of Supervisors worksession, where staff, Planning Commissioners, and the Supervisors discussed the Adequate Public Facilities test.

Mr. Poole asked for the number of people in attendance at the Builders by the Bay meetings.

Mr. McCleary responded that about seventy-five people typically attended.

Mr. Poole addressed the Adequate Public Facilities test worksession. He found the previous discussion very helpful in forming an eventual policy, and stressed the value of the Adequate Schools Facility as an analysis tool rather than a pass or fail test.

Mr. McCleary stressed that each case must be reviewed on its overall merits and cannot be judged on a single criteria.

Mr. Poole addressed the necessity for new facilities to be coordinated with public need.

Mr. Hunt spoke to the negative media portrayal of school trailers and spoke to the quality and comfort provided by the facilities.

Mr. Kale voiced his concern that the Planning Commission not have a "compound effect" on the current generation of schoolchildren, and that a more insightful analysis of projects in the pipeline would give us a more accurate idea of the future enrolment trends.

Mr. McCleary supported Mr. Kale's concern that these projects be further analyzed.

Mr. Billups stressed the distinction between program capacity and physical capacity, and the possibility that future schools be better designed according to intended educational programs.

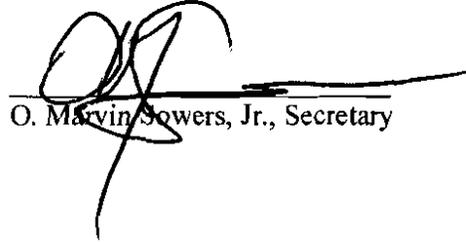
Mr. Fraley stated that he will closely monitor these statistics, as public sentiment feels very strongly about the issue.

6. ADJOURNMENT

There being no further business, the May 3, 2004, meeting of the Planning Commission was adjourned at approximately 8:00 p.m.



A. Joe Pools, III, Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 05/04/2005

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The following minutes for the Planning Commission of James City County dated 05/04/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 05/04/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 05/04/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A JOINT WORK SESSION OF THE PLANNING COMMISSION AND BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY-FOURTH DAY OF MAY, TWO-THOUSAND AND FIVE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Jack Fraley  
Don Hunt  
Jim Kennedy  
Mary Jones  
George Billups  
Wilford Kale  
Ingrid Blanton

ALSO PRESENT

Michael J. Brown, Supervisor Powhatan District  
Jay T. Harrison, Sr., Supervisor Berkeley District  
Bruce C. Goodson, Supervisor Roberts District  
John J. McGlennon, Supervisor Jamestown District  
M. Bradshaw, Supervisor Stonehouse District  
Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney  
Don Davis, Principal Planner

2. DISCUSSIONS

A. The Role of the Planning Commission in Development Review

The Board of Supervisors and Planning Commission members discussed the role of the Planning Commission (PC) in the development review process, increased efforts to get information to citizens and to get citizens involved with the PC.

The Board requested that the PC consider land use issues in respect to the Comprehensive Plan, adopted policies, and Code requirements; provide input to the Board on how the PC views the impacts to the community; how deferral issues should be handled by staff and the PC; and guidelines used by the PC to make decisions about land use issues.

B. Balancing Residential and Non-Residential Development

The PC and the Board discussed the pace and balance of development in the County.

C. Purchase of Development Rights

The PC and the Board discussed the Board's commitment level to the Purchase of Development Rights program, the bond referendum to be considered by voters in November, and support for the program by citizens.

D. Rural Lands Study Status

Mr. Don Davis and the Board discussed the status of the Rural Lands study and desire of the Board to have a process that citizens can provide input into.

A timeline of seven to nine months was identified for the study, the Board requested that staff develop a Request for Proposal (RFP) that could move forward, and requested staff to present information on the objectives in the RFP.

3. ADJOURNMENT

There being no further business, the Joint Work Session of the Planning Commission and Board of Supervisors was adjourned at 5:30 p.m.

Donald Hunt, Chairman

O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 05/06/1996

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The following minutes for the Planning Commission of James City County dated 05/06/1996 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 05/06/1996, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 05/06/1996.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTH DAY OF MAY, NINETEEN HUNDRED AND NINETY-SIX AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. Donald C. Hunt  
Ms. Willafay McKenna  
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Michael A. Freda, Sr. Planner  
Mr. Matthew W. Maxwell, Sr. Planner  
Mr. Gary A. Pleskac, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Minutes of the April 1, 1996 Planning Commission meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NOS. SUP-9-96/Z-1-96. WILLIAMSBURG CROSSING MASTER PLAN AMENDMENT

Mr. Matthew Maxwell presented the staff report (appended) and stated that comments on the traffic study had not been received from the Virginia Department of Transportation; therefore, staff recommends deferral of this case to the June 3, 1996 meeting.

Mr. Kuras opened the public hearing.

Mr. Alvin Anderson, representing Calvin Davis, the applicant, briefly discussed the application stating that the more pertinent issues involved buffering along the Winston Terrace property line and buffering along the property line of adjacent property which is currently wooded. Mr. Anderson stated that the developer would do what is required by staff under the special use permit conditions to buffer the property lines. Mr. Anderson also acknowledged that the right-in/right-out turning movement off of Route 199 was a complex issue, and stated

that Mr. Bill Cashman, traffic engineer with Langley & McDonald, was present to make a brief presentation.

Mr. Cashman briefly discussed the traffic study which was performed at Mr. Davis' request. Mr. Cashman felt that, because it is policy, VDOT would more than likely not recommend in favor of an access break. Mr. Cashman stated the following conditions as to why Williamsburg Crossing was unique in its request for an access:

- 1) Williamsburg Crossing is the only site with existing commercial use designated as a major commercial development in the Comprehensive Plan on the Route 199 corridor.
- 2) The existing access to Williamsburg Crossing will be relocated with the implementation of improvements to Route 199; no other major commercial site is so impacted.
- 3) No other major commercially zoned site in the 199 corridor has been limited to one single full movement intersection as WC will be upon completion of the 199 improvements.
- 4) Only WC has had the originally planned highway access system precluded from implementation due to VDOT roadway improvement plans.
- 5) Access to WC cannot be expanded beyond that which has been proposed since the surrounding tracts have been developed as residential neighborhoods; other potential commercial sites are in relatively undeveloped areas.
- 6) They feel that WC cannot develop as planned and as zoned without additional access. No other commercial site in the 199 corridor has been determined to be so constrained.

Mr. Cashman asked that the Commission consider that this site has been uniquely impacted by roadway improvements in the area; that its transportation system at this point is not consistent with what was planned and zoned for the area, and that the Commission make an independent judgement on the proposal for the access.

In response to Mr. Davis' comment that VDOT staff recommended against the access, Mr. Cashman acknowledged that the State Transportation Board has approved limited access "breaks" in two cases.

There being no further speakers, and with the Commission's concurrence, the public hearing was continued to the June 3, 1996 meeting.

Mr. Sowers stated that staff prefers that the Commission not offer direction or policy comments at this time in order for VDOT to complete its review and make a recommendation to the Planning Commission.

Mr. Garrett stated he hopes that staff, the Planning Commission, and the Board of Supervisors continue to be as strong in their resolve to keep this a limited access highway as Mr. Davis is persistent in his efforts to change the County's philosophy.

Mr. Sowers assured Mr. Garrett that options would be considered.

5. CASE NOS. MP-2-95, Z-21-95, SUP-1-95. WARHILL MASTER PLAN

Mr. Marvin Sowers presented the staff report (appended) for a special use permit to amend the existing Warhill Master Plan. Mr. Sowers stated that staff and the applicant request deferral to the June 3, 1996 meeting in order to further discuss alternative development scenarios for the Warhill tract.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued to the June 3, 1996 meeting.

6. CASE NO. SUP-1-96. PIERCE BROTHERS TAVERN AND GRILL

Mr. Matthew Maxwell presented the staff report (appended) for a special use permit to bring both the existing restaurant/tavern and its recently constructed 17'x30' addition into compliance with the Zoning Ordinance. Mr. Maxwell stated that staff concurs with the applicant's request to defer this case to the June 3, 1996 meeting in order to allow the application to be amended to include the addition of an outside deck.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued to the June 3, 1996 meeting.

7. CASE NO. Z-4-96. NICE PROPERTIES COMPANY

Mr. Michael Freda presented the staff report (appended) to rezone approximately 68.2 acres from A-1, General Agricultural, to R-1, Low Density Residential. Mr. Freda stated that staff recommends approval of the rezoning.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. The motion passed: Garrett, McKenna, Hunt, Everson, Poole, Kuras (6). NAY: (0).

8. CASE NO. Z-5-96. POWHATAN PLANNED COMMUNITY

Mr. Allen Murphy presented the staff report (appended) to rezone approximately six acres from PUD-R, Planned Unit Development-Residential, to R-4, Residential Planned Community, with proffers. Mr. Murphy stated that staff recommends approval of this application.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Poole, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hunt, Everson, Poole, Kuras (6). NAY: (0)

9. CASE NO. ZO-4-96. SETBACK REQUIREMENTS FOR TIMBERING IN A-1 DISTRICT IN THE PSA

Mr. Marvin Sowers presented the staff report (appended) and stated that staff recommends approval of the ordinance to create setbacks for timbering activities in A-1 districts inside the PSA.

In response to Mr. Everson's inquiry regarding this ordinance amendment and its accordance with the Right-to-Farm Act, Mr. Sowers stated that the amendment underwent legal scrutiny by our attorneys who determined that this amendment was legally acceptable under the Right-to-Farm Act.

In response to Mr. Hunt's inquiry regarding a farmer's request to clear land for the purpose of production, Mr. Sowers responded that the request would be reviewed by staff, but in the event of an adverse decision, the ultimate decision would be made by the Development Review Committee.

Mr. Kuras opened the public hearing.

Mr. Bruce Abbott, 4478 Centerville Road, farmer, and President of the Board of Agriculture for James City County, stated opposition to longtime landowners being told what to do with their land by newcomers, and strongly opposed the ordinance amendment as he felt there were too many restrictions. Mr. Abbott stated his desire to farm his land, not develop it.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Poole, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Poole, Kuras (4). NAY: Hunt, Everson (2).

10. CASE NO. Z0-3-96. LANDSCAPE REQUIREMENT FOR INDUSTRIAL AREAS

Mr. Marvin Sowers presented the staff report (appended) and summarized proposed amendments to the landscape requirements for industrial uses to relax certain standards. Mr. Sowers stated that staff recommends approval of the proposed amendments.

Mr. Kuras opened the public hearing.

Mr. Bruce Abbott stated support of the ordinance amendments.

There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hunt, Everson, Poole, Kuras (6). NAY: (0)

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers pointed out that the Commission's request for an update memo on the status of the use of the Community Appearance: Ideas and Suggestions Book is contained in the Reading File.

Mr. Sowers briefly discussed the Historic Triangle Bicycle Advisory Committee's process to update the Regional Bikeway Plan with meetings scheduled for June 4th and 6th at 7:00 p.m. in Williamsburg and York County.

12. OTHER MATTERS

Mr. Jay Everson expressed concern that Planning Commission comments were not included in the Capital Improvement Program for the Board of Supervisors' review. Mr. Sowers felt that the Board did see the Commission's comments and would investigate if Mr. Everson would contact him and identify his specific concerns.

Mr. Joe Poole thanked the citizens and staff for their contribution and attendance at the Comprehensive Plan Community Conversations.

13. RECESS

The May 6, 1996 Planning Commission meeting recessed at 8:30 p.m. to the Planning Commission/Board of Supervisors Comprehensive Plan work session on Tuesday, May 7, 1996 at 5 p.m.

  
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Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 05/10/1994

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The following minutes for the Planning Commission of James City County dated 05/10/1994 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 05/10/1994, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 05/10/1994.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, HELD ON THE TENTH DAY OF MAY, NINETEEN HUNDRED AND NINETY FOUR AT 7:30 P. M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. Donald C. Hunt  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Mark J. Bittner, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Betzner, the Minutes of the April 12, 1994 Planning Commission meeting were unanimously approved by voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report. Mr. Garrett stated that Case No. SP-42-94 was deferred at the May 4, 1994 DRC meeting until prior to this meeting in order to discuss a noncontroversial matter of a 60 foot fence behind the site.

Mr. Bradshaw stated that because of a conflict of interest his vote on the Development Review Committee Report would not include Case No. SP-42-94.

Mr. Garrett made a motion for approval, seconded by Ms. McKenna, which passed by unanimous voice vote.

4. CASE NO. AFD-9-86. GORDON CREEK AFD (GORDON ADDITION)

Mr. Bittner presented the staff report (appended) for an application to add a 35.3 acre parcel to the Gordon Creek Agricultural and Forestal District located west of John Tyler Highway's intersection with Brick Bat Road. Mr. Bittner stated that the AFD Advisory Committee unanimously recommended approval and that staff recommended approval for a term of four years with the conditions detailed in the staff report.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Betzner, Bradshaw, Garrett, Hunt, McKenna, Everson, Kuras (7). NAY: (0).

5. CASE NO. ZO-1-94. M-1 DISTRICT AMENDMENT/PROVISION OF WATER AND SEWER FACILITIES FOR GOLF COURSES.

Mr. Sowers presented the staff report (appended) for an amendment to the Zoning Ordinance to allow the Board of Supervisors the flexibility to approve alternatives to public water and sewer service for golf courses in the M-1 District. Mr. Sowers stated that staff recommended approval of the amendment.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Betzner, Bradshaw, Garrett, Hunt, McKenna, Everson, Kuras (7). NAY: (0).

6. PLANNING DIRECTOR'S REPORT

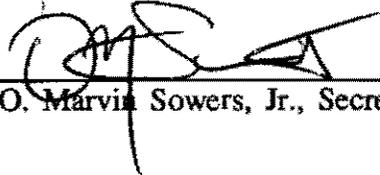
Mr. Sowers stated that the Powhatan Creek small boat public access area construction was progressing nicely by volunteers, with much of it being constructed by the Boy Scouts. It is expected to be completed early this summer.

Mr. Sowers stated that VDOT initiated a study of the entire Route 5 corridor on the feasibility of including bikeways.

7. ADJOURNMENT

There being no further business, the May 10, 1994 Planning Commission meeting adjourned at approximately 7:45 p. m.

  
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Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 06/06/2005

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The following minutes for the Planning Commission of James City County dated 06/06/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 06/06/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 06/06/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

- |   |  |
|---|--|
| 1. <u>ROLL CALL</u><br>Jack Fraley<br>Ingrid Blanton<br>Donald Hunt<br>George Billups<br>Jim Kennedy (arrived late)<br>Mary Jones<br>Wilford Kale | <u>ALSO PRESENT</u><br>Marvin Sowers, Planning Director<br>Leo Rogers, County Attorney<br>Matthew Arcieri, Senior Planner<br>Toya Ricks, Administrative Services Coordinator |
|---|--|

2.     MINUTES

Mr. Fraley corrected page 4....“vote 5-0 (Kennedy absent; Kale abstained)” and page 11...Fraley “would” support.

Ms. Jones corrected page 3...spelling of “Committee”, “New Town”, “environmental.”

Ms. Blanton corrected page 4...spelling of “environmental” and page 10.....spelling of “Mr. Krapf”.

Mr. Kale motioned to approve the minutes as amended.

Mr. Fraley seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0, Kennedy absent).

3.     COMMITTEE AND COMMISSION REPORTS

A.     DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered 7 cases at its June 1<sup>st</sup> meeting. Six of the cases were deemed routine and unanimously recommended for preliminary approval pending agency comments: Stonehouse - The Fairways, Stat Services, Williamsburg Indoor Sports Complex Expansion, Warhill Sports Complex – Basketball Facility, New Town – Neighborhood Green Site, and the proposed third high school. A follow-up meeting will be held on Wednesday, June 8<sup>th</sup> to discuss concerns about the feasibility of the design for the high school to meet future expansion needs and provide adequate athletic fields.

Mr. Kale motioned to approve the report.

Ms. Blanton seconded the motion.

In a unanimous voice vote the report was approved (6-0, Kennedy absent).

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union
- B. Z-7-05/MP-5-05 Jamestown Retreat
- C. Z-9-05/MP-6-05 Governor's Grove
- D. Z-8-05 Williamsburg Wicker and Rattan Retail Center
- E. Z-6-05/MP-4-05 Warhill Tract
- F. SUP-4-05 Christian Life Center Tower

Mr. Hunt stated that the applicants for items 4-A through 4-E requested deferral of those cases until the July 11<sup>th</sup> meeting. The applicant for item 4-F requested an indefinite deferral.

Mr. Hunt opened the public hearing.

Mr. Kale stated his concerns about a by-right tower on the Christian Life Center site. He requested staff to investigate any potential problems.

Mr. Sowers talked about the height requirements for towers and stated that staff would investigate the matter.

Mr. Hunt asked if the tower would be camouflaged.

Mr. Sowers said the applicant had not submitted a final design proposal.

Mr. Fraley stated his agreement with Mr. Kale's comments.

Mr. Billups spoke about a previous cell tower application. He suggested that the Commission and Board consider the future of towers in the County and be equitable in applying the policy.

Mr. Hunt stated that with the changes in technology the policy concerning towers continues to be an on-going process.

Mr. Sowers briefed the Commissioners on the history of the Wireless Communications Facilities Policy and related Ordinance.

Mr. Kennedy said the need for such facilities increases as the demand for cellular phones continues to rise.

Mr. Sowers mentioned an Initiating Resolution concerning Wireless Communications Facilities in the R-4 District that the Commissioners would be asked to consider later in the evening.

Hearing no requests to speak, the public hearings were continued to July 11, 2005 except Case No. SUP-4-5 Christian Life Center Tower which was indefinitely deferred.

G. AFD-7-86 Mill Creek – Andrews Addition

Mr. Matthew Arcieri presented the staff report. Eugene and Mary Andrews have applied to add 102.85 acres into the existing Mill Creek Agricultural and Forestal District (AFD). On May 26, 2005 the AFD Advisory Committee recommended approval. Staff also recommended approval.

Mr. Kale asked about the portion of the parcel adjacent to North Riverside Drive.

Mr. Arcieri said the parcel is a flag lot with 25 feet of road frontage on North Riverside Drive.

Ms. Jones asked Mr. Arcieri to explain the AFD program.

Mr. Arcieri explained that in exchange for a reduction in property taxes a landowner agrees to place certain restrictions on the development of their property.

Mr. Sowers added that it is a tool used by the Board and County to preserve open space, farmland, and woodlands.

Mr. Hunt said that the policy also added protection to landowners against encroachments from easements.

Mr. Kale asked about the location of the Mill Creek District.

Mr. Arcieri showed the District on the location map.

Mr. Hunt opened the public hearing.

Hearing no request to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote, the motion passed (7-0). AYE: Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups (7); NAY: (0).

H. ZO-3-04 Zoning Ordinance Amendment – Mixed Use Fast Food

Mr. Matthew Arcieri presented the staff report. Mr. Arcieri stated that during a review of recent Mixed Use Rezoning cases Staff discovered the omission of fast food restaurants. In December 2004 the Planning Commission Policy Committee recommended that fast food restaurants be included as a Specially Permitted Use. Staff recommended approval.

Ms. Blanton asked if there had been discussions on drive-thrus.

Mr. Arcieri said he thought the Committee's primary concern was that impacts of fast food restaurants including their drive-thru lanes could not be mitigated through the by-right development process and that Planning Commission and Board review would allow mitigation of such impacts.

Ms. Blanton asked for examples of developments where this has been an issue.

Mr. Arcieri named the current and recently approved Mixed Use Districts.

Ms. Blanton commented on the varying degrees of vehicular, pedestrian, and bicycle traffic among the Districts.

Mr. Arcieri said that he thought the concern was that Districts with less formal design review processes would not be able to mitigate impacts as well as those with a more formal process.

Mr. Billups said that a by-right use would not allow the same amount of control over impacts. He said the SUP process allows for appropriate mitigations based upon the needs of the surrounding area.

Mr. Hunt opened the public hearing.

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

Mr. Kennedy abstained from voting stating his involvement in the restaurant business.

Mr. Fraley motioned to approve the application.

Ms. Blanton seconded the motion.

On a roll call vote, the vote was (6-0-1). AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt (6); NAY:(0); ABSTAIN: Kennedy (1).

I. ZO-3-05 Zoning Ordinance Amendment – Zoning Fee Change

Mr. Arcieri presented the request. Staff prepared a proposal to increase rezoning acreage fees, remove the cap on rezoning fees and to increase fees for residential site plan review. The fee increase was estimated to generate \$30,000 in additional revenue which was included in the Fiscal Year 2006 budget approved by the Board of Supervisors. Staff recommended approval.

Mr. Kennedy asked about the steep increase in fees.

Mr. Arcieri stated that after reviewing all the Division's fees staff felt the rezoning fees and residential site plan were the only ones that could be increased and still be competitive.

Mr. Sowers added that the Division was asked by the Board to identify fees that have some room for adjustment. He stated that the fees were high when compared with surrounding localities. He also stated that the proposed fees were within the range of other Virginia localities that are attempting to recover a larger percentage of staff services for development review.

Mr. Kennedy wanted to know if other localities had a cap on rezoning fees.

Mr. Arcieri did not know if a cap existed in other localities.

Mr. Kennedy felt the proposal was punitive to larger landowners who, after having kept their property rural, might now find themselves having to develop it.

Mr. Arcieri told the Commissioners that the Board asked staff specifically to consider removing the rezoning cap. He stated that he understood the reasoning to be that larger acreage means larger staff workload and resources.

Mr. Billups asked if the purpose of the increase was staff pay or retarding growth. He also stated that he had a problem with charging to compensate for staff services.

Mr. Sowers answered that staff was trying to identify a figure to generate revenue and did not have any goals relative to growth.

Mr. Kennedy confirmed that the increase would fund the \$30,000 newly created half-time position. He also stated that he felt the funds could be found somewhere in the County's \$135.2 million budget.

Ms. Blanton said if fees had to be increased then this proposal was more appropriate than the previous request. She said she agreed with Mr. Kennedy that imposing fees was not an appropriate way to address budgetary needs.

Mr. Fraley agreed with Mr. Kennedy and Ms. Blanton. He said the proposal would make the County extremely non-competitive with Williamsburg and York County especially at the 10 acre level. He asked about a comparison with other localities on residential fees.

Mr. Arcieri said he thought James City County was on the higher end of those fees as well.

Mr. Sowers said that residential site plan fees were calculated differently in the different localities making comparison more difficult.

Mr. Kale asked the rationale behind instituting the \$15,000 rezoning cap initially.

Mr. Sowers assumed it was put in place so as to not be unfair to large landowners and to keep fees more competitive.

Mr. Hunt thought it might have been to limit the punitive nature on large developments.

Mr. Kennedy pointed out the resignation of Senior Planner, Chris Johnson, and other Planners recently. He encouraged the Board to look at the quality of people that are being lost and to start paying staff accordingly and to look at upward mobility for them. Mr. Kennedy recommended the County find a way to fund the \$30,000 half-position and other positions as well.

Ms. Jones also stated her concern with funding a position through fees. She asked what would happen if the fees generate an overage or shortfall or if the position were eliminated.

Mr. Arcieri and Mr. Sowers explained that the funds are deposited into the General Fund which funds all the County departments so that any overage or shortfall would be absorbed into the County budget. Mr. Sowers also said the fees would not be reduced if the position were eliminated absent any Board or Commission action.

Mr. Hunt opened public hearing.

Mr. Robert Duckett, Peninsula Housing and Builders Association (PHBA) Director of Public Affairs, stated that the group was not opposed to increased fees when the increase is tied to the administrative costs of providing a service, but this was not the case. Mr. Duckett recommended the request be denied.

Hearing no other requests, Mr. Hunt closed the public hearing.

Mr. Kennedy said that fee increases, when needed, should be adjusted according to need and included as a part of the budget. He also said he needed more information on other localities, but could consider a cap of \$20,000.

Mr. Billups stated that salaries should be included in the budget. He said he could consider increasing fees if the cap were maintained.

Mr. Kale stated that he did not like the proposal. He suggested a base fee of approximately \$650 with a cap of approximately \$20,000.

Ms. Blanton said she did not think this was an appropriate way to fund the position.

Mr. Fraley motioned to deny the request.

Mr. Kennedy seconded the motion.

The request was denied by a unanimous voice vote. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY (0).

## 5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. Mr. Sowers stated staff's request for approval of an Initiating Resolution to consider a Zoning Ordinance amendment to permit wireless communications facilities in the R-4 Zoning District with a Special Use Permit.

Mr. Billups and Mr. Sowers discussed possible scenarios.

Mr. Fraley asked if any towers would be allowed by-right or if all towers would require Special Use Permits.

Mr. Arcieri said that the types of towers that are currently allowed by-right would continue to be allowed by-right.

Mr. Kale wanted to know what the amendment would allow.

Mr. Arcieri said that approval of an SUP by the Board would allow wireless communications facilities in excess of 120 feet.

Mr. Sowers said the amendment would make the District consistent with other Master Planned Communities.

Ms. Blanton clarified that Commissioners were only considering the Initiating Resolution.

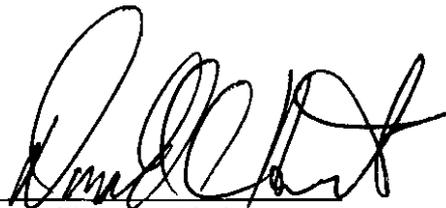
In a voice vote the resolution passed (6-1). AYE: Hunt, Jones, Blanton, Fraley, Billups, Kennedy (6); NAY: Kale (1).

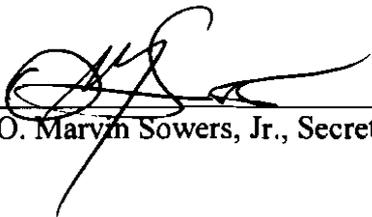
Mr. Sowers informed the Commissioners that three new staff members have been hired to fill recent vacancies and that recruiting was underway for two up-coming vacancies.

Mr. Billups pointed out that one of the up-coming vacancies was a new position that the Board approved and funded.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 9:04 p.m.

  
Donald Hunt, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 06/07/2004

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The following minutes for the Planning Commission of James City County dated 06/07/2004 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 06/07/2004, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 06/07/2004.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL  
A. Joe Poole, III  
Peggy Wildman  
Jack Fraley  
Donald Hunt  
Joseph McCleary  
Wilford Kale  
George Billups

ALSO PRESENT  
Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Pat Foltz, Development Management Assistant  
Christopher Johnson, Senior Planner  
Sarah Weisiger, Senior Planner  
John Carnifax, Parks and Recreation  
Paul Tubach, Parks and Recreation  
Matthew Arcieri, Planner

2. ROLL CALL

3. MINUTES

Mr. Joe McCleary proposed prefacing Ms. Cindy Hogan's statements with a parenthetical phrase stating "(no relation to the applicant)" for SUP-12-04, Hogan Homestead Daycare.

Mr. McCleary moved to approve the minutes of the April meeting.

Ms. Peggy Wildman seconded motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMITTEE AND COMMISSION REPORT

- A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary, chairman of the DRC, presented the DRC report. The DRC heard eight cases at its June meeting. The DRC recommended approval for cases C-055-04 - Mid-County Park Trail Addition, SP-057-04 - Archaerium at Historic Jamestown, SP-027-04 Greensprings Condominiums, SP-018-04 - New Town Block 8, Phase 1B, and SP-038-04 - Greensprings West, Phases 4B and 5.

The DRC deferred action on three cases: S-037-04/SP-056-04 - Michelle Point, SP-059-04 - Norge Neighborhood, and SP-051-04 - Druid Hills, Section D.

Mr. Kale inquired where in Druid Hills the site plan dealt with.

Mr. McCleary responded that it was near Anthony Lane.

Mr. Kale related that, from personal experience as a resident, the road in question was not to be built.

Mr. McCleary gave further detail on the case, including potential reasons as to why the plan had recently come forward.

Mr. Fraley pointed out a case numbering inconsistency in the DRC report.

Mr. McCleary spoke to the importance of posting a private drive on certain property. He also spoke to a condition in the proffers connecting Norge Neighborhood and Kristiansand.

Mr. Kale related specifics behind the decision for that connection, and that it was kept narrow in order to prevent it from becoming a vehicular connection.

Mr. McCleary spoke to the existing dangers of the path, including the danger of skateboarders using the path.

Mr. Hunt moved to approve the DRC report.

Mr. Kale seconded the motion.

In a unanimous voice vote the Commission approved the DRC report.

## 5. PUBLIC HEARINGS

### A. CASE NO. SUP-13-04 Williamsburg Farms Country Inn

Mr. Matt Arcieri stated that the applicant, Mr. Vernon Geddy, of Geddy, Harris, Hickman, and Franck, requested deferral to the June meeting of the Planning Commission in order to resolve outstanding issues. Staff concurred with the request.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the July 12th meeting.

### B. CASE NO. SUP-14-03 John Tyler Monopole Tower

Mr. Matt Arcieri stated that the applicant, Mr. Nathan Holland of Omnipoint Communications, requested a deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Kale asked for specifics on the outstanding issues.

Mr. Arcieri responded that there was a historic protection issue.

Mr. Nathan Holland stated that the State Historic Preservation Office of Virginia is to deliver its report in the near future. The case will go forward when its permission is received.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the July 12th meeting.

### C. CASE NO. Z-11-03 & MP-11-03 Stonehouse Master Plan Modification

Mr. Matt Arcieri stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the July meeting of the Planning Commission in order to resolve outstanding issues concerning the Stonehouse master plan and proffers. Staff concurred with the request.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the July 12th meeting.

D. CASE NO. SUP-16-04 Warhill Airport

Ms. Sarah Weisiger presented the staff report. Mr. Larry Waltrip of the Williamsburg-Jamestown Airport has applied on behalf of Mary Waltrip for an amendment to SUP-23-97, approved December 9, 1997. The original special use permit included property at **100 Marclay Drive** also identified as parcel nos. (1-5A) and (1-6) on James City County tax map no. (48-2). The SUP amendment does not propose any change to the conditions of SUP-23-97. The amendment will allow for the construction of T-Hangars #14, 17, and 20 as shown on the approved master plan on approximately 14.6 acres adjacent to the airport south of Marclay Road in parcel no. (1-12) on James City County tax map no. (48-2). A special use permit is required for airports and accessory uses in the R-8, Rural Residential zoning district in which the property is located. The Comprehensive Plan Land Use Map designates the property as Airport. Staff recommended approval of the application.

Mr. McCleary requested clarification whether or not Stage I or Stage II was up for approval.

Ms. Weisiger stated that the application brought only that property into the conditions of the SUP.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Poole found the application in keeping with the 1997 SUP and expressed his full support.

Mr. Kale moved to approve the application.

Mr. Hunt seconded the motion.

Mr. Poole asked whether that the applicant was satisfied with the conditions.

Ms. Weisiger responded that he was.

In a unanimous roll call vote the application was approved 7:0; AYE: (7) Poole, McCleary, Fraley, Hunt, Kale, Billups, Wildman; NAY: (0).

E. Case No. SUP-17-04 JCC Tower – Forge Road

Mr. Matthew Arcieri presented the staff report. Mr. Richard Miller has applied on behalf of James City County for a special use permit amendment to increase the height of the communication tower serving as part of the 800 Mhz. Radio System from 140 to 160 feet. The location of the tower will not change. This amends the special use permit previously approved on April 27, 2004. The site is located at **3135 Forge Road** (EOC Building), zoned B-1, General Business and designated Federal, State and County Lands on the 2003 Comprehensive Plan Land Use Map. The property can be further identified as Parcel No. (1-27) on JCC Real Estate Tax Map No. (12-3). Staff recommended approval.

Mr. Poole opened the public hearing.

Seeing none, Mr. Poole closed the public hearing.

Mr. McCleary moved to approve the application.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was approved 7:0; AYE: (7) McCleary, Fraley, Hunt, Kale, Billups, Poole NAY (0).

F. Case No. SUP-17-03/MP-05-03 Warhill Sports Complex

Mr. Chris Johnson presented the staff report. Mr. Needham Cheely, on behalf of James City County Parks and Recreation, has applied for a special use permit amendment and master plan amendment to add additional recreational facilities at the Warhill Sports Complex generally located north of Longhill Road, east of Centerville Road and west of Route 199. The properties are located at **5700 Warhill Trail** and are zoned R-8, Rural Residential, and designated as Park, Public, or Semi-Public Open Space on the Comprehensive Plan Land Use Map. The properties can be further identified as parcels (1-12) on the JCC Tax Map No. (32-1). Staff recommended approval for the request.

Mr. McCleary clarified that BMX tracks would be for bicycles.

Mr. Johnson concurred.

Mr. Hunt questioned where the primary access for the site would be.

Mr. Johnson responded that the plan allowed for a secondary road connecting the park to Centerville road that would be contingent on future talks between VDOT and the Parks and Recreation department.

Mr. Billups asked if the remaining parts of the complex could be completed without VDOT review of a traffic study.

Mr. Johnson responded that, though VDOT has the power to require it, that they would not likely ask for it in the near future.

Mr. Poole opened the public hearing.

Mr. Needham Cheely, Director of Parks and Recreation, made himself available for questions.

Mr. Kale asked if there was a plan in place for the future stadium site.

Mr. Cheely responded that the considerations for this site would be contingent upon funding availability and public interest, which at current time would predict a possible start date after 2007.

Mr. Kale questioned how far along parking plans had been advanced for that site.

Mr. Cheely responded that, though no formal plan had been formulated, some sort of shared parking agreement with other facilities would be pursued.

Mr. Kale expressed his concern for the parking around the E and F field sites, specifically to the aesthetics of the park being too dominated by parking lots, and that the eventual demand for the facilities will overrun the capacity of Longhill and Warhill roads. He proposed a design that included more shared parking.

Mr. Cheely stated that no facility will be built without VDOT review, and that VDOT has the ability to call for a traffic study once it is deemed necessary. As to Centerville Road access, Mr. Cheely spoke to the safety hazard posed by a full road, which could be used as a cut through, and stressed the intention that it would be used in emergencies only. Given the expanding season length of youth athletic seasons, parking in the park was meant to be convenient, but not dedicated, to a certain field and reassured that the parking plan reflected in the application addressed that point.

Mr. Billups asked what percentage of the park acreage could be used for parking.

Mr. Cheely responded that certain areas had been treated, out of experience, to admit the overflow parking that will inevitably be needed.

Mr. Billups asked if the plan would affect a specific subdivision or group of residents.

Mr. Cheely responded that Parks and Recreation had conducted regular meetings with the Mallard Hill Subdivision and held discussions with the large-lot property owners adjacent to the park.

Mr. Fraley related to the Commission the current parking situation, characterized by frequent use of unpaved overflow areas.

Mr. Kale stated his concern about the placement and location of parking lots, and that combined parking would improve the overall convenience of parking at the complex.

Mr. Cheely restated the intention to maximize current and shared usages, and to balance individual parking elements while placing them strategically in relation to the facilities.

Mr. Poole stated that, while it was difficult to expect people to walk the distance of the soccer field, the parking plan in the application was satisfactory.

Mr. Kale spoke to the importance of the configurations, and that placing individual parking lots specific to each facility in fact made access to the site less convenient.

Mr. Poole closed the public hearing.

Mr. McCleary expressed his support for recreational facilities and moved to approve the application.

Mr. Kale seconded the motion.

Mr. Poole expressed his support for the facility and credited staff for the high quality of the current facility.

Mr. Sowers confirmed that the motion included the amended conditions.

In a roll call vote the application was approved 7:0; AYE: (7) McCleary, Fraley, Hunt, Kale, Billups, Wildman; Poole NAY (0).

G. Case No. SUP-11-04/MP-03-04 Freedom Park

Mr. Johnson delivered the staff report. Mr. Needham Cheely, on behalf of James City County Parks and Recreation, has applied for a special use permit amendment and master plan for Freedom Park generally located west of the intersection of Longhill Road and Centerville Road. The properties are located at **5535, 5537, and 5981 Centerville Road** and are zoned A-1, General Agricultural, and LB, Limited Business, and designated as Park, Public, or Semi-Public Open Space on the Comprehensive Plan Land Use Map. The properties can be further identified as parcel (1-6) on Tax Map No. (31-1); parcel (1-9) on the JCC Tax Map No. (30-1); and parcel (1-10) on Tax Map No. (30-2). Staff recommended approval.

Mr. Poole opened the public hearing.

Mr. George Eckles, 2608 Sir Thomas Way, stated his support for a golf course in James City County in response to the aging population. Mr. Eckles spoke to the absence of a golf course on the upcoming bond issue and urged the community to consider it.

Mr. Cheely stated that the golf course was a product of deliberations dating from 1994 and that a public golf course might duplicate services and strain partnerships in the private sector, where many golf courses have been built. He also responded that public interest in a public golf course had not been as strong as anticipated.

Mr. McCleary asked if there were any current public access to private courses.

Mr. Cheely responded that there was public access currently but that cost issues constrained public access.

Mr. Kale expressed the need for more golf opportunities.

Mr. Billups asked for more detail into the partnership between private courses and Parks and Recreation.

Mr. Cheely responded that PR has no budgetary money to facilitate golf discounts. He re-iterated that golf has indeed become more affordable and that PR is having active discussions as to a special rates and access programs centered on family golfing.

Mr. Billups asked if Parks and Recreation had anticipated a future resurgence of public interest in golf and if it had explored the possibility of a County-run 18-hole course.

Mr. Cheely showed a possible location for a course within Freedom Park, though it was not part of the current plan.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. McCleary affirmed that the County enjoyed public facilities of high quality and moved for approval.

Ms. Wildman seconded the motion.

Mr. Billups stated his concern about the need for affordable family golf opportunities within the County.

Mr. Poole registered his support of the motion.

Mr. Hunt asked if the archaeological sites were concentrated at one area in the park or whether they were dispersed.

Mr. Johnson responded that the archaeological surveys were only conducted in the area of anticipated initial construction.

In a roll call vote the application was approved 7:0; AYE: (7) McCleary, Fraley, Hunt, Kale, Billups, Wildman; Poole NAY (0).

5. PLANNING COMMISSION CONSIDERATION

A. Initiating Resolution for Zoning Ordinance Amendment.

Mr. Sowers related that a business in James City County requested permission to use previously prepared stone in a business. The purpose of bringing it before the Planning Commission is to approve a resolution.

Mr. Fraley moved to prepare and ordinance amendment to permit the use.

Mr. Hunt seconded the motion.

Mr. Billups confirmed that the ordinance was being changed to allow what is already in place.

In a roll call vote the application was approved 7:0; AYE: (7) McCleary, Fraley, Hunt, Kale, Billups, Wildman; Poole NAY (0).

6.

PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report. He highlighted Item 3, where the Board will be considering the Five Forks Area Study, a requirement of the 2003 Comprehensive Plan. A public meeting has been tentatively scheduled for Wed, June 30.

Mr. Hunt brought up a VDOT initiative to examine current and future potential bridge sites along Route 5.

Mr. Sowers responded that a 1992 feasibility study on river crossings had been undertaken by VDOT, and that recently VDOT had elected to pursue a down-river crossing site. Keeping it close to the bridge is a key opportunity.

Mr. McCleary suggested moving the start time of the PC's July meeting up an hour to anticipate a full agenda.

Mr. Johnson detailed the number of cases.

Ms. Wildman asked whether or not anything had been done to clean up the two roads adjacent to Five Forks.

Mr. Sowers responded that one of the features of the 2003 Comprehensive Plan is to identify sites for redevelopment.

Mr. Poole reopened the issue of meeting time.

Mr. Kale stated that a 6:30 time might be acceptable, but that historically, earlier start times had not been ultimately needed.

Mr. Poole proposed the idea of a second day in July for public hearings.

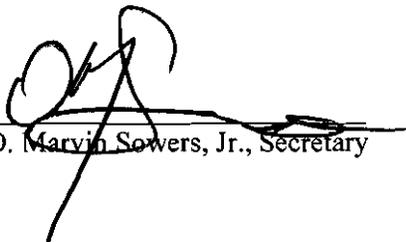
Mr. Hunt asked if there were any way to arrange the meeting so that contentious cases were placed near the beginning of the agenda.

Mr. Johnson related to the commission that those cases were often hard to identify.

7. ADJOURNMENT

There being no further business, the February 2, 2004, meeting of the Planning Commission was recessed at approximately 8:43 p.m.

  
A. Joe Poole III, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 06/07/1999

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The following minutes for the Planning Commission of James City County dated 06/07/1999 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 06/07/1999, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 06/07/1999.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF JUNE, NINETEEN HUNDRED AND NINETY-NINE AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett, Chair  
John Hagee  
Don Hunt  
Wilford Kale  
Alexander Kuras  
Willafay McKenna  
A. Joe Poole, III

ALSO PRESENT

O. Marvin Sowers, Planning Director  
Leo Rogers, Deputy County Attorney  
Andrew Herrick, Assistant County  
Tammy Rosario, Senior Planner  
Chris Johnson, Planner

2. MINUTES

Upon a motion by Willafay McKenna, seconded by Alex Kuras, the minutes of the May 3, 1999 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Alex Kuras presented the report for the special DRC meeting held on May 19 for the Lightfoot Antique Mall-Weekend Flea Market regarding the landscape plan and Williamsburg Farms which requested the addition of two lots on 9.3 acres. He also presented the report for the DRC meeting held prior to the Planning Commission meeting on June 7 stating the cases, Midlands Limited Business and Kingsmill River Bluffs, Phase 1, were routine. He recommended approval of all four cases. John Hagee declared a conflict of interest for case SP-52-99, Kingsmill River Bluffs, Phase 1, and would not cast a vote. Willafay McKenna seconded the motion. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-8-99. POULSTON MOTORCYCLE CUSTOMIZATION SHOP.

Tammy Rosario represented the staff report stating that at the April 5 and May 3, 1999 meetings, the Planning Commission unanimously voted to defer this case to allow the staff and applicant to further discuss the conditions. She stated that staff and the applicant had met and agreed to all but one of the conditions. Staff continued to find the application inconsistent with the Comprehensive Plan and believed that it would set a negative precedent for other business uses along that portion of the Richmond Road corridor. Staff recommended that the Planning Commission deny this application.

John Hagee asked Tammy to elaborate on the severability aspect of condition #11.

Tammy Rosario deferred to Leo Rogers who stated that the severability clause was a statement of intent that this SUP was intended to be issued with all of the conditions that were in it. In the past when challenged, attorneys argued that the SUP could be severable. One way of preventing the argument from happening was to have the statement of intent in the conditions of the SUP being issued.

Alex Kuras asked Leo Rogers to expand on that statement because he felt that the way it was written he could understand why an applicant might object to it.

Leo Rogers stated this statement was there only if someone challenged one of the conditions. If the condition were challenged and the condition was deemed to be void and unenforceable, then the rest of the SUP would be deemed void and unenforceable. If there were conditions the Commission did not want to impose on the applicant, he suggested they delete them at this time. He stated the only

way that condition #11 would come into play was if there was a court action.

Alex Kuras stated he understood, but was unsure if all the applicants understood. He suggested that they actually indicate some authority in the statement that might make it clearer.

Martin Garrett opened the public hearing.

Walker Ware, representing Charles Poulston, stated the applicant was pleased with the conditions except for his objection to condition #11. He felt that Leo Rogers misled the Commission and explained that if a law came about stating there needed to be only a 90' buffer, then the applicant would be in violation of the SUP and would have to return to the Commission. He felt that condition #11 should be deleted or rewritten to say: "Should any provision of this SUP be held to be illegal, invalid, or unenforceable that finding should have no other effect on any other provision of this SUP." He stated he and the applicant spoke with Mrs. Moore, the property owner across the road who was opposed to this SUP, and said she was happy with what the applicant was now proposing. He stated that there were already fifteen businesses operating between Anderson's Corner and Lenexa and concluded that this area was a corridor in which small business opportunities would become greater and greater and the County should realize this. He requested the Commission approve this application.

Wilford Kale recalled that the applicant said he would not be doing any type of engine work and asked staff why condition #10 still remained.

Marvin Sowers stated that if the condition was to be removed, the applicant would have no restrictions if he decided to work on engines in the future. He said it was left in to protect the surrounding neighbors.

Wilford Kale asked if there was a structure there now and, if not, shouldn't condition #2 read proposed structure rather than existing structure. He also asked if this was to be the applicant's home and only a 700 sq ft. area was to be used for his business, why was staff requiring that an addition to the rear of his home be approved by the Planning Director.

Tammy Rosario stated the proposal for the commercial aspect of the structure was less than 700 sq. ft. and staff was allowing for some expansion in the future. She stated the condition referring to additions or expansions was intended for an expansion of the commercial operation.

Wilford Kale suggested rephrasing the conditions to read: "later modifications or additions to the proposed structure involving the commercial area would require the Planning Director's approval." He did not feel that the residential portion of the home needed to be reviewed by the Planning Director.

Leo Rogers stated that if it were for solely residential purposes, that would be sufficient. He suggested stating: "additions for solely residential purposes."

Wilford Kale agreed with the suggestion offered by Leo Rogers and asked if the other Commission members if they concurred.

Leo Rogers commented on a statement by Walker Ware stating this SUP was not a contract and that condition #11 indicated that it was a single piece of legislation.

Martin Garrett asked if the Commission understood the intent of conditions #11 as explained by Leo Rogers.

The Commission members were in agreement of this understanding.

Charles Poulston, the applicant, stated he agreed to all the conditions except for conditions #11 and said that, the way he read it, anything could be used to shut down his business. As far as the engine repair, he said he would not be doing any work in his shop and had no problem with condition #10.

Alex Kuras felt the sixteen-square foot sign was quite large. He suggested a four-square foot sign.

Charles Poulston stated that was the size suggested by the Commission and that staff allowed for a even larger sign.

Willafay McKenna commented on condition #11's invalidation clause. She stated that it would take an act of the court or agency or someone deciding that there was something invalid about the SUP. It was not the intention to be aimed specifically at the applicant and felt that it was consistent with Leo Rogers' comments.

There being no further speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Wilford Kale, to recommend approval with the changes suggested by Wilford Kale.

Joe Poole stated that back in April he was opposed to this application and that an inordinate amount of time had been spent on this application. He stated he did not want to discount this application, but from a Comprehensive Plan standpoint he still opposed this application. He also was concerned about the precedent it would set since this was not a rehabilitation of an existing building but a new structure and parcel that was subdivided from a larger parcel.

Alex Kuras supported this application and felt it fell within the Comprehensive Plan because it would look like a private structure and the amount of traffic would not be any more than a typical active residential dwelling.

In a roll call vote, motion passed (5-2). AYE: McKenna, Hagee, Hunt, Kale, Kuras (5); NAY: Poole, Garrett (2).

5. CASE NO. Z-4-99. GREENSPRINGS PLANTATION PROFFER AMENDMENT.

Christopher Johnson presented the staff for an amendment to the existing Greensprings Plantation Proffer Agreement to provide for a single-family recreation center in Land Bay S-1 and delete the requirement that all single-family recreation areas be open to all single-family owners in Greensprings Plantation. Staff found that the rezoning request was consistent with the approved master plan for Greensprings Plantation, the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Planning Commission approve this rezoning application and accept the voluntary proffers.

Martin Garrett opened the public hearing.

Vernon Geddy, representing the applicant, asked if the Commission had any questions.

There being no further speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (7-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

6. CASE NO. SUP-12-99. UNICORN COTTAGE.

Tammy Rosario presented the staff report stating that on March 10, 1997 the Board of Supervisors approved a special use permit for Sharon Dennis to operate a child day care center from an existing facility located on the grounds of the Williamsburg Unitarian Universalist Church which limited the number of children to 30. The applicant was proposing to amend the special use permit to allow for an additional 14 children in the existing facility and to allow for the expansion of the day care center to the church nursery which would allow room for 20 more children. Staff found the proposal to be consistent with the surrounding properties, uses, Comprehensive Plan, and with the previous actions taken by the Board of Supervisors. Staff recommended the Planning Commission approve this applications with the conditions as outlined in the staff report.

Joe Poole asked, if, as part of this application, there would be no requirement for a left turn lane.

Tammy Rosario stated that this proposal was marginal and VDOT did not require any improvement but gave staff notification that any future increase in traffic from this site by another expansion would most likely call for road improvements.

Joe Poole asked if there was any indication from the applicant that the increase would be forthcoming.

Tammy Rosario stated she had not gotten that indication from the applicant.

Martin Garrett opened the public hearing.

Dr. Randolph Becker, minister of the Unitarian Universalist Congregation, spoke in favor of staff's report and said he would answer any question the Commission might have.

Willafay McKenna asked for a point of clarification that Ms. Dennis was not the only one taking care of the children at this facility.

Dr. Becker stated that the child care center was a fully licensed, state certified operation, with multiple staff. Dr. Becker continued with answering the concern of Joe Poole regarding the left turn lane. He stated he understood that any other use of the property on a regular basis would probably mean a change in the alignment of the road. At this point there was a sidewalk planned but he did not know when that project would begin. At such time that there would be an expansion of the church, they would have to address all the issues regarding left turn lanes and additional entrances. He added that the congregation had no plans for any expansion.

There being no further speakers, the public hearing was closed.

Joe Poole made a motion, seconded by Willafay McKenna, to recommend approval of this application. In a roll call vote, motion passed (7-0). AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

7. PLANNING DIRECTOR'S REPORT.

Martin Garrett commented that he felt there should be some type of definition of what can and cannot be located in areas of the County where the Comprehensive Plan may not be consistent with the zoning. He did not feel that the Commission should wait until the next revision of the Comprehensive Plan and asked if the Policy Committee would come up with some type of guideline for these areas.

Marvin Sowers felt his suggestion was well taken. He stated that staff would be visiting the R-8 section of the zoning ordinance which was the main district where this type of issue occurred. He said it was the County's old rural residential district, previously an agricultural district, and it did have a wide range of residential and commercial uses. The other area where the staff saw this type of thing was the rural lands areas, outside the PSA. Staff was now working on a strategy and process for that area. He stated these were opportunities to match what the Comprehensive Plan stated with our ordinances or policies. He suggested that, instead of sending it to the Policy Committee at this time, they let the processes, the ZO update and the rural lands study deal with these issues.

Martin Garrett stated he did not disagree but felt the process regarding the rural areas would be at least a year before a recommendation would occur. He questioned whether the Commission wanted to wait a full year or longer.

Alex Kuras felt the Policy Committee might be able to come up with some type of interim criteria/guidelines.

Joe Poole felt that was Alex Kuras's suggestion was a good one and he supported it.

Don Hunt asked if they were specifically speaking of the area around Anderson's Corner.

Martin Garrett stated it would be for the entire County. He felt that staff was sticking strictly to the Comprehensive Plan, which he didn't necessarily disagree with, but felt it was obvious that some areas did not fit the Comprehensive Plan.

Martin Garrett suggested that the Policy Committee meet and see what they can come up with.

John Hagee asked if they would be looking at areas, referring to the Horvath SUP, to see what type of uses were acceptable in residential areas and what would be the criteria/threshold.

Willafay McKenna said that an approach focusing on the Comprehensive Plan should be the first process, then how to work out the different areas. She felt the Commission should not be looking for the Comprehensive Plan and zoning to be an exact match because they serve different purposes. She felt it would be a good challenge for the Policy Committee.

Alex Kuras made a brief comment regarding the Community Character Committee. He felt that 50 feet was a very small right-of-way for Community Character Corridors and asked if they could come up with a policy to increase that to 80 feet which could also include some buffer area.

Both Joe Poole and John Hagee, who serve on the Community Character Corridor Committee, felt the committee would not want to discuss this issue again.

Wilford Kale thanked staff for the letter that he asked to be sent to VDOT regarding the construction on Centerville Road. He also asked if Martin Garrett or Jack Edwards, Board Chair, responded to the letter received by Mr. Richardson regarding property on Olde Towne Road.

Martin Garrett stated he did not respond and was unsure if Jack Edwards responded.

There being no further business, the Planning Commission adjourned at approximately 8:05 pm.

  
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Martin A. Garrett, Chair

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 06/21/1994

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The following minutes for the Planning Commission of James City County dated 06/21/1994 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 06/21/1994, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 06/21/1994.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A WORK SESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY HELD ON THE TWENTY-FIRST DAY OF JUNE, NINETEEN HUNDRED AND NINETY FOUR AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER CONFERENCE ROOM, 101D MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

Mr. Kuras reconvened the June meeting of the Planning Commission.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. John Hagee  
Mr. Donald C. Hunt  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T.P. Home, Manager of Development Management  
Mr. Mark J. Bittner, Planner  
Mr. Allen J. Murphy, Principal Planner  
Mr. Leo P. Rogers, Assistant County Attorney

2. Case No. SUP-8-94. Berkeley Commons Outlet Center

Mr. Bittner stated that the staff position concerning the access road and the site lighting remained the same as reported in the staff report.

Mr. Garrett asked that they discuss the reasons why or why not an access road should be put through.

Mr. Bittner stated that the staff's concern was that there would be four commercial curb cut entrances with two being within 100 feet of each other.

Mr. Garrett asked if an additional commercial curb cut could be added to the existing shopping center.

Mr. Sowers stated that the number of curb cuts will not change because Mr. Christian's driveway will be closed and at the moment only serves one residential home.

Further discussion on the driveway entrances continued and then Mr. Kuras opened the public hearing.

Mr. Sheldon Franck, of the law firm of Anderson, Franck and Davis, spoke on behalf of Mr. Anderson and stated that they have been trying to work out an agreement between the applicant, the Church and Mr. Christian.

Mr. Wright, with the Williamsburg Congregation, stated their main concern was what would happen to them. Their property is currently zoned with proffers with the use of an access road. If the applicant does not have to provide an access road what effect will it have on the Church property.

Mr. Kuras stated that if they make an exception they would then have to make some type of consideration for the Church.

Mr. Sowers stated that one option for the Church would be to use the driveway of Mr. Christian.

Mr. Horne stated that the rezoning was redone with a specific representation regarding access that made it acceptable to the County. If proffers could no longer be accomplished, then use of the commercial zoning could no longer be realized.

Mr. Curkin, with the Williamsburg Congregation, stated that in the staff report it stated that it was rezoned "with the intent of being combined with the adjacent site" and further in the report is stated "assumed common access." He felt that a penalty should not have been put on the Church property on the basis of an assumption. He stated that the Church rezoned their property because there was someone interested in purchasing it which later fell through.

Mr. Sowers stated that when the Church requested the rezoning it was more than an assumption that the two properties would be combined. It was a zoning proffer and there was a conceptual plan presented to the Commission.

Mr. Norman Mason of Langley and McDonald stated that the most important question at this time was to determine what could happen to the Church property.

Mr. Betzner asked if they chose to delete the access road how would that affect the appearance of Berkeley Commons.

Mr. Mason's concern was the allowable uses of the Church property and that an access road could be a detriment, not an asset to the shopping center.

Mr. Betzner asked if no access road was in and a pool hall went in would that make a dramatic difference?

Mr. Mason said that from a perception point, yes it would make a difference.

Mr. Everson stated that the applicant had made a business decision which would effect the economy of the County and felt that Item 6 requiring shared access should be deleted from the staff report.

Discussion continued and Mr. Curkin stated that if the property value changes due to the elimination of the access road that the Church may decide to stay. This is one option of the Church.

Mr. Garrett stated that the Commission should look at this strictly as a land use prospective and that if the Board wanted to do something different it would be up to them.

Mr. Curkin stated that if the distance of 100' for two entrances was not important the situation could be resolved.

Mr. Kuras stated that the Church traffic could be very different than another business if the Church decided to sell the property.

Mr. Mason stated that was one of the safety issues and proposed that the Church would have a right turn lane.

Mr. Curkin felt that if the Church sells the property to a business they would require a commercial entrance.

Mr. Hagee wanted to know how far the Church entrance was from Mr. Christian's and asked if they could consolidate them into one.

Mr. Everson restated his opinion as to the reason why he felt that the access road should be deleted.

Mr. Archer of McArthur/Glen summarized his statements that he presented to the Planning Commission meeting on June 14, 1994.

Ms. Deborah Lenceski of Langley McDonald stated that there needs to be a balance between the entrances and the amount of traffic that the new section will generate.

Mr. Hagee asked if there was an immediate need for the Church to have a commercial curb cut.

Mr. Wright stated that the Church and Mr. Christian were willing to abandon their entrances. He stated the proposal of the commercial entrance would be on shared property and the benefit would be immediate.

Mr. Kuras asked if that would increase the distance.

Mr. Bittner stated that it would still be 100 feet apart.

Mr. Kuras asked what was VDOT's position on this matter.

Mr. Bittner stated that VDOT concurred with the staff report.

Mr. Garrett asked the applicant how they intended to screen the two pieces of property.

Mr. Mason stated that with the roadway and access in there it would limit the ability for a great amount of screening. He stated that until an actual design was created he could not answer that question.

Mr. Garrett asked how close the road would be to the Church property.

Mr. Mason said there was a buffer required by an ordinance to leave 25 feet.

Discussion began about the easement having a 30 foot buffer in one area and only a 15 foot in another.

Mr. Garrett did not think 15 feet would make a difference in the screening in order to separate the two problems.

Mr. Mason's main concern was not the physical separation but the perceived connection of the roadway. He felt that the additional vehicles and the possibility of tractor trailers using the parking lot would not be in the best interest of Berkeley Commons.

Mr. Garrett asked where Mr. Mason has seen tractor trailers at fast food restaurants other than those areas that have roads where they can parallel park.

Mr. Mason felt that by having a separate entrance you would have a greater ability to bring in law enforcement. He also stated that more traffic at the entrance may cause the necessity of an additional traffic light on Richmond Road.

Mr. Garrett asked if they were so concerned about the main entrance why are they requesting another. Mr. Mason stated the public would have a sense of confusion on entering the shopping center and felt that would be a traffic hazard.

Mr. Sowers hoped that those concerns could be worked out because the inability to create shared access among properties having different owners would significantly impair the County's ability to manage access.

Mr. Mason disagreed and stated the shopping center had done what the Comprehensive Plan suggested.

Mr. Kuras asked if there would be a right-turn decel lane.

Mr. Mason said there would be a decel and accel right turn lane.

Mr. Kuras asked if anyone else wished to speak.

Ms. Adena Patterson, representing the owners of the property for Berkeley Commons, stated that the properties are not held by the same owners and that they will be imposing a condition on the owner of Berkeley Commons and putting him in a difficult situation.

Mr. Kuras asked how important the lighting was to the applicant.

Mr. Archer clearly felt that the shopping center should maintain its consistency of lighting.

Mr. Hunt agreed since one condition set was to make sure that the design and color of the buildings were alike.

Mr. Kuras stated that the existing shopping center poles were 40 feet.

Mr. Archer again stated that he felt that consistency is very important and that they wished to maintain the 40 foot high poles.

Mr. Sowers stated that the Commission may come across this matter many times in the future since the Zoning Ordinance was amended. He also noted that the Taco Bell in the Williamsburg Crossing Shopping Center has a different type of lighting. Mr. Sowers said that if they plan to make an exception, they would have to go the Board of Zoning Appeals for a final determination.

Mr. Everson felt that, in this case, the new addition should look like the other phases since this is not considered an outparcel to the project.

Mr. Kuras closed the public hearing.

Mr. Everson made a motion to move for approval with the deletion of Item 3 and 6.

Ms. McKenna seconded this motion.

Ms. McKenna stated that when the Church property was rezoned it placed a condition on the adjacent property owner and felt it had more of an impact than was originally considered. She concurred with Mr. Everson and suggested Item 6 regarding shared access be deleted. She also suggested that an amendment be made to Item 3 to allow to keep the same lighting but change the height of the light poles to 30 feet rather than 20 feet.

Further discussion continued on the lighting of the shopping center and Mr. Everson recommended that the wording sodium vapor be deleted from Item 3 and agreed with Ms. McKenna as to the height of the light poles.

Mr. Rogers suggested that the lighting condition be omitted and that the applicant could request a variance from the Board of Zoning Appeals, since this would be necessary anyway.

Mr. Kuras asked that all in favor of the amendment signify by saying "Aye." A unanimous voice vote was heard.

Before voting on this case it was discussed that the applicant come to an agreement with the Church and with Mr. Christian about the deletion of the access road and the fact that a right turn lane would extend to include their driveways. It was requested that an agreement

be presented to the Board which indicates that the parties have come to an agreement.

Mr. Horne asked the Commission if everything that was described here today is considered part of the applicant's proposal and if the Commission expects it to take place, including the continuous right turn extended beyond Mr. Christian's property and Mr. Christian closes his drive and consolidating it with the Church.

The Commission agreed with Mr. Horne by consensus.

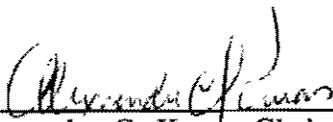
Mr. Rogers suggested that before final vote that the Commission delete condition 3 regarding the lighting.

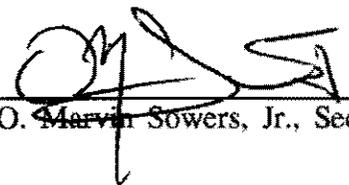
Ms. McKenna withdrew her request for an amendment to condition 3 and it was agreed to delete condition 3 in its entirety.

Mr. Kuras asked for a roll call vote, the motion passed, AYE: Bradshaw, Garrett, McKenna, Hagee, Hunt, Everson (7). NAY: Betzner (1), with the expectations that a written agreement between Mr. Christian and the Church be presented to the Commission prior to the Board of Supervisors meeting and that the right turn lane be extended.

### 3. ADJOURNMENT

There being no further business, the June 21, 1994 Work Session of the Planning Commission adjourned at approximately 5:15 p.m.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 07/02/1997

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The following minutes for the Planning Commission of James City County dated 07/02/1997 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 07/02/1997, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 07/02/1997.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF JULY, NINETEEN HUNDRED AND NINETY-SEVEN AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Alexander Kuras  
Jay Everson  
John Hagee  
Willafay McKenna  
A. Joe Poole, III

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
Allen Murphy, Zoning Administrator/Principal Planner  
Paul Holt, Planner

ABSENT

Martin Garrett  
Donald Hunt

2. MINUTES

Upon a motion by Willafay McKenna, seconded by Jay Everson, the minutes of the June 2, 1997 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

In the absence of Martin Garrett, Alex Kuras presented the DRC report and recommended approval. Upon a motion by Willafay McKenna and seconded by Alex Kuras, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-17-97. J. R. CHISMAN DEVELOPMENT / ACCESSORY APARTMENT

Paul Holt presented the staff report for a special use permit to allow an accessory apartment within a residence to be constructed at 169 Wellington Circle in St. Georges' Hundred Subdivision. He stated this case was deferred pending a determination by the County Attorney's office on whether or not the accessory apartment conflicted with the covenants of the subdivision. He added the County Attorney determined that since "single-family dwelling" was not defined within the documents of the Association, it was not possible to say whether or not the accessory apartment was consistent. He also stated that this matter would need to be resolved in a court of law. Staff had several recommendations for the Commission. 1. The Commission defer this case until their August 4 meeting. If the case was deferred until August 4, the Commission would have to make a decision due to statutory time limitations. Should a court decision not be reached, staff recommended the Commission deny this case or 2. If the Commission wished to vote on this case tonight, staff recommended the addition of two new conditions stated in the staff report.

Alex Kuras asked if a court decision could be reached by the Commission's next meeting since the complaint would need to be filed by the homeowners.

Leo Rogers stated that it would take time to get a declaratory judgment action resolved on this matter.

John Hagee asked why the staff was recommending deferral at this time.

Paul Holt stated staff recommended deferral because their preferred choice would be that a decision be made in a court of law as to whether or not a single-family dwelling was consistent.

Alex Kuras felt staff should have recommended approval of this application and then the homeowners, if they wished, could take legal action to have it disallowed.

Willafay McKenna asked Leo Rogers to read the definition of a single-family dwelling from the James City County Code Book.

Leo Rogers stated that the definition in the code book did not satisfy that definition because of the inclusion of the second kitchen, but was permitted as a single-family dwelling with an accessory apartment.

Alex Kuras opened the public hearing.

Jimmy Chisman, developer of St. Georges' Hundred, stated he had spoken to the property owners, Mr. and Mrs. Vegas. He said that Mrs. Vegas brother, Tom Trovato, was in attendance of this meeting. He said that they were in total agreement to have the new language added into their deed which when recorded would confine this residence to a "nuclear" family. He stated this was one more case of County staff having worked with him to make this a better subdivision. He again stated that he nor the homeowners wanted anything but a single-family subdivision. He requested that the Planning Commission approve this request, since he hoped to complete construction of this home within the next four to five weeks. He asked if the Commission had any questions.

John Hagee asked to see the architectural drawings.

Paul Holt stated that staff did not have plans of the exterior of the home but had a floor plan.

John Hagee asked if the developer had seen the elevations and if they met the architectural guidelines, maintaining the integrity of the building.

Jimmy Chisman stated that the only difference between this home and any other home built in the subdivision, was the wheelchair accessibility. He stated that running a wheelchair ramp, at 1" per 12' would extend into the yard, would not be conducive to the neighborhood, therefore, this home was built on a slab rather than have a crawl space.

Tom Trovato of 151 Wellington Circle stated his family members were moving into the home at 169 Wellington Circle. He stated it was not their intent to turn St. Georges' Hundred into an area that apartments could be attached onto homes. He felt the wording of an "accessory apartment" was not what they intended. He explained the circumstances of his parents handicap. He said one of the homeowners stated the accessory apartment would lower the value of the homes. He explained that the home being built was either one of the most or the most expensive in the area which he felt would not bring down, but rather bring up the value. He also stated that anyone moving into a neighborhood could bring the value of a property up or down whether there was an accessory apartment or not. He concluded that his family was in full agreement with the conditions staff added to the Special Use Permit. He asked that the Commission approve this application.

There being no other speakers, the public hearing was closed.

Willafay McKenna stated that as a community we had a sensitivity to promote this type of living arrangement for the elderly. She said she was satisfied with the proposed conditions and supported granting the Special Use Permit.

Joe Poole stated he did not see this as a precedence setting situation and felt the conditions were specific to this property and agreed with Willafay McKenna in supporting this application.

Alex Kuras felt this application would not decrease property values and should not be deferred any longer as recommended by staff. He supported the proposal as presented with the conditions. He also stated that if the Homeowners Association felt this was not an allowable use under their covenants they had the right to oppose this action under the court system.

Jay Everson asked for clarity on the additional requirements for the Special Use Permit pertaining to the covenants.

Leo Rogers stated that the covenants were very clear in that they limit the development to single-family dwellings. Whether this was a single-family dwelling under the covenants, was something that the County could not determine.

Jay Everson asked what would be done if a future homeowner rented out the accessory apartment inconsistent with the Special Use Permit.

Leo Roger stated that if a complaint were filed with the County, it would be investigated and the County would take action if they found any violations.

Willafay McKenna explained to several homeowners in the audience who had questions of concern for this application that the motion before them was for a single-family dwelling with an accommodation for the unusual circumstances of this family and not for a multiple-family dwelling or an apartment. Under the specific conditions of this application the Commission was considering granting a Special Use Permit that had conditions that would remain with the property.

John Hagee asked how the home appeared from the exterior.

Several homeowners in the audience stated that from the front of the home there was no difference but, as you came up the street, the side of the home appeared to have two distinct looking buildings.

John Hagee stated what typically was the spirit of covenants regarding single-family versus multi-family dwellings. He stated the architectural guidelines apparently reinforced the covenants as far as the home looking like a single-family dwelling on a single lot. He said that if the kitchen were taken out, then it would fit the definition of the County for a single-family dwelling. He concluded by stating staff had tightly controlled this special use permit adding that only the immediate family could use the accessory apartment.

Jay Everson asked one of the homeowners if he could support this application with the new conditions.

The homeowner responded that he felt the new conditions were restrictive enough to protect the neighborhood and could support this application.

By a roll call vote, motion passed. AYE: McKenna, Hagee, Everson, Poole, Kuras (5).

5. PLANNING DIRECTOR'S REPORT

Allen Murphy stated he had no additional information other than what was presented in the packet and asked if any Commission members had any comments or questions, he would forward them to Marvin Sowers.

Joe Poole commented on the communications towers. He said he was made aware that VDOT and PrimeCo had an arrangement to place towers at Exit 227 and 231 within the I-64 right-of-way interchange. He said, with all the procedures the County had undertaken with other jurisdictions, the process of developing an ordinance, he was concerned that VDOT felt compelled to proceed without any review or input from the County.

Leo Rogers stated that there had been a lot of work by staff on this. He stated that there had been no review by the County but there was a stop-work order placed on the project. Through this stop-work order, the County was able to get assurances from both VDOT and PrimeCo that the base conditions the County would request on a tower would be done on those two towers.

Joe Poole asked Leo Rogers if staff was now satisfied that some of the concerns the Commission might have had had been addressed.

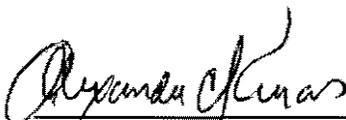
Leo Rogers stated that there were six or seven assurances given the County, including paying the fees for our consultant, landscaping, multiple uses, County use of the tower and the assurance the tower would be taken down to the maximum height VDOT would require if it was no longer used for telecommunications purposes. A copy of the letters sent to both VDOT and PrimeCo would be given to the Commission members.

Joe Poole felt that even though there were negotiations, we ask anyone else to come through a normal review process and VDOT just proceeded to allow these towers to be placed within main entry ways into the County. He requested to make it a matter of record that the County was not involved in the towers' approval or placement.

Jay Everson stated that if the telecommunication companies are going to have regulatory issues that could take a lengthy amount of time, as they have experienced, or go to VDOT and have them placed within a matter of days, the County needs to take another approach that will help both the County and telecommunication companies.

6. ADJOURNMENT

There being no further business, the July 7, 1997 Planning Commission meeting adjourned at approximately 7:45 PM.

  
\_\_\_\_\_  
Alexander Kurvas, Chairman

  
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O. Marvin Sowers, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 07/11/2005

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The following minutes for the Planning Commission of James City County dated 07/11/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 07/11/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 07/11/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

- |    |                  |  |                |
|----|------------------|--|----------------|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                                  | <u>ABSENT</u>  |
|    | Jack Fraley      | Marvin Sowers, Planning Director                     | Don Hunt       |
|    | Ingrid Blanton   | Leo Rogers, County Attorney                          | George Billups |
|    | Jim Kennedy      | Matthew Arcieri, Senior Planner                      |                |
|    | Mary Jones       | Tamara Rosario, Senior Planner II                    |                |
|    | Wilford Kale     | Karen Drake, Senior Planner II                       |                |
|    |                  | Ellen Cook, Planner                                  |                |
|    |                  | Leo Rogers, County Attorney                          |                |
|    |                  | Larry Foster, General Manger JCSA                    |                |
|    |                  | Darryl Cook, Environmental Director                  |                |
|    |                  | Scott Thomas, Civil Engineer                         |                |
|    |                  | Christy Parrish, Administrative Services Coordinator |                |

2. MINUTES

Mr. Fraley corrected page one to add “and provide adequate athletic fields” to the last paragraph and corrected “Mr. Kale motioned the approved the report” to “Mr. Kale motioned to approve the report.”

Mr. Kale motioned to approve the minutes as circulated and amended.

Ms. Blanton seconded the motion.

In a unanimous voice vote the minutes were approved as circulated and amended (5-0), (Hunt and Billups absent).

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered three cases at its July 6<sup>th</sup> meeting.

The DRC unanimously recommend preliminary approval, subject to agency comments of the July 2005 quarterly update for shared parking in New Town, Section 2&4, Blocks 2,3,4,5,6,7, 8 & 10 as well as continuation of quarterly parking update presentations to the DRC. The Committee also recommend preliminary approval, subject to agency comments, of S-53-05 Kingsmill- Spencer’s Grant, of the cul-de-sac waiver, and approval of the sidewalk waiver by a vote of 3-1.

Lastly, the DRC recommended disapproval of case S-91-04 Marywood proposal by a voice vote of 3-1. The DRC determined that the proposal did not properly minimize environmental

impacts and created a traffic situation harmful to the safety, health and general welfare of the public.

Ms. Jones motioned to approve the report.

Mr. Kale seconded the motion.

In a unanimous voice vote the report was approved (5-0) (Hunt and Billups absent)

B. OTHER COMMITTEE REPORTS - None

4. PLANNING COMMISSION CONSIDERATION

A. Initiating Resolution – Zoning Ordinance Amendment – Wireless Communications Facilities.

Mr. Marvin Sowers presented the request and stated that this was a housekeeping resolution which adds Section 24-122 to permit towers in the R-4 Zoning District.

Mr. Fraley asked if there was any discussion from the Board.

Ms. Blanton motioned to approve the request.

Ms. Jones seconded the motion.

In a unanimous voice vote the request was approved (5-0) (Hunt and Billups absent).

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 Warhill Tract
- B. Z-8-05 Williamsburg Wicker and Rattan
- C. MP-9-05/ SUP-21-05 Olde Towne Timeshares
- D. Z-7-05/MP-5-05 Jamestown Retreat
- E. SUP-19-05 Branscome Burrow Pit SUP Renewal
- F. SUP-20-05 USA Waste Burrow Pit Renewal

Mr. Fraley stated that the applicants for items 5-A through 5-F requested deferral of those cases until the August 1, 2005 meeting.

Mr. Fraley opened the public hearing.

Hearing no requests to speak, the public hearings were continued to the August 1, 2005 meeting.

G. Z-9-05/MP-6-05 Governor's Grove

Mr. Matthew Arcieri presented the staff report. Mr. Eric Nielsen, National Housing has submitted an application to rezone 23.23 acres located on John Tyler Highway from R-8 and B-1, to Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and southern portion of 8.33 acres. If approved, the developer would construct 132 market rate condominiums on the northern portion to be known as Governor's Grove. On the southern portion the developer proposes preserving 5.33 acres as a permanent open space. The remaining three acres would be reserved for 25,000 square feet of office/commercial with access exclusively from Ironbound Road adjacent the Zooms Convenience Store.

The applicant has also requested modification to the perimeter setback for the commercial parcel. The proposal would reduce the buffer adjacent to the Zooms Convenience Store and open space from 50 to 25 feet. Staff believes the reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site.

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers. Staff also recommends the Commission approve the buffer modifications to the commercial parcel.

Ms. Ingrid Blanton asked staff to elaborate on the low impact design features for this project.

Mr. Arcieri stated that details of the low impact design features have not been spelled out specifically for this case. However, the features are generally addressed during the development plan review. The Storm Water Master Plan, as proffered, would give the Environmental Division significant leverage in working with the applicant to develop what those low impact design measures would be.

Mr. Kale asked if there had been any discussion about specific plans for the commercial parcel beside Zooms.

Mr. Arcieri stated that there were not, however, the proffers limit the parcel to an office use and in order to go to a more intense use a new traffic study would be required.

Mr. Kale asked since there were no plans for the parcel then, why would staff recommend a reduction in the buffers.

Mr. Arcieri stated that a reduction in the buffer adjacent to the open space does not have any impact on adjacent property owners and the buffer along Zooms will not impact the vegetation on that site. Due to the narrowness of the lot, the applicant felt they needed a little more space for the development.

The Board and staff discussed the issues concerning the buffer reduction requests and the appearance of the development.

Mr. Fraley asked if curbs and gutters were a requirement in the Mixed Use District.

Mr. Arcieri stated that it was not a requirement.

Mr. Fraley requested staff to encourage the developer to consider the elimination of curbs and gutters and to establish a Turf Management Plan between the Planning Commission and Board of Supervisors meetings.

Mr. Kennedy asked if irrigation systems would be allowed in this development.

Mr. Arcieri stated yes, however, the proffers state that the water must be drawn from surface ponds and not from a JCSA well.

Mr. Kennedy stated concerns about these arrangements being eliminated in the future like some other developments in the past.

Ms. Blanton stated that the Board had received some feedback from the Friends of Powhatan Creek Watershed concerning the encroachments into the 150' buffer such as pedestrian trails, entry ways, turning lanes etc. and asked if those concerns had been addressed in the way this buffer will be managed.

Mr. Arcieri discussed the applicant's plan for pedestrian trails, two areas of enhanced landscaping and a proffer for any disturbed area.

Ms. Blanton stated concerns of the tree line being thin.

Mr. Arcieri stated that staff has worked extensively to make sure that any turn lane improvements do not impact the first tree line and expose the power lines.

Ms. Jones asked why there was not a conservation easement on the open space across the street.

Mr. Arcieri deferred the question to the applicant

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a presentation outlining the application and asked the Planning Commission to recommend approval of this application. He also stated that this project is consistent with surrounding zoning and development, housing, land use, and community character elements of the Comprehensive Plan and believes it is the best plan for the property and the County.

Mr. Kale discussed with Mr. Geddy how adjacent properties affect other adjacent properties whether they are an infill or a continuation.

Ms. Jones asked about the conservation easement.

Mr. Geddy replied that there was a concern from their tax advisers that if it were proffered it might adversely impact their ability to get a charitable tax deduction.

Mr. Fraley and Mr. Geddy discussed the elimination of curb and gutters in order to capture more of the storm water runoff through infiltration and the suggestion of a Turf Management Plan.

Ms. Blanton encouraged the applicant to consider coordinating the Storm Water Management Plan with the neighboring Villas project.

Mr. Fraley asked about potential traffic patterns around the proposed commercial area.

Mr. Geddy stated that with the location of the turn lanes approaching the intersection, VDOT has made it very clear that it would be a right in and a right out.

Mr. Gerald Johnson, 4513 Wimbledon Way, President of the Historic Route 5 Association stated the following concerns: (1) traffic studies and when those studies were done; (2) traffic congestion in this area has increased; (3) potential traffic backups with additional cars in this area; (4) concern about a pull off lane instead of a right turn lane; (5) concern about conservation areas being renovated and restored; (6) a lack of information regarding the latest proposal to this revised plan.

Ms. Judy Fuss, 3509 Hunter's Ridge, representing the Powhatan Crossing HOA stated that while Powhatan Crossing is not contiguous to this parcel, the development as proposed will negatively affect the residences in many ways. While this proposal reduces the per acre density, there is little that elevates prior concerns of traffic and additional school age children on already strained resources. The program capacity of Clara Byrd Baker and Jamestown High School and the total design capacity for all three schools that serves this area are already exceeded. The staff says that the project meets the adequate school facilities test, however, this test is based on designed instead of program capacity and does not reflect building use. There are concerns that vehicle trips from the development will strain the Ironbound/Route 5 intersection. VDOT's requirement that all traffic exit southbound on Ironbound Road shifts this problem from this parcel's driveway to nearby areas such as the school, shopping center and the Villas neighborhood. After comments made tonight, they remain concerned about the 150' buffer on the north side of Route 5, the existing vegetation is of poor quality and many elements are proposed to be inside the buffer reducing its effectiveness. National Housing has made little effort to assess the special character of this area or to communicate with its residents. The overall project is not consistent with the spirit of Five Forks Principles or the character of the surrounding community.

Melissa Gagne, 4716 Bristol Circle, expressed concerns about the height of buildings not being consistent with the Five Forks Area. Ms. Gagne also noted that the housing is all market

priced and there is not a proffer stating that 20% will be one bedroom. It is not mixed for a variety of people. There is concern about community care and workforce housing.

Mr. David Fuss, 3008 Chelsford Way, of Friends of Powhatan Creek stated that volunteers have met the developer on three different occasions concerning this project. The Friends of Powhatan Creek do not feel that this project fully meets the high standards for the Five Forks Area. The following are the observations and concerns the group had: (1) project within the Powhatan Creek watershed; (2) prefers that the project be developed under the existing allowable density; (3) encourage the use of a conservation easement on the south parcel; (4) site has never had as much impervious cover as what is proposed on the plan; (5) high impervious cover as proposed for the north parcel leads to deterioration of water quality; (6) the width of the buffer from Powhatan Creek (needs to be fully vegetative); (7) the intrusions within the 150' buffer along Route 5; (8) no areas on the Master Plan shown to be dry swales; (9) need more details on the environmental features; (10) appreciates the \$500 per unit proffer for offsite stream stabilization or storm water management but it should be never construed as a substitute for controlling storm water on site; (11) concerns about the absence of the Nutrient Management Plan; (12) encourages joint storm water management with the adjacent Villas at Five Forks; (13) Water Conservation Plan is commendable. Native drought tolerant planting should be used to reduce water consumption. The Friends of Powhatan Creek recommends denial until some of these concerns are worked out.

Seeing no other speakers, Mr. Fraley closed the public hearing.

Mr. Fraley asked for discussion from the Commission.

Ms. Blanton commented that as a whole, the project is a good idea. As the project moves forward and to the DRC, the environmental concerns will be explored further. Ms. Blanton further stated that she encourages one-bedroom units to be included to provide affordable housing for our workforce.

Mr. Kennedy stated he would echo much of what Ms. Blanton stated. The project as a whole addressed many of the concerns of the past project. The project is a positive step forward. He also stated he would encourage the developer to include some one-bedroom units.

Mr. Kale stated that this is a far superior project to the one before. This project is complimentary to the Five Forks Study which encouraged housing in a situation where people could walk to the area. He stated he would also like to see less density but sees the economic reality of trying to put a project together. Mr. Kale urged the developer to solidify the open space property so that it could be a real asset and also to include the one-bedroom units.

Ms. Jones stated she agreed with the others and that the density is fine. This project complies with the Comprehensive Plan and the Five Forks Principles, and she likes the mixed cost housing. She encouraged the applicant to include a percentage of one bedroom units. Ms. Jones also stated that she appreciated the attention to the environmental issues. She concluded by stating that this was an overall good project and liked the open space but was concerned about the potential traffic coming in and out of the commercial area.

Mr. Fraley stated he would like to echo all the other comments and encourages staff to work with the applicant on the environmental issues so we get a project that we can be absolutely proud of. Lastly he stated that this area is an eyesore and is proud to support this plan.

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the application: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

H. Z-4-05/SUP-7-05 New Town, Langley Federal Credit Union

Ms. Tamara Rosario presented the staff report. Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2 acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. As shown on the attached master plan, the proposal also includes six drive-thru teller lanes and one drive-thru ATM lane at the rear of the building. Access to the site is from a side street off New Town Avenue. The property is located at 5220 Monticello Avenue and is further identified as Parcel (1-55) on James City County Tax Map (38-4).

Although staff finds the master plan for the proposal generally consistent with the New Town Design Guidelines and surrounding development, the original proffers in the Commission's meeting packet do not properly effectuate the master plan, provide adequate mitigation of public impacts, or provide sufficient safeguards for the orderly development of the area in accordance with its Mixed Use land designation. The ramifications of these shortcomings are important not only for this application, but also for the precedent it sets for the New Town rezonings anticipated in the near future. For these reasons, the staff report recommends the Planning Commission deny the setback modification, special use permit, and rezoning for the proposed use.

Since the staff report was prepared, the applicant has related to staff that the Langley Federal Credit Union has decided to join the New Town Owner's Association and forwarded new proffers to staff to that effect. This resolves staff's questions regarding storm water management and the proposal's fulfillment of the intent of the Mixed Use land designation. In addition, they have also agreed to make all revisions to the proffers to clarify the improvement of the side street, the exit lane, the cash contribution, the binding Master Plan, and the development of the streetscapes. Based on the recent development and assurances by the developer that the proffers will be revised and signed prior to the Board of Supervisors meeting, staff now recommends the Planning Commission approve the setback modification, special use permit and rezoning for the proposed use.

Ms. Blanton and Ms. Rosario discussed whether the project has any formal arrangements for shared parking.

Ms. Blanton stated that six or seven drive-thru lanes is not consistent with the New Town pedestrian community and asked whether there was discussion of that issue.

Ms. Rosario stated that staff related to the DRB during their review process staff's concerns with the number of drive-thru lanes as well as the visual effect on Monticello Avenue. The DRB concurred with staff and encouraged the applicant to redesign the Master Plan and architectural features of the property. Since the original proposal, they have reoriented the lanes, extended a wall to the drive-thru lanes to block some of the view, provided enhanced landscaping and added architectural elements to the drive thru itself. With these modifications, the DRB approved the proposed number of drive-thru lanes.

Ms. Blanton asked why was there a need for so many drive-thru lanes for a community that is supposed to be so pedestrian oriented.

Ms. Rosario deferred the question to the applicant.

Mr. Kale asked for clarification whether there were six or seven proposed drive-thru lanes.

Ms. Rosario stated that there were six drive-thru lanes and one drive up ATM.

Mr. Kale discussed his concerns with the amount of drive-thru lanes proposed for this project.

Mr. Kennedy stated his concerns with the number of banks moving to New Town.

Mr. Kennedy also discussed with staff his concerns with traffic counts and the level of service anticipated on Monticello Avenue.

Mr. Fraley asked if there had been discussions concerning the previously stated concerns with the New Town DRB.

Ms. Rosario stated that there had been some discussion about the number of drive thru lanes and its compatibility with the New Town area. In general, they felt comfortable with the number of lanes given the proposed pedestrian enhancements described on the Master Plan, architectural features and screening.

Mr. Fraley opened the public hearing.

Mr. Raymond Suttle, representing the applicant, gave a brief overview of Langley Federal Credit Union and the project. He stated the need for the drive-thru lanes is during certain peak hours and the site is large enough to accommodate those lanes.

Ms. Blanton discussed with the applicant concerning whether their studies on the need for higher number of drive-thru lanes were based on locations comparable to New Town, which is intended to be a pedestrian-friendly development.

Mr. Kale stated he was not impressed with the design and felt that the project does not need seven drive-thru lanes for two peak hours. He also stated he did not like the design of the parking spaces and feels that the location of the site is more conducive for open space. The building appears to be an attractive building but is overwhelmed by what is outside.

Mr. Kale stated that he finds the density, amount of impervious cover and lanes cumbersome; it encourages people to drive thru rather than walk and thought that the applicant can come up with a better idea instead of using the property to the maximum. He suggested the applicant consider shared parking and providing more open space.

Mr. Suttle stated that he understands his concerns but the DRB had reviewed the project.

Mr. Kales stated that they had to get the rezoning from the Planning Commission.

Mr. Rich Costello, AES Consulting Engineers, stated that the drawing was incorrect. There are not seven lanes but five drive-thru lanes and one ATM drive up with more landscaping along the front. The project has a significant amount of pedestrian features on the two streets. As shown in a study, credit unions have more drive-thru lanes than banks. He also discussed work between the applicant and the DRB to resolve these concerns and the DRB was very satisfied with the pedestrian access points.

Mr. Fraley commented that there were financial institutions fronting on Monticello Avenue that did not have that many drive-thru lanes.

Seeing no other speakers, Mr. Fraley closed the public hearing.

Mr. Fraley asked staff if they would support fewer drive-thru lanes.

Ms. Rosario stated that staff would be supportive.

Mr. Kale stated that he would like to see three drive-thru lanes and one ATM drive up because he did not think that Langley is as big as the Bank of America. Mr. Kale requested to see the proffer changes and other elements resolved prior to voting on this case and suggested a deferral of this project.

Ms. Jones stated that it was a good idea to defer the project due to discrepancies between the plans presented and that she would prefer to see a reduction of drive-thru lanes.

Ms. Blanton agreed with a deferral and would also support a reduction in drive-thru lanes to three and one and she also encouraged shared parking.

Mr. Kennedy stated concerns that New Town was becoming a large relocation town for existing businesses. He also discussed concerns with the number of drive-thru lanes but realizes that the DRB's review process is pretty tough. He stated he is comfortable with the deferral and would also like to see the drive thru lanes reduced but it would not be a deal breaker.

Mr. Fraley stated he would like to see Langley Federal Credit Union come to New Town; however, he realizes there are several issues up in the air. He could not say he had a preference for fewer drive thru lanes but would feel comfortable with the deferral.

Mr. Kale moved to defer the application until the August 1, 2005 meeting.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to defer the application until August 1, 2005 YES:  
(5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

The Commission adjourned for five minutes.

- I. Z-10-05/SUP-17-05/MP-7-05 -The Villages at Whitehall (LaGrange)
- J. Z-1105/SUP-1605/MP-8-05 – The Villages at Whitehall  
(Task, Neck, Rochambeau)

Mr. Fraley discussed with the Commission to hear the two cases jointly.

Mr. Kale and Mr. Fraley congratulated and thanked Ms. Karen Drake for her work and service to the County and wished her well in her new endeavors.

Ms. Karen Drake presented the staff report. Mr. Vernon Geddy has submitted an application on behalf of Rauch Development to rezone approximately 160 acres from A-1, General Agricultural and B-1, General Business, to R-2, General Residential District, Cluster Overlay, with proffers; R-5 Multifamily Residential District, Cluster Overlay, with proffers; and B-1, General Business District, with proffers.

If approved, the applicant would develop within the next ten years four related neighborhoods collectively called “The Villages at White Hall” proposing a total of 522 new homes.

1. La Grange Village: 20 three- and four-family building units with a total of 79 dwelling units.
2. Taskinas Village: 70 town home style multi-family units.
3. Rochambeau Village: 31 single family detached homes, 49 town home style multi-family units and 14 duplex two-family units for a total of 94 units.
4. Hickory Neck Village: The largest of the neighborhoods with 279 dwelling units, comprised of 237 single family detached homes and 42 duplex-style two-family units, tennis courts, clubhouse and swimming pool.

An 8,000 square foot commercial building is also proposed. This parcel is currently zoned B-1, General Business and is proposed to be rezoned to B-1, General Business with proffers prohibiting certain permitted by-right uses.

Staff recommends the Planning Commission approve the rezoning, special use permit and master plan application for LaGrange Village with the special use permit conditions listed in the staff report and acceptance of the voluntary proffers.

Staff recommends the Planning Commission deny the rezoning, special use permit and master plan application for the Taskinas, Rochambeau and Hickory Neck Village. However, if the Planning Commission should choose to approve this application, staff recommends acceptance of the voluntary proffers and approval of the special use permit conditions listed in the staff report.

Mr. Kale asked about the existing two ponds on the property and whether one feeds from the school property and the other one to the west feeds from the natural topography and if they were capable of sustaining the use as a BMP.

Ms. Drake deferred the question to Mr. Darryl Cook of the Environmental Division.

Mr. Cook stated the second pond is receiving drainage from the natural topography.

Mr. Kale asked if it receives drainage from the area that is being considered for development.

Mr. Cook stated that this part of the plan had not been examined yet by staff, but the applicant's engineer could possibly answer the question. It will need to be studied and the lakes reconstructed.

Mr. Kale asked Mr. Cook's opinion about what needed to be done to the ponds to make them capable to serve the proposed use.

Mr. Cook stated that they are going to need significant reconstruction. They have been there for some time and the one further west has significant leakage problems. The other will also need some upgrading.

Mr. Kennedy stated that he thought that the County needs to move in a direction where we require an active Turf Management Program especially with fertilizers and herbicides. The proposed Storm Water Management program comes up annually and the County keeps pushing it to the back burner until the point where it is really going to become problematic. He asked if Mr. Cook would recommend a Turf Management Program for this proposal.

Mr. Cook stated that he did believe that a Nutrient Management Program would be an important component of the overall storm water management for this site. The management plan should be structured such that the common areas would have criteria set for them and the privately owned properties would have more of an education and goal setting oriented program.

Mr. Kennedy and Mr. Cook discussed drainage concerns affecting the creeks and waterways and ways to educate the public about environmental friendly fertilizers.

Mr. Kennedy stated that he had received some concerns about the desal facility and the James City County water supply.

Mr. Kennedy and Mr. Foster discussed issues concerning annual daily demands, future water demand projections and development, the second desal facility, Newport News waterworks, Chikahominy Piney Point Aquifer, current population projections, etc.

Mr. Kennedy discussed with Ms. Drake the 10 year development plan and if there had been any discussion concerning development phasing caps.

Mr. Sowers stated that caps had not been addressed by staff or with the applicant but suggested that he could raise the issue with the applicant during his presentation.

Mr. Kennedy stated he was concerned with traffic on Old Stage Road and asked if staff had any concerns.

Ms. Drake stated that staff was relying on VDOT's comments and they had found the traffic study acceptable. The applicant is proffering all of the recommended traffic improvements.

Ms. Blanton asked how far the main entry on Richmond Road was from Anderson's Corner.

Ms. Drake estimated 1200 feet.

Ms. Blanton asked about the vision for Anderson's Corner and how this development fits into that vision.

Ms. Drake stated that Anderson's Corner is designated as a Mixed Use area on the Comprehensive Plan Land Use Designation map. Staff does not have any development plans in for the Anderson's Corner area, however because of the proximity of these three villages to LaGrange, the entrances, building set backs and types of buildings will establish where and how Anderson's Corner can be developed.

Mr. Kale asked if the corner where the commercial building is proposed will remain zoned B-1.

Ms. Drake replied yes.

Mr. Kennedy stated concerns about the lack of the commercial development and this project would send tax dollars from James City County to Wal-Mart, Lowes, and Home Depot in York County. He asked if there was any discussion about any commercial development in this area from the applicant to offset some of this residential development.

Ms. Drake stated there had not been.

Mr. Sowers suggested asking that question to the applicant and reminded the Commission that this area has a tremendous amount of existing commercially zoned property. The commercial zoning on this site and the surrounding area were specifically identified in the 2003 Comprehensive Plan as deliberate inconsistencies with the Land Use Plan map and given a Low Density Residential designation in recognition of this large amount of commercially zoned land.

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a presentation outlining the application's key features, design guidelines, preservation of open space and farm house and the benefits of Villages at Whitehall. He stated that the applicant has decided to increase the Route 60 buffer to 300 feet and reduce the density to 3.0 dwelling units per acre. Mr. Geddy asked the Planning Commission that if they did not want to vote on the project tonight, to please provide feedback on the project.

Mr. Kennedy discussed with Mr. Geddy his concerns of increased traffic with this development.

Mr. Kennedy asked where the build out number of ten years came from.

Mr. Geddy stated they used a conservative number and model.

Mr. Kale discussed with Mr. Geddy issues concerning a Turf Management Plan and recreation facilities.

Mr. Kennedy and Mr. Geddy discussed whether or not they were actively pursuing acquiring the surrounding properties.

Ms. Blanton asked why the commercial in the earlier was removed.

Mr. Geddy stated that staff told us that this was low density residential land.

Ms. Jones and Mr. Geddy discussed the fiscal impacts of the development.

Ms. Terry Hudgins, 111 Knollwood Drive, stated she was the President of the Stonehouse District Citizens Association which opposes the Villages at Whitehall rezoning. She discussed concerns with proffers, associations, private roads, traffic along Rochambeau, right turn lanes, sidewalks, housing costs, reassessments, pedestrian connections to adjacent properties, etc She stated that overall this is not an appropriate place for the project with respect to traffic concerns, infrastructure, water, police, fire, and the other needs the County would have to provide.

Ms. Linda Rice with the Friends of Forge Road gave a presentation discussing the concerns of the Whitehall project. She asked the Commission to think hard about the cumulative impacts of

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this size of development in upper James City County and to think about our friends in New Kent County and how the development is going to collide with the types of development there. They asked that the Commission not approve the rezoning as it is currently presented and discussed the following concerns: (1) financial impacts; (2) increase in property taxes; (3) more revenue or more debt; (4) education; (5) open space; (6) pedestrian connections; (7) buffers; (8) development pressure; (9) bike lanes; (10) conservation easements; (11) water ; (12) traffic; (13) energy efficiency; (14) type of water efficient landscaping; and (15) proffers for the PDR program. She suggested that Toano have some sort of guiding principles for development in this area, because the Village of Toano is under tremendous pressure similar to Five Forks and suggested a moratorium on development in non-PSA areas until the Rural Lands Use Study is complete.

Mr. Michael Delk, 205 Castle Lane, stated he was the rector of Hickory Neck Episcopal Church which is located at 8300 Richmond Rd. Mr. Delk stated that the vast majority of the people he had spoken with are not opposed to this project and as senior pastor and chief executive of Hickory Neck it is his responsibility to speak publicly on issues that impact the future of the congregation. He also stated he supported the Village at Whitehall for three main reasons: (1) a large swath of the property under consideration is zoned B-1 which could be developed by-right and a neighborhood of homes is preferable to the alternative of an office park or a cluster of retail stores; (2) no studies have shown an increase of traffic from this development will result in unacceptable levels of congestion; and (3) people need a place to live. If we prevent the development of a neighborhood that includes some relatively affordable housing, we will deprive the community of a needed asset. Teachers, police officers, clergy, firefighters and nurses generally cannot afford three acre lots and James City County cannot afford to do without basic service providers.

Mr. Rich Krapf, 2404 Forge Road, stated that this particular residential development is not the issue but how to guide growth in upper James City County is. Toano has rural vistas and a countryside which attracts people, but as more and more developments come in, that countryside changes and it becomes a different community. Mr. Krapf quoted from the Comprehensive Plan that "Anderson's Corner is one of the few remaining areas in the PSA with significant rural agriculture vistas and contains one of the few remaining rural historic structures in the County" and from the Vision Statement from the Primary Principles for the Five Forks Area of JCC which was adopted in September 2004. He discussed the unique heritage and invaluable natural resources in danger of being lost and urged the Planning Commission and Board of Supervisors to defer all rezoning requests until the following actions are done: (1) commission a rural lands study for upper JCC; and (2) either expand the charter for the rural lands study or commission a second group to develop primary principles similar to those used by Five Forks to guide growth in the Anderson's Corner and Toano Area.

Dr. James Stam, 104 Woodmont Place, stated that in 2004 1,465 Certificate of Occupancies were issued in James City County. Through April, there were 366 Certificate of Occupancies issued and 1,975 active building residential building permits remain which adds up to 3,806 new homes. There are 13,790 building sites currently available without any rezoning. He discussed concerns with schools over capacity, traffic on Richmond Road, wells running dry, and police and fire services being over taxed. The developer wants to build 522 additional homes which is ten

times the amount that would be allowable under the A-1 zoning. Mr. Stam urged that the Planning Commission recommend denial of the rezoning application.

Mr. Burt Getty, 8297 Richmond Road, stated he supported the development and would prefer to have residential housing rather than the many uses permitted under the B-1 zoning. He also discussed Anderson's Corner being prime real estate over the next five to ten years. He agreed with the other residents of Stonehouse that we want to keep the rural flavor and the open space but this particular corridor is going to be developed.

Mr. Williard Delara, 92 Sandhill Road, discussed concerns of the use about the commercial property and whether that property would be sold or leased and concerns of traffic and speeding along Old Stage Road. He stated that he is not necessarily opposed to the entire project but is concerned about the commercial site being developed into a place where people hang out.

Kevin Kelley, 48 Shirley Road in Newport News, spoke on behalf of the applicant. He stated that he has known the applicant for about 10 years and he is someone who will perform as he says. He is tenacious in his details, has a long professional civic association in our area and has charitable involvement. He believes the project is strong. Mr. Kelley also stated that affordable housing these days is anything under \$300,000 and urged the Planning Commission to support the application.

Mr. Walker Ware, 5004 River Drive discussed that his mother owns property at Anderson's Corner and has not been able cut a deal with Mr. Rauch for commercial development. He also commented on his right to have absolute ownership of his land and that we need to build fewer schools along entrance corridors to prevent traffic slow downs.

Mr. Charlie Crawford, 7849 Church Lane, stated he would just like to echo what Mr. Burt Getty stated earlier and it was a good development.

Mr. Hal Lindsay, 3472 Old Stage Road, stated that Anderson's Corner is probably one of the nicest places around to be developed and was not opposed to development but is opposed to this proposal. He discussed the following concerns: (1) watershed and environmental issues; (2) traffic; (3) development of the Croaker and Rochambeau corner; and (4) parks and recreation. He stated that Anderson's Corner has the potential for a lot of development, but this plan looks like it was put together by somebody who does not actually live in this area.

Seeing no further speakers, Mr. Fraley closed public hearing.

Mr. Fraley asked the Commission for discussion.

Mr. Kennedy stated that this is a quality development but would like to say that Anderson's Corner is one of the last if not the last jewel in James City County for many reasons. Anderson's corner has some beautiful vistas, but thinks that this plan could be tweaked. Mr. Kennedy discussed developing a true environmental impact statement, caps on development and traffic studies. The proposal is very strong but it needs to be embraced by the developer, citizens and County staff, so he would be inclined to say no tonight.

Ms. Blanton stated she agreed with a great deal of what Mr. Kennedy had said and thinks that the location next to Anderson's Corner does present a significant challenge. She continued by stating that we should hold it to a considerably higher threshold and, while the proposed use comes much closer to what is appropriate for Anderson's Corner, she agreed with Mr. Kennedy that it is not quite there and would unfortunately also have to deny approval, but hoped that we can come back and look at a different project for that area.

Ms. Jones stated she liked the density changing to three as well as the 300 foot buffer which is setting a good precedent. Ms. Jones continued by stating that this could be a good project.

Mr. Kale stated that he has seen some very commendable things about this development but the timing was wrong. He stated concerns about the need for a stronger internal artery system between the townhouses to the east. He suggested that the developer go back and take a look at what has been proposed and see what could be done to respond to some of the concerns brought here tonight and to give the community more benefits. He is not prepared to vote against it, but would vote for a deferment.

Mr. Geddy asked the Planning Commission to defer the case so that they may consider what they have heard until the August 1, 2005 meeting.

I. ZO-04-05 Zoning Ordinance Amendment

Ms. Ellen Cook presented the staff report. Staff is proposing to add a new ordinance section and amend an existing ordinance section both related to wireless communications facilities. The changes would be as follows: (1) amend the R-4 district to add tower mounted wireless communications facilities as an SUP and (2) amend the wireless communications facilities section of the ordinance to update the by-right and SUP required summary table, which is the housekeeping amendment that the initiating resolution referred to earlier tonight.

Staff believes that a tower greater than 120 feet in height is something that could potentially be accommodated in the R-4 district in accordance with the Board of Supervisors wireless policy. Residential areas zoned R-4 are large master plan communities that include extensive open space and recreation areas. In this respect R-4 is similar to the Mixed Use and Planned Unit Development districts both of which currently allow tower mounted wireless communications facilities as SUP's. All three of these districts also permit non-residential uses and allow buildings up to 60 feet in height while other residential districts only permit buildings 35 feet in height. Staff recommends that the Planning Commission recommend approval of the attached ordinance amendment.

Mr. Fraley opened the public hearing.

Seeing no speakers, Mr. Fraley closed the public hearing.

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the amendment: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

## 6. PLANNING COMMISSION CONSIDERATION

### A. Annual Report

Mr. Sowers presented the Annual Report and asked the Commission to elect one of the members, normally either the Chairman or Vice-Chairman to go to the Board of Supervisors to make the presentation. Staff recommends you adopt it tonight with any suggested changes. The Annual Report would be presented to the Board of Supervisors at the July 26, 2005 meeting.

Mr. Fraley called for any discussion or input.

Ms. Jones made a motion to accept the Annual Report.

Ms. Blanton seconded the motion.

The Planning Commission voted 5-0 to accept the Annual Report: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

## 7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Planning Director's Report. He stated that the Board of Supervisors will be having a work session on cash proffers on July 26, 2005 and there will be a groundbreaking for the Greensprings Trail tomorrow at Mainland Farm which will be attended by the Governor. The Planning Division in particular played a very strong role as has the Attorney's Office in helping bring this project to fruition.

## 8. OTHER DISCUSSION

Mr. Kale made a motion that we ask the Board of Supervisors to initiate a study involving the village of Toano and Anderson's Corner.

Mr. Kennedy seconded the motion.

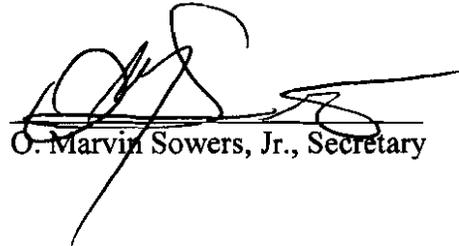
The Planning Commission voted 5-0 to accept the motion: YES: (5) Jones, Fraley, Blanton, Kennedy, Kale NO: (0) Absent: (2) Hunt, Billups

9. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 11:27 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 07/12/2004

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The following minutes for the Planning Commission of James City County dated 07/12/2004 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 07/12/2004, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 07/12/2004.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL  
A. Joe Poole, III  
Peggy Wildman  
Jack Fraley  
Donald Hunt  
Joseph McCleary  
Wilford Kale

ALSO PRESENT  
Leo Rogers, Deputy County Attorney  
John Horne, Development Manager  
O. Marvin Sowers, Jr., Planning Director  
Pat Foltz, Development Management Assistant  
Christopher Johnson, Senior Planner  
Karen Drake, Senior Planner  
Sarah Weisiger, Planner  
Matthew Arcieri, Planner

2. ROLL CALL

3. MINUTES

Mr. Joe McCleary proposed three changes to the minutes. First, he suggested a change to the discussion of the DRC report, specifically to amend Mr. McCleary's comments regarding the possibility of skate boarders to read "Mr. McCleary spoke to concerns about the path, including skate boarders using the path." Second, he proposed a correction to the title of SUP-13-04 to read "Williamsburg-Jamestown Airport." Third, he proposed that Mr. Fraley's motion on page 6 be changed to read "Mr. Fraley moved an ordinance amendment to permit the manufacture of previously prepared stone."

Mrs. Wildman proposed a change to the roll call vote on page 5.

Mr. McCleary motioned to approve the minutes with corrections.

Mr. Kale seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard eight cases at its July 7<sup>th</sup> meeting and recommended preliminary approval for the following: S-037-04/SP-056-04 – Michelle Point; SP-072-04 ECC Building; SP-080-04 - EOC Building; SP-069-04 - New Town, Block 5, Parcels D+E; C-007-03 - New Town Parking Overview; and SP-051-04 - Druid Hills, Section D.

The DRC recommended deferral of SP-059-04 - Norge Neighborhood. The DRC also ruled that for SP-014-04 - Go-Karts Plus Ride, the application could not proceed under the conditions of SUP-03-89 – Go-Karts Plus/Action Park.

Mr. Poole inquired into the specific environmental issues and commented that they were not extraordinary for Norge Neighborhood and Michelle Point.

Mr. McCleary responded that applicants for both plans were proceeding to resolve their issues.

Mr. Poole complimented the DRC on their decision in the Go-Karts Plus Ride case.

Mr. Kale moved to approve the DRC report.

Mr. McCleary seconded the motion.

In a unanimous voice vote the Commission approved the DRC report.

5. PUBLIC HEARINGS

A. CASE NO. SUP-14-04 John Tyler Monopole Tower

Mr. Arcieri presented the deferral. Mr. Nathan Holland, the applicant, requested deferral in order to address several outstanding issues. Staff concurred with the applicant's request.

Mr. Kale stated that he would be opposed to the application if the proposed tower were visible from Jamestown Island.

Mr. Sowers responded that a balloon test had shown that it would be visible in that direction but that he did not know whether it would be visible from Jamestown Island at its proposed height. He stated that staff would look into the matter.

Mr. McCleary spoke to the relative visibility of the tower as indicated by the balloon test, and that it was visible well to the south of Greensprings Road.

Mr. Kale stated that, in light of the upcoming 2007 Jamestown quadcentennial, the historic importance of the location is more important than the relative service improvement represented by the tower.

Mr. McCleary added that he would prefer to see alternative tower plans, such as smaller towers and stealth towers, which did not create negative visual impacts.

Mr. Hunt agreed that Mr. McCleary was correct in his assessment of the benefits of smaller towers.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the August 16th meeting.

B. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Sarah Weisiger presented the deferral. Mr. James Bennett of AES Engineering has applied to rezone approximately 52.0 acres of undeveloped land at **6601 Richmond Road** from B-1, General Business with proffers, to MU, Mixed Use with proffers. The property is also known as parcel (1-35) on JCC Tax Map (24-3). Proposed uses include: commercial, wholesale and warehouse, and/or office uses along Richmond Road. Commercial space is proposed to be 141,000 square feet of floor area. Residential structures containing two to four dwelling units and/or more than four dwelling units are proposed to be located on private streets. A maximum of 244 dwelling units are proposed with a gross density of 6.3 units per acre. The property is designated as Mixed Use Area on the Comprehensive Plan Land Use Map. The principal suggested uses in the Mixed Use Area are moderate density housing, commercial developments and office developments. The applicant had requested deferral. Staff concurred with the deferral request.

Mr. Fraley pointed out a date inconsistency.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the August 16 meeting.

C. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Karen Drake presented the deferral. The applicant, Mr. Alvin Anderson of Kaufman and Canoles,

requested that the Planning Commission defer the case in order to work out several outstanding issues. Staff concurred with the applicant's request. .

Mr. Poole inquired into the deferral status of the application.

Mr. Sowers responded that staff was still working to resolve the outstanding issues.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case until the August 16 meeting.

D. Z-002-04 – Zoning Ordinance Amendment Manufacture of Stone Products

Ms. Christy Parrish presented the staff report. The amendment proposes to amend the JCC Code by amending Section 24-411, Permitted Uses; Section 24-436, Permitted Uses; Section 24-437, Uses Permitted by Special Use Permit Only; to add the permitted use of manufacture of previous prepared stone products; and by adding clarifying language to the current use of manufacture of cement, lime, gypsum, bricks and stone products. Staff recommended approval of the ordinance amendment.

Mr. Poole asked if the Economic Development Department had been consulted in this amendment.

Ms. Parrish responded that the Economic Development had worked closely with staff on this issue.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Ms. Wildman expressed her support for the amendment.

Mr. McCleary cited the small business-friendly nature of the amendment.

Mr. McCleary moved for approval.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Kale; NAY: (0). Not Present: Billups.

E. CASE SUP-20-04 AJC Woodworks Modifications.

Ms. Weisiger presented the staff report. Mr. Tony Casanave has applied to amend a special use permit for a woodworking shop at **8305 Richmond Road** in Toano. The property is zoned A-1, General Agricultural. Mr. Casanave seeks to amend two conditions to an existing SUP. He proposes to amend a condition to allow a structure approximately nineteen feet in height. The applicant also proposes to change a condition to narrow the width of a landscape buffer along the northern property line. The property is designated General Industry on the Comprehensive Plan Land Use Map. Staff recommended approval of the application.

Mr. McCleary confirmed that the only SUP conditions to be changed were a four-foot height expansion of the facility and a narrowed buffer.

Ms. Weisiger responded that those were the only changes.

Mr. Hunt related the experience of an adjacent property owner who contacted him that did not support narrowing the buffer.

Mr. Kale asked when this case had been originally considered by the Planning Commission.

Mr. Poole responded that Planning Commission had considered the case in 2003.

Mr. Kale asked what the purpose of the structure in front of the workshop was.

Ms. Weisiger responded that it was for residential use.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. Poole said that he was comfortable with the application when it was first considered in 2003, and that the changes in the application did not change the overall use.

Mr. McCleary stated his support for the application, and noted that the landscape buffer would be approved by a separate landscape plan.

McCleary moved to approve the application.

Ms. Wildman seconded the motion.

Ms. Wildman asked if there had been any concerns about noise.

Mr. Sowers responded that he was not aware of any complaints.

Mr. McCleary noted that condition 7 of the SUP restricted noise and operating hours of the business.

Mr. Kale asked what prompted the proposed changes to the SUP.

Mr. Tony Casanave, the applicant, responded that site layout requirements had dictated a narrowing of the buffer.

Mr. Hunt suggested that Mr. Casanave meet with the aforementioned adjacent property owner.

Mr. Kale confirmed that Mr. Casanave had not received any complaints.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). Not Present: Billups.

F. CASE NO. SUP-20-04 Precious Moments Playhouse

Ms. Karen Drake presented the staff report. Ms. Evangelina Crump has applied to amend the existing Special Use Permit for Precious Moments Playhouse to increase the number of allowable children in the day care center from 15 to 30 and extend the operating hours from 7am to 5pm to 7am to 6pm. Precious Moments Playhouse is located at **103 Indigo Terrace** on .51 acres of land zoned R-2 General Residential and designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map. The parcel is located in the Jamestown District and can be further identified as parcel (2-2) on JCC Tax Map (38-4). Staff recommended approval of the application.

Mr. Fraley requested clarification of the maximum occupancy of the playhouse presented in the staff report.

Ms. Drake responded that, due to changes in ownership, the maximum permitted occupancy had changed.

Ms. Crump stated that changes in designation had also changed occupancy.

Mr. Fraley requested further clarification.

Mr. McCleary noted that, since the facility at one time had been approved for 56 children, the new occupancy of thirty seemed acceptable to him.

Mr. Kale verified that the SUP renewal carried the same conditions as the previous SUP.

Ms. Crump made herself available for questions.

Mr. Poole closed the public hearing.

Mr. McCleary credited the applicant for including a petition from the adjacent property owners who supported the application.

Mr. Kale moved to approve the application.

Mr. Hunt seconded the motion.

Ms. Wildman stated her support for the application.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). Not Present: Billups.

G. CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage.

Mr. Johnson delivered the staff report. Ms. Jeanette Brady has applied to rezone approximately 1.4 acres from R-8, Rural Residential, to B-1, General Business, with proffers. The applicant proposes to develop approximately 6,400 square feet of office space and approximately 60,000 square feet of warehouse storage adjacent to the existing Oaktree development just north of the Five Forks intersection at **3292 Ironbound Road** in the Berkeley District. The property can be further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (47-1). The Comprehensive Plan Land Use Map designates this parcel as Mixed Use. Staff recommended deferral of the case.

Mr. Kale asked Mr. Johnson to elaborate on the traffic patterns existing at the current entrance to the Oaktree site.

Mr. Johnson responded that the current left hand turn lane on south Ironbound Road had always been intended as an entrance to both sites and that the only proposed traffic addition would be a right hand taper.

Mr. Kale asked if the application addressed the number of users that would be using the warehouse site, and the possible traffic impacts on the Five Forks Area.

Mr. Johnson related the consultant's conclusion that the proposed use would not adversely affect the traffic situation.

Mr. Kale spoke to the potential traffic problem posed by warehousing in relation to offices.

Mr. Johnson stated that the traffic report showed that the warehouse use would actually generate fewer trips than a comparable number of offices.

Mr. Kale reiterated the possible traffic problems.

Mr. Johnson stated that neither VDOT nor the consultant had cited a traffic problem with the application.

Mr. Fraley spoke to concerns of traffic around Five Forks and asked if staff had any figures for total square footage in JCC dedicated for mini-storage.

Mr. Johnson responded that staff had no independent study tracking total warehouse space and **7**

clarified that the application will not negatively impact the current level of traffic service at the Five Forks intersection.

Mr. Fraley asked if staff had any more information on the height of the building.

Mr. Johnson responded that the grade would be similar to the existing office building, and smaller than several other existing buildings.

Ms. Wildman asked how often customers for the mini-storage would utilize the facility.

Ms. Brady responded that typical customers travel to a storage space infrequently. As to the height of the building, Ms. Brady added that a ballet school tenant had been advising the Brady's as to the need for adequate building height for dance.

Mr. Kale asked Mr. Horne where funding for the improvements would be found.

Mr. Horne responded that any private investment must be made as a proffer during the rezoning process. If the entrance directly at the site were in question, then the site plan process would address these concerns. All off-site improvements, if not addressed through a proffer, would be sponsored out of county/state funding.

Mr. Kale confirmed that a right-turn lane into the development would be privately invested.

Mr. Horne responded that, if warranted, site changes could be made, but that traffic analysis had not demonstrated the need for a turn lane. If these projections later change, however, improvements would become a public investment.

Mr. Poole asked if the buffer on Ironbound Road would remain undisturbed.

Mr. Johnson responded that the ordinance requires a fifteen-foot construction setback and that staff can work with applicant to create a landscaping plan that will utilize as much as the existing cover as possible.

Mr. Poole stated that he would like to see this plan embrace as much natural character as possible.

Mr. Fraley noted that many of the dance times are scheduled at 5 o'clock, a heavy traffic period for Five Forks.

Mr. Poole opened the public hearing.

Mr. Wayne Brady related that his company had paid for all the traffic improvements in the initial rezoning and that their traffic engineer was present to answer questions.

Mr. Hampton Jesse, of 3500 Hunters Ridge, requested more information into the number of proposed storage units and asked the Planning Commission to be conscious of the height of the building and the landscape buffering. He also urged the need for architectural consistency with the rest of Five Forks.

Mr. Blair Wilson, design consultant for the project, related the trip generation statistics for the facility, which would generate 7 trips on average in the morning and 10 in the afternoon.

Mr. Aaron Williams of 3456 Hunters Ridge credited the Bradys for their willingness to meet with the community and related that the Powhatan Crossing residents were not opposed to the application.

Hearing no other requests to speak, Mr. Poole deferred the case till the August 16<sup>th</sup> meeting of the Planning Commission.

Mr. McCleary spoke to the need for this application to be held, as other applications for this area have been, to await the results and guiding principles from the Five Forks Area Study.

Mr. Fraley expressed his concern that two members of the PC will be absent for the August meeting and complimented Ms. Brady for her work with the Chamber Ballet studio.

Mr. McCleary said that the applicant should consider deferring the case, not because of the anticipated absences on the PC next month, but to bring it into accordance with the guiding principles of the Five Forks Area Study.

Mrs. Brady urged the Planning Commission to keep this case on a timeline.

Mr. Rogers informed the Planning Commission that action would need to be taken by its October meeting, or 100 days after the first public hearing on the case.

Mr. McCleary again urged the applicant to defer to the completion of the Five Forks area study.

Ms. Brady expressed her belief that, since the property is located between two commercial properties, the Five Forks committee was unlikely to change that designation.

Mr. Kale asked staff to work with the applicant to directly address the potential problems of traffic around the site and urged the Commission to consider the possibility that this application could aggravate the traffic situation around Five Forks in a way that is not at this time foreseen.

H. CASE NO. SUP-19-04. Williamsburg Winery – Gabriel Archer Tavern.

Mr. Matt Arcieri presented the staff report. Mr. Vernon Geddy has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the continued operation of the restaurant Gabriel Archer Tavern which is operated by and in conjunction with the Williamsburg Winery. The existing special use permit for the tavern expired on April 30, 2004. A restaurant is a specially permitted use in the R-8, Rural Residential district in which the property is located. The property is at **5800 Wessex Hundred** and can be further identified as Parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval of the application.

Mr. McCleary confirmed with Mr. Arcieri that the tavern was still operation even though the permit had expired.

Mr. Fraley stated that, to him, it did not seem that the requirements had been sufficiently met.

Mr. Arcieri stated that two of the conditions were contingent on other deadlines.

Mr. McCleary asked what would happen if the SUP expired.

Mr. Arcieri stated that the continued operation of the tavern would then become an enforcement issue.

Mr. Rogers gave some background to the case, that the County is working with the applicant to continue the use, and that injunction against the business would be a final alternative should the SUP expire. That injunction would only apply to the use and the County could not force the applicant to obtain the SUP approval necessary to continue the current use.

Mr. Patrick Duffeler, the business owner, spoke to the issues surrounding the Tavern and the steps the he and the County had taken to resolve them. He re-iterated his desire to continue to work with staff to meet the conditions necessary to continue operation and that he had given his best efforts as quickly as possible to do so.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. Hunt motioned to approve the application.

Mr. McCleary seconded the motion.

Mr. Poole recognized the recommendation of staff and the importance of supporting small business in James City County.

Mr. McCleary expressed his concerns regarding the application and, though stating that he would vote in favor of the application, that he had serious reservations.

Mr. Kale stated that he would not vote in favor of the application until the necessary requirements had been met.

Ms. Wildman stated that she would not vote in favor of the application as the conditions had not been met.

Mr. Duffeler stated that the timeline set forth during the initial SUP process was unreasonable due to plan preparation and approval processes.

Mr. Fraley asked Mr. Sowers to provide more insight into staff's recommendation of approval.

Mr. Sowers responded he could not add to Mr. Arcieri's comments other than to say that staff believes the applicant is making reasonable progress and is trying to be supportive of this valuable business.

Mr. Vernon Geddy, the applicant, related that the initial deadlines had been considered reasonable at the time but that the process had taken longer than anticipated due to the site planning process, project scope, and weather.

Mr. Fraley stated that, despite serious reservations, he would support the case.

In a roll call vote the Planning Commission approved the application by a 5-1 vote; AYE: (5) Wildman, McCleary, Fraley, Hunt, Poole NAY: Kale (1). Not Present: Billups.

I. CASE NO. AFD-1-093 Williamsburg Farms Withdrawal

Mr. Arcieri delivered the staff report. Mr. Vernon Geddy has applied to withdraw seventy-five acres from the existing Williamsburg Farms AFD. This acreage will be combined with existing property not in an AFD to create four single family lots on Jockey's Neck Trail. The property is at **5800 Wessex Hundred** and can be further identified as Parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval.

Mr. Vernon Geddy, the applicant, made himself available for questions and noted that Mr. Duffeler himself was a member of an adjacent subdivision.

Mr. Poole asked for background information on the withdrawal.

Mr. Geddy responded that the acreage number was increased to avoid a policy debate but that a minimum withdrawal of seventy-five acres would open the area to development questions that were not intended.

Mr. Kale asked if rollback taxes would be paid on the withdrawal.

Mr. Geddy responded that they would be paid.

Mr. Poole opened the public hearing.

Ms. Susan Miller of the Vineyards Homeowners Board (VHB) related an earlier proposal presented to the VHB where Mr. Duffeler proposed splitting two lots rather than the current proposal of four lots. She stated that the VHB would like to see a study of environmental setbacks and easements included in the application.

Mr. Geddy stated that he was aware of the said issues but that they were largely unconnected to the AFD withdrawal itself.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. McCleary noted that, if the lots were developed, the next step in the process would be a rezoning.

Mr. Arcieri responded that the next step would be an administrative subdivision but that the DRC would hear the case if adjacent property owners had any concerns.

Mr. Fraley stated that the public was welcome to attend and comment on cases at DRC meetings.

Mr. Kale requested clarification whether the applicant was considering four or seven lots.

Mr. Geddy replied that the project consisted of four anticipated lots.

Mr. McCleary moved to approve.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, McCleary, Fraley, Hunt, Kale, Poole NAY (0). ABSENT: Billups.

J. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri delivered the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommended approval for the case.

Mr. Kale asked for clarification as to the VDOT prediction that traffic along Lake Powell Road would decrease across the next ten years.

Mr. Arcieri responded that this projection was part of a VDOT study.

Mr. Kale expressed his skepticism as to the traffic projections.

Mr. Poole posited the theory that the traffic study still counted the connection from Lake Powell onto Neck o' Land Road, which no longer exists.

The committee briefly discussed the statistics presented in the staff report.

Mr. Poole opened the public hearing.

Mr. Patrick Duffeler stated that the proposed hotel had always been a planned part of the Winery but that construction had been deferred until further studies could be undertaken. The condition regarding limited gatherings to 1000 people had been supported by the applicant as a reasonable condition to the country hotel. Overall, Mr. Duffeler stated his belief that the completion of the hotel would add something rather unique to the community.

Christine Payne, 2689 Jockey's Neck Trail, expressed her concerns regarding the traffic and the dangerous conditions currently existing on the road for pedestrians. Increased vehicular traffic would

exacerbate the situation and pose a safety hazard.

Ms. Susan Miller, of the Vineyards HOA, requested clarification on several points including proposed utility locations and expected impacts, future residential development, and the requirement of a construction entrance.

Mr. Arcieri responded that, in regards to the comments of the property owner, that the specific utility impacts would be considered during the site plan process.

Mr. Poole closed the public hearing.

Mr. Geddy stated that some traffic numbers in the staff report were derived from HRPDC study numbers and that the others were taken from VDOT traffic studies.

Mr. Poole said that the details of the plan had not been sufficiently clarified to gain his immediate support for the application.

Mr. Fraley expressed his support for the concept of the plan but believed that the traffic data was skewed and unreliable.

Mr. Hunt said that clarification of the traffic study was needed.

Mr. McCleary recommended a deferral of the case so that certain outstanding issues could be resolved.

Mr. Geddy requested more information into the Commission's areas of concern.

Mr. Fraley responded that these concerns could be best addressed by consulting adjacent property owner concerns.

Mr. Wildman asked if grinder pumps were currently used in the surrounding area.

Mr. Geddy responded that these would be the only pumps in the area.

Mr. McCleary motioned to defer the case.

Mr. Fraley seconded the motion.

In a unanimous voice vote the case was deferred till the August 16<sup>th</sup> meeting of the Planning Commission.

## 6. PLANNING COMMISSION CONSIDERATION

### A. Initiation of Consideration of Amendments to the Subdivision Ordinance.

Mr. Sowers presented the following resolution. An amendment to Section 19-15(2), Fees; and Section 19-62, Inspection of Public Water and Sewer Systems: to change the time for collecting the JCSA utility inspection fee imposed pursuant to Virginia Code §15.2-5136 from the issuance of the land disturbance permit to the issuance of the certificate to construct. There is no change in the amount of the fee assessed.

Mr. McCleary moved approval of the initiating resolution.

Mr. Hunt seconded the motion.

The motion passed with a unanimous voice vote.

7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He highlighted the next meeting of the Builders of the Bay, on August 5, at 8 a.m. Mr. Sowers also mentioned the next two meetings of the Five Forks Area Committee, scheduled for July 28, at 7:00 p.m. and August 11<sup>th</sup>, at 4:00 p.m. The August Planning Commission meeting also has a potentially long agenda and Mr. Sowers recommended that a fallback date be set.

The committee discussed possible dates for the August meeting. They reached a consensus that the next meeting should be scheduled for August 16<sup>th</sup>, with an alternate meeting schedule for the 18<sup>th</sup>.

Mr. Kale moved that the meeting be rescheduled for the new dates.

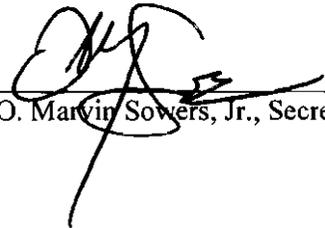
Mr. Hunt seconded the motion.

The motion passed with a unanimous voice vote.

8. ADJOURNMENT

There being no further business, the July 12, 2004, meeting of the Planning Commission was recessed at approximately 9:47 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/01/2005

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The following minutes for the Planning Commission of James City County dated 08/01/2005 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 08/01/2005, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/01/2005.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

Jack Fraley  
Ingrid Blanton  
Jim Kennedy  
Mary Jones  
Wilford Kale  
Don Hunt  
George Billups

ALSO PRESENT

John Horne, Development Manager  
Marvin Sowers, Planning Director  
Allen Murphy, Principal Planner/Zoning Administrator  
Adam Kinsman, Assistant County Attorney  
Tamara Rosario, Senior Planner II  
Matthew Arcieri, Senior Planner  
Ellen Cook, Planner  
Matthew Smolnik, Planner  
Joel Almquist, Planner  
Jose Riberio, Planner  
Jason Purse, Planner  
Toya Ricks, Administrative Services Coordinator

2. MINUTES

Ms. Blanton said she forwarded her corrections to staff via email.

Mr. Sowers said that they were received and would be incorporated into the final draft.

Mr. Fraley motioned to approve the minutes as amended.

Ms. Jones seconded the motion.

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

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered one case at its July 27<sup>th</sup> meeting, The Williamsburg Community Chapel Expansion. The DRC unanimously recommended preliminary approval, subject to agency comments.

Ms. Jones motioned to approve the report.

Mr. Kennedy seconded the motion.

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

B. OTHER COMMITTEE REPORTS - None

4. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 Warhill Tract
- B. Z-8-05 Williamsburg Wicker and Rattan
- C. MP-9-05/ SUP-21-05 Olde Towne Timeshares
- D. Z-7-05/MP-5-05 Jamestown Retreat
- E. Z-12-05 Toano Business Center

Mr. Hunt stated that the applicants for items 4-A through 4-E requested deferral of those cases until the September 12, 2005 meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, the public hearings were continued to September 12<sup>th</sup>.

F. AFD-7-86 Mill Creek Agricultural and Forestal District (AFD) – Findley Addition

Mr. Matthew Arcieri presented the staff report. Mr. John Findlay has applied to add 73.25 acres to the existing Mill Creek AFD. The property is located at 3406 North Riverside Drive and is identified as parcel (1-8H) on the JCC Real Estate Tax Map (9-4). The parcel is zoned A-1, General Agricultural and is located in the Stonehouse District. On July 18<sup>th</sup> the AFD Advisory Committee recommended approval by a vote of 9-0.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, Mr. Hunt closed the public hearing.

Mr. Kale motioned approval.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote approval was recommended (7-0). AYE: (7) Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt; NAY: (0)

G. SUP-25-05/MP-10-05 Prime Outlets Master Plan Amendment

Mr. Matthew Arcieri introduced Mr. Jose Riberio. Mr. Riberio presented the staff report. Mr. Alvin Anderson and Mr. Dustin Devore have applied on behalf of Williamsburg Outlets, LLC, to amend the existing master plan and special use permit to allow for a 5,600± square foot expansion of Prime Outlets. The properties can be identified as parcels (1-33C), (1-33D), (1-33E)

and (1-28) on the JCC Real Estate Tax Map (33-1). The property is zoned B-1, General Business, with proffers and is designated Community Commercial on the Comprehensive Plan Land Use Map. Lands designated Community Commercial are intended to allow general business activity in areas located within the Primary Service Area while usually having a moderate impact on nearby development. Staff recommended approval of the application and attached conditions.

Mr. Fraley asked the purpose of the additional parking.

Mr. Riberio said the purpose was to accommodate overflow parking.

Mr. Fraley wanted to know how the parking lot would be accessed.

Mr. Riberio indicated an access route on the location map.

Mr. Fraley confirmed with Mr. Riberio that no signage exists directing traffic to the lot.

Mr. Kale said he would hold his questions regarding traffic for the applicant.

Mr. Kennedy said that several times of the year there is a severe shortage of parking. He asked how this would be addressed.

Mr. Riberio referred the question to the applicant.

Mr. Hunt opened the public hearing.

Mr. Dustin DeVore, Kaufman and Canoles, represented the applicant. Mr. DeVore gave a presentation outlining the proposal.

Mr. Kale asked if the leases required employees to park in the rear parking lot.

Mr. DeVore said it was required.

Mr. Kennedy asked how close this expansion would be to the residential development behind the center.

Mr. DeVore answered 400 feet.

Mr. Kennedy was concerned about the effect of lighting, dumpsters and deliveries on the surrounding residents.

Mr. DeVore said they would use down cast lighting and that dumpsters and delivery services would be done the same as it always has.

Mr. Kale asked about the construction taking place near the Joseph Banks store.

Mr. Paul Reid, the applicant, said the dumpster pads that were approved with the previous expansion are being installed.

Mr. Fraley confirmed that they would house the dumpsters currently sitting in the roadway.

Mr. Kale asked if an encroachment was approved to allow cutting into the buffer.

Mr. DeVore said it was approved with the previous expansion request.

Mr. Kale said this should not be allowed in the future because it cuts into the buffer between this project and the adjacent property.

Ms. Jones clarified that there was no access to the back parking lot from the outlet mall without going back out to Route 60.

Mr. DeVore explained that to provide such access would cause signaling issues on Route 60.

Mr. Kale asked if there was any way to connect the main parking area with the overflow lot.

Mr. DeVore said the applicant would look for ways to improve parking.

Mr. Kale wanted to know how shoppers would access the front of the mall from the rear parking lot.

Mr. Reid said the current expansion includes a breezeway from that parking lot and that signage would be installed. He also said they would provide a one-way access road if the Virginia Department of Transportation (VDOT) would approve it.

Mr. Kale said he thought this addition would make the parking problem worse. He asked if something could be done to help businesses like Ewell Station and the motel that become overflow parking lots for the mall.

Mr. DeVore said they have been in discussions with Ewell Station in the past and would be willing to resume those discussions.

Mr. Kennedy said that in November and December shoppers park at his restaurant that is located in the area. He also voiced some of the parking and traffic concerns voiced by mall employees and other area merchants, including security lighting and access to employee parking areas.

Ms. Jones asked if the current lighting meets code.

Mr. DeVore said it was up to code for what is there now.

Mr. Fraley asked if the applicant would be agreeable to conditions for improved lighting, directional signage to parking areas, and movable planters near the Polo store.

Mr. DeVore said yes.

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

Mr. Kennedy motioned to approve the application with the amended conditions recommended by Mr. Fraley. He also urged the applicant to consider parking solutions improving access to the rear parking areas.

Mr. Kale seconded the motion. He also asked the applicant to act in good faith to deal with the parking issues.

Mr. Fraley clarified the amended conditions and agreed with Mr. Kale's request for parking improvements.

Ms. Blanton agreed with the previous comments and amended conditions.

Ms. Jones agreed that satellite parking might be something that should be considered.

In a unanimous roll call vote the application and amended conditions were recommended for approval (7-0).

#### H. SUP-24-05 Williamsburg Winery – Gabriel Archer Tavern

Mr. Matthew Arcieri presented the staff report. Mr. Vernon Geddy has applied for a special use permit on behalf of Williamsburg Farms, Inc., to permit the continued operation of the Gabriel Archer Tavern restaurant which is operated by and in conjunction with the Williamsburg Winery. The existing special use permit for the tavern expired. A restaurant is a specially permitted use in the R-8, Rural Residential district in which the property is located. The property is at 5800 Wessex Hundred and can be further identified as parcel (1-10B) on the JCC Real Estate Tax Map (48-4). Staff recommended approval of the application and attached conditions.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He stated that all issues had been resolved. Mr. Geddy asked the Commission to recommend approval and made himself available for questions.

Mr. Kale stated that the applicant resolved the outstanding issues eight months later than expected.

Mr. Geddy said he had advised his client not to come back until everything was resolved. He said he recommended his client not ask for more time.

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

Mr. Fraley motioned to approve the application.

Mr. Kennedy seconded the motion.

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

I. SUP-22-05 Shops at Norge Crossing

Ms. Ellen Cook introduced Mr. Jason Purse. Mr. Purse presented the staff report. Mr. Gregory Davis of Kaufman and Canoles has applied for a special use permit to construct 8 retail shops totaling 13,000 square feet at 7500 Richmond Road. This parcel is located at the intersection of Norge Lane and Richmond Road and can be further identified as Parcel Number (1-71E) on the JCC Real Estate Tax Map (23-2). It is part of the Norge Crossing Shopping Center and is currently zoned B-1, General Business, with proffers. Staff found that with the proposed conditions the application is compatible with the Comprehensive Plan. Staff recommended approval of the application and attached conditions.

Ms. Blanton asked about the proposal's impact on the Yarmouth Creek Watershed Protection Plan.

Mr. Purse stated that one of the conditions included the goals and priorities of the plan.

Ms. Blanton asked if the developer provided funding for education or other protective measures.

Mr. Purse said SUP conditions can not request money.

Ms. Blanton wanted to know if it could be proffered.

Mr. Purse explained that proffers are generated through Rezonings rather than Special Use Permits.

Mr. Hunt asked if the existing BMP would remain.

Mr. Purse said yes.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis presented the project and showcased the developer's previous project in James City County. He asked the Commission to approve the application.

Mr. Kale asked if the applicant had any questions regarding the conditions.

Mr. Davis said no. He said the applicant was in agreement with the conditions.

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

Mr. Kennedy recused himself.

Mr. Kale stated his pleasure with the developer's previous project in the County.

Ms. Blanton echoed Mr. Kale's comments.

Mr. Kale motioned to approve the application.

Ms. Blanton seconded the motion.

In a unanimous roll call vote the application was recommended for approval (6-0). AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt; NAY: (0). Kennedy abstained.

J      SUP-23-05 TGI Friday's

Mr. Matthew Smolnik introduced Mr. Joel Almquist. Mr. Almquist presented the staff report. Mr. Vernon Geddy III has applied for a special use permit on the parcel located at 5521 Richmond Road, which is currently zoned B-1, General Business in order to construct and operate a TGI Friday's restaurant. The property is also known as parcel (1-5A) on the JCC Real Estate Tax Map (33-3). Mr. Geddy has filed the special use permit application because the proposal is projected to generate more than 100 peak hour trips to and from the site. The site is designated as Neighborhood Commercial on the JCC Comprehensive Plan. Limited business activity areas located within the Primary Service Area, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development, are designated Neighborhood Commercial. Staff found the proposal consistent with surrounding developments. Staff recommended approval of the application and attached conditions.

Mr. Kale, Mr. Almquist and the applicant's traffic consultant discussed access to the property.

Mr. Kennedy asked what colors would be used on the exterior of the building.

Mr. Almquist presented a color sketch showing red and white awnings. He stated that the Planning Director had final approval.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He said he thought the location was a good fit for this use.

Mr. Kennedy asked if more neutral colors could be used.

Mr. Geddy said the color scheme was consistent with all TGI Friday's stores. He did state that the colored sketch appeared to be brighter than it will appear at the store.

Mr. Kale encouraged the Planning Director take a close look at the colors.

Mr. Geddy said the applicant was happy with the proposed conditions.

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

Mr. Kennedy motioned for approval. He did state his concern with the traffic on Route 60.

Ms. Jones seconded the motion.

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

K. SUP-20-05 USA Waste of Va. Landfills, Inc. Renewal

L. SUP-19-05 Branscome Borrow Pit Renewal

Mr. Matthew Smolnik presented the staff report. Mr. Vernon Geddy III has applied to renew SUP-008-00 and SUP-009-00 at 700 Blow Flats Road and the parcel directly adjacent to it, currently zoned M-2, General Industrial, in order to continue the operation of borrow pits. The properties are also known as parcels (1-3) and (1-2) on the James City County Real Estate Tax Map (60-3). Mr. Geddy is requesting slight changes to the existing special use permits, which are primarily intended to reflect the completion of environmental remediation and timbering activities on the sites. The applicant is also requesting to eliminate the five year time limit on the special use permits. The sites are designated General Industrial by the James City County Comprehensive Plan. Staff recommended approval subject to proposed conditions including retention of the five year renewal requirement.

Mr. Sowers added that VDOT also recommended retention of a five year expiration date.

Ms. Blanton asked about the negative impacts mining will have on the neighboring tidal wetlands.

Mr. Smolnik stated that there will be enough distance that no negative impacts are anticipated.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. The applicant has mined at this location for over 35 years. He recited some of the advantages of this proposal. Mr. Geddy asked for renewal of the applications and elimination of the five year time limit.

Mr. Kennedy recalled that the company was sold shortly after the previous renewal.

Mr. Geddy noted that there have been no changes in the way the company or the borrow pits have been operated locally.

Mr. Greg Davis, Kaufman and Canoles, represented adjacent property owner, Greenmount Associates. Mr. Davis stated that his client did not oppose the application. He urged retention of the five year renewal required.

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

Mr. Kennedy motioned to approve the applications with a five year expiration.

Ms. Jones seconded the motion.

Mr. Billups stated his concerns about the safety and health conditions that currently exist. He said there were no steps being taken to correct or lessen the impact of dust, debris, etc. to residents.

Mr. Sowers said that public notice was given and that no residents came forward. He also said there were conversations with neighbors during the previous renewal request.

Mr. Billups said there was an obligation to ensure the health and safety of residents even if they do not appear.

Ms. Jones stated that the staff report indicated that those conditions will be properly regulated.

Mr. Billups said marine life is another concern.

Mr. Geddy stated that creation of the tidal wetlands is a proposed benefit and will require exhaustive permitting.

Mr. Kale confirmed that proper experts will be consulted such as the Virginia Marine Resources Commission. He also stated his concern that the road be kept free of debris.

The Commission and the applicant discussed the improvements to Blow Flats Road.

In unanimous roll call votes both applications were recommended for approval (7-0). AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt; NAY: (0).

The Commission adjourned for five minutes.

M. Z-4-05/SUP-7-05 Langley Federal Credit Union at New Town

Ms. Tamara Rosario presented the staff report. Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2

acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. The case was deferred at the July 11<sup>th</sup> Planning Commission meeting. At that time the Planning Commission recommended that the applicant revisit the issues of the number of drive-through lanes, address the proffer deficiencies and explore shared parking. In response the applicant reduced the number of drive-through lanes requested from seven to five (four teller lanes and one ATM lane for immediate use) plus two teller lanes reserved for future use. The remaining two lanes would require DRC approval. The applicant submitted proffers which address the deficiencies previously noted, including participation in the New Town Commercial Property Owner's Association. The applicant also expressed a willingness to work with adjoining landowners on shared parking when the adjoining parcels are developed.

Staff found the proposed use consistent with the surrounding development, the New Town Design Guidelines, and the Comprehensive Plan and recommended approval of the application and attached conditions.

Mr. Hunt opened the public hearing.

Mr. Ray Suttle, Jr., of Jones, Blechman, Woltz, and Kelly, represented the applicant and introduced Tom Tingle, the architect.

Mr. Tom Tingle, Guernsey-Tingle, made a presentation outlining the project and identifying the changes made as a result of staff's, the Design Review Board's and the Planning Commission's requests.

Mr. Fraley applauded Mr. Tingle on the design.

Mr. Kale agreed with Mr. Fraley on the design. He disagreed with the number of drive-through lanes. He said that some New Town Design Review Board (DRB) members had expressed their support for a reduction to him.

Mr. Kale and Mr. Tingle discussed how the drive-through reduction could be achieved architecturally. Mr. Kale also stated his desire for any requests for expansion to be made before the full Planning Commission.

Ms. Blanton thought the applicant had done an admirable job responding to the New Town Design Guidelines. However; she felt the New Town principles favored pedestrians and that three drive-through tellers and one ATM lane was sufficient. Ms. Blanton was not comfortable with allowing the possibility of future expansions.

Mr. Fraley agreed with Mr. Kale that future expansion requests come before the full Commission. He said he had also had discussions with DRB members concerning their desire for fewer lanes. Mr. Fraley noted that the current James City County branch does not have a drive-

through and does not seem to experience traffic back-ups. He questioned whether this project was a fit for New Town.

Mr. Kennedy commended the applicant and felt the changes reflected their desire to be in New Town. He did not think New Town would be a walking community and this is on the outskirts of New Town. He asked if the applicant would look to move elsewhere if the additional lane was not approved.

Mr. Tom Horner, the applicant, discussed how this location was chosen. He stated that their consultant had originally recommended that they locate in the Richmond Road/Lightfoot Road area based on their customers' demographics, but they preferred a New Town location. He insisted that the project required four drive-up tellers lanes and that three would not work. He explained that one teller works two lanes so that an odd number of lanes would mean one person would be working at 50%. Mr. Horner also said he was responding to their members who have said they do not do business at the Colony Square branch because it does not have a drive-through and because they cannot cross the road safely.

Mr. Fraley asked the applicant to explain how he would lose money with three lanes when nearby institutions only have three.

Mr. Horner explained that other institutions have one teller working three lanes and he felt he could better serve his members with one teller working two lanes.

Mr. Kennedy disagreed with the other Commissioners and stated his support of the proposal.

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

Mr. Hunt said that after listening to the applicant he understood his argument that the additional drive-through was a matter of efficiency.

Ms. Blanton stated her understanding that when visiting New Town one would park or walk over and do a number of errands at once. She felt the notion of zipping through in a car and going elsewhere is counter to what New Town is trying to accomplish.

Mr. Billups said he did not think that one additional drive-through warranted denial of the application.

Mr. Kennedy asked if anyone was present from the DRB. He stated his opinion that it was grossly unfair that DRB members would call some individual members of the Commission without calling all of them in order to express their concerns after having made a decision that indicated that they were in support of the plan. He thought they should have appeared before the Planning Commission and made their statements available to everyone.

Mr. Fraley again complimented the applicant on the proposal and their responsiveness in incorporating changes from last month's meeting. He also said he was not persuaded and would not support the request.

Ms. Jones agreed that the facility is one of the gateways to New Town and should comply with the pedestrian friendly spirit of the community. She said she would not support three drive-through tellers and one ATM.

Mr. Kale motioned to approve and amend the application allowing no more than four drive-through lanes including the ATM and requiring any requests for expansion to be presented to the full Commission.

Mr. Fraley seconded the motion.

Mr. Kinsmen confirmed that both the rezoning and special use permit applications would be voted on together.

Mr. Kennedy suggested entering a substitute motion to approve the application as presented.

Ms. Blanton confirmed with Mr. Kale the effect of passage of his motion. She did not support allowing the possibility of future expansion.

Mr. Fraley agreed with Ms. Blanton on the issue of expansion.

Mr. Kennedy stated that the applicant may prefer a vote on Mr. Kale's motion.

Mr. Tingle stated the applicant's preference for a vote on the application as presented.

Mr. Kale withdrew his motion.

Mr. Kennedy motioned to approve the application as presented.

Mr. Fraley seconded the motion.

The motion to recommend approval of the application failed (3:4). AYE: Billups, Kennedy, Hunt (3); NAY: Kale, Blanton, Fraley, Jones (4).

N. Z-10-05/SUP-17-05/MP-7-05 The Villages at Whitehall (LaGrange)

O. Z-11-05/SUP-18-05/MP-8-05 The Villages at Whitehall (Task, Neck, Rochambeau)

Mr. Matthew Smolnik presented the staff report. Mr. Vernon Geddy has applied on behalf of Rauch Development to rezone approximately 22.81 acres of land currently zoned A-1, General Agriculture to R-2 Cluster, General Residential with special use permit for a residential cluster overlay to construct a maximum of 79 residential dwelling units with an overall density cap of 3.46 dwelling units per acre. The Comprehensive Plan Land Use Map designates these properties as

Low Density Residential with one dwelling unit per acre. This property is located east of Anderson's Corner at 8716, 8720 and 8724 Barhamsville Road, and 3225 Old Stage Road, The property is more specifically identified as parcels (3-1), (3-2), (1-21) on the JCC Real Estate Tax Map No. (12-1) and parcel (1-21) on the JCC Real Estate Tax Map No. (12-2).

Mr. Geddy has also applied on behalf of Rauch Development to rezone approximately 138.54 acres of land currently zoned A-1, General Agriculture and B-1, General Business to R-2 General Residential Cluster and R-5 Multi-Family Residential Cluster, with a special use permit for a residential cluster overlay to construct a maximum of 443 residential dwelling units with an overall density cap of 3.2 dwelling units per acre. 4.59 acres of B-1, General Business zoned property will be rezoned to B-1, with Proffers for an approximate 8,000 square foot building. The Comprehensive Plan Land Use Map designates these properties as Low Density Residential with one dwelling unit per acre. This property is located east of Anderson's Corner at 3400, 3505, 3610, and 3611 Rochambeau Drive and 8350 Richmond Road. The property is more specifically identified as Parcels (1-14) (1-24) (1-22) (1-19) and (1-18) on the JCC Real Estate Tax Map No. (12-2).

Both proposals were deferred at the Planning Commission's July 11<sup>th</sup> meeting. At that time staff felt Taskinas, Rochambeau, and Hickory Neck Villages were not consistent with a low density residential Comprehensive Land Use designation. Mr. Smolnik said staff further believed the three villages did not adequately protect historical structures or scenic vistas nor sufficiently help to achieve the Anderson's Corner Mixed Use area vision.

The applicant has revised the proposals and staff found that they sufficiently addressed the technical issues raised at the previous Planning Commission meeting. Staff recommended approval of the applications with the attached conditions.

Mr. Kennedy asked if changes were made to the location of the recreational facilities.

Mr. James Peters, AES Consulting Engineers, said one small interior recreation open space was removed and replaced with a combined larger open space in another location. Mr. Peters pointed to them on the location map.

Mr. Kennedy and Mr. Peters discussed the locations of the shared facilities.

Mr. Sowers added that each of the two applications has proffered to meet the recreational standards recommended in the County's Recreational Master Plan.

Mr. Fraley questioned the appropriateness of rezoning commercial parcels to residential when the Comprehensive Plan for Anderson's Corner suggests business and commercial as primary uses with residential being a supporting use.

Mr. Smolnik stated that the parcel adjacent to this proposal has thirty-nine acres and is currently zoned B-1 with the potential for 300,000 – 400,000 square feet of commercial space.

Mr. Fraley asked why the applicant did not propose more commercial.

Mr. Sowers offered that these particular sites are not part of the adjacent Mixed Use area. He said they are designated low-density residential on the Comprehensive Plan. Mr. Sowers stated that previous reviews of the Comprehensive Plan identified the B-1 zoning as inconsistent and recognized that there is a tremendous amount of commercial zoning already designated in this area.

Mr. Kale asked if down-zoning has been considered.

Mr. Sowers answered no. He also outlined the process to down-zone.

Mr. Kennedy stated his apprehension about allowing this project without a study of the entire area. He asked if staff had considered the impact of having a commercial development so close to a residential area.

Mr. Sowers said that under the current guidelines of the Comprehensive Plan staff felt this application met enough of its tenets that a recommendation of denial was not warranted.

Mr. Kennedy said that he supported a recommendation of denial based on the fact that he would like to see a study of this area.

Mr. Fraley noted that the Planning Commission at its last meeting recommended that the Board of Supervisors commission a study of this area to establish a vision.

Mr. Sowers confirmed that the Board decided to not move forward with a study at this time.

Mr. Hunt opened the public hearing.

Mr. Vernon Geddy represented the applicant. He gave a presentation outlining the revision of the proposal since the last meeting. Mr. Geddy asked for a recommendation of approval.

Ms. Jones asked about the James City Service Authority's (JCSA) concerns about how the project will be integrated into the public water and sewage system.

Mr. Geddy stated that a master water and sewer plan will be required prior to site plan submission.

Mr. Sowers confirmed that such a condition is attached to the application.

Ms. Blanton suggested that development start away from the road and come forward so that the vegetation will have time to mature and provide a screen to those homes near the road.

Ms. Terri Hudgins, 111 Knollwood Drive, represented the Stonehouse District Citizens Association. The association opposed the rezoning as proposed by the applicant.

Mr. Jerry Jutras, 102 Plains View Road, expressed his support of the application.

Ms. Mary Magoon Delara, 92 Sand Hill Road, stated her opposition to blocking the left hand turn land from Sand Hill Road onto Old Stage Road and Rochambeau.

Mr. Rich Krapf, 2404 Forge Road, said he did not believe this proposal represented the best possible use of this land. He recommended deferral of the application until a comprehensive study of the area can be completed.

Ms. Linda Rice, 2394 Forge Road, represented the Friends of Forge Road. She commended the applicant on the improvements to the plan but requested denial of the application until an area study could be completed.

Mr. Charlie Crawford, 7849 Church Lane, said the project represented a good opportunity to the County. He also stated that future proposals would still be subject to approval.

Mr. Willard Delara, 92 Sand Hill Road, requested that convenience stores be added to the list of excluded uses for the 8,000 square foot commercial/retail building that will be located near the junction of Rochambeau, Old Stage Road and School House Lane.

Mr. Geddy said that the list of excluded uses included uses permitted by right in the B-1 Zoning District and convenience stores would require a request for a Special Use Permit. He also said that if VDOT does not approve blocking the left hand turn land from Sand Hill Road then the road would be left as it is.

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

Mr. Kennedy stated that he felt the applicant had gone the extra mile. He also said that the County has not gone the extra mile and urged a study of Anderson's Corner before acting on this case.

Ms. Jones said the Board of Supervisors had the opportunity to commission a study and chose not to. She said she was not thrilled about rezoning what is currently B-1 to R-2 but felt it was supported by the Comprehensive Plan. She stated her support for the proposal.

Ms. Blanton agreed with Ms. Jones. She stated her disappointment that a study was not commissioned. Ms. Blanton stated that she felt this project represented a good direction for the area.

Mr. Kale said that if the Board had chosen to conduct a study he would have asked the developer to wait. He also said he thought this was a good project and does not run counter to what was intended in Anderson's Corner.

Mr. Billups stated that the developer had made a good faith effort and that he would support the application.

Mr. Hunt stated his main concern was that the forthcoming residents may not be supportive of future commercial proposals for the parcels at Anderson's Corner that are designated commercial.

Mr. Fraley stated his support for an area study and his concerns about rezoning from commercial to residential. He also stated his feeling that this was a project that would set standards and wished it had more commercial, but it had his support.

Mr. Fraley motioned for approval of the application and attached conditions.

Ms. Blanton seconded the motion.

In a roll call vote the application was recommended for approval (6-1) AYE: Billups, Kale, Fraley, Blanton, Jones, Hunt (6); NAY: Kennedy (1).

## 7. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the Initiating Resolution for a Zoning Ordinance Amendment to allow facilities for the residence and for care of the aged by special use permit in the R-8 Zoning District. Staff recommended approval.

Mr. Kennedy motioned to approve the resolution.

Mr. Fraley seconded the motion.

Mr. Billups asked how much growth would be generated by the proposal.

Mr. Sowers said the growth would not come about until someone actually applied for a special use permit.

Mr. Billups asked what the potential for growth would be.

Mr. Sowers said this was the first time such a request has been made and he could guess.

Mr. Horne said this specific proposal was for a parking lot but the zoning change could allow for other types of applications.

Mr. Kale asked if there was any other way to allow a parking lot than a zoning change.

Mr. Horne outlined the Williamsburg Landing's need for shared parking behind a building on the Airport property which is zoned R-8.

Ms. Blanton confirmed that approval of the resolution only allowed staff to research the matter and does not give approval.

Mr. Kale offered a substitute motion for deferral to allow staff to look into alternatives other than a zoning change.

Mr. Fraley asked if staff was in the due diligence stage.

Mr. Horne said that there were internal discussions about how to accomplish this with the least amount of change to the Ordinance.

Mr. Fraley asked if staff would be inconvenienced by waiting.

Mr. Horne said it was the applicant's timetable not staff's.

Mr. Kennedy asked about the urgency of the parking lot.

Mr. Horne did not know.

Mr. Hunt said they do have a parking problem.

Mr. Fraley seconded the motion for deferral.

Mr. Billups stated his support of Mr. Kale's motion.

In a unanimous voice vote the motion to defer passed (7-0).

Mr. Hunt thanked Staff and Commissioners for their support and kind words concerning the death of his father. He also thanked Ms. Blanton for her input and diligent service.

Mr. Fraley said Ms. Blanton is a superstar and that he would miss her a lot.

Mr. Kale expressed his enjoyment of his association with Ms. Blanton.

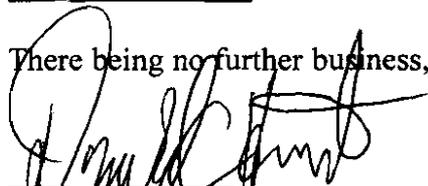
Ms. Blanton said it has been her distinct honor and privilege to have served on the Planning Commission. She said she will miss everyone and miss James City County.

Mr. Sowers thanked Ms. Blanton. He said Staff has enjoyed working with her and appreciated her service to the community.

Ms. Jones said she has a huge amount of respect for Ms. Blanton and will miss her.

8. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 11:27 p.m.

  
Donald Hunt, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/08/2006

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The following minutes for the Planning Commission of James City County dated 08/08/2006 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 08/08/2006, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/08/2006.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

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

STAFF PRESENT

Marvin Sowers, Planning Director  
Adam Kinsman, Assistant County Attorney  
Jose Ribeiro, Planner  
Jason Purse, Planner  
Toya Ricks, Administrative Services Coordinator  
Scott Thomas, Chief Environmental Engineer  
Michael Woolson, Environmental Engineer  
William Cain, Environmental Engineer

2. PUBLIC COMMENT

Mr. Fraley announced the ability to view Planning Commission meetings over the internet via live video streaming and on demand archives by accessing the County's website at [www.jccEgov.com](http://www.jccEgov.com).

Mr. Fraley invited the public to address the Planning Commission.

Hearing no requests to speak, the public comment period was closed.

3. MINUTES

A. July 10, 2006 Regular Meeting

Mr. Obadal motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the July 10, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Ms. Jones stated that the Policy Committee met on July 27 to continue it's consideration of possible revisions to the residential sections of the Zoning Ordinance. She said the Policy Committee will meet every third Wednesday with the next meeting scheduled for August 23.

B. Development Review Committee (DRC)

Mr. Fraley stated that the DRC met on August 2. He stated that the Committee granted preliminary approval pending agency comments to SP-77-06 Williamsburg Landing - Woodhaven Expansion and SP-76-06 New Town Sections 3 & 6, Block 14, Parcels C & D (Discovery Buildings).

Mr. Kennedy motioned to approve the DRC report.

Ms. Jones seconded the motion.

In a unanimous voice vote the DRC report was approved.

C. Better Site Design Committee

Ms. Hughes stated that the progress of the Better Site Design Committee can now be found on the County's website. She also stated that Beth Davis, PRIDE (Protecting Resources In Delicate Environments) Coordinator, will meet with the Committee Wednesday, August 9 to discuss open space management, buffer systems and public education.

5. PUBLIC HEARINGS

A. SUP-18-06 Stuckey's Redevelopment

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

Mr. Sowers said Staff concurred.

Mr. Fraley opened the public hearing.

Hearing no requests to speak the public hearing was continued to September 11, 2006.

B. Z-2-06/MP-3-06/ SUP-19-06 Mason Park

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon Geddy, III has applied to rezone 9.11 acres of land from R-8, Rural Residential District to R-2, General Residential District with a request for a special use permit to allow an open space cluster development for the construction of a maximum of 15 single family detached dwelling units with an overall density of 1.65 dwelling units per acre. The property is located at 1916 Jamestown Road and is further identified as Parcel No. (1-17) on JCC Tax Map No. (46-4). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff found the proposal generally consistent with the Comprehensive Plan and recommended approval.

Ms. Hughes asked about an existing architectural feature on the site.

Mr. Ribeiro stated that the 1-story house, 1928 Jamestown Road, is listed on the historic survey

of James City County but has not been recommended for listing with the National Registry.

Mr. Fraley asked if the applicant has any concerns about the structure.

Mr. Ribeiro stated that there has been no discussion with the applicant concerning the house.

Mr. Obadal asked about the historical value of the home.

Mr. Sowers said the house was identified during an historical structures inventory and was not deemed a potential candidate for inclusion in the National Registry.

Mr. Obadal stated his concern that the Adequate Schools Facilities Chart does not include projected enrollment from approved projects that have not been developed or from by-right uses.

Mr. Sowers stated that review of the Adequate Public Facilities Test schools has been postponed due to the priority of other work programs.

Mr. Obadal asked if the chart currently used could be altered to include the data he requested.

Mr. Sowers said the information Mr. Obadal requested could be included in the current chart but would require a fair amount of staff effort. He also stated that the Adequate Public Facilities Test is a Board of Supervisors Policy and any revisions would require Planning Commission and Board of Supervisors approval.

Mr. Obadal suggested the current test be eliminated and replaced with an opinion from staff on the adequacies of the schools while the current Policy is under review.

Mr. Fraley asked if Mr. Kennedy was a member of the Board of Supervisors when the test was developed.

Mr. Kennedy said the test was developed prior to his tenure. He suggested the School System be involved in determining the adequacy of the facilities.

Mr. Obadal asked the Commission to consider a motion to recommend elimination of the policy to the Board of Supervisors.

Mr. Sowers stated staff has continued use of the test because it is a Board policy. He also stated that the information the Division has provided as been revised in an effort to provide better guidance.

Mr. Fraley suggested asking staff to forward a recommendation to the Board of Supervisors regarding the validity and appropriateness of the test.

Mr. Kennedy stated that adequate public facilities include more than schools and that a review of the policy should also include a determination of how to apply it. He also questioned adding the review of another policy to staff's heavy workload.

Mr. Obadal stated that he was not content with leaving a flawed policy in place and that partial or complete delay of some projects may be necessary until a review is complete.

Mr. Fraley asked Staff to forward to the Board of Supervisors the Commission's concerns about the validity and continued use of the Adequate Public Schools Test and ask for more direction.

Mr. Fraley complimented Mr. Ribeiro for the preparation of his staff report. He suggested that the design capacity and effective capacity for Berkeley Middle School might be transposed in the report.

Ms. Jones stated that the same data for Jamestown might also be incorrect.

Ms. Hughes asked what exceptional environmental features were included in the application.

Mr. Thomas enumerated what he felt were usual environmental protections to include the Powhatan Creek Watershed Management Plan, related proffers, conservation easement, extended buffer, low-impact development design features, and turf management plan.

Ms. Hughes and Mr. Thomas discussed the Environmental Division's up-coming presentation to the Board of Supervisors concerning buffering around the Powhatan Creek Watershed Management Plan.

Mr. Sowers added that the Zoning Ordinance allows for a density bonus for the proposed Green Building Practice's.

Mr. Kennedy asked for the scope of the requirement.

Mr. Sowers stated that the Design Guidelines must be reviewed by the DRC.

Mr. Fraley asked Staff's opinion on locating bio-retention features in the Community Character Corridor Buffer.

Mr. Thomas stated that Staff had no objections.

Mr. Obadal asked if a water feature similar to the one constructed in front of the courthouse could be used to improve the appearance of the basin.

Mr. Thomas stated that the proposed bio-retention basin is similar to the one at the courthouse but is of a smaller scale and deferred to the applicant.

Ms. Hughes asked if evergreens could be used in the basin.

Mr. Thomas said he did not think so and stated that the standard calls for three different types of trees, shrubs, and ground cover.

Mr. Sowers added that the location and design of the drainage features will require DRC approval.

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III representing the applicant presented the proposal. He highlighted other projects developed and soon to be developed by the applicant. Mr. Geddy stated that the applicant has researched the architectural structure Ms. Hughes mentioned and determined that it is not eligible for listing in the National Registry.

Ms. Jones asked for more detail on the fiscal impact study.

Mr. Geddy stated that the initial study showing a positive fiscal impact was completed using budget data current at that time. He also stated that since that time newly adopted budget data indicates a slightly negative impact.

Ms. Jones asked Mr. Sowers for clarification of the negative impact given a sales price for the homes in the \$450,000 range.

Mr. Sowers stated that Staff had not been able to follow-up on the report with the Financial Management Services Division. He also stated that \$450,000 is near the break even point and that the amount of the negative impact is within the margin of error.

Mr. Fraley asked Mr. Sowers to verify the break even price.

Ms. Hughes asked for the results of the archaeological survey.

Mr. Geddy stated that five archaeological sites were located with one being potentially eligible for the National Registry. He stated that the applicant would either avoid that area or conduct further analysis.

Ms. Hughes asked for the type of materials on the buildings and garages.

Mr. Geddy answered brick and hardy plank.

Mr. Fraley referred to the applicant's turf management proffer and asked them to consider engaging the Turf Love program for the required studies.

Mr. Dave McGinnis, 3408 Chadsworth Circle, stated his concern with adding additional dwelling units in the county without further analysis of an adequate water supply.

Mr. John Schmerfeld, 128 Jordan's Journey, represented Friends of the Powhatan Creek Watershed. He stated that the plan incorporates key elements of Better Site Design and Low Impact Development. Mr. Schmerfeld expressed concerns about utilities being located within Resource Protection Areas (RPA) and recommended a 300 foot buffer and adequate energy dissipaters for the BMPs.

Mr. Obadal asked if the Friends of Powhatan Creek opposed the project.

Mr. Schmerfeld answered no and stated that their comments were recommendations only.

Mr. Fraley clarified that regarding the 300 foot buffer around the Powhatan Creek mentioned earlier that the Board of Supervisors will hold a work session tomorrow where they will hear comments from staff regarding possible protective measures.

Mr. Fraley asked Mr. Geddy if the 250 foot underground sewer line could cause major contamination if it were to break or become damaged.

Mr. Geddy showed pictures of a sewer bridge similar to the one proposed. He stated that there are 5300 linear feet of sewer bridge in James City County and that the JCSA (James City Service Authority has not had a problem.

Mr. Hunt asked if it would be forced main or gravity.

Mr. Geddy said it would be gravity.

Mr. Fraley asked for comments on the design of the Energy Dissipation unit.

Mr. Geddy stated that it was intended to meet the Stormwater Criteria and could be redesigned as necessary.

Mr. Fraley confirmed that the applicant would be willing to over-design as necessary.

Mr. Billups asked for the advantages in relation to stormwater of reducing street widths.

Mr. Geddy stated that the decrease in pavement reduces impervious surface.

Mr. Billups asked if it creates addition of building areas.

Mr. Geddy said it allows more open space.

Mr. Billups asked if there will be variances in the sales prices of the homes.

Mr. Geddy stated that the homes would be similar and that variations in price would depend on the options each homeowner chooses.

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

Ms. Jones stated her concerns about schools overall and the lack of mixed cost housing. She also stated that the positives including location inside the PSA, compliance with the Comprehensive Plan, 150 foot buffer, and exceptional environmental protections outweighed the negatives.

Mr. Hunt stated that he liked the project and would support it.

Mr. Kennedy stated his concerns about schools, fiscal impacts, and water. He also stated that he was pleased with the environmental protections and would support the proposal.

Ms. Hughes stated her pleasure with the use of Better Site Design Principles. She also stated her concerns about the proposed encroachment into the Community Character Corridor and reduced street widths.

Mr. Fraley asked if Bio-retention Basins would be placed in both the Community Character Corridor buffer and the Perimeter Buffer.

Mr. Billups stated that it was a good design that will need some monitoring. He also stated his concerns regarding environmental and school impacts, and lack of affordable housing.

Mr. Obadal stated that although he shared Ms. Hughes' concerns he felt the project was worthwhile and should move forward.

Mr. Fraley complimented the applicant on the project and stated his support.

Mr. Obadal motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

Mr. Fraley and Mr. Sowers clarified the motion. Includes suggestions to provide additional measures to ensure turf management plans are implemented by the HOA and individual lots owners, and that buffer effectiveness and performance not be impaired by the bioretention basins.

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

C. Z-3-06/MP-4-06/SUP-21-06 Pleasant Hill Station

Mr. Hunt stated that the case involved his company and he recused himself and left the boardroom.

Mr. Obadal stated a prior business relationship with the developer's father. He stated that he felt enough time had elapsed that he felt comfortable hearing the case.

Mr. Jason Purse presented the staff report stating that Mr. James Peters has applied to rezone a 4.7 acre portion of the 403 acre Hill Pleasant Farm parcel located at 7152 Richmond Road from A-1, General Agricultural, to B-1, General Business, with proffers, with a Special Use Permit, for the development of a car wash, as well as two other commercial uses. The property is also known as parcel (1-5) on the JCC Tax Map (24-1). The site is shown as Mixed-Use on the 2003 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged. Staff recommended approval.

Mr. Obadal asked for the location and type of proposed orchard.

Mr. Purse indicated the location on a map and stated that there would be 18 fruit trees.

Mr. Obadal stated his concern that uses for two of the parcels had not been identified.

Mr. Purse deferred the question to the applicant and stated that proffers have been offered regarding traffic and architecture, and prohibited uses.

Mr. Fraley asked about the strength of the proffers.

Mr. Purse stated that the proffers will minimize the impacts of any of the potential projects.

Mr. Obadal asked how the amount of traffic generated by the car wash was determined.

Mr. Purse explained the process of determining traffic calculations.

Ms. Hughes asked if the existing stormwater system is adequate for a lube station.

Mr. Purse stated that the Environmental Division had not expressed any concerns.

Mr. Fraley asked if the project would require DRC review.

Mr. Purse said it would not.

Mr. Fraley asked how the environmental design is evaluated when the project has undetermined uses.

Mr. Cain stated that it would be reviewed when the applicant submitted the site plan.

Ms. Hughes asked what happens if it is constructed after the existing stormwater basin is in place.

Mr. Cain gave an example of a similar situation where the applicant was required to install an engineered system to separate the oily residue before it entered the basin.

Mr. Obadal asked how much is separated out.

Mr. Cain said they would be designed specifically for the site.

Mr. Obadal stated that he did not think it would remove more than 70% of the pollutants.

Mr. Cain stated that several of the devices reduce pollutants by more than that.

Mr. Obadal and Mr. Cain discussed possible solutions for different uses.

Mr. Obadal expressed his concern about the lack of environmental studies available to make a judgment about the project and the amount of water the project would require.

Mr. Thomas stated that detailed information is not generally submitted with a rezoning request.

Mr. Obadal thanked the Environmental Division for their work.

Mr. Kennedy asked if there have been any problems with any of the other car washes or oil station facilities in James City County.

Mr. Cain stated that he was not aware of any.

Mr. Kennedy asked if the same environmental standards were applied to Williamsburg Dodge when it was first proposed.

Mr. Thomas said yes and explained how the projects are evaluated.

Mr. Obadal stated that according to his research a 6 bay facility used 100,000 gallons of water a year.

Mr. Kennedy stated that according to 2002 data a two-person household uses 248,000 gallons of water per quarter. He also stated that car washes reuse water.

Mr. Fraley opened the public hearing.

Mr. Geddy represented the applicant. He stated that the parcel is currently a farm. He stated that the applicant is proposing a small scale commercial development to include a car wash and two other uses such as a bank, a sit-down restaurant, and a lube shop.

Mr. Obadal asked what type of filtration system will be used.

Mr. Doug Harbin, the applicant, stated that the proposal is for a re-claim system for the automatic wash that would re-claim 87% to 92% of the water to be used for the next car. He also stated that such a device is not feasible for the self-service wash because most of the water evaporates.

Mr. Obadal asked how many gallons would be used per year.

The applicant stated that he had some preliminary data and left the podium to retrieve it.

Mr. Obadal asked where the stormwater run-off is collected.

Mr. Geddy stated that it is collected from the self-service area and drained into the sewer system after being filtered.

Mr. Obadal stated that the filters capture particles not substances such a phosphate and nitrate so that these substances will enter the stormwater system.

Mr. Geddy explained that it will be collected in the sanitary sewer and routed to an HRSD (Hampton Roads Sanitation District) treatment facility.

Mr. Kennedy asked how long the water in the automatic wash is reused.

Mr. Brad Harbin stated that the water eventually recycles itself out through evaporation.

Mr. Kennedy stated that this saves water compared to washing a car at home.

Mr. Obadal asked about security.

Mr. Doug Harbin stated that the self-serve bays are glass and well lighted.

Mr. Obadal asked if there was a way to close the bays at night.

Mr. Harbin explained that this type of business is designed to be open at night.

Mr. Obadal asked if it will be staffed all the time.

Mr. Harbin said there will be security cameras.

Mr. Kennedy asked about the lighting impact to neighbors.

Mr. Geddy said there is a lighting proffer.

Mr. Kennedy asked if it was possible for the lights to turn themselves off when not in use.

Mr. Geddy said they would look into it.

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

Mr. Billups stated that he did not have any major concerns. He also stated that he would depend on staff to monitor what is actually constructed.

Mr. Fraley stated that it was unusual to have speculative uses with a project of this size and that it would fall on staff to monitor the other two potential uses in the absence of DRC review.

Mr. Sowers stated that it is unlikely that the project would be heard by the DRC.

Ms. Hughes stated that she would depend on staff to make sure that the eventual uses are consistent with the Comprehensive Plan. She also stated that lube shops and gas stations have contaminations associated with them and cautioned everyone to make sure any runoff is captured and treated. She stated her support for the plan.

Mr. Kennedy stated that the proposal brings many benefits to the site and an enhancement to the Norge Corridor.

Ms. Jones stated her support for the application.

Mr. Obadal said sites like this have to be carefully maintained. He asked if water is delivered to the car wash during droughts.

Mr. Kinsman stated that he thought commercial car washes were exempt from water restrictions.

Mr. Obadal asked if they are charged a higher rate.

Mr. Kinsman stated that fees are based on water usage.

Mr. Obadal stated that he thought the city of Portsmouth had problems with car washes and might have developed some internal guidelines that staff might find helpful.

Mr. Fraley stated that the applicant has proffered to have water conservation standards be approved by the JCSA.

Mr. Sowers said the proffers specifically mention water recycling.

Mr. Fraley asked that applicants not bring forward applications that contain speculative uses. He thanked staff and the applicant for their work on the project.

Mr. Kennedy motioned to approve the application and attached conditions.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was approved (6-0). AYE: Billups, Jones, Obadal, Hughes, Kennedy, Fraley (6); NAY (0). (Hunt abstained).

Mr. Hunt Returned to the dias.

6. PLANNING DIRECTOR'S REPORT

Mr. Kinsman announced that the County Attorney's Office has embarked on a cross-training program. He stated to this end Assistant County Attorney Jenny Lyttle will be providing some of the day to day legal support for the Planning Division and will be attending the Planning Commission meetings in his place for the next 6 months.

Mr. Fraley thanked Mr. Kinsman for his support.

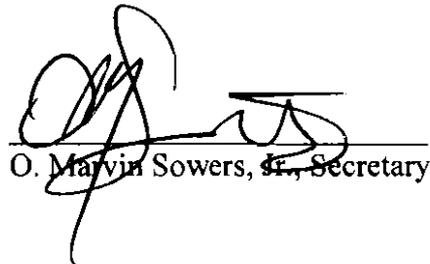
Mr. Sowers presented the Planning Directors report. He stated that in response to requests by Commissioners staff will begin to review alternative meeting dates for the 2007 calendar year. Mr. Sowers also announced that there will be a New Town work session August 17 at 10 AM in the Building A Conference Room.

Mr. Fraley discussed the necessity for a work session with the representatives of New Town.

7. Adjournment

There being no further business the Planning Commission recessed until Thursday, August 17 at 10 AM.

  
Jack Fraley, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/08/1995

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The following minutes for the Planning Commission of James City County dated 08/08/1995 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 08/08/1995, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/08/1995.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY-FIVE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Ms. Willafay McKenna  
Mr. Martin Garrett  
Mr. Donald Hunt  
Mr. Jay Everson  
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Donald Davis, Principal Planner  
Mr. Michael A. Freda, Senior Planner  
Mr. Mark Bittner, Planner  
Mr. Matthew Maxwell, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the minutes of the July 11, 1995 Planning Commission meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. Z-10-95. MICK ZUZMA

Mr. Maxwell presented the staff report and stated that the applicant had requested that the case be deferred for a period of thirty days in order for them to address the concerns of the local residents and drainage and environmental issues. Mr. Maxwell stated staff concurred with the applicant's request for deferral.

Mr. Kuras opened the public hearing. There being no speakers, with the Commission's concurrence, the public hearing was continued to the September 12, 1995 meeting.

5. CASE NOS. Z-8-95, MP-2-94 and MP-3-93. FORD'S COLONY ADDITION AND RECREATION FACILITY MASTER PLAN AMENDMENT

Mr. Bittner presented the staff reports for the above cases and stated that the applicant

concurred with the staff's request to defer these cases for a period of thirty days in order to have additional time to work out the proffers.

Mr. Everson stated that the Commission members had received letters from Williamsburg West residents and wanted to know if they were involved in any of the procedures.

Mr. Bittner said that the residents were involved and had asked for a deferral until the November meeting. He stated that the applicant asked for only a month's deferral. He also stated that he spoke with Brenda Norwood, the contact person for Williamsburg West, and she agreed that a month was sufficient, since the staff had received proffers from the applicant.

Mr. Kuras opened the public hearing. There being no speakers, with the Commission's concurrence, the public hearing was continued to the September 12, 1995 meeting.

6. ANNUAL REPORT

Mr. Freda presented the Annual Report to the Planning Commission members summarizing the activities of both the Commission and staff during the past FY 1994-95 fiscal year.

Mr. Sowers stated that the staff would like Mr. Kuras to make a presentation of the Annual Report to the Board of Supervisors.

7. COMMISSION CONSIDERATIONS

Mr. Kuras commented on the Parks and Recreation Master Plan presented in the Reading File. He was concerned that the one and one-half miles per 1,000 people of biking and jogging trails were a requirement.

Mr. Sowers stated that it was not a requirement and that in several instances asphalt, crushed gravel or mulch had been used. He also stated that the materials used were determined by the nature of the subdivision; the desires of the development; and how it fit into the county's sidewalk or bikeway plan.

Mr. Garrett suggested that the staff identify a softball or baseball field as a "recreation field" rather than stating a specific type of playing field in future rezonings and special use permits.

8. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated that the Planning staff would be presenting an educational booth at this year's County Fair which will be held on August 11 and 12.

Mr. Sowers also informed the Commission members that they were invited to attend the Board of Supervisors work session on August 21, 1995 at 4:30 in Board Room C to discuss

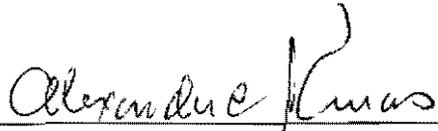
Archaeology along with members of the Historical Commission and archaeologists from the College of William and Mary.

Mr. Everson asked when the staff would be presenting the revised Community Appearance Book to the Commission members. He stated that he thought it was about one year since the last presentation.

Mr. Sowers stated he would check into the matter, but thought that it was not due for review at this time.

9. ADJOURNMENT

There being no further business, the August 8, 1995 Planning Commission meeting adjourned at 7:48 p.m.

  
\_\_\_\_\_  
Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Maryin Sowers, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/16/2004

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The following minutes for the Planning Commission of James City County dated 08/16/2004 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 08/16/2004, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/16/2004.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

A. Joe Poole, III  
George Billups  
Jack Fraley  
Donald Hunt  
Joseph McCleary  
Peggy Wildman

ALSO PRESENT

Leo Rogers, County Attorney  
Mike Drewry, Assistant County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Pat Foltz, Development Management Assistant  
Ellen Cook, Planner  
Matthew Arcieri, Planner  
Jeremy Vaughn, Law Clerk

2. MINUTES

Mr. Poole proposed adding to the DRC report the phrase "as Chairman of the DRC," so that Mr. McCleary's response read "And, Mr. McCleary, as Chairman of the DRC, responded..." on the first page.

Mr. McCleary motioned to approve the minutes with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard three cases at its July 28<sup>th</sup> meeting. The DRC recommended approval for C-085-04, 10101 Sycamore Landing Road Overhead Utility Wavier, and SP-059-04, Norge Neighborhood. The DRC recommended deferral for S-059-04, Greensprings West, Phase 6.

In a separate meeting to review an expedited review case, SP-088-04, Wal-Mart Distribution Center Phase 3, the DRC recommended approval.

Mr. McCleary further explained the criteria for selecting a case for expedited review and the procedures involved.

In a unanimous voice vote the Commission approved the minutes with corrections.

B. OTHER COMMITTEE REPORTS

Mr. McCleary updated the Planning Commission as to the progress of the Five Forks Area Study committee. The object of the committee is to generate a set of development principles for the Five Forks area. Mr. McCleary credited staff members Ellen Cook and Matt Arcieri for their capable work during the process.

4. PUBLIC HEARINGS

A. CASE NO. SUP-14-04 John Tyler Monopole Tower

Ms. Ellen Cook presented the indefinite deferral. Mr. Nathan Holland of T-Mobile, the applicant, has requested indefinite deferral of the case. Staff agrees with the applicant's request.

Mr. Sowers assured the committee that, should this case be resubmitted, that it will be re-advertised.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole indefinitely deferred the case.

B. CASE NO. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Cook presented the deferral request. The applicant, Mr. Alvin Anderson of Kaufman and Canoles, has requested that the Planning Commission defer the case in order to work out several outstanding issues. Staff concurs with the applicant's request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

C. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Cook presented the deferral request. The applicant, Mr. James Bennett of AES Consulting Engineers, has requested deferral of this case to resolve several outstanding issues. Staff concurs with request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

D. CASE NO. Z-2-04. Oaktree Office Park and Airtight Self Storage.

Mr. Arcieri presented the deferral request. The applicant, Ms. Jeannette Brady, has requested a deferral of the case so that the current Five Forks Area Study process can come to completion. Staff concurs with the applicant's request.

Mr. McCleary commended the applicant for the agreeing to work within the County's process.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

E. CASE NO. Z-05-04 / MP-05-04 / MP-08-04 New Town Section 3 & 6

Mr. Arcieri presented the deferral request. Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles has applied on behalf of New Town Associates, LLC, to rezone approximately 69.2 acres of land in Section 3&6 that is currently zoned R-8, Rural Residential with proffers to MU, Mixed Used with proffers. The applicant has requested deferral to allow time to resolve outstanding issues. Staff concurs with the request.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole deferred the case till the September 13<sup>th</sup> meeting.

F. CASE NO. SUP-13-04 Williamsburg Country Inn

Mr. Arcieri presented the staff report. Mr. Patrick Duffeler has submitted a special use permit application to construct and operate a 36-room inn at 5800 Wessex Hundred Road. The property is further identified as parcel (1-10) on James City County Tax Map (48-4). Staff recommends approval of the application.

Mr. Fraley asked staff if the James City Service Authority had approved the proposed water connection into the main line.

Mr. Duffeler responded that the Service Authority had approved the proposed connection. Further, James City County Fire Department suggested the creation of a water “loop” for emergency situations.

Mr. Fraley asked if the water plan would affect service to neighboring subdivisions.

Mr. Duffeler responded that he was assured that this loop would not affect that water supply.

Mr. Arcieri stated that the use of a “loop” would actually improve overall water service.

Mr. Billups asked, besides the Williamsburg Winery, what other large landowners were located in the immediate area.

Mr. Geddy responded that the Winery was the largest landowner in the immediate area and mentioned the airport, the Williamsburg Land Conservancy, and Gospel Spreading Farms as the other large landowners.

Mr. Billups asked if there were any plans for another hotel.

Mr. Duffeler responded that there were no projects for future hotels or commercial uses.

Mr. Fraley asked if there were any other plans on the original concept plan for the property that would be pending in the future.

Mr. Hunt asked if there were any plan to renovate or expand the Winery.

Mr. Duffeler responded that the overall development plan for the Winery was essentially completed with the exception of the hotel, which had been planned to be built earlier but the timetable has moved it up to now.

Mr. Billups asked whether any plans existed to extend or further expand the Vineyards subdivision.

Mr. Geddy responded that there were no other plans other than the plan brought forward at the July meeting for the AFD withdrawal.

Mr. Billups asked if there were any plans or policies in place addressing land-locked parcels or conservations easements.

Mr. Arcieri responded that there were policies in place contained in the Subdivision Ordinance.

Mr. Poole stated that, while he supported the plan conceptually, that he could not support the application without seeing a master plan for the property placing the winery in a context.

Mr. McCleary asked Mr. Sowers that, if the SUP is approved, whether the site plan would come before the DRC.

Mr. Sowers responded that the case would go to the DRC.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, emphasized the SUP condition designed to control noise. He also introduced Mr. Dexter Williams, the traffic consultant for the case, who made himself available to answer any questions from the commission.

Mr. McCleary asked if VDOT standards, which utilize a level of service scale ranging from "A" to "E," could be applied to the traffic data presented for Lake Powell Road.

Mr. Williams explained the basis of the traffic study and stated that the data, when converted to the VDOT grading scale, achieved an "A" level of service ("A" being the highest), and that the capacity of the road could absorb additional trips and still provide that level of service.

Mr. Robert Vold of the Vineyards recounted that, when he moved to the area, he had been told that the area of the winery would remain undeveloped in perpetuity. He expressed his concerns about traffic and noise.

Ms. Christine Payne of the Vineyards related her own research and conversations with VDOT with regard to the traffic issue. She pointed out that, though the application limited the size of events to be held at the Winery, that the addition of the Inn would prompt a more frequent event schedule, thus worsening traffic and noise levels. She expressed her opposition to the case.

Mr. McCleary asked if the applicant wished to respond to the citizen comments.

Mr. Geddy stated that the condition limiting large events does not pertain the Inn itself, but rather to the Winery as a whole, which in the past has hosted regularly scheduled large events. If this application is approved, would limit the size of these events in the future.

Mr. Poole closed the public hearing.

Mr. Poole asked Mr. Geddy to clarify the location of the proposed entrance to the inn.

Mr. Geddy indicated the entrance on the map.

Mr. Poole confirmed that this entrance point would not directly affect the adjacent property owners and residents of the Vineyards subdivision.

Mr. Poole expressed his confidence that Mr. Duffeler would satisfy the conditions of Gabriel Archer Tavern SUP by the deadline.

Mr. Geddy stated that applicant would satisfy these deadlines.

Mr. McCleary asked if Mr. Duffeler would be eliminating the larger events, such as the Scottish and Italian festivals, typically held at the Winery.

Mr. Duffeler responded that this was a voluntary decision on his part to limit the size of future events held at the winery.

Mr. McCleary asked if the applicant agreed with the proposed conditions of the application.

Mr. Duffeler responded that he was in agreement.

Mr. Geddy stressed that, though the application was only now coming forward, that the plan for the Winery included that addition of an inn, and that the inn was the final component of that overall plan to be brought before the commission.

Mr. Poole asked Mr. Geddy to summarize the issues discussed by citizens at a recent neighborhood meeting.

Mr. Geddy responded that a wide range of issues, such as traffic and noise, had been discussed at the meeting.

Mr. Hunt commended Mr. Duffeler for bringing the application before the Commission.

Mr. McCleary expressed his support for the application but that he was sympathetic to the concerns of adjacent property owners.

Mr. Hunt observed, from personal experience, that the level of service on Lake Powell Road was currently very good and that he did not think the proposed inn would significantly decrease the service level of the road.

Mr. Fraley expressed his support for the application and recommended that a master plan be included with the site plan.

Mr. Billups expressed his concern that this application would possibly open the surrounding farmland to more intense development and that the County should follow the Comprehensive Plan. He stated that he supported the application.

Ms. Wildman stated that she was comfortable with the application.

Mr. McCleary moved to approve the application.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 4:2; AYE: (4) Wildman, McCleary, Fraley, Hunt; NAY: (2) Poole, Billups; Not Present: Kale.

G. CASE NO. Z-04-04/MP-04-04 Ironbound Village Proffer Amendment.

Ms. Cook presented the staff report. Mr. James Peters of AES Engineering has applied on behalf of Cutting Edge Development, L.L.C. and George S. Hankins Jr. & Howard B. Hankins to amend the master plan and proffers for approximately 1.4 acres at 5300, 5304, 5320, 5324, and 5340 Palmer Lane currently zoned MU, Mixed Use with proffers. The applicant has proposed to amend the Master Plan by replacing approximately 4,500 square feet of office space with a parking lot, and to update and modify proffers related to development phasing, landscaping and the owners association. No additional residential units are proposed. The property is also known as parcels (13-1a), (13-2B), (13-3), (13-4), and (13-1b) on JCC Tax Map (39-1). The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. 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. Staff recommends approval of the application.

Mr. Billups asked if County offices would be included in the development.

Ms. Cook responded that they would.

Mr. Sowers stated that the application also constituted a business “incubator” to help new small business.

Mr. Poole opened the public hearing.

Mr. John Gilliken of 5359 Palmer Lane stated that he did not fully understand the application and asked for more information.

Mr. Bernie Farmer expanded on the proposed office uses. County administrative offices, including Community Services, Youth Services, and Neighborhood Connections would be moved into the offices. Mr. Farmer stressed that the possibility of the County moving into these offices was not planned during the initial consideration of Ironbound Village.

Mr. Poole assured Mr. Gilligan that the County would be very good tenants of the buildings.

Mr. Billups asked if the application replaced public residential units with commercial property.

Mr. Farmer responded that the residential unit count would be reduced.

Mr. Mike Drewry, Assistant County Attorney, related to the Commission that the Board had approved the contract. The application saves County money by removing the need for a new building to house County offices. He also assured the committee that, before closing on the property, the agreements for maintenance and parking lots would be made.

Mr. Billups asked to what extent adjacent residents had been involved in the deliberations for this property.

Mr. Drewry responded that the County had primarily worked with commercial property owners in this matter, but that the homeowner's association was the only body capable of changing the covenants.

Mr. Billups asked how considerations for Ironbound Square and Palmer Lane were being incorporated into the County move.

Mr. Drewry clarified that Ironbound Village was once owned by the Palmer family. He responded that the County proposition only applied to the five commercial lots. Ironbound Square, located further to the south, is a separate project, despite the County involvement.

Mr. Billups asked if low-income homes could be substituted for the commercial property in Ironbound Village.

Mr. Drewry responded that the County was taking advantage of existing shell buildings. Amending the master plan to allow new low-income homes was possible, but the County had been working to revitalize the area through the move. He added that the residents of the area seemed excited by the County's possible move.

Mr. Billups responded that revitalization was a worthy goal but that the government should pay more attention to the needs of low-income housing.

Mr. Poole spoke to the overall effect of the area revitalization. More affordable units were available on Palmer Lane and adding three or four more units would be tough to work.

Missy Gilliken, 5359 Palmer Lane, asked if the amendment to the parking lot was really necessary. She also asked as to the status of the completion of the streets and signs of the development.

Mr. Drewry stated that the County was aware of the problems mentioned by Ms. Gilliken and stated that the County was trying to ensure the completion of the parking area, the completion of Palmer Lane, streetlights, street signs, and stormwater management through the eventual contract.

Mr. Hunt stated that he was not sure how much more the street could be lit and confirmed that the citizen did not have any objections to the lighting of the parking lot.

Ms. Gilliken responded that she would be in favor of lighting the parking lot.

Mr. Drewry assured Ms. Gilliken that the County was conscious of these concerns.

Robert Barlow of Lot 20, Palmer Lane, asked why the conservation easement to the east of Palmer Lane jutted so far into his property. He urged the Commission to look more deeply into the overall zoning.

Mr. Poole referred Mr. Barlow to staff for assistance in that matter.

Mr. Hunt recommended that Mr. Barlow look more closely into legal processes for changing that easement.

Mr. Poole closed the public hearing.

Mr. McCleary asked Mr. Drewry if the proposed townhouses had been amended in this application.

Mr. Drewry responded that only the apartments that were proposed in commercial buildings had been removed.

Mr. Fraley asked if the Board of Supervisors had adopted a resolution to acquire the five parcels.

Mr. Rogers responded that the Board of Supervisors had authorized the acquisition.

Mr. Fraley stated that, to him, the application required the Commission to consider only the 4500 feet of commercial space.

Mr. McCleary stated that the developer's inability to find tenants for the proposed office buildings slowed the overall development of the neighborhood. The acquisition of this new commercial space would actually accelerate the completion of amenities to the entire subdivision. He expressed his support for the rezoning.

Mr. Poole expressed his support for the rezoning, though he was sensitive to issues of affordable housing.

Ms. Wildman added her support to the rezoning and thought that the County could use that extra space to relocate some of its offices.

Mr. McCleary moved to approve the application.

Mr. Fraley seconded the motion.

Mr. Billups confirmed that the voting on the application would be limited to the five affected parcels.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

G. CASE NO. SO-002-04 Subdivision Ordinance Amendment - Utility Inspection Fee

Mr. Jeremy Vaughn presented the staff report. The application proposes an amendment to Section 19-15(2), Fees; and Section 19-62, Inspection of Public Water and Sewer Systems: to change the time for collecting the JCSA utility inspection fee imposed pursuant to Virginia Code §15.2-5136 from the issuance of the land disturbance permit to the issuance of the certificate to construct. There is no change in the amount of the fee assessed.

Mr. Hunt confirmed that this streamlines the processes.

Mr. Vaughn confirmed that it did.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. McCleary moved to approve the amendment.

Mr. Hunt seconded the motion.

In a unanimous roll call vote the application was approved 6:0; AYE: (6) Wildman, Poole, McCleary, Fraley, Hunt, Billups; NAY: (0). Not Present: Kale.

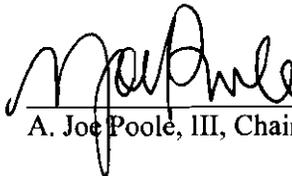
5. PLANNING DIRECTOR'S REPORT

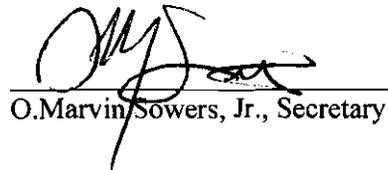
Mr. Sowers highlighted Mr. Rogers' appointment to the post of County Attorney. He also informed the Commission that Senior Planner Tammy Rosario had returned from maternity leave. Mr. Sowers welcomed Mr. Scott Whyte, the new landscape planner, to the James City County staff. Finally, Mr. Sowers proposed a second meeting date, September 15, for the September Planning Commission should September 13<sup>th</sup> meeting run over.

Mr. Poole confirmed that the alternate date would work for the other commissioners.

7. ADJOURNMENT

There being no further business, the August 16, 2004, meeting of the Planning Commission was recessed at approximately 8:58 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/18/1992

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The following minutes for the Planning Commission of James City County dated 08/18/1992 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 08/18/1992, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/18/1992.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A RECONVENED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTEENTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY-TWO AT 4:00 P.M. IN THE BUILDING E CONFERENCE ROOM, COUNTY GOVERNMENT CENTER, 101E MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander Kuras, Chairman  
Mr. Raymond Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Ms. Victoria Gussman  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Donald E. Davis, Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Mr. Jeffrey Mihelich, Planner

2. CASE NO. C-1-92. COMPREHENSIVE PLAN UPDATE - LAND USE MAP CHANGE APPLICATIONS

Case No. CPA-1-92. Stanley E. Akins and Charles D. Crawford

Mr. Garrett asked how close this property was to a commercial area. He also asked about the designation of one side of the road mixed use and the other side low density residential.

Mr. Friel reacquainted the Commission with issues (listed in the staff report to the Planning Commission) that were focused on by both the Planning Commission and Board of Supervisors when this issue was before them one year ago. Mr. Friel also stated that the property across from the Akins/Crawford parcel is designated mixed use and was part of the Stonehouse planned community. Stonehouse is a master planned development which will ultimately contain 4,411 dwellings and 3.8 million square feet of commercial and office development. Mr. Friel stated that this mixed use area, along with areas designated for commercial use at Anderson's Corner and the

Stuckey's interchange, will provide ample room for commercial development in this portion of the County. Mr. Friel stated that the roadway is a logical divider between land use designations.

Mr. Sowers stated that there is not a logical boundary to separate this parcel from the neighboring residential areas and other land along Richmond Road. He stated that there are a number of small lots along Richmond Road between this site and the commercial designations at Anderson's Corner, many of which are residentially developed, as well as other vacant land between the site and the I-64 interchange, and that it would be hard to rationalize why this site should be commercial and not others along Richmond Road.

Ms. McKenna stated that the buildout of Stonehouse will preclude other commercial designations in the area.

Mr. Sowers stated that strip-type commercial patterns along Richmond Road north and south of the site are likely if a commercial designation is granted for this parcel. He stated that the area will most likely remain residential in character if the designation is not changed given it's location and potential access from Burnham Woods and the existing residential development along Richmond Road.

Ms. Gussman stated that she does not see the need to extend the commercial designation to this property. She stated there are enough parcels currently designated commercial to be developed in Toano.

Mr. Bradshaw stated that the property could be left as is. Mr. Akins could come back later with a project, but it may be denied because the project does not agree with the Comp Plan.

Mr. Kuras stated that the site could support multi-family or duplexes in the future, and that commercial development at this time is premature.

Mr. Betzner stated that the site should remain as designated in the Comprehensive Plan. He does not believe an error was made in the original designation.

Mr. Kuras stated that the Board thoroughly reviewed the designation at the time of the Comprehensive Plan update.

Ms. McKenna inquired that if Mr. Akins wanted to rezone the property because of the Comprehensive Plan, would the Plan have to be changed.

Mr. Friel stated that Mr. Akins could ask for rezoning to commercial, but he would be informed that the request was inconsistent with the Comprehensive Plan and the Planning Division would probably recommend denial of the rezoning application.

In response to a question from Mr. Wallace Davis regarding the extension of water and sewer lines for Stonehouse, Mr. Friel explained the likely routes of the Stonehouse water and sewer lines and stated that the applicant could reapply for a designation at a later time.

Mr. Donald Davis stated that one consideration for change in designation is access to water and sewer. He stated that the applicant may get a different recommendation at that time.

Mr. Garrett asked if someone could propose to build houses. Mr. Sowers stated that the site is designated for residential use on the Comprehensive Plan, but the lack of water and sewer would limit densities.

Mr. Friel stated that a project with more than three lots must go to the Planning Commission under the current A-1 zoning.

Mr. Garrett stated that the County has to be careful what is permitted on land if there is no access to public services.

Case No. CPA-3-92. Joseph S. Terrell and Dr. B. I. Bell

Mr. Garrett stated that the lack of infrastructure in this area will not permit the requested change in designation.

Case No. CPA-4-92. T. R. Vermillion

Mr. Kuras recognized Mr. Hunter Vermillion.

Mr. Hunter Vermillion stated that he was requesting a change from mixed use to community commercial because the designation was in clear error and there was no change in conditions to justify redesignation.

Mr. Garrett stated that the designation of this area had been discussed in detail during the Comprehensive Plan update process.

Ms. McKenna stated that the current designation for this area is correct.

Mr. Garrett asked why the area was taxed as commercial property. Mr. Sowers stated that the site is zoned B-1, and the owner can do a number of commercial developments before the project must come before the Planning Commission such as a moderate size fast food restaurant or other retail uses.

Mr. Bradshaw asked if there was a use on the site now that would not be permitted with the mixed use designation. Mr. Sowers stated that all development currently on the site would be permitted with the mixed use designation.

Ms. McKenna made a motion, seconded by Mr. Kuras, to accept the staff recommendation of denial of all the land use change applications. The motion passed. AYE: Kuras, Betzner, Bradshaw, Davis, Gussman, McKenna (6). NAY: (0).

3. OTHER MATTERS

A. Annual Comprehensive Plan Review

Mr. Garrett requested that the Planning Director involve the Planning Commission from the outset regarding any future land use amendment applications. He stated that a worksession next year on these topics would be very helpful.

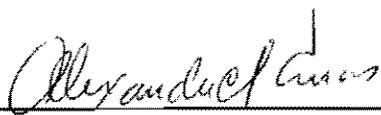
Ms. Gussman also requested that staff discuss any proposed Comprehensive Plan amendments at the same meeting.

B. Commission Field Trip

The Planning Commission decided to tour recently developed sites in October, with a date to be set later.

4. ADJOURNMENT

The reconvened Planning Commission meeting was adjourned at 4:45 p.m.

  
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Alexander C. Kuras, Chairman

\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 08/31/2009

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They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 08/31/2009.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

A SPECIAL WORKSESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTY FIRST DAY OF AUGUST, TWO-THOUSAND AND NINE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER WORKSESSION ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

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

Absent:

Deborah Kratter

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Tammy Rosario, Principal Planner  
Leanne Reidenbach, Senior Planner  
Kate Sipes, Senior Planner  
Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner  
David German, Senior Planner  
Sarah Propst, Planner  
Jose Ribeiro, Senior Planner  
Steven Hicks, Manager of Development Management

Mr. Rich Krapf opened the meeting at 4:05 p.m. with Ms. Kratter absent. He stated that for the public work sessions there will be no public comment period, however there will be an opportunity for public comment when the Comprehensive Plan is taken before the full Commission in a public hearing. Mr. Krapf acknowledged that today will be Mr. David German's last day with the County. He stated his appreciation for his professionalism and the thoroughness of his staff work.

2. EXECUTIVE SUMMARY UPDATE

Ms. Kate Sipes gave an update on the executive summary. She stated staff met with Mr. Jack Fraley and Ms. Deborah Kratter to discuss the executive summary. They discussed an outline that staff prepared and some revisions to the outline. It is anticipated that it will be submitted to the subcommittee by the end of the week. She stated there is another meeting scheduled to discuss this on September 8, 2009.

3. COMMENT RESPONSES

Mr. Krapf stated he would like to go through the items for today on an exception basis. The Commission agreed. He thanked Ms. Tammy Rosario and her staff for all the hard work that had been done in addressing initial comments made by Commissioners. He asked if follow-up comments would be submitted at the next work session.

Ms. Rosario stated that the topics that will not be addressed today but that are on the agenda (Demographics, Land Use, Community Character, Transportation and Implementation Schedule) will be on the agenda for next meeting.

Mr. Krapf asked if there were other individuals other than staff present to discuss any items on the agenda.

Ms. Rosario stated that there was representation from the Office of Economic Development.

A. Economic Development

Mr. Krapf asked if the Commission had any comments on the Economic Development responses presented.

Mr. Joseph Poole stated that he was appreciative of the thorough responses to his questions and comments. He stated that he was comfortable with staff's response to question 4 on page 17 regarding revenue sharing. He suggested having a placeholder for this topic when the regional update is undertaken. Mr. Poole stated he is a strong proponent of revenue sharing and would like to encourage this when involved in the regional update. He stated he is comfortable with staff's responses to questions 5, 6, and 7 on page 18.

Mr. Chris Henderson questioned the formula for deriving the percentage of revenue from nonresidential sources on page 16. He asked if there was some way to agree upon a formula for comparison purposes across jurisdictions. He was interested in what the viewpoint was of the current productivity of the County's nonresidential assets as a percentage of total revenue. As a follow up inquiry, he asked Mr. Taylor what he has seen, given the current economic environment, in terms of short term and long term trends with regards to economic development.

Mr. Keith Taylor stated that within the last few months, prospect inquires have increased. He stated he feels marginally encouraged with the increased activity regarding economic development. He stated that there is a consensus that a uniform method of measuring revenue from nonresidential sources would be beneficial. However, it becomes problematic because different jurisdictions categorize property differently. Mr. Taylor gave the example that some jurisdictions classify apartments as commercial properties, while others classify them as residential.

Mr. Henderson asked Mr. Taylor if he had any suggestions for a sustainable and a balanced economy where the homeowners of the County would not feel overly burdened, and that would continue to support the operation of the County at current levels.

Mr. Taylor believes that the economic base needs to be diversified and the County should work toward this as an economic strategy.

Mr. Henderson asked if land sales with competing jurisdictions are tracked in the economic development office. He specifically referred to industrial land, feeling that this type of land sale in the County seemed to be behind the market. This is based on information that he has received.

Mr. Taylor answered that his office has tracked some land sale information that has been occurring in other jurisdictions.

Mr. Henderson asked what Mr. Taylor's thoughts were as to the reason for the undervaluation of industrial property in the County.

Mr. Taylor felt that the issue was less a case of undervaluation, and more likely a case of supply and demand.

Mr. Jack Fraley stated that he understands the difficulty in measuring revenue from nonresidential sources in other jurisdictions. He believes that the County should track it for internal purposes in order to diversify the County's economic base. He felt it was important to see how the County was doing with respect to diversifying.

Mr. Taylor stated it was important to look at all the revenues, not just commercial real estate revenues. He thought it would be important to see the history along with the current numbers, and then project forward as to what the County leaders would like to see.

Mr. Fraley thought it would be important to make sure the County is making progress toward the goals, strategies, and actions presented in the Comprehensive Plan. He believes that this would improve accountability. He would like to see specific definitions for the revenue source categories, and track the County's progress in diversifying its non-residential tax revenue base, as is suggested in the Comprehensive Plan.

Mr. Krapf asked if an action item was being proposed.

Mr. Henderson stated that he felt there should be a definition of what constitutes nonresidential revenue in the County which then makes such revenue measureable and quantifiable. He would like to see definition and performance standards set.

Mr. Krapf then stated that adopting a definition would need to include other individuals in the County, such as Mr. John McDonald from Financial Management Services.

Mr. Henderson felt that this action item could be developed pretty quickly with the assistance of other County departments.

Mr. Peck asked if this included establishing a baseline, benchmarks and performance standards.

Mr. Henderson stated he was not sure how far back the research should go and how useful it would actually be. He thought it was important to see where the County is today and set some targets for the future. He believes that there should be an agreement as to what is sustainable for the County.

Mr. Poole stated that he can appreciate the idea of goals but he continues to view the Comprehensive Plan as more of a guide and less of a super prescriptive type of document. He

stated that when legislative cases come before the Planning Commission, there are usually no issues relating to economic development. Mr. Poole stated that he is comfortable with the comments already provided by Mr. Taylor and Mr. McDonald without adding any more detail.

Mr. Peck said that while the Comprehensive Plan is a broad plan, it is a plan to set broad policy objectives. He thought definitions of standards would be beneficial. He stated that if it was the determination of the Planning Commission that tax revenues derived from nonresidential development is encouraged to offset the amount that would otherwise come from residential development, then that needs to be in the Comprehensive Plan. He is comfortable with the approach of having broad goals.

Mr. George Billups felt that having some kind of measure might be beneficial. He felt that this was a process in which the Commission would need to decide whether staff should investigate further.

Mr. Krapf stated that he felt the document is general in nature. He thought it was sufficient enough to state the County should encourage diversity when it comes to economic development, and that the details should be left to staff. He stated that there appears to be a consensus that the Commission wants to investigate further, however.

Mr. Fraley did not want to set targets or get involved with setting tax policy. He felt it was important to know what the trends were if it were a goal to diversify the tax base and report as to how this is being done as a Comprehensive Plan measure. He stated that reporting against the Comp Plan would require that benchmarks be established to measure against. Mr. Fraley would not want to make it too detailed.

Mr. Poole believes that this is more of a philosophical issue. He sees the update of the Comprehensive Plan as more qualitative, with the substance of the work coming later with the update of the Zoning Ordinance.

Mr. Fraley stated that he felt that stating where the County is currently, and then reporting where the trends are heading, would be enough.

Mr. Krapf suggested that staff develop a definition for nonresidential revenue sources and then determine what that figure currently is.

In a voice vote of 4-2, the Commission agreed to request staff to gather this information.

Mr. Fraley stated that he did not expect staff to work on this effort without consulting other County departments that may be able to assist. He also encouraged staff to consult with the Commission if need be.

Mr. Billups asked if there was information concerning the amount of work that was outsourced by military installations in the area.

Mr. Taylor answered that he did not have any information currently, but that there is a

new organization that is attempting to identify government facilities and quantify what their impacts are on local economies.

Mr. Krapf stated that Ms. Kratter had a suggestion on page 19, item D, to add a shaded area consistent with the citizens' concerns about growth and maintenance of the quality of life. The staff response to Ms. Kratter's suggestion was that, according to the Office of Economic Development, the Enterprise Zone is an area already targeted for potential development. The proposed new language could be interpreted as putting limits on the capacity of the Enterprise Zone. Mr. Krapf stated staff proposes no change to this item barring further direction from the Planning Commission.

Mr. Taylor stated the change seemed like a contradiction in terms. The Enterprise Zone is specifically targeted to attract development, so to then describe it as an area that has growth concerns would be a contradiction of this originally established intent.

Mr. Steven Yavorsky explained that the Enterprise Zone is intended to be an economic development and community development tool. This designation is to attract job opportunities into an area where residential development is nearby, and transportation would not be an issue.

Mr. Taylor stated there is a control mechanism in place through application of the Zoning Ordinance that sets parameters as to what is and is not allowed. Mr. Taylor stated that these areas currently encompass approximately five square miles in the James River Industrial area, and in the Grove area.

Mr. Peck stated that these areas are targeted for revitalization. There may be some room for broadening the perspective.

Mr. Henderson asked if there was something that would accommodate adding acreage to the Enterprise Zone. He stated that maximum acreage allowed was approximately six square miles.

Ms. Tammy Rosario stated this was addressed in action number 1.1.2.2, which states that the County should maximize the area that should be included in the Enterprise Zone.

Mr. Krapf stated he was comfortable with staff's comments on this item. The Commission agreed that no further action was needed.

Mr. Henderson asked how the new designation of Economic Opportunity (EO) would affect economic development in the County.

Mr. Taylor stated that there may be more opportunities to consolidate activity in one area which is better served by transportation and infrastructure.

Mr. Poole asked about the master planning aspect of the EO designation being a deterrent.

Mr. Taylor stated that it depended on the specificity of the master plan requirement. He thought the benefit would be to maximize a specific area.

Mr. Henderson asked if marketing strategies of the Office of Economic Development would be affected by the Planning Commission's decisions as to which properties will be designated EO.

Mr. Taylor answered that the thought behind the new designation was to maximize areas where certain assets would be desirable, such as areas with easy access to main highways or rail service. It may provide development and redevelopment opportunities.

Mr. Jose Ribeiro stated that Mr. Fraley's suggestion on the community spotlight has been added.

Ms. Rosario asked if the majority of the Planning Commission wanted to have the place holder concerning the revenue sharing during the regional update as mentioned by Mr. Poole.

Mr. Poole answered that he would like to see this discussion when the regional update is done, as described in item number 4 on page 17.

Mr. Peck stated that he is a strong supporter of this idea as well.

The Commission agreed.

#### B. General Comprehensive Plan (Organization and Structure)

Mr. Fraley stated that on page 1, item number 2, he believes that more needs to be done with the population estimates. He does not believe that just having the numbers listed is consistent with the vision of building a sustainable community. Mr. Fraley stated he would like to see figures for what is considered sustainable for James City County. Then it would be beneficial to build the ordinances and polices around this. He stated that the Chairman of the Board of Supervisors has scheduled a visit to Albemarle County to review their policies concerning growth management and other areas. He has invited the Commissioners to attend as well. Mr. Fraley stated that Albemarle County commissioned a study to help identify optimal sustainable population numbers. Albemarle County posed this question: "How can this community grow and sustain the quality of life current citizens expect and deserve, protect our environment, and protect our community." Mr. Fraley commented that the City of Charlottesville is conducting a similar study, and recommended that an action item be adopted to initiate such a study for James City County. He is not comfortable with not responding at all to the population numbers that have been generated. He stated that another approach might be to take these numbers and calculate the impacts that they would potentially represent.

Mr. Krapf asked for staff's comments on the request of commissioning a study.

Ms. Rosario stated that item no. 2 was not intended to address the issue of a population target. She stated that staff has been collecting data and formulating a response to having targets

for the next meeting. She stated that the sustainable population target study was initiated by a citizen's group in Albemarle County. Albemarle and other localities did provide some seed money for what has evolved into a series of studies. She stated the first report of the series has been released. Ms. Rosario stated that the localities involved did not authorize any money for the second series of studies (which are not related to the biological carrying capacity). She stated that it was her understanding that neither locality had committed as to how it would interpret and use the results of the studies.

Mr. Krapf suggested that the Commission waits until staff responds with more information, and then determine whether an action item is needed or not. The Commission agreed.

Mr. Poole stated that caution should be used when specifying numbers and figures. He reiterated that the Comprehensive Plan should be broad in nature.

Mr. Henderson agreed with Mr. Fraley's comments and could support specific population targets. This could determine impacts on the community and could assist in decisions about infrastructure.

Mr. Billups questioned the composition of the population. He thought that this was especially important in relation to schools and school-aged population. It could also inform the need for facilities to care for the aged.

Mr. Krapf thought it was important to look how the numbers are broken down as far as the demands on the infrastructure are going to be.

Mr. Fraley agreed with staff's response to item numbers 3 and 4. He thought it was really important to establish standards for sustainable development for the County. He stated that he will prepare a paper making a recommendation that there be a checklist with several factors for each area. He felt that these standards are important for building a sustainable community when reviewing projects through the legislative process. This checklist would support the vision statement and assist in assessing projects against the standards established in the Comprehensive Plan. He asked for staff's comments since staff is not in favor of having a development checklist.

Ms. Ellen Cook saw some similarity between the checklist proposed and the development standards that are currently in place.

Ms. Rosario stated that it is already the practice that legislative cases are reviewed in detail against the Comprehensive Plan.

Ms. Cook stated that if the Commission felt it was important to have a checklist, a potential place to establish it is under action number 1.7 in the Land Use section.

Ms. Rosario stated that development standards are in the Comprehensive Plan, and, where they are able to be legislated, they are also in the Zoning Ordinance. The Zoning

Ordinance will be the largest implementation item after the Comprehensive Plan is adopted. She stated that in those cases where these standards are not able to be legislated, they are typically adopted into policies by the Board of Supervisors.

Mr. Henderson stated that the Policy Committee may be able to look at this issue at some future date. He believes it would be beneficial to codify some of the issues that Mr. Fraley has raised in his paper. He would like to encourage anything that might assist the Commissioners in reviewing legislative cases and assisting in making more informed decisions.

Mr. Krapf stated that he felt the Policy Committee might be able to determine if the proposed checklist could have merit as another tool to review legislative cases. He felt that the checklist concept is such a detailed item that it is contrary to the spirit of the Plan, which is supposed to be general in nature. He stated that a number of the sustainable criteria are already accounted for in the action items proposed.

Mr. Fraley was comfortable with the Policy Committee reviewing his checklist idea. He asked staff to review the items on the proposed checklist prior to forwarding it to the Policy Committee. He withdrew his recommendation for an action item prescribing a checklist.

Mr. Fraley spoke about his suggestion of having a broad sustainability plan for the County. He stated that staff's response was that other localities were researched, and their programs focused primarily on energy conservation, which is already addressed in the Comprehensive Plan. Staff listed some of the programs that are already in place for reference. Mr. Fraley stated that his vision is not just in the area of resource conservation, but also includes greening, pollution prevention, transportation and awareness education. He suggested that these suggestions be brought to the Green Building Roundtable.

Mr. Krapf stated he would be willing to bring this information to the Roundtable. He stated that a number of the sustainable initiatives mentioned in the paper are also mentioned in many sections of the Comprehensive Plan. He asked whether it may be beneficial to place a logo or a symbol next to those actions items that involve sustainability to call them quickly to the attention of a person reading the Comprehensive Plan, and to reinforce the sustainability concept. He requested feedback from staff as well as fellow Commissioners.

Mr. Henderson thought a logo or symbol marking sustainable actions was an excellent suggestion. He thought the Policy Committee should review the larger issues related to sustainability.

Mr. Steven Hicks stated that he thought the Roundtable could address some of these issues. He believes the Policy Committee could play a major role in this also.

Mr. Krapf asked for any other comments.

Mr. Fraley mentioned jurisdictions that have adopted a Comp Plan monitoring process. They require an annual report that reports progress against the Plan. He felt accountability was important so that citizens know that things are being done. Mr. Fraley also stated that these

jurisdictions have a Comprehensive Plan amendment process as well. He believes that the Comprehensive Plan must be a changing document so that it does not become stagnant. He believes the Plan should be current and relevant and that there should be a mechanism that allowed changes to be made. Mr. Fraley believes this would give the Plan value. The Plan should be responsive to changing conditions and maintain its relevance. He proposes the Commission propose to the Board of Supervisors a process by which a report is generated that measures what has been done, along with a procedure for making amendments between the normal five-year update cycles.

Mr. Poole asked if other jurisdictions allow for land use designation changes with their amendment procedures.

Mr. Fraley stated some jurisdictions allow for changes and some do not. From his research, there are not many that come forward for a change, and most are suggested by staff. He is open to suggestions from the Commissioners as to how restrictive the conditions should be. Mr. Fraley stated he would like to see the Comp Plan kept current, and not wait every five years to update. He is very dedicated to a monitoring program.

Mr. Krapf asked for staff's comments.

Mr. Jason Purse stated that the Comp Plan update is a very intense effort. A large part of the process centers on community input, and with periodic updates, caution would need to be heeded so as not to lose this part of the process. He also mentioned the studies that are sometimes done in between updates, such as the Toano Design Guidelines. Mr. Purse stated that even though this was not part of the Comprehensive Plan update, these guidelines were applied to legislative cases, and even some items that were suggested as being implemented were accomplished.

Ms. Rosario stated that the Division does not have staff dedicated solely to comprehensive plan update activities. Rather, staff is normally involved with current planning and comprehensive plan implementation items. She stated that staff's focus to this point has been the update, and then it will cycle to the implementation process. She stated that there were not sufficient staff resources to continually monitor and update the Comprehensive Plan. Ms. Rosario stated that constant monitoring would take away from other work items such as those involved with the implementation of the adopted Comprehensive Plan.

Mr. Peck felt that, in his mind, one of the fundamental ideas of this new revision was to have a process established for amending the Plan. He felt that the State's requirement of updating the Plan every five years was a minimum. He felt that if ongoing updates were to be made part of the process, it would reduce staff time expenditures in the long run. Mr. Peck strongly supports a monitoring system. He felt that this would better respond to the public's needs. He also thought that there should be a limited scope on items that could be updated.

Mr. Hicks stated that the revision effort is a very involved process in which citizens are heavily involved. He sees monitoring as a positive, but in some instances, time is needed to see if efforts are moving in the right direction. He feels that caution should be used when doing

updates and engaging the community. Mr. Hicks wants to make sure that there is some value retained in the five-year update process, as so many individuals and groups are involved. His biggest area of concern is how the public would be engaged through an interim update process.

Mr. Krapf supports a reporting process to measure the progress that is being made. He expressed his concerns with the idea of an annual amendment process. There may be issues with how involved the citizenry could be in having input in an amendment process. This could end up derailing the hard work that has taken place. He would like to be very restrictive in how an amendment request would be initiated. Mr. Krapf felt that there were other interim methods, such as the creation of the Toano Design Guidelines, which act to keep County policy current between Comprehensive Plan revisions. He would feel more comfortable with the Board of Supervisors initiating requests for changes, if any were needed.

Mr. Henderson would support a process wherein changes could be made so that the document would remain current. He feels that accountability will be lost without a monitoring system. He would like to see a section added into the Planning Director's Report summarizing what is being done with respect to implementing the action items of the Comp Plan.

Mr. Allen Murphy stated that there needs to be a balance between accountability and predictability. He stated that while the State code suggests that the Comprehensive Plan be updated every five years, many jurisdictions have a longer time period in between updates as they are only required to review the plan and make revisions if warranted. He stated that the land use plan needs some predictability, and allowing interim amendments may take away that predictability. Mr. Murphy stated that he did not believe there were a serious set of issues that warrant a significant amendment process. He stated that there was enough work to be done with regard to the goals, strategies, and actions. This work can be prioritized against a process that would involve a great amount of staff time, which hopefully will not be necessary.

Mr. Billups would prefer to look at what would really warrant an amendment to be requested. He would think an amendment would involve only those situations that are very serious. He views that monitoring and amending should be done concurrently. He believes that amendments should also involve staff recommendations.

Mr. Fraley felt that if the plan is to stay current, policies need to be included in the Plan. He felt those objections to amendments can be overcome. He suggested establishing criteria for which amendments would be accepted. He thought this would keep the document current and up-to-date with changing conditions, and responsive to citizens' needs and requests. Mr. Fraley felt all the policies should be included in the Comprehensive Plan, and then all of the legislative review standards would be in the same location. He does not believe this process would create work, but rather save work.

Mr. Poole sees the Plan as a big picture document. He felt that it is important to note that the larger broader strategic statement is lost in an annual amendment process. He felt compelled to mention that there have been many successes with the current Comprehensive Plan. Mr. Poole notes that there have been cases before the Planning Commission and the Board of Supervisors that have been not in compliance with the Comprehensive Plan and that have

allowed growth to occur unabated. He does not believe having an amendment process will solve this problem, but that it may actually accelerate it. This problem occurs due to the decisions that the Commission and Board of Supervisors make, not due to flaws with the Comprehensive Plan.

Mr. Fraley questioned the policies in regards to the population projections.

Mr. Murphy stated that there are many goals, strategies and actions that will address a series of assumptions and thresholds that the Commission and the Board of Supervisors will have to address. These assumptions and decisions will potentially change the population projections.

Mr. Krapf stated that the 200,000 approximate population figure projected for 2089 assumes that a certain course of action is followed. Policies and procedures adopted in the interim will change these projections.

Ms. Rosario stated that there are no final figures since policy decisions made over time will change the projected population numbers. For instance, the Steering Committee has recommended some serious changes to the Rural Lands policy that could impact the projections.

Mr. Peck felt that an amendment process would involve the citizenry, and that it is very fundamental to our governmental system. He felt that because citizens can initiate changes, they would be part of the process. He does not believe there would be a large number of amendments if strict guidelines were put in place.

Mr. Krapf thought the big issue is how broad or narrow the process could be.

Mr. Fraley volunteered to define how narrow the requirements should be.

Mr. Krapf stated he would like to see what the requirements might be. He felt that if there was a process it should be very narrow. For example, he felt that Land Use Designation changes should only be initiated by the Board of Supervisors.

Mr. Fraley stated he would work with staff and come up with a draft amendment policy that would list examples of when changes would be permitted. There are many jurisdictions that have such a policy in place. He did not want to adopt a process without a unanimous approval of the Commission.

Mr. Hicks stated that, currently, the Board of Supervisors can initiate a change in the Comprehensive Plan.

Mr. Fraley stated he would propose a different process. He will work with staff and report back to the Commission.

Mr. Murphy stated that the Board of Supervisors has the ability to determine what is an emergency that might initiate an amendment to the Comprehensive Plan. There have been instances where an interim change has been done to the Comprehensive Plan. This has always been a substantive amendment, and taken a great deal of time.

Mr. Krapf reminded the Commission that a review of the ordinances is scheduled to be done after the Comprehensive Plan is updated so as to assist in accomplishing some of the goals, strategies and actions.

Mr. Poole stated that he was appreciative of Mr. Fraley's comment that he would not pursue this amendment process if it was not a unanimous consensus among the Commission members. He personally did not want to approve a process just because another locality had one in place.

Mr. Fraley asked if the Planning Commission was agreeable to his comments on page 8 of adding some information to comment number 1.

The Commission agreed.

Ms. Rosario asked if there were any sections that did not need to be deferred to the next meeting that were on the agenda for this meeting.

Mr. Fraley had no other comments on any other sections.

Mr. Poole stated he was in agreement with staff's response to his comments on pages 11 - 12.

Mr. Peck stated that on page 13, item number 10, he felt this issue is not a youth or senior issue, but felt it was more of an issue that affected at-risk persons in both groups.

Mr. Billups stated the conditions should be reviewed as to what makes them at-risk. There should be definitions that might help clarify the issue.

Mr. Krapf stated that staff's response was that it would directly apply to all youth and senior populations.

Mr. Peck does not believe that the youth population is underserved.

Mr. Henderson thought it was beneficial to identify the at-risk population segments within the general population groups and then develop some solutions.

Mr. Purse stated that more of the issues have been addressed in the youth and senior population as opposed to the population themselves.

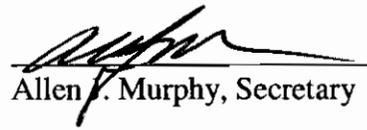
Mr. Krapf would like to start the next meeting with Ms. Kratter's comments.

#### 4. ADJOURNMENT

Mr. Henderson moved to adjourn until the September 9, 2009 regular Planning Commission at 7 p.m., with a second from Mr. Fraley.

The meeting was adjourned at 6:17 p.m.

  
Rich Krapf, Chairman

  
Allen J. Murphy, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 09/02/1998

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The following minutes for the Planning Commission of James City County dated 09/02/1998 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 09/02/1998, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 09/02/1998.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINETY-EIGHT AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. <u>ROLL CALL</u><br>Martin Garrett<br>Donald Hunt<br>John Hagee<br>Wilford Kale*<br>Alexander Kuras<br>Willafay McKenna<br>A. Joe Poole, III | <u>ALSO PRESENT</u><br>Leo Rogers, Deputy County Attorney<br>O. Marvin Sowers, Planning Director<br>Matthew Maxwell, Senior Planner<br>Paul Holt, Senior Planner<br>Jill Schmidle, Planner |
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\*Mr. Kale departed the meeting at approximately 10:00 P.M.

2.     MINUTES

Upon a motion by Joe Poole, seconded by Alex Kuras, the minutes of the August 3, 1998 meeting were approved by unanimous voice vote.

3.     INTRODUCTION OF ASSISTANT COUNTY ATTORNEY

Leo Rogers introduced the new Assistant County Attorney, Andrew H. Herrick, to the members of the Planning Commission, staff, and the general audience.

4.     DEVELOPMENT REVIEW COMMITTEE

Alex Kuras reviewed five cases and recommended approval by the Commission.

Joe Poole made a motion, seconded by John Hagee, to recommend approval and by unanimous voice vote motion passed.

5.     CASE NO. SUP-7-98. J. W. CROSSING (formerly C & N Dining, LLC.)

Jill Schmidle presented this report stating the applicant had requested deferral and staff concurred with this request.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was continued to the next meeting.

6.     CASE NO. SUP-38-97. EXXON.

Matthew Maxwell presented the staff report stating one aspect of the proposal staff opposed was the size of the canopy due to the six pumps requested by the applicant. He stated the applicant had redesigned the canopy and reduced the site to four pumps. He continued his presentation and concluded staff believed, with the attached conditions which addressed the citizens' concerns, the proposed convenience store and gas station were consistent with the Comprehensive Plan and compatible with the nearby residential subdivisions.

Marvin Sowers commented to the Commission that this case presented the opportunity to apply new policies which were adopted in the 1997 Comprehensive Plan involving Neighborhood Commercial and Community Character Corridor areas.

John Hagee asked about the distance from Burton Woods Drive to Longhill Road and what were the curb cut distances.

Matthew Maxwell estimated the distance to be 150' to 200' but asked that the applicant verify this distance. He said staff looked to VDOT for their requirements and was concerned there could be three curb cuts along Longhill Road within 200'. Staff, therefore, requested a shared access between the Exxon site and Mr. Chinnis.

Wilford Kale asked what legal authority the County had to require one applicant to make provisions for another development that had not been proposed or part of this application.

Leo Rogers stated staff was not imposing a restriction on the adjacent property owner. The condition put on the property was for Exxon to work on a shared access easement. He said if the Chinnis property later submitted a site plan that was a by-right development, they would need approval from VDOT to have a curb cut on Longhill Road. If it were not a by-right development, the Commission and Board ultimately had authority to allow another entrance or require a shared entrance with Exxon. He concluded by saying, if there were no conditions on Exxon, the County could not force them to have a shared access.

Wilford Kale had concerns about the legality of the condition and asked Leo to check the specifics of that condition.

Martin Garrett opened the public hearing.

Alvin Anderson, representing Exxon, introduced John Hopke, the architect making the presentation on the design of the project; Steve Rhodes, Market Development Specialist for Exxon; Chris Henderson of Trammel-Crow, who assisted Exxon in locating and developing the site, and Mark Bennett of AES, the site engineer. He gave a brief report on the intention of Exxon stating Exxon would prefer to have six pumps with 24-hour operation, and then turned the public hearing over to John Hopke.

John Hopke made a brief slide presentation to give the Commission an overview of the key issues worked on by the applicant and staff. He provided visuals of the property site with views from Longhill and Centerville Roads showing the building details and canopy design.

John Hagee stated staff's recommendation was for a square canopy and asked why staff was not satisfied with the rectangular canopy.

Matt Maxwell stated staff preferred the square canopy to the starting gate configuration. He said the square canopy would have less footage along Centerville Road and the perception of the canopy would appear to be smaller.

Marvin Sower stated there was a Land Use Plan consideration since gas stations were not an acceptable use in a Neighborhood/Commercial area and staff believed that changing the design of the canopy would reduce the appearance of the site as a gas station by making the canopy less visually dominant and the building more visible.

Alvin Anderson continued his presentation stating there were two main issues the Commission

appeared interested in. The first was the number and configuration of the pumps proposed by Exxon and requested by staff. The second was related to the shared entrance on the Chinnis property. He said he had concern over the language in the special use permit because he did not feel Exxon should be required to build an entrance on property it did not own, or did not have a contract right to do so, and, it also placed conditions on the adjacent property owner.

Alvin Anderson stated he spoke with Leo Rogers regarding language which might be appropriate to include in the minutes which read as follows:

"It is not the intention of the Planning Commission by making this recommendation to recommend that the applicant make any Longhill Road entrance improvement on property it does not own or control, nor is it the intention of the Planning Commission to impose on the adjacent property which is not included within this application these special use permit conditions."

William Phillips, 5525 Centerville Road, spoke against the proposed application citing the problems that occurred when the old convenience store was in operation just across from the proposed site.

Willie Brown, a nearby neighbor, also spoke against this proposal, expressing the reoccurrence of problems that occurred at the previous store, including beer drinking, late night deliveries, loud music and profanity.

There being no further speakers, the public hearing was closed.

The Commission decided to vote on the following issues separately regarding the application.

1. Should this facility be allowed at this location?

Willafay McKenna had concerns because this was a Neighborhood/Commercial property and she had been aware of the problems that occurred at the previous convenience store and felt the same circumstances could occur at the new location.

Joe Poole supported the comments by the citizens and Willafay McKenna. He said he could not support the application since the Comprehensive Plan clearly stated that fast food restaurants, convenience stores, and gas stations were unacceptable in Neighborhood/Commercial areas.

John Hagee did not consider a gas station as a business that attracted crime. He added the area was zoned LB and felt the Commission might be looking to solve a social situation by not allowing facilities in certain areas.

Wilford Kale said he attended the public review meeting and noted the community wanted the telephones placed inside so they could be monitored. They also had concern as to what would be going on outside the store. He believed Exxon was taking steps to make sure that this facility would not be a duplication of the old one. He commented that the only control the County had was to down zone or purchase the property.

Alex Kuras made a motion, seconded by Willafay McKenna, to allow the facility at this location. In a voice vote, motion passed 5-2. AYE: Hagee, Hunt, Kale, Kuras, Garrett (5); Nay: McKenna, Poole (2).

2. Should there be four or six pumps?

After a brief discussion, Willafay McKenna made a motion, seconded by Wilford Kale, to allow only four pumps. In a voice vote, motion passed 6-1 AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6); NAY: Hagee (1).

3. Should the canopy be designed in a starting gate or square configuration?

After a brief discussion, Willafay McKenna made a motion, seconded by Martin Garrett to allow the starting gate canopy. In a voice vote, motion passed unanimously 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

4. What should be the hours of operation?

Alex Kuras made a motion, seconded by Joe Poole, to support staff's recommendation of daily hours of operation for both the convenience store and gas station to be 5 a.m. to 12 midnight. In a voice vote, motion passed unanimously 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

Martin Garrett asked Marvin Sowers to have staff and the applicant discuss the language in the conditions of the special use permit regarding the entrances.

Leo Rogers stated staff would discuss the language with the applicant and commented the difficulty in drafting the language was not knowing what was going to happen on the Chinnis property. He said they were not requiring an agreement with Chinnis but only that Exxon commit to a design that allowed for a shared access and that there be an agreement.

Willafay McKenna felt Condition #2 appeared to be a binding agreement because it stated "A shared access agreement.....with the adjoining Chinnis property shall be provided to the County...."

Leo Rogers stated the County was looking for an agreement with the adjacent property owner and Exxon, but if that did not occur, it could be an agreement with the County, or a declaration where the County was a third party beneficiary. He said the last sentence could be changed or eliminated depending on the agreement of the Chinnis property.

Alex Kuras made as motion, seconded by Wilford Kale, to accept the application as discussed. In a roll call vote, motion passed. AYE: McKenna, Hagee, Hunt, Kale, Kuras, Garrett (6); NAY: Poole (1).

7. CASE NO. SUP-20-98. RICHMOND ROAD FLEA MARKET.

Paul Holt stated that information regarding this applicant was received too late for staff to adequately review this proposal and requested deferral until October 5.

Alex Kuras opened the public hearing. There being no speakers, the public hearing was continued to the next meeting.

8. CASE NO. ZO-7-98. ZONING ORDINANCE AMENDMENT/AIRPORT APPROACH OVERLAY DISTRICT.

Paul Holt presented the staff report which outlined several proposed changes to the district. He stated that earlier today staff was contacted by the Virginia Department of Aviation, who originally gave their approval to the changes, requesting additional time to review the ordinance. Staff recommended the Commission indefinitely defer this case.

Alex Kuras opened the public hearing. There being no speakers, the public hearing was closed.

9. CASE NO. ZO-8-98. ZONING ORDINANCE AMENDMENT/LB AND B-1 DISTRICTS.

Jill Schmidle presented the staff report stating this case was deferred from the August meeting with the recommendation that the Business/Industrial Zoning Ordinance Committee reviewed the recommendations for permitted uses in the LB, Limited Business District. She said the committee had considered additional substantive changes to LB and was currently in the process of revising their recommendations for LB. No further recommendations are proposed for B-1 and staff recommends the Commission vote on the B-1 amendments.

Alex Kuras opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Don Hunt, to approve the B-1 District. In a roll call vote, motion passed. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

10. CASE NO. ZO-9-98. ZONING ORDINANCE AMENDMENT/SIGNS.

Matthew Maxwell stated that both Keith Nowady, Chair, and Mary Higgins, Co-Chair of the Community Character Committee apologized for being unable to make this presentation to the Commission. In their absence, Matthew Maxwell presented the staff report stating the committee reviewed the sign ordinance and drafted the revisions as outlined in the staff report. He said the committee and staff recommended approval of the revised ordinance, with the exception of Section 24-73(8). Off-Premises Residential Real Estate signs, which staff did not support.

Alex Kuras requested that under "Gross Sign Area" clarity be made to the mathematical equation and the last sentence be eliminated. Also regarding subdivision signs at main entrances, he felt thirty-two square feet seemed excessive if it did not include part of the supporting structure.

Matthew Maxwell said staff would make the requested changes to the Gross Sign Area Section. He said that subdivision entrance signs would be brought to the DRC and reviewed on a case-by-case basis.

Willafay McKenna said she had concern with the flag limitations, specifically Paragraph 18 (C) (D) (E), which she felt were not constitutional. She felt paragraphs (A) and (B) were sufficient and was opposed to putting this type of restriction into the James City County ordinance

Leo Rogers stated did not want an inordinate number of flags which could become a sign advertising a property. He did not feel limiting the number of flags would be challenged.

Willafay McKenna asked if there were existing problems which caused this change.

Matthew Maxwell stated several automobile dealerships have been putting flags on automobiles. Another example were several fast food restaurant that put flags on the roof top in quantities greater than three. He felt that these quantities indicated an advertisement rather than patriotism. He added the committee felt that three flags were a reasonable number for most parcels.

Alex Kuras mentioned that during Memorial Day flags were placed at nearly every gravesite and used to outline the entrance road. He said he would not want to prohibit this type of use.

Matthew Maxwell stated that staff could put in a provision which would exclude cemeteries and other memorials that might display a greater number of flags at a time.

John Hagee requested further information on the constitutionality and said that if it was unconstitutional, we should strike it from the ordinance otherwise, he would support the limitation request.

Leo Rogers stated he would research the constitutional issue involved in this case, but that would not eliminate the policy decision of the Commission.

Martin Garrett opened the public hearing.

Paul Robinson, President of the Williamsburg Area Association of Realtors, spoke on behalf of the realtors serving this area. He stated they applauded the Community Character Committee's recommendations of the proposed sign ordinance especially the amendment to Section 24-73.8 which addressed off-premises realtor open house signs. He explained to the Commission the importance of the open house signs to both the realtors and their clients. He requested that the Commission approve the proposed ordinance changes as presented by the Community Character Committee.

Cathy Short gave a brief history as to why realtors had been placing signs in the rights-of-way. She stated the Board of Realtors, in 1991, invited James City County, York County, Williamsburg, and VDOT to meet in order to come to a regional consensus on how to create a uniform, regional regulation for off-premises real estate signs. She said only York County responded with code changes to accommodate their request and that those changes were now being proposed by the Committee in Section 24-73.8 of the ordinance. She stressed that the off-premises signs were generic, temporary, directional and not an advertisement for any realtor or real estate company. She requested that the Commission support the proposal presented by the Community Character Committee.

Jack Kniest, a member of the Community Character Committee, spoke in favor of the proposed ordinance citing several instances throughout the County where temporary, directional signs were used. He stated the generic open house signs were small, temporary, and necessary and asked the Commission to approve the committee's proposal.

Payton Harcomb of Chickahominy Road asked if there were any provisions for permits for these temporary signs. He commented that he had a temporary sign placed on his property by James City County and asked where the line should be drawn.

There being no further speakers, the public hearing remained open.

Willafay McKenna stated the Commission had raised a number of objections regarding this ordinance but felt that approval should be made on Section 24.73.8.

Martin Garrett summarized the general concerns of the Commission.

1. Constitutionality of limitations on flags
2. Building face signage size on larger buildings
3. Realtor directional signs

Wilford Kale suggested using the verbiage "generic, temporary, directional signs" rather than "off-premises realtor open house signs."

Joe Poole, a member of the Community Character Committee, stated the committee had a good discussion regarding this ordinance and, due to the number of concerns brought forth by the Commission, recommended the ordinance be brought back to the committee for further review. He said he was opposed to the committee's recommendation regarding signs because he had concerns that

other business entities might want to promote their business using off-site generic signs. He felt approving this ordinance might set a precedent.

John Hagee said the ordinance specifically stated "open house signs" and felt it would not set any type of precedent.

The consensus of the Commission was to return the ordinance back to the committee for further discussion and the public hearing remained was kept open.

11. CASE NO. ZO-11-98. ZONING ORDINANCE AMENDMENT/FINES.

Leo Rogers presented the staff report stating the revisions to the ordinance reflected recent changes made to the state code. He stated staff considered these changes to be of a housekeeping nature and recommended the Planning Commission approve the revised ordinance.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Alex Kuras, to approve the above ordinance changes. In a roll call vote, motion passed 6-0. AYE: McKenna, Hagee, Hunt, Poole, Kuras, Garrett (6); NAY: (0).

12. CASE NO. ZO-12-98. ZONING ORDINANCE AMENDMENT/SPECIAL REGULATIONS.

Jill Schmidle presented the staff report stating the Business/Industrial Committee proposed new language regarding outdoor display and sales of retail merchandise and made changes to the present ordinance. Staff concurred with these recommendations and recommended the Planning Commission approve the proposed ordinance amendments.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Alex Kuras, to approve the above ordinance changes. In a roll call vote, motion passed 6-0. AYE: McKenna, Hagee, Hunt, Poole, Kuras, Garrett (6); NAY: (0).

13. RENEWAL OF ELEVEN AGRICULTURAL AND FORESTAL DISTRICTS.

Matthew Maxwell presented the eleven cases, up for renewal, in the Agricultural and Forestal District for review in order to continue, modify, or terminate each district. He said the districts were due to expire this year and that land owners could voluntarily withdraw property at that time.

The following is a list if the AFD's, their acreage, and the acreage to be withdrawn:

- AFD-2-86 Croaker - 1,081 acres
- AFD-3-86 Hill Pleasant Farm - 573 acres
- AFD-5-86 Barnes Swamp - 1,943 acres / 59 acres withdrawn
- AFD-6-86 Cranston's Pond - 1,174 acres / 26 acres withdrawn
- AFD-7-86 Mill Creek - 3,175 acres / 25 acres withdrawn
- AFD-8-86 Casey Property - 814 acres / 77 acres withdrawn
- AFD-9-86 Gordon Creek - 3,376 acres

AFD-10-86 Christenson's Corner - 562 acres  
AFD-11-86 Yarmouth Island - 1,457 acres  
AFD-12-86 Gospel Spreading Church Farm - 1,100 acres / 26.5 acres withdrawn  
AFD-13-86 Gilley - 281 acres

Matthew Maxwell stated staff believed all the AFD's were consistent with the Comprehensive Plan and recommended renewing the districts for a period of four years, subject to the conditions listed in the staff report. He said the AFD Advisory Committee met on August 27 and voted 8-0 to approve the renewal of these districts. He added that the property owners in these districts had until the day of the September 22 Board of Supervisors meeting to withdraw their properties from the AFD District.

Don Hunt stated that he would defer from voting on AFD-3-86 Hill Pleasant Farm due to a conflict of interest.

Martin Garrett opened the public hearing.

Wayne Nunn, owner of Hidden Acres Farm, spoke in favor the renewing the districts and said that if they were not renewed, you would see the end of family farming due to the increase of their taxes. He asked that the Commission approve these applications.

There being no further speakers, the public hearing was closed.

Alex Kuras, made a motion to recommend approval of all the AFD district renewals, seconded by John Hagee. In a roll call vote, motion passed. AYE: McKenna, Hagee, Hunt\*, Poole, Kuras, Garrett (6), NAY: (0).

\*Don Hunt abstained from ADF-3-86 and the vote was as follows: AYE: McKenna, Hagee, Poole, Kuras, Garrett (5), NAY: (0), ABSTAIN: Hunt (1).

#### 14. PLANNING DIRECTOR'S REPORT

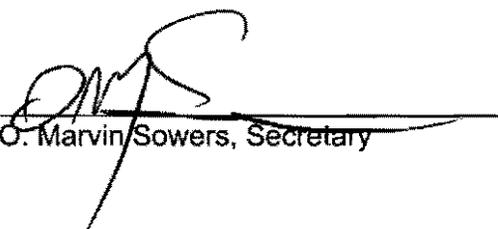
Marvin Sowers stated that the Planning Director's Report was on page 97 in the Commission's packet, and that he would be happy to answer any questions.

Joe Poole asked if the Planning Commission Annual Report had been presented to the Board of Supervisors.

Martin Garrett stated that he would be presenting it to the Board at a later date.

There being no further business, the Planning Commission adjourned at approximately 10:10 P.M.

  
Martin A. Garrett, Chair

  
O. Marvin Sowers, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 09/10/1991

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The following minutes for the Planning Commission of James City County dated 09/10/1991 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 09/10/1991, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 09/10/1991.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINETY-ONE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Mr. Donald C. Hunt  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Ms. Elizabeth Sullivan, Planner  
Mr. David Fletcher, Planning Technician

2. MINUTES

The Minutes of the August 13, 1991 Planning Commission were accepted as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was accepted as presented.

4. CASE NO. SUP-20-91. WILLIAM C. BRANCH (continued public hearing)

Mr. Friel presented the staff report (appended) and stated that the applicant had requested an indefinite deferral of this case in order to allow time to submit information to staff. Mr. Friel stated that staff concurs with this request.

Mr. Kuras opened the public hearing which will be continued at a later date.

Ms. Gussman made a motion, seconded by Ms. McKenna, to accept the staff recommendation for deferral with the exception to defer the case no later than the April 14, 1992 Planning Commission meeting. The motion was passed unanimously by voice vote.

5. CASE NO. SUP-26-91. JACK L. MASSIE CONTRACTOR, INC. (public hearing)

Mr. Friel presented the staff report (appended) and stated that the applicant had requested deferral of this case until the October 8, 1991 meeting in order to allow time to address comments raised during the staff review of the proposal.

Mr. Kuras opened the public hearing which will be continued to the October 8, 1991 Planning Commission meeting.

6. CASE NO. SUP-19-91. GIBSON BROTHERS DEVELOPMENT CORPORATION (continued public hearing from August 13, 1991 meeting)

Ms. Sullivan presented the staff report (appended) for a special use permit to allow the sale of used cars at 8910 Pocahontas Trail in the B-1, General Business District. Ms. Sullivan stated that staff continues to recommend approval with the stated conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Dwight Dansby, representing the applicant, reviewed the history of the property and surrounding area. Mr. Dansby stated that closing the site's entrance on State Route 60 would damage the property rights of Mr. Gibson and lessees, as it would be denying them reasonable access to his business which is also located on the site.

There being no further speakers, the public hearing was closed.

Ms. Lowe questioned the landscaping. Mr. Sowers responded that staff felt the recommendation was reasonable considering the amount of changes to take place on the site. Ms. Lowe disagreed.

Mr. Garrett felt the Route 60 entrance was not necessary for maneuvering of trailers or for access due to the sites small size and closeness of the existing entrances.

Mr. Garrett made a motion, seconded by Ms. Knudson, to accept the staff recommendation.

Ms. McKenna felt the Route 60 entrance was necessary as it made turning around on the site easier. Ms. McKenna suggested an additional condition with a time limit in order to allow staff's concerns to be addressed in the future.

Mr. Hagee stated that he entered through Freedom Road and found it difficult to maneuver on the site.

Mr. Horne stated that if we decide whether to eliminate entrances based on measuring individual cases, we would never see a dramatic improvement in level of service. He stated that it is the presence of six entrances that drive level of service down and not one by itself. He stated that approval would make it more difficult to remove others in the future and that it was unusual to have a site with two accesses, with one on a side street, and that this provided a rare opportunity to make some improvements with minimal effect on a site.

On a roll call vote the motion was defeated 7-4. AYE: Garrett, Lowe, Gussman, Knudson (4). NAY: Bradshaw, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (7).

Ms. McKenna made a motion, seconded by Mr. Hagee to recommend approval of the special use permit for a period of four years and the deletion of condition #3 (close Route 60 entrance). The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: Lowe, Gussman, Knudson (3)

7. CASE NO. SUP-16-91. SKIMINO GOLF COURSE (WILLIAM C. COWARDIN, JR.)

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a golf course. Mr. Friel stated that staff recommended approval with the conditions in the staff report.

In response to Ms. Knudson's inquiry, Mr. Rogers stated that only under a rezoning could it be proffered to convert a golf course from public to private; it cannot be conditioned under a special use permit.

Mr. Kuras opened the public hearing.

Mr. Cowardin, the applicant, exhibited a rendering of the proposed golf course and introduced the following people associated with the project: Mr. Marvin M. Giles, III, President, Pros, Inc.; Mr. Thomas C. Broyles, attorney, Kaufman & Canoles; Mr. Leroy T. Canoles, Kaufman & Canoles; Mr. Gary L. Strickfaden, Peat Marwick, Certified Public Accountants; and, Mr. Norman Mason and Ms. Debbie Lenceski of Langley & McDonald. Mr. Cowardin briefly described the project, including its acreage, cost of development, and its economic impact on the community.

Mr. William Whiting, North Cove, stated that he did not object to the golf course but felt that Route 646 was not adequate and that the curves along this road were dangerous. Mr. Whiting also opposed water being drawn from Barlow's Pond and asked that it not drop below 6 inches or that the spillway be raised six inches.

Mr. Dick Guertin spoke in favor of the golf course and also felt the road was inadequate and commented on the impact of water being drawn from Barlow's Pond for the golf course.

There being no further speakers the public hearing was closed.

Ms. Lowe expressed concern regarding the amounts of chemicals to be used on the golf course and about land disturbance on 25% slopes which she felt was counter to the Chesapeake Bay Act.

Briefly discussed was the developer's contribution of \$275,000 for road improvements on Route 646 with a revenue sharing match of the same amount by Virginia Department of Highways.

Mr. Friel stated that revenue sharing funds for the road improvements are not currently part of the proposal.

Ms. McKenna made a motion, seconded by Mr. Bradshaw, to accept the staff's recommendation of approval.

Ms. Gussman made an amendment to the motion, seconded by Ms. Lowe, to require that the Wetlands Board review the plan. The motion failed: NAY: Bradshaw, Garrett, McKenna, Hagee, Hunt, Kuras (6). AYE: Lowe, Davis, Gussman, Knudson, Betzner (5).

Ms. McKenna made an amendment to the motion, seconded by Mr. Betzner, to amend Condition #13 to delete "... or a guarantee for such improvements shall be posted ..." The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11). NAY: (0).

Ms. Gussman made an amendment to the motion, seconded by Mr. Betzner, to add the following language to Condition #1 and #2: ... in the event the owner receives an exception to the Chesapeake Bay Ordinance. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11). NAY: (0).

The original motion, with amendments, passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: Lowe (1).

Mr. Bradshaw left the meeting at approximately 9:30 p.m.

8. CASE NO. SUP-27-91. CHILD DEVELOPMENT RESOURCES CORPORATION - VERNON GEDDY, III

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a 14,000 sq. ft. child care facility on Point-O-Woods Drive. Mr. Friel stated that staff recommended approval of this application with the stated conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy who is on the Board of Directors of CDR introduced several people who are involved with CDR: Corinne Garland, Program Director; Charles Crone, Chairman; and, Sandy Wanner and Gary Massie.

Mr. Geddy took exception to Condition #2 as he felt two entrances to the site were needed for leaving off and picking up family members. Mr. Geddy requested that Condition #3 be reduced to a 30 foot buffer in order to permit flexibility in the placement of the building.

There being no further speakers the public hearing was closed.

Ms. Knudson made a motion, seconded by Mr. Wallace, to accept the staff recommendation of approval.

Mr. Kuras made an amendment to the motion, seconded by Mr. Hunt, that the developer be required to hook up to sewer when available. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

Ms. McKenna stated that she felt two entrances were needed to drop off children and handicapped clients.

Mr. Sowers stated that property directly across the road is designated mixed use and will probably be developed by commercial uses also wanting multiple entrances. He stated that level of service should drive the need for the number of entrances rather than on site circulation, and in this case more than one entrance is not needed. He also cited examples of schools and day care centers that have one entrance.

Ms. McKenna made an amendment to the motion, seconded by Mr. Garrett, that Condition #2 be changed to read that no more than two entrances to the site be permitted. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: Knudson (1).

The original motion, with amendments, passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

9. CASE NO. SUP-29-91. CHUCK MARCOTTE ON BEHALF OF DARE PIKE, LTD.

Mr. Friel presented the staff report (appended) for a special use permit to allow the sale of used vehicles at 7294 Merrimac Trail. Mr. Friel stated that staff recommended denial of the application.

Mr. Kuras opened the public hearing.

Mr. Joseph F. Phillips, Jr., representing the applicant, introduced the applicant and his son. Mr. Phillips summarized the history of the property and reviewed the surrounding property.

Mr. Chuck Marcotte stated that this operation would involve an office and showroom for a small number of luxury cars for sale. The property would be improved with landscaping. Traffic generated would be modest. There would be no repairs performed or gasoline sold.

Mr. Alexander Lee, 7292 Merrimac Trail, stated that the site is within eight feet of his door and felt there would be no control over the number of cars on the site. Mr. Lee requested that the application be denied.

Ms. Nancy James, 7254 Merrimac Trail, stated that she spoke on behalf of the citizens of this community of elderly retired people who support the staff recommendation of denial. She stated that the County had said the area would remain residential and that most businesses were of the walk in type but this one was different and would change the character of the area.

Ms. Gussman stated that this is a small B-1 property in a residential area and that the County has special requirements for certain uses to ensure compatibility. This use requires a special use permit and is not appropriate to this location. Ms. Gussman stated that she could not support it.

Mr. Garrett stated that the County previously denied a request for a lumber company for similar reasons and that they ought to be consistent.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of denial. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

10. CASE NO. ZO-5-91. ORDINANCE AMENDMENT/SITE PLAN, OFF-STREET PARKING, EXTERIOR SIGNS.

Mr. Fletcher presented the staff report (appended) for the above referenced zoning ordinance amendments. Mr. Fletcher stated that staff recommended approval of the amendments.

Following a brief discussion, Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of approval. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). Nay: (0).

11. PLANNING DIRECTORS REPORT

Mr. Sowers presented this report (appended).

12. SETTING OF FUTURE MEETINGS

Mr. Sowers announced the following meetings of the Zoning Ordinance update subcommittees:

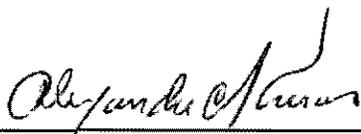
Mixed Use Development, September 25, 1991, Board Room, Building C.

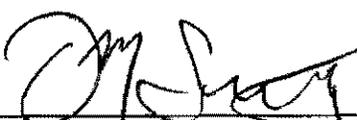
Cluster Development, September 26, 1991, Conference Room E

Residential Development, October 1, 1991, Board Room, Building C.

13. ADJOURNMENT

There being no further business, the September 10, 1991 Planning Commission meeting adjourned at 11:05 P.M.

  
\_\_\_\_\_  
Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 9/11/1990

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The following minutes for the Planning Commission of James City County dated 9/11/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 9/11/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 9/11/1990.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINETY, AT 7:30 P.M., IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Martin Garrett, Acting Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. R. Patrick Friel, Senior Planner

2. MINUTES

The Minutes of the August 14, 1990 Planning Commission meeting were approved as presented.

3. COMMITTEE REPORTS

Mr. Garrett presented the Development Review Committee Report. Mr. Garrett stated that Case No. S-69-90, Toano Woods, received preliminary approval for lots 5 through 79 only, with the front four lots requiring conformance with the A-1 District. Upon a motion by Mr. Garrett, seconded by Mr. Hagee, this report was approved as presented.

Mr. Bradshaw requested that the Minutes reflect that he did not participate or vote on this matter.

Ms. McKenna announced that the next Policy Committee meeting will be held on Wednesday, September 19 at 4 p.m., to discuss transmission towers.

4. CASE NO. SUP-38-90. HANKINS MINING

Mr. Sowers presented the staff report (appended) that states that the applicant requests further deferral of this case to allow additional time to address staff concerns regarding environmental impacts. Staff concurs with this request. The Commission by voice vote unanimously approved the request for deferral.

5. CASE NO. SUP-41-90. KEVIN R. BEDELL, M.D.

Mr. Friel presented the staff report (appended) for a special use permit to allow a medical clinic at 4622 Rochambeau Drive. Mr. Friel stated that staff recommended approval, with conditions detailed in the report.

Mr. Garrett opened the public hearing.

Mr. Alvin Anderson, on behalf of Dr. Bedell, stated that the applicant intended the clinic for his own use. Mr. Anderson briefly discussed the limited size of the site, clearing for the drainfield, parking, and the 1-1/2 story building, and concurred with staff's recommendation of one entrance on Rochambeau Drive. Mr. Anderson stated that Mr. Ralph Simmons of Rickmond Engineering and Dr. Bedell were present. Mr. Anderson submitted a petition containing 8 signatures (appended) circulated by Dr. Bedell supporting the request for this special use permit.

Mr. Ed Rickman, 113 Wilderness Lane, Pineridge Subdivision, read a petition (appended) containing 18 signatures opposing the request for this special use permit. Mr. Rickman felt that traffic that missed the entrance to the clinic would then turn around in Pineridge Subdivision. Mr. Rickman further stated that Rochambeau Drive was an old rural road, which was too narrow and hilly and the speed limit too high for the entrance to the clinic and suggested the entrance be on Cloverleaf Drive.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, for approval of the staff recommendation to the Board of Supervisors.

Ms. McKenna felt the clinic was a welcome facility; Ms. Gussman stated concern regarding similar requests for permits on adjacent properties; Mr. Garrett felt the facility was good for the community; Ms. Knudson stated opposition to commercial use in a residential area and concern about a similar use being proposed on an adjacent vacant lot; Ms. Lowe felt the use was spot zoning, and Mr. Bradshaw stated that he would support the request because it was a unique site.

On a roll call, the motion failed: AYE: Bradshaw, Garrett, Hagee, McKenna (4). NAY: Betzner, Davis, Gussman, Knudson, Lowe (5).

6. CASE NO. SUP-42-90. SETTLER'S MILL, INC.

Mr. Friel presented the staff report (appended) for a special use permit to allow a residential cluster development in the R-1, Limited Residential District. Mr. Friel stated that staff recommended approval, with conditions detailed in the staff report.

Mr. Garrett opened the public hearing.

Mr. Sheldon M. Franck, Anderson and Franck, representing the applicant, informed the Commission that Paul Small, AES, was the engineer on the Settler's Mill project, and that the principals were Messrs. Sterling Nichols, Ron Curtis, Joel Sheppard and Larry McCardle. In exhibiting the conceptual plan, Mr. Franck stated that cluster development was superior because it would increase the green area and keep development away from low lying areas. Mr. Franck further stated that maintenance would be the responsibility of the homeowners association in perpetuity, and there would be a recreation area, including pool and clubhouse. There would be an additional entrance off Ironbound Road. The houses would be single family detached dwellings, with a minimum of 2200-3500 square feet, plus garages, and be similar to those in Longhill Woods Subdivision in Williamsburg.

Ms. Lowe questioned the net developable area and the non-developable area. Mr. Small responded that he had identified the wetlands, measured the steep slopes, and mapped the locations on the conceptual plan.

Mr. Bill Bryant, Hickory Sign Post Road, representing the Coalition for Quality Growth, expressed great concern regarding this application and pointed out that in 1985 the development of Hickory Sign Post Subdivision was rejected because of excessive density and risks to Lake Powell.

Mr. John Grove, Settler's Mill, Section I, stated that residents of Section I felt they were not a part of the proposed development and "like we are on the outside looking in." Mr. Grove also expressed concern regarding adverse effect on services such as police and schools, that the street design would not match, and that plans would change without any neighborhood input.

Mr. Robert Southard, 4656 Hickory Sign Post Road, objected to the project as he felt it would create adverse environmental impact on Lake Powell plant life and loss of archaeological sites, increase traffic on Hickory Sign Post Road, create a burden on schools, police, and human services, and destroy the unique character of the community. Mr. Southard submitted a petition of 24 names in opposition to the

project.

Mr. Charles Wiesneth, 154 Lakewood Drive, stated that they did not oppose development of the site but that the neighborhood wished to be included in the considerations.

Mr. Sheldon Franck informed the Commission that the present developers of Settler's Mill, Inc. had no involvement with the former developers of Settler's Mill, Section I. Mr. Franck further discussed the benefits of cluster development for this site.

There being no further speakers the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. McKenna, to defer action on Case No. SUP-42-90 to allow for a site visit and review of the Chesapeake Bay Preservation Ordinance for possible impact on the development of this property. The motion passed by unanimous voice vote.

Ms. Knudson felt the developer was not responsive to the community; i.e., address the residents' request to incorporate the entrance on Jamestown Road, to become part of the homeowners association (in writing), and to connect the internal roads. Ms. Knudson expressed concern about the kind of cluster, its setbacks and its impact on the community, especially if lots become smaller. Ms. Knudson felt the need for commercial development should be addressed in the update of the Comprehensive Plan with a linkage between residential and commercial development.

Ms. Gussman asked that the Commission be provided with information on cluster development as compared to conventional subdivisions and whether curb and gutter was preferable over other drainage alternatives.

#### 7. CASE NO. ZO-14-90. ZONING ORDINANCE AMENDMENT/RECYCLING

Mr. Murphy presented the staff report (appended) for an amendment to provide a definition for the use, "publicly owned solid waste container site." Mr. Murphy stated that staff recommended approval to the Board of Supervisors.

Mr. Garrett opened the public hearing. There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Ms. Knudson, to recommended approval of Case No. ZO-14-90 to the Board of Supervisors. The motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Knudson, Lowe, McKenna (9). NAY: (0).

8. AGRICULTURAL AND FORESTAL DISTRICT REVIEW

Mr. Garrett stated that the staff report (appended) recommends continuation of the AFDs for a 4 year term, with conditions.

Mr. Jackson Darst, Chairman, Colonial Soil and Water Conservation District, and Mr. Joe Cottrell stated agreement with the renewals.

Ms. McKenna made a motion, seconded by Ms. Gussman, to recommend approval to the Board of Supervisors. The motion passed unanimously by voice vote.

9. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Director's Report. Mr. Sowers stated that landscaping on Route 199 in the vicinity of Jamestown Road would begin in the fall.

10. SETTING OF FUTURE MEETING DATES

A site visit of Settler's Mill was scheduled for Thursday, September 20 at 3:30 p.m.

11. ADJOURNMENT

There being no further business, the September 11, 1900 Planning Commission meeting was adjourned at 9:30 p.m.



Martin Garrett  
Acting Chairman

  
O. Marvin Sowers, Jr.  
Secretary

pcmin.sep



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 09/14/2009

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The following minutes for the Planning Commission of James City County dated 09/14/2009 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 09/14/2009, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 09/14/2009.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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A SPECIAL WORKSESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTEENTH DAY OF SEPTEMBER, TWO-THOUSAND AND NINE, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER WORKSESSION ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

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

Staff Present:

Allen Murphy, Director of Planning/Assistant  
Development Manager  
Tammy Rosario, Principal Planner  
Steven Hicks, Manager of Development Management  
Kate Sipes, Senior Planner  
Ellen Cook, Senior Planner II  
Jason Purse, Senior Planner  
Sarah Propst, Planner  
Leanne Reidenbach, Senior Planner  
Brian Elmore, Development Management Assistant  
Jim Kennedy, Board of Supervisors

Mr. Rich Krapf called the meeting to order at 4:00 pm. He said the day's agenda would be based on exception comments submitted by Planning Commission members.

2. MINUTES

a. August 6, 2009

Ms. Deborah Kratter stated that on page two, the term 'located' should be replaced with the term 'incorporated.'

Mr. Joe Poole moved to approve the minutes as amended, with a second from Mr. Chris Henderson.

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

b. August 12, 2009

Mr. Reese Peck stated that on page two, the County should not use a separate set of review criteria for analysis for outside the Primary Service Area (PSA). On page 3, the Comprehensive Plan allows for lower bus service standards outside the PSA. On page 6, it should state that the Service Authority requires community wells instead of the comments on letting developers take the lead on development. On page 11, "though" should be changed to "tough."

Ms. Kratter moved to approve the minutes as amended, with a second from Mr. Henderson.

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

c. August 19 , 2009

Ms. Kratter moved to approve the minutes, with a second from Mr. Henderson.

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

## 2. COMMENT RESPONSES

Mr. Krapf stated that Mr. Jack Fraley wanted to discuss implications of population numbers under Demographics.

Mr. Fraley stated that he could find no written statement in the Comprehensive Plan that discussed the implication of population numbers. He said various parts of the Comprehensive Plan can affect population numbers after adoption. A written statement in the Comprehensive Plan should discuss the impact of those numbers. The document should address the implications of population on public facilities and tax rates, although those implications may be a Board of Supervisors matter. An envisioned population range may be suitable for the Comprehensive Plan, as well as commissioning a study to determine the County's maximum sustainable population. He is uncomfortable with including the population projection numbers in the Comprehensive Plan without the Commission considering them further, and including the implications of the numbers in the Plan.

Mr. Krapf stated that Mr. Fraley referenced three points in time and three numbers, ranging up to approximately 189,000. He said the numbers simply reflected where the County was going, without further discussion or drawing conclusions about implications.

Mr. Fraley stated the Commission should not have conducted a build-out analysis if it is unprepared to discuss the results in the plan. He said the analysis is a waste of money if not summarized.

Mr. Krapf stated that the build-out analysis was developed on an assumption that no other actions would be taken to change the pace of growth, and that many variables could change over time, thus affecting the population numbers actually reached.

Mr. Fraley stated the build-out analysis represents the County's blueprint and vision for the future. He said if the County does not want to analyze the build out numbers in full, it can alternatively discuss the number directionally, illustrating that other parts of the Comprehensive Plan can impact build-out. The summary can either be a paragraph in the Executive Summary, an action item for further study, or a lengthy assessment of various impacts. The build-out number is not just an academic exercise, as evidenced by an upcoming County representatives visit to Albemarle County to discuss that County's study.

Ms. Tammy Rosario asked how much emphasis the County wants to place on population projections. Staff had spent significant time researching build-out scenarios and projecting historical population trends. One of the assumptions included in Staff research was the continuation of existing rural lands policies, which was subsequently changed by the Steering Committee, which illustrates that the projection numbers are very fluid and should not be thought of as 'hard and fast' numbers. Staff research did not account for future policy changes as the specifics are inherently unknown. In addition, there are a number of 'moving parts' and variables that affect the build-out numbers. For the current Comprehensive Plan revision, the County paid consultants to prepare for build-out scenario numbers to assess future population impacts on Transportation. Further research into adequate public facilities that would serve a projected build-out population, or detailed analysis of the potential changes in the County's tax base would require additional time and money. Charlottesville and Albemarle had not made the build-out study referenced by Mr. Fraley an official part of their Comprehensive Plans – they were helping to fund a private study that was initiated and largely paid for by a local citizen's group. Future growth will be dealt with much like today's population, with the County having to determine which land use tools it will use, what growth management tools does it wishes to add, and how strictly each of the tools should be used.

Ms. Kratter stated that without growth scenarios, the County does not know how to apply its Land Use tools for new developments or zoning changes. Although it may be too late to fully analyze build-out numbers, a goal, strategy, or action could further the study. There may be private groups willing to perform the analysis. The analysis should not be overlooked due to it being difficult. A goal should be created to develop tools, or report the feasibility to develop tools, for population assessment. Assessing the build-out numbers would make the Comprehensive Plan more meaningful.

Mr. Peck stated that the population numbers are causing citizen angst. He said people want to know how the County is managing those numbers. Whether the County or private group performs the analysis, the community does not want to lose its unique historical identity.

Mr. Krapf stated there are a number of growth management tools in the Comprehensive Plan. He asked what sustainable population number would maintain the current quality of life. He wondered if determining a sustainable population number might be easier than analyzing a survey of worst-case scenarios.

Mr. Henderson stated the choices made today will define the ideal population and quality of life in the future. He said not having a value statement about preserving quality of life defeats the purpose of Comprehensive Planning. Without values, the County reviews zoning applications without considering long-term impacts. A sustainable population can be identified through environmental sustainability, through traffic service levels, and through the adequacy of public facilities.

Mr. Poole stated that although he appreciated the predictability of a build-out analysis, he would not support a building cap. He said he has seen quality of life degrade through individual cases, and is hesitant to initiate any policy that may reduce quality of life long-term or cause

unintended growth. Setting a population target may actually serve to speed up growth to meet that cap, rather than curbing growth.

Mr. George Billups stated that different demographic groups are moving into the County. He asked what control the County has over people moving here. There are budget, transportation, and school impacts from the new arrivals, including English as Secondary Language teachers. Some churches want population numbers to help plan services for the influx. There are current community impacts that could be addressed by the Comprehensive Plan, instead of planning into the future.

Mr. Krapf stated that Albemarle County's citizens' group had spent over \$100,000 on its study and had not produced many tangible action items. He said he is concerned over the studies due to a large number of variables in growth projections. Population projections could be tied into the survey results to show how the Comprehensive Plan addresses those concerns.

Mr. Fraley stated that he does not support a population cap. He said he did not want to dwell on past Comprehensive Plan mistakes. The current Comprehensive Plan has a vision unseen in previous Comprehensive Plans. The build-out analysis has already been used for the Transportation section. If the analysis has relevance, it should be expanded. The strategies to address the growth are not being brought together in a summary.

Mr. Henderson stated that having a population target, instead of a cap, sets a vision for the community as it reaches build-out. Based upon that vision, the County will list those tools it needs to preserve quality of life. A target number would provide citizens reassurance regarding the direction of the community. Plan readers would understand how the County plans to meet its vision through value statements.

Mr. Peck stated that the Demographics section should be expanded. He said other localities explore turnover rates in their demographics sections. Services needed may partially depend on immigrant demographics. The County needs to understand the natural growth forces it will eventually try to influence. The entire purpose of a plan is to establish values and policies to preserve those values. The Comprehensive Plan as a whole, trying to be all things to all people, has little focus. The County dodges growth questions, but the community is at a stage where it wants questions answered. The County should determine how to meet its targets after adoption of the Comprehensive Plan.

Ms. Kratter stated that she was concerned that a cap or target would encourage short-term growth. She said that short-term growth could outpace existing public facilities, and that the County should not permit developments that exceed resources in an area. She would support an action item for a build-out analysis.

Mr. Steven Hicks stated that the County has a sense of the build-out population. He said that although the County is growing faster than many other localities, he is cautious about setting a target. Staff would be required to manage a target number that may be unwanted.

Ms. Rosario summarized what the Commission would like in a staff discussion of various

population numbers. Public facilities impacts could be highlighted and related to quality of life measurements. Staff has enumerated growth techniques through-out the Comprehensive Plan.

Mr. Fraley stated he did not want build-out population numbers in the Demographics section. He said he sees the build-out analysis paragraph in the Executive Summary, as with a section discussing growth management tools in the Comprehensive Plan. While he would support a new action item, he would be okay with just an expanded discussion in the Executive Summary.

Mr. Allen Murphy stated that listing the impacts that might be associated with the current population estimates could be included in the Comprehensive Plan. He said the population projections will change after factoring different quality of life thresholds and policy changes proposed by the plan. Assessments should begin after implementation of the first five years of initiatives.

Mr. Poole stated there are philosophical differences between those who see the plan as a clear-cut template and those who see it as a guideline. He said the Commission, as an advisory group, will have to make intentional decisions on population growth and changing uses. He said he was comfortable with placing an analysis in the Executive Summary.

Mr. Krapf summarized that the group was okay with analysis paragraph in the Executive Summary.

Ms. Kratter stated that text related to controlling growth in the Land Use section of the Comprehensive Plan does not address citizen concerns about too much and too rapid growth. She said the Commission needs an understanding of the County's growth plans in order to make informed case decisions. The County acknowledges citizens are concerned about growth, but has not taken steps to address the issue. The Executive Summary should recognize that citizens want controlled growth and acknowledge that the County will act to slow growth.

Mr. Poole agreed that the County's effort to address growth should be included in the Executive Summary.

Mr. Krapf stated that the emotional tone of growth-slowing language in the Executive Summary is inappropriate for the Comprehensive Plan.

Mr. Billups stated that the emotions should not be taken out of a people-centered document like the Comprehensive Plan.

Mr. Peck stated that citizens want the County to make choices to further the value statements expressed in the Executive Summary. "What are you going to do about growth?" is the primary citizen concern.

Mr. Henderson stated that he could not reconcile the emotional statements being suggested with wanting to put a build-out number in the Executive Summary.

Ms. Rosario stated that the County has been a growth management leader in the State. She said that staff has proposed questions and options for growth management, including land use cases, densities, and development type choices. Staff has listened to Steering Committee and Commission voices and attempted to make changes. Growth management is limited by State Code and by the will of the citizens and decision makers.

Mr. Kratter stated that the citizens' will was expressed but unheard by the County. She said that the Comprehensive Plan process should include acting on citizen commentary. She stated that the Comprehensive Plan should express citizen wants. She said 83% of survey respondents felt that the County was being developed too fast. That number reflects the citizens' impressions that the County is not doing enough to moderate the pace of growth. The Comprehensive Plan does not provide a clear direction in relation to the 83% of the community that wish to slow growth.

Ms. Rosario asked if the lack of direction resulted from Staff-presented material or document organization from the Steering Committee's and Planning Commission's choices.

Ms. Kratter stated the presentation of material has not been bold enough in stating the Comprehensive Plan's contents.

Mr. Murphy stated that there are numerous quality of life issues addressed by the Comprehensive Plan that go beyond the scope of previous plans. He said in the past thirty years, the County has tripled its population while remaining a prime living, working, and shopping destination, reflecting the County's fine management of growth that has occurred to date. The County's challenge is to remain vigilant regarding quality-of-life issues. Concerns about growth are often related to concerns about impacts to quality-of-life. He concluded that if impacts have not been stated well enough in the Comprehensive Plan, they could be added.

Mr. Fraley stated that bringing the Comprehensive Plan forward in a focused manner could be accomplished with revisions to the Executive Summary. He said that a section in the Executive Summary should reflect growth management. As long as the Summary is a quality document, the Commission should not worry about its length. Citizens are also concerned about the lack of economic development or commercial growth. Economic development initiatives should pursue high quality, wage-earning, and revenue generating companies and be well diversified. Residential growth will happen so smart and sustainable growth principles must be promoted.

Mr. Peck stated that there were problems with the Comprehensive Plan presentation, rather than the process. The process has been inclusive, but the Commission must make hard decisions and focus the data brought forward by staff.

Ms. Kratter stated there were many good ideas in the Comprehensive Plan, but a concise statement of goals was still required. She said that growth is not inevitable.

Ms. Rosario stated that growth management considerations are discussed extensively in the Land Use section.

Ms. Ellen Cook stated that the growth management section could be brought to the beginning of the Land Use section, after the Introduction and Citizen Commentary.

Mr. Fraley stated that the growth management discussion should be included in the Executive Summary, since it will be read by the most people. Growth, as the main citizen concern over two Comprehensive Plans, should be highlighted in the Summary.

Ms. Leanne Reidenbach stated that staff reviewed the Executive Summary in an attempt to highlight growth management. Eight top citizen concerns from the Citizens' Participation Team (CPT) all incorporated growth strategies. The Impacts of Growth section, the top citizen concern, addresses citizen comments and Comprehensive Plan strategies that reflected responses to their commentary. Under responses to top citizen concerns, the language has been reworked to show growth management as the primary concern of the Comprehensive Plan as a whole. The policies of one section influence the development of other Comprehensive Plan sections. At the conclusion of citizen concerns and responses, a new paragraph further ties growth management through all citizen concerns into growth management strategies already present in the document. These updates tie the CPT's analysis of citizen comments into the draft Comprehensive Plan.

Mr. Fraley stated that the hot topics sections were still spread throughout the entire Comprehensive Plan. He emphasized that having growth management in a single Executive Summary paragraph would allow the Commission to refine the entire Comprehensive Plan and bring the sections together in one place.

Mr. Peck stated that growth management solutions can only be found midway through the existing Comprehensive Plan. In the Executive Summary, he said too much time is spent on process and the CPT hot topics instead of enumerating growth solutions. He said the Summary should illustrate the problems the County faces and present a picture of what the County looks like now and how it has changed since 2003. He said the development of New Town is an example of the County's rapid growth. There should also be illustrations of where future growth is likely to occur.

Ms. Kratter stated that controlling growth should be an upfront recognition in the Executive Summary. She said it should be clear that the Commission hears 83% of survey respondents. She noted the lack of vision and growth management in her first reading of the Comprehensive Plan. She said she is personally willing to rework the Summary language.

Mr. Fraley stated that staff should try reworking the growth management section of the Executive Summary and then bring it before the entire Commission on September 30th. The growth management strategies are already contained within the Comprehensive Plan.

Mr. Henderson stated that rather than controlling growth, the Executive Summary should discuss achieving the vision. He said growth should be encouraged in some areas and discouraged in other areas. Growth should be representative of the County's value statements.

Mr. Fraley stated that growth will occur, but should be smart and sustainable, including higher densities inside the PSA.

Mr. Murphy stated that staff was being asked to write a document with two different tones, and requested additional clarification from the Commission.

Ms. Kratter stated her emphasis was working from citizen commentary. She said citizens do not want another development boom similar to the past few years. Citizens have asked the County for controlled growth, not smart or sustainable growth. Deliberate restricted growth would be more acceptable to the citizens.

Mr. Fraley stated he did not see how the County can restrict growth. He said promoting smart and safe growth was the Comprehensive Plan vision statement.

Mr. Krapf suggested that Staff should rework the existing responses to citizen concerns into a two page growth management document, including growth concerns and management strategies in the Comprehensive Plan.

Mr. Billups stated the Comprehensive Plan must have controls to ensure any vision of the future County. Thousands of new units have been approved but not built. He asked if growth management begins after the construction of those new units. There will always be development pressures beyond the County's control. Tourism is also beyond the County's control, as well as future military realignments. He asked which practical decisions would control growth, and if the Commission is in a position to make those types of decisions. Public comments do not always reflect the development process.

Mr. Peck stated a vision is needed to establish regulations and controls. He said there are costs for every restriction, including compliance or depreciation. It is appropriate for the Commission to have a vision and recognize areas where additional restrictions are needed. A context is needed for restrictions.

Mr. Fraley stated the Comprehensive Plan sets the tone for a Zoning Ordinance review and rewrite. Growth can and will occur by-right under the ordinance.

Mr. Krapf stated staff has agreed to draft two pages in the Executive Summary addressing citizen concerns about growth and growth management plans.

Mr. Peck stated residential growth versus economic development growth should be addressed in the Executive Summary.

Mr. Fraley stated the two-page summary should replace the eight Hot Topics spread throughout the plan.

Mr. Krapf stated that dismissing the eight Hot Topics would override citizen comments from the CPT.

Mr. Poole stated both approaches can be used for reinforcement.

Mr. Peck stated that the Executive Summary can reference the Hot Topics within the document.

Mr. Henderson stated that sustainability should not be segregated within the Comprehensive Plan. Sustainability should be a subsection for each Hot Topic.

Ms. Kratter stated the first section should discuss the purpose of the Comprehensive Plan, then vision, then growth management, citizen concerns on growth, and illustrating growth management tools throughout the plan, before finally moving into sustainability.

Mr. Peck stated that the issue should be framed by mentioning the growth that has occurred in the County since the previous Comprehensive Plan. The Executive Summary should assure citizens that the County is aware of their concerns over rapid growth and is taking appropriate actions.

Mr. Hicks stated that County improvements and accomplishments should be in the Executive Summary, along with challenges. He said the County is in part a victim of its own success by being such an attractive community, and that the Comprehensive Plan should not simply be a listing of every County shortcoming, but should also include many successes as well.

Mr. Fraley agreed that the Executive Summary should not come across as negative. He said it is not fair for the Commission to try and keep others out. Challenges should be addressed in ways that positively engage citizens.

Mr. Peck stated that mentioning the use of the PSA as a growth management tool, new schools, and community character corridors were positives for the Executive Summary.

Moving on to the next agenda item, Ms. Kratter stated that the wording 'consider' for the cumulative impact policies should be changed to something like 'report on feasibility,' in order to state concrete reasons why actions can or cannot be taken in the future.

Ms. Rosario stated staff can make that change.

Mr. Fraley stated that he amended the Executive Summary's language to include an emphasis on monitoring the progress of implementing the Comprehensive Plan, replacing the last page. He said there was support among the Commission members for monitoring the Comprehensive Plan, and that Staff has had positive reception to the idea of an annual report from the Commission. He proposed the last page of the Executive Summary be changed to "Implementing and Monitoring the Comprehensive Plan." He asked the Commission to evaluate the proposed language.

Mr. Krapf stated that in the third paragraph of "Implementing and Monitoring the Comprehensive Plan," where the language discusses revised or deleted actions, the changes

described would qualify as amendments to the process.

Mr. Fraley stated that the revisions or deletions would be based on Board directives to remove something from the Comprehensive Plan. He asked staff to carefully review and assess the new language and include what they felt to be accurate in the Executive Summary.

Mr. Fraley stated that on page 4, the word 'vital' should be replaced by 'vibrant.' He said that Staff had previously accepted this wording change.

Mr. Fraley stated that at the previous meeting, four of the six Commissioners present supported the Comprehensive Plan having an amendment process. He wrote language proposing a framework for that process. He said there are three scenarios under which the Comprehensive Plan could be amended, and that no amendments would be accepted during the first year. The proposal discusses what type of amendments can be accepted, and who can bring them forward. The Board can ask for amendments at any time. Amendments should "promote health, safety, and general welfare of the County" and be "consistent with stated goals of the Comprehensive Plan" and "consistent with future Land Use elements." There are multiple proposals for Land Use change amendments. Amendments would be an annual process where applicants pay fees and work with Planning Staff. Staff would then prepare and present reports for the Commission, which would recommend approvals or denials to the Board.

Mr. Krapf stated he was against the amendment process. He said the amendment process adds clutter to an already huge agenda of action items and detracts from their implementation. The Comprehensive Plan is a general guideline and annual amendments would be cumbersome. A five-year review updates the document without bogging down Staff and the Commission.

Mr. Poole stated he had not studied the amendment process in detail, and that the subject should be discussed at a future meeting. He said a five-year amendment process saves the County from possible political whims or knee-jerk reactions that a one-year amendment process could create. The Comprehensive Plan is more of a strategic guide than a specifically prescribing document.

Mr. Krapf stated that the amendment process will be discussed at the September 30<sup>th</sup> special public hearing.

Mr. Billups stated that he was more interested in the right to amend the Comprehensive Plan than actually amending the document. He said most of the pressure for amendments will come from outside forces and the County may be required to comply. All amendments to the Comprehensive Plan should require justification.

Ms. Kratter stated that although she believes the Comprehensive Plan should not be amended on a yearly basis, if the majority of the Commission members elect to have annual amendments, she would support a narrow approach to the amendment process, such as in cases of changing regulatory requirements at the State or Federal level, or Board-approved studies. Minor errors will be dealt with as the Comprehensive Plan is implemented or updated every five years.

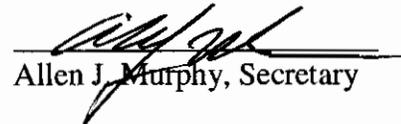
Mr. Peck stated that yearly amendments should be on an exception-only basis. He said language could accidentally be included in the Comprehensive Plan that was in direct violation of County standards. A yearly process would allow Board studies to be included in the Comprehensive Plan. The flexibility to allow annual amendments decreases long-term work by preventing items from piling up.

Mr. Henderson stated that he supported the most open amendment process available. He said he would support even fewer restrictions for the amendment process.

4. ADJOURNMENT

Mr. Krapf continued the meeting until 6:30 p.m. on September 30, 2009 for the Planning Commission special public hearing.

  
Rich Krapf, Chairman

  
Allen J. Murphy, Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 10/25/1976

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The following minutes for the Planning Commission of James City County dated 10/25/1976 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 10/25/1976, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 10/25/1976.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

8  
11-23-76

A SPECIAL JOINT MEETING OF THE JAMES CITY COUNTY, WILLIAMSBURG AND YORK COUNTY PLANNING COMMISSIONS, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA ON THE TWENTY-FIFTH DAY OF OCTOBER, NINETEEN HUNDRED AND SEVENTY-SIX.

1. ROLL CALL

Mr. W. J. Scruggs, James City County  
Mr. Bill Maner, Williamsburg  
Mr. Bill Maddox, York County  
Mr. Thomas Brummer, York County  
Mr. Maywood Wilson, York County  
Mr. Stephen Turner, James City County  
Mr. Gerald Mephram, James City County  
Mr. John Hodges, Williamsburg  
Mr. Melvin Bryant, James City County  
Mr. Harlin Eaton, Williamsburg

OTHERS:

Mr. Charles Quittmeyer, PAC  
Mr. George Wright, PAC  
Mr. Gene Marlin, PAC  
Mr. Gary Varga, Talbert, Cox, Associates  
Mr. Jim Bland, Va. Division of Aeronautics

STAFF:

Mr. William F. Brown, James City County  
Mr. Bill Mettler, Williamsburg  
Mr. Marshal Findley, York County

2. DISCUSSION

Mr. Jack Scruggs, moderator, introduced the members present and opened the meeting for discussion.

Mr. Charles Quittmeyer, James City County, discussed the genesis of the study. A Williamsburg area airport was first recommended in a state study. Based on this recommendation, consultants were hired to make the Williamsburg Area Airport Site Selection Report.

Mr. William Brown stated that the impact of noise created at the various sites should be investigated.

Mr. Bill Maner questioned the need for another airport.

Mr. Bill Maddox pointed out that the Patrick Henry Master Plan (on Table B-7, Phase I, p. B-20) noted that the demand curve became exponential curve after 1970. He questioned the reason for the expected changes in demand.

Mr. Stephen Turner asked what type of airport was actually planned for the Williamsburg area.

Mr. Quittmeyer in response to Mr. Turner's question explained that the new airport would have runways of 3,500 to 4,000 feet in length. No jets or commercial aircraft would be permitted.

Mr. Bill Maddox stated that all documents should be airtight and concise. This is not now the case. Forecasts are not substantiated. The confidence level of the people toward the report is low. There are too many questions unanswered. Mr. Maddox does not accept the opinions voiced in the report and does not feel the report is of sufficient quality.

Mr. Scruggs stated that the study should be reviewed with regards to the new input of public opinion. He agreed that many questions had been raised, but also agreed with the concept of planning ahead.

Mr. Melvin Bryant stated he would like to know much more about each of the 7 final sites.

Mr. Gerald Mepham said that the figures in the report do not seem consistent to him. He stated that he may not be in favor of any new airport.

Mr. Jack Scruggs said that it seems the Airport Commission has already decided that the need for a new airport exists and all that they desire is some inputs on the site.

Mr. Maddox questioned the state report which recommended the new airport.

Mr. Jim Bland said that drafts and summaries of the state report are available.

Mr. Maner questioned why sites beyond the Peninsula Airport Commission boundaries were not more carefully considered. He does not feel there is sufficient data to make a decision on an airport site.

Mr. Bryant asked about the steps to be followed with regards to the airport site selection.

Mr. Wright stated next September had been established as a date for a final decision by the various member bodies to amend the Patrick Henry Master Plan. The proposed amendments are based on the Virginia study which classified Patrick Henry as a carrier airport and Jamestown Airport as a local service airport. The study also recommended the proposed Williamsburg Regional Airport. The Airport Commission would like to have 1 or 2 sites recommended for the new airport.

Mr. Quittmeyer said that by a 7 to 2 vote the Airport Commission had rejected tabling the report and had thus committed itself to proceed.

Mr. Turner questioned the \$30,000 spent on the consultant's report.

Mr. Varga stated that the consultant's efforts would go beyond the preparation of the report, through the site selection, and preparation of the Environmental Impact Statement.

Mr. Mettler stated that his personal position and the City's concern was that the location not be near Williamsburg. He is also concerned about the effects of an airport on the area around any site.

Mr. Stephen Turner was concerned about the lack of local input into the development of the report. He was very critical of the lack of consideration shown the James City County Comprehensive Plan and Zoning Ordinance. Much information was available that was obviously not used in the study.

Mr. Wright stated that in his opinion the local governments had vetoes over sites in their jurisdictions by refusing to approve Patrick Henry Master Plan amendments.

Mr. Scruggs said that he is not sold on the need for a new airport. The need has not been proven by the figures, but even if there is a need the sites presented are unacceptable. Mr. Scruggs offered the following recommendations:

1. The Peninsula Airport Commission should acquire the existing Jamestown/Williamsburg Airport.
2. The Peninsula Airport Commission should select a site for a new general aviation airport.
3. Site 11 and the airport at West Point should receive the major consideration for a new airport.
4. Phase I of the Airport Study should be revised to reflect new inputs from the localities.
5. The Jamestown/Williamsburg Airport should be phased out of use when the new airport is constructed.
6. The Jamestown/Williamsburg Airport should be sold for nonairport development.

Mr. Wilson of York County said that he had no position to recommend for James City County or Williamsburg. He said he is not convinced of the need for the airport. York County has lost much land to government uses and is not prepared to support any site in York County.

Mr. Maddox, also of York County, emphasized that York County would not accept any site in the County.

Mr. Bryant stated he is opposed to site 11 because it is 16 miles from Williamsburg.

Mr. Brummer felt that a delay should be requested for further study of the report.

Mr. Mettler suggested that a second meeting should be held to unify the response to the report.

3. ADJOURNMENT

Upon a motion by Mr. Mepham, seconded by Mr. Brummer, the Joint Meeting of the James City County, Williamsburg and York County Planning Commissions was adjourned.

  
\_\_\_\_\_  
William F. Brown  
Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 11/11/1990

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The following minutes for the Planning Commission of James City County dated 11/11/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 11/11/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 11/11/1990.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED AND NINETY, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Mr. John F. Hagee  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. R. Patrick Friel, Senior Planner

2. MINUTES

The Minutes of October 9, 1990 Planning Commission were approved as presented.

3. AWARDS PRESENTATION

Mr. Kuras presented a Planning Commission Award of Excellence Resolution to Larry T. and Jean T. Waltrip for the new terminal building at the airport.

4. COMMITTEE REPORTS

The Development Review Committee Report was approved as presented.

5. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING

Mr. Friel presented the staff report (appended) stating that staff concurred with the applicant's request for deferral to allow time for staff to receive and review VDOT comments on the traffic analysis.

Mr. Garrett asked if the Commission was still in agreement to maintain Rt. 199 as a limited access highway. The consensus was "aye".

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

6. Case No. Z-12-90 and SUP-48-90. OLD DOMINION FRENCH WINERY COMPLEX

Mr. Murphy presented the staff report (appended) stating that staff concurred with the applicant's request for deferral of these cases in order to address VDOT comments on the traffic analysis for this project.

Mr. Garrett asked Mr. Murphy if time shares are considered a residential use and Mr. Murphy stated they were. Mr. Garrett asked staff to compare our regulations concerning timeshares with the regulations of other jurisdictions. Mr. Kuras agreed with this request.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

7. CASE NO. SUP-38-90. HANKINS MINING

Mr. Friel presented the staff report (appended) stating that the applicant requests further deferral of this project in order to allow time to address staff concerns and environmental impacts of the proposal.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

8. CASE NO. ZO-16-90. ZONING ORDINANCE AMENDMENT/MANUFACTURE OF WINE

Mr. Murphy presented the staff report (appended) for a Zoning Ordinance amendment to add the manufacture of wine to the permitted uses in the M-1 and M-2 industrial districts. Mr. Murphy stated that staff recommends approval of this amendment.

Ms. Knudson asked how the Williamsburg Winery's growth of grapes differs from the Old Dominion Winery. Mr. Sowers stated that the Williamsburg Winery is considered an agricultural use since it is located on a farm and grows a substantial amount of grapes on-site, while the Old Dominion Winery would get most of their grapes off-site and would be an industrial production facility in a business area.

Mr. Kuras opened the public hearing. There were no speakers and the public hearing was closed.

Mr. Bradshaw made a motion, seconded by Mr. Hagee, to recommend approval of Case No. ZO-16-90. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Betzner Kuras (9). NAY: Knudson (1).

9. CASE NO. AFD-2-86. CROAKER AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) to add property to the previously approved Croaker AFD. The property is located along Riverview Road and Saddletown Road near the entrance to York River State Park. Mr. Friel stated that staff and the AFD Advisory Committee recommended approval of the proposed addition.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Ms. Lowe, to recommend approval of Case No. AFD-2-86. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Kuras (10).

10. CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) to remove 4.82 acres from the Mill Creek AFD. The property is located at 2404 Forge Road. Mr. Friel explained that the applicant verbally stated his intent to withdraw his property prior to renewal of the district in October, 1990. However, the applicant did not submit his written request on time as instructed to do so in a letter from the Planning Department. Mr. Friel stated that staff feels that this request met the adopted Board of Supervisors criteria and staff and the AFD Advisory Committee recommended approval of this withdrawal.

Ms. Lowe stated that the written request for withdrawal should have been submitted on time.

Mr. Kuras opened the public hearing. There were no speakers and the public hearing was closed.

Mr. Garrett stated that ignorance was no excuse and should not be used when applying the criteria to this case.

Mr. Sowers stated that the Board adopted withdrawal criteria which also allows consideration of other factors the Board deems appropriate. In this case, staff feels verbal notice received from the applicant is a valid consideration.

Ms. McKenna made a motion, seconded by Mr. Hagee, to recommend approval of the request for withdrawal of property in Case No. AFD-7-86. The motion passed: AYE: Bradshaw, McKenna, Hagee, Gussman, Knudson, Betzner, Kuras (7). NAY: Garrett, Lowe, Davis (3).

II. CASE NO. SUP-45-90. VIRGINIA NATURAL GAS PIPELINE

Mr. Friel presented the staff report (appended) for a special use permit to construct a 16 inch natural gas transmission main through the County. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Sowers distributed a letter from Bryan Bradish, Newport News Waterworks, expressing their concern about the proposed pipeline crossing the Little Creek Reservoir. Mr. Sowers also distributed a letter from Kad Raman with Virginia Natural Gas. This letter was in response to a letter to members of the Planning Commission from a group of homeowners in the Lake Toano subdivision.

Mr. Kuras asked Mr. Rogers if it was necessary for VNG to acquire easements and further asked if VNG has the right of condemnation. Mr. Rogers said that VNG has the right of condemnation.

Mr. Hagee asked why VNG is exempt from the Chesapeake Bay Act. Mr. Sowers said there is a State Code provision allowing this.

Mr. Kuras opened the public hearing.

Mr. Walter Witt, attorney for VNG, stated the pipeline is substantially in accordance with the Comprehensive Plan. He stated the name of the parent company of VNG, and gave a brief history of the company. He stated approximately 12.26 miles of the pipeline would be located in James City County. There are currently two natural gas pipelines in the County, but they are at capacity. He stated the pipeline will follow the Virginia Power right-of-way for approximately 10.2 miles. Mr. Witt stated VNG received authorization for the pipeline from the State Corporation Commission, Army Corps of Engineers and V.M.R.C. He stated that VNG conducted a workshop on November 7 with concerned citizens. Mr. Witt said he reviewed the staff report and found the conditions acceptable.

Ms. Lowe asked why an additional 25 foot construction easement is needed. Mr. Art Rainey, Brown and Root consulting engineers, stated that the 25 foot construction easement is necessary to accommodate the equipment utilized in the construction of the pipeline. He stated the 25 foot temporary easement is a construction easement. The permanent easement is 50 foot in width.

Mr. Garrett asked if VNG provided the only natural gas available to James City County. Mr. Kad Raman, Engineering Manager, replied that VNG is the only gas company authorized by the State Corporation Commission to serve James City County.

Mr. Garrett asked the number of people to be served via the pipeline, percent of households that have natural gas now, and future access to natural gas after the construction of the proposed main. Mr. Steve Stolen, VNG Manager, stated that 2,500 James City County customers along the Rt. 60 corridor have natural gas now. He did not have information on the number of homes along the proposed route. Mr. Garrett was concerned that the three pipelines in James City County only serve 2,500 people. Mr. Garrett was concerned that the pipeline runs through James City County and would serve only a few customers. Mr. Garrett felt that if the proposed main was approved VNG should be able to serve more people in James City County. Mr. Garrett stated that he is in favor of what VNG is proposing to do, but they are not serving James City County.

Mr. Rainey stated that the State Corporation Commission wants VNG to stay as close as possible to the established utility corridor. He stated that the proposed pipe would cross the Lake Toano subdivision in a manner to avoid existing homes. Mr. Betzner expressed concerns about construction across the Little Creek Reservoir and asked how this would be accomplished. Mr. Rainey explained the process of burying the pipeline under the lake. Mr. Betzner asked how VNG would protect against construction breaks in the pipeline. Mr. Rainey replied that during construction the pipeline is hydrostatically tested to make sure it is secure, and constructed in such a manner that maintenance of the pipeline would be completed from above and not under water.

Mr. Rogers stated the Commission has the opportunity to accept or reject this proposal.

Ms. Lowe asked about the line's snake-like configuration and its bearing on safety and load capacity. Mr. Rainey stated that it was possible to build the pipeline in segments without harming the structural integrity or reliability of the proposed pipeline.

Mr. Kuras asked how the Lake Toano area could acquire natural gas service. Mr. Raman stated that they would need to apply to the district office. Mr. Stolen stated that VNG could place taps along the pipeline to serve the community if a suitable service base is present.

Mr. Kuras asked the source of the natural gas. Mr. Stolen stated that the natural gas will come from existing gas reserves in the north and midwest.

Ms. Lowe asked about condition #4 in the staff report. Mr. Friel stated that the threshold was placed at one acre or less because the removal of trees on larger parcels of property would have less of an impact than trees removed on parcels less than one acre in size.

Mr. Kuras opened the public hearing.

Mr. John Joyce, Lake Toano Civic Association, stated concerns about the Association not being able to utilize the recreation area to build a picnic shelter or swimming pool. He stated they would be prohibited from construction of these amenities within the VNG easement. He stated the pipeline will impact visually and economically on the homeowners. He also stated concerns about trees being removed within the 75 foot along the entire stretch of the pipeline.

Mr. Witt said nothing can grow on the permanent 50 foot easement and trees could be planted in the 25 foot temporary easement.

Mr. Jeffrey Barra, 102 Warren's Pond, stated that his property is next to the pipeline's "dog leg". He stated that he was originally told that 25 feet was needed for the easement, but was presented with an agreement for a 50 foot permanent easement and a 25 foot temporary easement. He stated that he felt the additional space is for future pipelines. He objected to VNG getting construction use of his land and not providing service to the area. He stated the impact of the pipeline would be much more dramatic than VNG has presented. He stated that it is inappropriate for the Commission to approve the SUP.

Mr. William Keith Nunn, of Norge, agreed with Mr. Barra's comments including the statement that VNG will probably put in more than one pipeline. He stated the VNG will take six acres of his land for the pipeline. He stated that he would not be able to utilize the 50 foot easement for agricultural purposes. Mr. Witt stated that within the 50 foot easement crops can be raised, fields plowed, but large trees cannot be planted.

Ms. Cindy Perry, 100 Warren's Pond Road, stated that her property will be destroyed, and she was not contacted about the easement. She stated that VNG should be required to follow the Virginia Power right-of-way.

Ms. Tina Backes states that her property has water and power lines through it and this is a detriment to her property. She stated the removal of trees in such a large easement will cause excessive erosion.

Mr. Ramen explained the location and source of the other two pipelines which serve James City County. Mr. Rainey stated that the pipeline in James City County would carry 360psi, but is designed to carry 1,250psi. He stated that Virginia Power will examine the possibility of locating the pipeline within the Virginia Power right-of-way. He stated that VNG may be able to place the pipeline within this right-of-way for short distances.

There being no further speakers, the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. McKenna to defer action on Case No. SUP-45-90 until the December 11 meeting pending additional information and evaluation from VNG regarding the location of the pipeline in the existing Virginia Power right-of-way so as to minimize tree destruction and additional right-of-way acquisition and additional information from staff regarding County policy on location of utilities outside the PSA.

Ms. Gussman requested that a definitive response come from Newport News Waterworks regarding the pipeline and their conditions on the pipeline in and out of the PSA.

Mr. Kuras stated his concerns on condition #12 contained in the staff report. He stated that natural gas is a low cost utility and every effort should be made to connect households to the pipeline.

12. CASE NO. SUP-46-90. WILLIAMSBURG FARMS, INC.

Mr. Friel presented the staff report (appended) for a special use permit to allow an inn and restaurant on 292.37 acres located at 2638 Lake Powell Road. Previous special use permits for this project have expired. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Kuras opened the public hearing.

Mr. John Hopke, applicant, gave a brief history of the project. He stated that he is the new architect for Williamsburg Farms. Mr. Hopke requested a deferral of this

case in order to have a traffic study completed in connection with staff's condition #2 in the staff report.

Upon a motion by Mr. Kuras, seconded by Ms. Knudson, the Commission deferred action and continued the public hearing on Case No. SUP-46-90 until the December 11 meeting.

13. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Director's Report (appended).

14. SETTING OF FUTURE MEETING DATES

Mr. Sowers stated that the Commission may need to hold two meetings in December because of the lengthy agenda. Staff was requested to set a second meeting on December 13 if needed. The regular meeting on December 11 was set for 7:00 p.m. rather than 7:30 p.m.

15. MATTERS OF SPECIAL PRIVILEGE

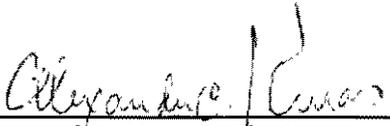
Mr. Sowers announced that the Norge Civic Association will have a meeting on November 27 at 7:30 p.m. in Norge Hall to discuss the proposed Magnolia Mall.

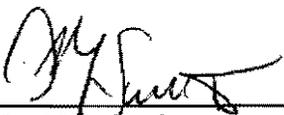
Mr. Sowers notified the Commission that another field trip is scheduled for November 27 at 3:00 to tour the Magnolia Mall site.

Mr. Sowers announced that a second regional forum meeting with the City of Williamsburg and York County will be held on December 14 at 1:00 in the Williamsburg Library. Both the Planning Commission and Board of Supervisors are invited. Topics of discussion will be land use and traffic issues.

16. ADJOURNMENT

There being no further business, the November 13, 1990 Planning Commission meeting was adjourned at 9:25 p.m.

  
\_\_\_\_\_  
Alexander Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 12/06/2004

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The following minutes for the Planning Commission of James City County dated 12/06/2004 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 12/06/2004, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 12/06/2004.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

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

1. ROLL CALL

A. Joe Poole, III  
Joe McCleary  
Donald Hunt  
Jack Fraley  
Wilford Kale  
George Billups

ALSO PRESENT

John Horne, Development Manager  
Mike Drewry, Assistant County Attorney  
Marvin Sowers, Planning Director  
Christopher Johnson, Senior Planner  
Karen Drake, Senior Planner  
Matt Arcieri, Planner  
Pat Foltz, Development Management Assistant

Mr. Poole gave a short presentation honoring the service of Planning Commissioner Ms. Peggy Wildman and presented her with a plaque.

2. MINUTES FOR NOVEMBER 1

Mr. McCleary noted that the address for Mr. David Fuss should be noted as “Chelmsford” way.

Mr. Fraley noted a typographical error in the minutes on page nine.

Mr. Poole suggested a change from “stressed” to “stated” in his comments on the Baylands case.

Mr. McCleary moved approval of the minutes as amended.

Mr. Fraley seconded the motion.

The commission approved the minutes for the November meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary presented the DRC report. The DRC heard six cases at its December 1<sup>st</sup> meeting. The DRC recommended approval subject to agency comments for the following cases: SP-110-04. Christian Life Center Expansion, Phase 1, S-80-04. Williamsburg Winery, SP-121-04. Williamsburg Crossing, Parcel 23, SP-127-04. New Town, Phase One Retail. The DRC recommended deferral for S-091-04, Marywood Subdivision. Additionally, the DRC found C-128-04. Greensprings Trailhead Parking in accordance with the Comprehensive Plan.

Mr. Kale moved approval of the DRC report.

Mr. Hunt seconded the motion.

The commission approved the DRC report for the November meeting with a unanimous voice vote.

#### B. OTHER COMMITTEE REPORTS

Mr. Kale delivered a short presentation summarizing the recent meeting of the Policy Committee. The Policy Committee discussed two ordinance amendments affecting New Town, specifically the provision to allow fast food restaurants and to permit accessory apartments in residential dwellings. Mr. Kale stated that the Policy Committee would meet again with Mr. John McCann of New Town Associates to discuss these issues next month.

#### 4. PUBLIC HEARINGS

##### A. CASE NO. SUP-23-04 Action Park of Williamsburg

Mr. Arcieri delivered the withdrawal request. Mr. Bob Miller of Action Park requested withdrawal of his special use permit application. Staff concurred with the applicant's request.

Mr. Poole opened the public hearing.

Seeing no other speakers, Mr. Poole closed the public hearing and accepted the application's withdrawal.

##### B. CASE NO. Z-10-04 112 Ingram Road Rezoning

Mr. Arcieri delivered the indefinite deferral request. Mr. Scott Evans of Scott Evans, Inc. requested the Planning Commission indefinitely defer the case. Staff concurred with the applicant's request.

Mr. Poole credited the applicant for working with the County on this case.

Mr. Poole indefinitely deferred the case.

##### C. CASE NO. Z-06-04/MP-06-04 Lightfoot Mixed Use Area

Ms. Karen Drake presented the staff report. Mr. Richard Costello of AES Consulting Engineers, on behalf of Noland Properties, applied for a rezoning of 53.24 acres located at 6601 Richmond Road from B-1, General Business with Proffers, to MU,

Mixed Use. The parcel is further identified as parcel (1-35) on James City County Tax Map (24-3). The plan proposes a mix of uses including a maximum of 144,800 square feet of commercial space on 13.5 acres along Richmond Road and a maximum of 244 multi-family residential units on the remaining 38.5 acres with a gross residential density of 6.3 units per acre. Staff recommends approval.

Mr. McCleary asked if the housing units will be “for sale” or “for rent.”

Ms. Drake affirmed that the units would be for sale.

Mr. McCleary asked if there were any limitations to keep someone from buying one and renting it out.

Ms. Drake confirmed that plan included provisions to control rental of units.

Mr. McCleary asked if the development would be seen as an improvement over the surrounding area.

Ms. Drake deferred to the applicant.

Mr. McCleary questioned the workings of the conceptual plan review proffer and asked when a conceptual plan would be submitted to for review.

Ms. Drake presented the commission with a sketch of the proposed development and confirmed that future conceptual plans connected to the case would be presented to the director of planning.

Mr. McCleary asked if the buffers would connect to each other.

Mr. Billups asked why James City Service Authority had not approved the plan.

A discussion ensued as to the process for review and potential future steps.

Mr. Poole opened the public hearing.

Mr. Rich Costello, the applicant, introduced himself, gave a short presentation on the application, and made himself and other members of the development team available for questions.

Mr. Vernon Geddy gave a short presentation as to the details of the plan and made himself available for questions.

Mr. Kale questioned the plan in terms of only having one entrance and asked the applicant if they had held discussions with others involving more than one entrance.

Mr. Geddy pointed to potential access easements reserved within the plan but pointed to the lack of feasible options at this time.

Mr. Costello stated that the single entrance located on four-lane divided road.

Mr. Kale asked about the internal traffic patterns approaching the access and if Mr. Costello had considered or tried to negotiate an additional entrance.

Mr. Poole stated that he believed the Noland Company would retain ownership over the commercial site and turn over the residential portion to a homeowners' association or similar body.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mr. Kale stated that he believed the current plan is much improved and that, while he disagreed with adding more schoolchildren, he believed there were enough advantages to outweigh that concern. He urged Noland to pursue an alternate emergency vehicle access but stated his support for the plan.

Mr. Fraley stated that his concerns for this application had been addressed and that he supported the application and the benefits the project would bring.

Mr. Hunt stated his support for the application.

Mr. Poole stated that he was eager to see the redevelopment of the site but that he was not prepared to support the application due to the high ratio of residential development.

Mr. Billups stated his concerns over the 70% buildout required to trigger the future traffic study. He asked if the term "borderline" could be further clarified, if more information could be provided on water issues, and if the school redistricting could be realistically projected by the Planning Commission.

Mr. Fraley pointed out that the application passes the Adequate Public Facilities test for elementary schools and that he did not share any of the objections based on the information provided.

Mr. Billups asked where water issues connected to the case would be further examined.

Mr. McCleary stated that the DRC would review this plan for compliance with zoning and agency requirements.

Mr. Sowers stated that issues such as fire flow and pressure would be examined as part of the site plan review process.

Mr. Fraley stated that he was pleased with the clarification given to the traffic numbers and asked Mr. Costello to clarify some of the questions presented.

Mr. Costello stated that, while no final drawings had been completed, he was sure that adequate fire flow was available to protect the buildings. As for traffic, Mr. Costello stated that, when 70% of the development has been permitted, a traffic study would be completed to verify the need for further improvements.

Mr. Hunt stated that the current signal location of Richmond Road would ensure regular intervals for access onto the road, thus not requiring a new signal.

Mr. Costello stated that the County did have the ability to require a signal addition if the traffic study dictated it.

Mr. Hunt moved approval of the application.

Mr. Fraley seconded the motion.

The Planning Commission recommended approval of the application by a vote of 5-1: AYE (5) McCleary, Fraley, Hunt, Kale, Billups. NO (1) – Poole.

D. CASE NO. Z-12-04/SUP-29-04 JCSEA, Cardinal Acres Duplex

Mr. Johnson presented the staff report. Mr. Mike Putt applied for a rezoning and special use permit for 0.46 acres of land located at 1899 Jamestown Road. The parcel is to be rezoned from R-8, Rural Residential, to R-2, General Residential with proffers. The parcel is further identified as parcel (1-3) on James City County Tax Map (46-1). The application proposes a two-family dwelling. Staff recommended approval of the case.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Hunt moved approval of the case.

Mr. Kale seconded the motion.

Mr. McCleary credited the applicant for his use of in-fill property.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

E. CASE NO. SUP-27-04 Williamsburg Community Chapel Expansion

Mr. Johnson presented the staff report. Mr. John A. Rhebergen of Gossen Livingston Associates, Inc., applied for a special use permit to expand the church currently located at 3899 John Tyler Highway. The parcel is further identified as parcel (1-2A) on James City County Tax Map (46-1). Staff recommended approval of the case.

Mr. McCleary recommended that the DRC not receive the site plan due to their previous review of the first site plan.

Mr. Poole asked Mr. Johnson as to how the expansion would affect the surrounding land uses.

Mr. Johnson deferred to the applicant on the matter.

Mr. Kale remarked that the traffic plan presented would present a unique problem to drivers and requested a way to clarify traffic flow at the “right in right out” parking lot.

Mr. Johnson stated that the issue would be best addressed during the site plan process but that there were many ways to make left turns prohibitive from a site design standpoint.

Mr. McCleary added that safety and environment were the two main issues concerning the DRC.

Mr. Poole opened the public hearing.

Mr. David Otey of the Williamsburg Community Chapel stated that the church would hold Sunday school classes but that there would not be a functioning school on site, in compliance with condition seven.

Mr. Ken Sobsilurgen showed the intended configuration of the parking lot. He also showed sketches of the intended buildings and stated that the major entrance to the facility would be in the rear of the property.

Mr. Poole asked how the design of the building related to the surrounding residential uses.

Mr. Campbell, administrator for the church, stated that the church enjoyed a good relationship with adjacent property owners and that he did not see any evidence that the expansion would adversely impact surrounding uses.

Mr. McCleary added that the side access routes between the church and the school had been added to provide for potential school evacuations.

Mr. Kale moved approval of the application and stated his support for the application.

Mr. McCleary seconded the motion and also stated his support for the application.

Mr. Poole stated that he appreciated the conditions and stated his support for the case.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

F. CASE NO. SUP-30-04 JCSA Riverview Plantation Water System Improvements

Mr. Johnson presented the staff report. Mr. Larry Foster of James City Service Authority applied for a special use permit to allow the installation of approximately 8,000 linear feet of 8-inch water lines to serve Riverview Plantation. The water main would connect to an existing water main at the intersection of Beech Road and Wrenfield Drive in the Wexford Hills subdivision, proceed in a northerly direction along the west side of Newman Road and in an easterly direction along the north side of Riverview Road to the intersection of Greenway Drive and Riverview Plantation Drive in the Riverview Plantation subdivision. Staff recommended approval of the application.

Mr. McCleary asked if extending the water line had been presented as the only alternative.

Mr. Johnson deferred the questions to Mr. Foster, the applicant.

Mr. Larry Foster, the applicant, stated that the aquifer underlying Riverview Plantation was not producing enough water to serve the subdivision. Extending a new water line is the most cost effective alternative to remedy the situation.

Mr. Billups asked if James City County operated the current water system.

Mr. Foster confirmed that JCSA operated the current water system.

Mr. Kale asked if a BOS resolution prohibiting additional hookups would hold up under legal scrutiny.

Mr. Mike Drewry stated that any new development would have to undergo a similar application process and that, while the question would require more research, he believed that a resolution would be legally defensible.

Mr. Sowers added that, in previous instances of extending water lines beyond the Primary Service Area (PSA), applications to connect outside the PSA had been denied by the County.

Mr. Hunt stated that, while adjacent property owners would have the right to develop their properties under the current ordinance, they would not have the right to demand service.

Mr. Kale questioned if recommending approval to the application would encourage future Boards to expand the PSA.

Mr. Foster stated that current water use levels would prevent JCSA from supporting for any large-scale development of the area around Riverside plantation.

Mr. Poole opened the public hearing.

Ms. Nancy MacNelly, 203 Riverview Drive, spoke on behalf of the Riverview Plantation Homeowners Association. She stated that Riverview had been ordered more than once to not use the water due to contamination. Residents contributed to purchase the water system so that it could be dedicated to JCSA and are prepared to also contribute to capital improvements.

Mr. Jerry Long, 8265 Wrenfield Drive, spoke on behalf of the Wexford Hills Homeowners Association and commended Mr. Foster for his work to repair the water situation. He empathized with the Riverview Plantation residents but also stated his concerns for the future of water service as a result of this application.

Ms. Pat Beck, 8251 Wrenfield Drive stated that she and the Wexford Hills directors had been verbally assured that this new water main would not decrease water service or quality. She requested a written statement guaranteeing this eventuality.

Mr. Kale asked Ms. Beck how many lots in Wexford Hills were currently occupied.

Ms. Beck responded that 33 were occupied and that 60 had been sold.

Mr. Albert Beck of 8251 Wrenfield Drive asked if another well would be drilled and expressed his concern for future water quality.

Mr. Rich Costello, 10020 Sycamore Road, verified that no other applications to extend waterlines past the PSA boundary had been successful.

Mr. Poole closed the public hearing.

Mr. Kale asked Mr. Foster if the James City Service Authority had any doubts about this application affecting future water quality.

Mr. Foster affirmed that JCSA could ensure a continued high level of service.

Mr. McCleary stated his support for the application. He moved approval of the application.

Mr. Kale seconded the motion.

Mr. Fraley asked if the County could offer any more guarantees to the residents of Wexford Hills to ensure the quality of their water service.

Mr. Fraley asked if the Board of Directors of the James City Service Authority would ensure the work.

Mr. Billups spoke of the need to continue improving the water system to encompass potential future buildout of the area.

Mr. Poole spoke to the effect of the PSA and stated his support for the application.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

G. CASE NO. Z-3-04 Mixed Use – Accessory Apartments

H. CASE NO. Z-4-04 Mixed Use – Fast Food Restaurants

Mr. Arcieri presented the staff report. Staff is considering changes to the Mixed Use Ordinance to allow fast food restaurants and accessory apartment uses.

The Planning Commission discussed the changes, citing what accessory apartments comprised and in which residential areas they would be most suited.

Mr. Kale related to the Commission the deliberations of the Policy Committee, and recommended that the Planning Commission hold off on action until the Policy Committee had been further briefed on the changes. He suggested the February 4<sup>th</sup> meeting of the Planning Commission as an appropriate time to re-consider the amendments.

The Planning Commission approved an initiating resolution for the changes and deferred consideration till its meeting of February 4<sup>th</sup>, 2005.

## 6. PLANNING DIRECTOR'S REPORT

Mr. Sowers delivered the report. He took the opportunity to wish the Planning Commission a Happy Holiday season.

7. ADJOURNMENT

There being no further business, the December 6, 2004, meeting of the Planning Commission was recessed at approximately 9:30 p.m.

  
A. Joe Poole, III, Chairman

  
O. Maryin Sowers, Jr., Secretary



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 12/12/1995

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The following minutes for the Planning Commission of James City County dated 12/12/1995 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 12/12/1995, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 12/12/1995.

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Robin Bledsoe  
Chair

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Paul Holt  
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELFTH DAY OF DECEMBER, NINETEEN HUNDRED AND NINETY FIVE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. John F. Hagee  
Mr. Donald C. Hunt  
Ms. Willafay McKenna  
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Planning Director  
Mr. John T.P. Horne, Manager of Development Management  
Mr. Michael A. Freda, Senior Planner  
Mr. Gary A. Pleskac, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Poole, the Minutes of the November 14, 1995 Planning Commission meeting were approved as presented by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett briefly reviewed the report and stated that the Committee recommended that Case No. MP-3-95, Longhill Road Subdivision, be deferred until the applicant submits a revised Master Plan as a PUD.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-30-95. GOVERNOR'S SHOPPES

Mr. Sowers presented this report (appended) and stated that staff concurs with the applicant's request to defer this case until the January 9, 1996 meeting to allow time for VDOT comments to be received and reviewed.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued until the January 9, 1996 meeting.

5. CASE NO. SUP-2-95. WARHILL MASTER PLAN

Mr. Sowers presented this report (appended) and stated that staff concurs with the applicant's request to defer this case until the January 9, 1996 meeting to allow time for the applicant to work with staff in developing proffers and addressing other issues.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued until the January 9, 1996 meeting.

6. CASE NO. Z-15-95, Z-16-95, Z-17-95. SPRINGHILL REZONING & ADDITION

Mr. Sowers presented this report (appended) and stated that because the majority of the property to be rezoned was currently part of the Casey Agricultural and Forestal District (AFD), the applicant has requested, and staff concurs, that the case be withdrawn. The applicant's attorney has indicated that he wishes to apply to remove the parcels to be rezoned from the Casey AFD.

Mr. Kuras opened the public hearing. There being no speakers the case was withdrawn with no further action required by the Planning Commission.

7. CASE NO. SUP-29-95. REGIONAL JAIL COMMUNICATION TOWER

Mr. Michael Freda presented the staff report (appended) for a special use permit to allow the expansion of a tower currently approved for 150 feet in height at the regional jail now under construction off Route 143. Mr. Freda stated that this proposal would extend the tower to 185 feet in height with antenna(s) extending 15 feet above the tower for a total of 200 feet. Mr. Freda further stated that staff recommended approval subject to the conditions outlined in the staff report.

In response to Mr. Everson's inquiry, Mr. Freda explained that there was a Contel tower approximately one mile to the south. He indicated that the tower could not be used and that a tower needed to be placed on the jail property to insure that if the phones became inoperable the tower could be used for backup communication. He further stated that the tower and maintenance building at its base need to be easily accessible in case repairs are needed at the tower.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Mr. Kuras stated that he felt a multi-use tower was an advantage and that the County could expect to see many requests for towers with about six cellular systems that will probably be applying to compete against each other. Mr. Kuras felt that multi-use towers should be stressed as companies will be competing for the best tower site.

Mr. Hagee made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

8. Case No. Z-14-95. James River Commerce Center (M-1 Portion)

Mr. Gary Pleskac presented the staff report (appended) to rezone approximately 209.54 acres from Mixed Use District with proffers to M-1, Limited Business/Industrial District with proffers. Mr. Pleskac stated that staff recommended approval to rezone with the attached proffers.

Mr. Poole stated that he would abstain from any participation on this case because of a conflict of interest.

In response to Ms. McKenna's inquiry, Mr. Pleskac confirmed that a single commercial entrance on U.S. Route 60 would be allowed only with the prior review and approval of the Director of Planning and VDOT. Mr. Sowers stated that this condition was in the previous application approved by the Commission.

Mr. Kuras opened the public hearing.

Mr. Alvin Anderson, the applicant, stated that he was available to answer questions.

There being no further speakers, the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Kuras (6). NAY: (0). ABSTAIN: Poole (1).

9. Case No. Z-19-95. Associated Developers (Mainland Farm)

Mr. Gary Pleskac presented the staff report (appended) to rezone approximately 109 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers, for the purpose of developing single-family residential homes.

Mr. Pleskac distributed copies of a letter from Albert M. White, III, and Frances M. White, to be considered part of the staff report. Also, Mr. Pleskac distributed a map which illustrated the two Mainland Farm zoning cases being presented at this meeting. Further, he stated that Mr. Henry Stephens distributed two letters, one from himself and the other from Mr. and Mrs. White requesting deferral of this case.

Mr. Pleskac stated that in a late development on this day Mr. Stephens indicated that Mr. and Mrs. White wished to meet with staff to discuss master plan issues. Mr. Pleskac further stated that staff concurs with this request and the deferral of this case.

Mr. Kuras opened the public hearing.

Ms. Kathryn Marshall Arnold, a nine year resident of Jamestown 1607 who has served as a member of its Board as President, Vice President and Treasurer, and an adjacent property owner to the Mainland Farm spoke on behalf of her neighbors. Ms. Arnold spoke of the severe drainage problems that have occurred from the planted or unplanted fields of the

Whites' farm. Ms. Arnold stated that they are not opposed to development in the area but ask that the Planning Commission and the developers assure that every measure possible will be taken not to create further drainage problems.

Mr. Henry Stephens, on behalf of the developer, stated that he was available to answer questions, and requested deferral of the case.

There being no further speakers, and with the Commission's concurrence, the public hearing was continued until master plan issues are resolved.

In response to Mr. Everson's inquiry regarding drainage problems that could occur, Mr. Stephens responded that his engineers have studied the site and feel that in the case of Jamestown 1607 the natural drainage areas of the site will guide the water away from 1607.

Mr. Stephens pointed out that today there is more intense review by staff, engineers, and Chesapeake Bay analysis.

In response to Mr. Everson's inquiry regarding intent to proffer or post a bond to guarantee that the drainage is not "goofed," Mr. Stephens responded that he would discuss the matter with his engineers and inform the Commission.

Mr. Kuras commended the developer and the Whites for proposing a master plan for the entire piece of property which will be a benefit to them as much as to the County.

Mr. Kuras stated that the proposed master plan of the entire site should cover drainage, off-site traffic, the protection of internal residents, and also ensure that problems are not dumped off on the County.

In response to a citizen of Drummond's Field regarding compilation and implementation (enforceability) of the master plan, Mr. Sowers stated that discussion will be held with the applicants as to what the master plan will address, and its enforcement.

Mr. George Francis, 104 Halstead Lane, stated that the dry sediment pond with a dam across a creek located behind his property was designed with adequate drainage but the drainage does not work which has created a significant drainage problem. Mr. Francis requested that it be seriously addressed.

Mr. Sowers asked both speakers contact Mr. Pleskac with their concerns.

10. Case No. Z-20-95. Greensprings LLC (Mainland Farm)

Mr. Gary Pleskac presented the staff report (appended) for an application to rezone approximately 17 acres from R-8, Rural Residential, to R-2, General Residential, with proffers, to develop 34 single-family residential homes. Mr. Pleskac stated that staff recommends denial of this application for the reasons stated in the staff report; however, if the reasons for denial are resolved to the satisfaction of staff, staff may reconsider this application and make a favorable recommendation to the Board. The Planning Commission may, however, elect to

hear this case again once the issues for denial, or others that may arise, are addressed to its satisfaction.

Mr. Kuras asked if the right-of-way width of Greensprings Drive was wide enough to bring it up to future state standards.

Mr. Pleskac responded that the way the proffers are written road improvements would be exclusive of the greenbelt buffer. If any additional right-of-way is needed, VDOT requires that some clearing would be necessary and we try to keep it to a minimum.

Mr. Kuras said that whether the County clears now or later we should have sufficient right-of-way to bring the road up to standards, otherwise we would have to buy the right-of-way later.

Mr. Hagee questioned where the future road right-of-way is located.

Mr. Horne stated that there is no provision in the current case to require the dedication of the right-of-way.

Mr. Sowers stated that in order to address Mr. Kuras' concern a proffer could be made at this stage to give us the right-of-way when and if the road needs widening.

Mr. Kuras felt now was the time to acquire the right-of-way in order to avoid problems in the future.

Mr. Hagee asked: if the applicant was willing to proffer a 150' greenbelt from the edge of the future right-of-way, how would we determine where the greenbelt starts and ends.

Mr. Sowers stated that would be determined at the development stage based on survey information and future right-of-way.

In discussion regarding the greenbelt it was determined that 175 feet from the centerline was adequate.

Mr. Kuras opened the public hearing.

Mr. Marshall Findley who represents Greensprings LLC briefly discussed the additional right-of-way to bring Greensprings Road up to minimum State standards, improvements necessary to increase the pavement cross section to minimum State standards, the wetlands study regarding environmental issues raised regarding the Richmond Homes application, investigation of the drainage issues by the County's consulting engineer as well as the developer's engineer, the Whites donation of a significant conservation area which will be owned by the County and be the location of the 12 foot pedestrian/bikeway, the developers' disagreement with the cash proffer for the Route 5 Improvement Proffer Policy, and intent to work with the County on the entrance, and limiting all clearing in the greenbelts to a 60 foot wide area.

Mr. Hagee questioned what the applicant proposed to base the cost of the cash proffer on if not the price of the house.

Mr. Findley responded that the intent of the proffer is to base the cost on the actual value of the house but that he was not the builder and did not know what this would be.

In response to Mr. Everson's inquiry regarding assurance or guarantee that the proposed drainage would work, Mr. Findley responded that he was not an engineer but would rely on professional advice which includes: the developers engineer to prepare the development plans for the subdivision, engineers the County hired to prepare the drainage study, and the County engineering staff.

In response to Mr. Everson's question regarding a performance bond to assure the drainage work, Mr. Findley again commented that there are three sets of engineers involved in the design. He stated that the applicant is required by the County Subdivision Ordinance to post a performance bond covering what has been planned, approved, and actually built. That bond, he said, would not be released until the as-built drawings have been verified by the County.

In response to Mr. Garrett's inquiry regarding 50% of the homeowners use of Route 5, Mr. Findley responded that the other 50% would use Jamestown Road, which Mr. Garrett felt would be as much of a problem as the use of Route 5; and, for this reason did not agree with the proffered cash contribution of 50% times 1% of the value of each home constructed within the project, in accordance with the Route 5 Improvement Proffer Policy. Mr. Garrett questioned if it shouldn't be for 1% for all houses no matter where they go.

Mr. Horne stated that Mr. Findley was doing what was required by the Board of Supervisors (Route 5 only) but the Board may wish to consider Mr. Garrett's suggestion.

Mr. Garrett stated that unless the applicant revised the proffer he would vote against the proposal.

Mr. Hagee questioned why staff was concerned with the proffer if it was consistent with the Board's recommendation.

Mr. Pleskac responded that the problem is because there is no verification of the selling price of the homes or when the payment would be collected.

A discussion followed regarding the appropriate time to collect the payment.

Mr. Findley stated that he would amend the proffer to reflect that payment would be collected at the building permit stage.

In response to Mr. Hagee's inquiry regarding historic resources, Mr. Pleskac stated that the problem involved the historical character of Greensprings Road and allowing an entrance where the tree canopy is on the northern end of Greensprings Road. However, Mr. Pleskac stated that he felt this could be resolved.

Mrs. Frances White of Mainland Farm stated her family's awareness of problems in the Jamestown 1607 area and have used bales of straw to prevent some of the drainage problems discussed. Mrs. White also stated that her family would work with the County to achieve a plan acceptable by all parties. Mrs. White felt that reference to the previous Richmond Homes project should be avoided and that this project should be approached as a separate case as they have worked hard to alleviate the previous problems of two entrances and drainage.

Ms. White asked that this case be considered on its own merits and that they would work with Mr. Stephens and the County staff to present an acceptable master plan for the balance of Mainland Farm.

Mr. Howard McDermott, 2792 John Tyler Highway, did not agree with the 100 year flood plan or the engineers on this project and was concerned that no one had addressed the drainage under Route 5 and the fact that a high school is being built that will drain into the ditch that the beaver pond drains into. Mr. McDermott felt that if development is continued in the Route 5 area, there is major concern regarding flooding and especially cited the Fieldcrest Subdivision.

Mr. George F. Wright, President of the Historic Route 5 Association, stated opposition to piece meal development and rezoning of such a large and prime piece of property without an overall plan for its development. Mr. Wright stated that a master plan should be produced for this project.

Mr. John Hewitt, a Director of the Greater First Colony Civic Association, stated that Mr. Wright's comments also reflect the position of residents of Greater First Colony, and encouraged the Commissioners to look at the benefits of a master plan rather than piece meal development of the property.

There being no further speakers, Mr. Kuras closed the public hearing.

In response to Mr. Garrett's inquiry, Mr. Pleskac stated that outstanding issues to be resolved include a mechanism for the collection of the cash proffer, legal separation of the conservation area, and master plan.

Mr. Sowers stated that the absence of a master plan is a major concern to staff because without one there are no assurances we will not continue to receive requests to piecemeal development similar to this proposal.

Mr. Horne stated that while there is discussion among staff and the developer about a master plan, there is nothing whatsoever, in place, that is binding, nothing that would guarantee that we would not receive another rezoning request for 500 yards down the road, in the tree canopy, for another entrance.

Mr. Garrett made a motion, seconded by Ms. McKenna, to defer this case to the January meeting, stating concern with additional piecemeal development

Following further discussion regarding Mr. Everson's concern for accountability of proper drainage, staff reiterated the importance of correct engineering by the outside engineer, and rigorous review by the County Engineer, followed by thorough County inspections.

In response to a question regarding a possible drainage related proffer, Mr. Horne stated that he could conceive of a proffer that would call for a higher level of field inspection and verification to the County and of a performance bond held for a longer period of time after the County had released the other construction bond.

Mr. Horne felt that with three levels of engineering and our history we will do a much better job than in the past.

Ms. McKenna stated that she supported the motion for deferral based on staff and applicant meeting to resolve issues and language in the proffers, and because she is satisfied that the drainage is okay, architectural requirements have been met, and that trees will be maintained as much as possible.

On a roll call vote the motion passed: AYE: Garrett, McKenna, Everson, Poole, Kuras (5). NAY: Hagee, Hunt (2).

#### 11. PLANNING COMMISSION MEETING CALENDAR

Because of the conflict due to the Board of Supervisors changing the date the its meetings to the 2nd and 4th Tuesday of each month, the Leadership Committee recommends, and staff concurs, that the Commission schedule its meeting for the 1st Monday of each month. By voice vote, the Commission unanimously approved the Planning Commission meeting schedule for 1996.

#### 12. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended) and reminded the Commission that the last Community Conversation will be held on Thursday, the 14th, at the Recreation Center from 9 a.m. to 11:30 a.m.

Mr. Sowers stated that if there is a heavy meeting schedule in January he will inform the Commission if it is necessary to begin the meeting at 7 p.m. On the agenda will be the Board's referral to the Commission of the timbering ordinance and the steeples ordinance

#### 13. OTHER MATTERS

In regard to Board of Zoning Appeals Case No. ZA-25-95, Fernbrook Associates, for a variance to allow a second subdivision sign, Mr. Kuras asked that the Planning Commission request that the Board of Zoning Appeals deny the request. Mr. Kuras requested that the following statement be sent to the Board of Zoning Appeals:

"The Fernbrook Associates has applied for a variance to allow a second subdivision sign for the property at 2850 Greensprings Road. The Planning Commission recommends that this request be denied for the following reasons: there appears to be no hardship or significant advantage for the second sign. The current sign is more noticeable than all other subdivision signs along Greensprings Road. Greensprings Road is a Greenbelt Road that the Planning Commission feels should be preserved with its rural character as much as possible. Adding a second sign will increase a garish look not in keeping with the character of the road. The Planning Commission places a great importance on the integrity of the current sign ordinance. Also a number of citizens have voiced a negative opinion of the second sign for the above reasons."

Mr. Kuras made a motion, seconded by Mr. Garrett, that the statement be sent to the Board of Zoning Appeals for consideration at its December 21, 1995 meeting. The motion passed by unanimous voice vote.

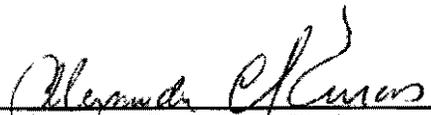
Ms. McKenna distributed to the Commissioners copies of the survey which the Citizens Participation Team is contemplating sending to 5000 residents.

In response to Mr. Everson request, Ms. McKenna will acquire a copy of the Reed's Landing Corporation vs The Powhatan Board of Supervisors.

Mr. Horne briefly reviewed the Courthouse/Town Plan Design Competitions which is now in the second phase in which the actual winner will be determined by the end of January.

13. ADJOURNMENT

There being no further business, the December 12, 1995 Planning Commission meeting adjourned at 9:45 p.m.

  
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Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary

## MEMORANDUM

DATE: July 1, 2015  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Director of Planning  
SUBJECT: Historic Minutes - Approval

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The Records Management Division is in the process of building a public website for all of the historic Planning Commission Meeting Minutes. As staff is going through records and minute books, the following meeting minutes were found to be lacking an approval date:

- 10/25/1976
- 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
- 1/8/1991; 09/10/1991
- 08/18/1992
- 05/10/1994; 06/21/1994
- 03/15/1995; 08/08/1995; 12/12/1995
- 05/06/1996
- 07/02/1997
- 09/02/1998
- 06/07/1999
- 03/03/2003
- 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
- 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005; 08/01/2005
- 01/09/2006; 08/08/2006
- 01/08/2008
- 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
- 04/13/2011
- 04/04/2012

These minutes were either never voted on or presented for approval in the months surrounding those meeting dates. These minutes, to the best of staff's knowledge, are the official minutes of those meetings.

### **Recommendation**

Staff recommends the Planning Commission adopt the attached minutes into the official record.

---

Paul D. Holt, III

## **Attachments**\*

Recordation Sheet and Minutes for:

1. 10/25/1976
2. 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
3. 1/8/1991; 09/10/1991
4. 08/18/1992
5. 05/10/1994; 06/21/1994
6. 03/15/1995; 08/08/1995; 12/12/1995
7. 05/06/1996
8. 07/02/1997
9. 09/02/1998
10. 06/07/1999
11. 03/03/2003
12. 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
13. 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005;  
08/01/2005
14. 01/09/2006; 08/08/2006
15. 01/08/2008
16. 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
17. 04/13/2011
18. 04/04/2012

\*Attachments may be found on line at the following link:

<http://www.jamescitycountyva.gov/agendas/pcagendas/070115pc.html>

## MEMORANDUM

DATE: July 1, 2015  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Director of Planning  
SUBJECT: Historic Minutes - Missing

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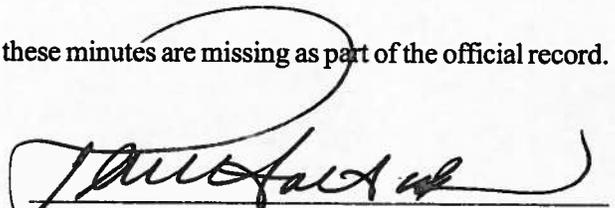
The Records Management Division is in the process of building a public website for all of the historic Planning Commission Meeting Minutes. As staff is going through records and minute books, the following meeting minutes were found to be missing:

- All 1996 minutes, except for May 6, 1996
- February 25, 1989 Work Session
- August 22, 1989
- April 10, 1990 Work Session
- May 6, 1992 Work Session
- July 14, 1992
- Oct. 28, 1992
- June 14, 1994
- April 7, 2003

These minutes need to be formally acknowledged, by the Commission, as missing and cannot be reproduced.

### Recommendation

Staff recommends the Planning Commission acknowledge that these minutes are missing as part of the official record.

  
Paul D. Holt, III

### Attachment

1. Recordation Sheet

## MEMORANDUM

DATE: July 1, 2015  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Director of Planning  
SUBJECT: Historic Minutes - Approval

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The Records Management Division is in the process of building a public website for all of the historic Planning Commission Meeting Minutes. As staff is going through records and minute books, the following meeting minutes were found to be lacking an approval date:

- 10/25/1976
- 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
- 1/8/1991; 09/10/1991
- 08/18/1992
- 05/10/1994; 06/21/1994
- 03/15/1995; 08/08/1995; 12/12/1995
- 05/06/1996
- 07/02/1997
- 09/02/1998
- 06/07/1999
- 03/03/2003
- 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
- 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005; 08/01/2005
- 01/09/2006; 08/08/2006
- 01/08/2008
- 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
- 04/13/2011
- 04/04/2012

These minutes were either never voted on or presented for approval in the months surrounding those meeting dates. These minutes, to the best of staff's knowledge, are the official minutes of those meetings.

### **Recommendation**

Staff recommends the Planning Commission adopt the attached minutes into the official record.

---

Paul D. Holt, III

## **Attachments**\*

Recordation Sheet and Minutes for:

1. 10/25/1976
2. 01/09/1990; 02/13/1990; 02/21/1990; 9/11/1990; 11/11/1990
3. 1/8/1991; 09/10/1991
4. 08/18/1992
5. 05/10/1994; 06/21/1994
6. 03/15/1995; 08/08/1995; 12/12/1995
7. 05/06/1996
8. 07/02/1997
9. 09/02/1998
10. 06/07/1999
11. 03/03/2003
12. 05/03/2004; 06/07/2004; 07/12/2004; 08/16/2004; 12/06/2004
13. 01/10/2005; 02/07/2005; 03/07/2005; 04/06/2005; 05/02/2005; 05/04/2005; 06/06/2005; 07/11/2005;  
08/01/2005
14. 01/09/2006; 08/08/2006
15. 01/08/2008
16. 02/04/2009; 03/04/2009; 08/31/2009; 09/14/2009
17. 04/13/2011
18. 04/04/2012

\*Attachments may be found on line at the following link:

<http://www.jamescitycountyva.gov/agendas/pcagendas/070115pc.html>



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes

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The following minutes for the Planning Commission of James City County are acknowledged to be missing and cannot be reproduced at this time.

- All 1996 minutes, except for May 6, 1996
- February 25, 1989 Work Session
- August 22, 1989
- April 10, 1990 Work Session
- May 6, 1992 Work Session
- July 14, 1992
- Oct. 28, 1992
- June 14, 1994
- April 7, 2003

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Robin Bledsoe  
Chair

---

Paul Holt  
Secretary

**Case No. Z-0002-2015. Gilley Estates**

**Staff Report for the July 1, 2015, 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**

July 1, 2015, 7:00 p.m.

August 11, 2015, 7:00 p.m. (Tentative)

**SUMMARY FACTS**

Applicant:

Mr. William Holt of Kaufman & Canoles, P.C.

Land Owner:

Regjag, L.L.C.

Proposal:

A request to rezone ±150 acres from A-1, General Agricultural and R-1, Limited Residential, with proffers, to A-1, General Agricultural, with amended proffers

Location/Tax Map:

318 Neck-O-Land Rd, 4740100040  
320 Neck-O-Land Rd, 4740100041  
229 Gatehouse Blvd, 4740100042D

Parcel Size:

± 40 acres  
± 109 acres  
± 1 acre  
± 150 acres total

Existing Zoning:

R-1, Limited Residential and A-1, General Agricultural, with proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the application with the proposed proffers compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors and accept the voluntary proffers.

Staff Contact:

Jose Ribeiro

Phone: 253-6890

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy.

## **PROJECT DESCRIPTION**

Mr. William Holt, on behalf of REGJAC L.L.C., has applied to rezone three properties ( $\pm 150$  total acres) owned by the Gilley family commonly known as "Gatehouse Farm." Currently, these properties are split-zoned R-1, Limited Residential, and A-1, General Agricultural (attachment #1), with proffers, and designated Low Density Residential by the 2035 Comprehensive Plan. Mill Creek and its tributaries and tidal marsh areas are located to the north and east of these properties. The Gatehouse Farms residential neighborhood, zoned R-1, is located to the west, and to the south is property being developed as part of the Peleg's Point subdivision, zoned R-1 (attachment #2). The properties subject to this rezoning application are part of the Gospel Spreading Church Farm Agricultural and Forestal District (AFD) and are under a conservation easement agreement with the County.

Approximately 85 acres is zoned A-1 with most of this area being natural open space (wooded area). Approximately 65 acres is zoned R-1, with most of this area currently being used for agricultural purposes. According to the applicant, activities related to farming were established on these properties as far back as 1905 and current agricultural activities include raising crops such as corn. Uses associated with agricultural activities are inconsistent with the current regulations governing the R-1, Limited Residential, zoning district. The purpose of this application is to eliminate the split-zoning of these properties so that they are consistently zoned A-1, bringing the current agricultural uses in compliance with the Zoning Ordinance and allowing for continued farming and agricultural activities. The proposed rezoning is also consistent with the agricultural character of Gospel Spreading Church Farm AFD and the conservation easement. Staff notes that there is one single-family dwelling unit located in the smallest of the three properties.

### *History of the Property*

On July 30, 1987, the Board of Supervisors approved a rezoning for approximately 173 acres of property located behind the Gatehouse Farms residential neighborhood between Gatehouse Boulevard and Smoke House Lane from A-1, General Agricultural, A-2, Limited Agricultural, and R-1, Limited Residential, to R-1 and A-1, with proffers. It was anticipated that the 173-acre property would be developed in accordance with the residential zoning ordinance provisions in place at that time and the proffers accepted by the Board of Supervisors limited the number of dwelling units on the property to 136.

On June 25, 2013, the Board of Supervisors approved a resolution authorizing the purchase of a conservation easement as part of the purchase of development rights program ("PDR") covering a total of 242.5 acres on the Gilley property between the Gatehouse farms subdivision and Mill Creek (attachment # 3). The conservation agreement (attachment #4) permits the owners to subdivide three lots estimated at  $\pm 50$  acre each. No further subdivision rights have been retained and future development of the 136 dwelling units is no longer possible.

On July 22, 2014, the Board of Supervisors approved a proffer amendment eliminating the need for a recreational lot and comprehensive drainage analysis for the subject properties based on the number of dwelling units being limited to three  $\pm 50$  acres lot (attachment # 6).

On October 28, 2014, the Board of Supervisors renewed the Spreading Church Farm AFD which, per the request of the applicant, did not include a 3,200 square feet area in order to allow for the storage of equipment and vehicles associated with commercial uses. A special use permit (SUP) for the storage of equipment and vehicles associated with commercial uses was approved by the Board of Supervisors on December 9, 2014.

### **Conservation Easement-Determination of Consistency**

According to the deed of conservation easement, “the County’s acquisition of the conservation easement furthers the purpose of the PDR program in that such acquisitions, among, other things, assures that the County’s resources are protected and efficiently used, establishes and preserves open space, and furthers the goals of the County’s Comprehensive Plan by protecting the County’s natural and scenic resources, conserving biological diversity and natural wildlife habitat, promoting the continuation of agricultural and forestal activities and protecting the quality of the County’s surface water and groundwater resources.” To further contribute to the character of the conservation easement, limitations have been placed regarding the number of residential and accessory structures, size and location, allowed in these properties (refer to pages 2-3 of attachment #4). The conservation easement also limits the type of uses permitted on the properties. Section 4(a) of the agreement states the following regarding land uses (page 4 of 22):

“All agricultural and/or forestal production of the Properties, as well as uses that are accessory to such agricultural and/or forestal production, as defined by Virginia Code §15.2-4302, shall be permitted without the prior written approval of the Grantee.”

Uses which are not associated with agricultural and/or forestal production but permitted by the Zoning Ordinance must be approved by the Board of Supervisors. Section 4 (b) of the agreement states the following regarding unlisted uses (page 4 of 22):

“The Grantors may petition the County Board of Supervisors for approval to establish a use which is: (1) not otherwise prohibited herein, (2) consistent with the Deed of Easement, and (3) otherwise permitted on the Properties by the County Code.”

Staff finds that the rezoning of these properties is consistent with, and contributes to, the preservation purposes established by the conservation easement. In order to mitigate potential impacts of agricultural and farming activities to adjacent residential neighborhoods, the applicant has proffered (attachment #5) to eliminate uses associated with “agriculture, intensive,” a permitted use in A-1 zoning district, from the “agricultural and/or forestal production of the properties” allowed by the conservation easement. According to the zoning ordinance, intensive agriculture is defined as “agricultural operations commonly known as confinement operations where large numbers of animals or poultry are confined to a relatively small space such as a hog, veal, and poultry pens or houses, feedlots for livestock and dairy farming operations” (refer to attachment #9 for a complete definition of intensive agriculture).

### **PUBLIC IMPACTS**

#### **Archaeological Impacts**

The subject property is not located within an area identified as a highly sensitive area in the James City County Archaeological Assessment and therefore an archaeological study is not required.

#### **Environmental**

Watershed: Powhatan Creek

The Engineering and Resource Protection Division (ERP) has no objections to this rezoning application. ERP staff notes that consistent with the terms of the recorded conservation easement all agricultural activities on the properties shall obtain coverage under a Soil and Water Quality Conservation Plan through the Colonial Soil and Water Conservation District. This requirement has been partially fulfilled by the submittal of a nutrient management plan with the Soil and Water Conservation District. In order to be fully in compliance with this

requirement, the applicant has agreed to proffer a complete conservation plan, in accordance with the Chesapeake Bay Preservation Area Designation and Management Regulations 9VAC 25-830-140 (5)(b)(5), within 18 months of approval of this rezoning application.

Staff notes that parts of these properties, particularly areas to the rear located near Mill Creek and its tributaries, and the tidal marsh areas, are designated as resource protection areas (RPA) by the County and as conservation sites by the Department of Conservation and Recreation (DCR). The conservation natural heritage resource with this site is the Rare Skipper, a small, yellow-orange butterfly species that inhabits tidal marshes. According to the DCR, there are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity. Staff notes that the majority of the area currently being used for farming and agricultural purposes is located at the front of the properties and not within resource protection areas (RPAs) and areas known to contain natural heritage resources.

### **Public Utilities**

The site is located inside the Primary Service Area. The James City Service Authority (JCSA) staff has reviewed this rezoning application and has no objections to the proposal.

### **Transportation:**

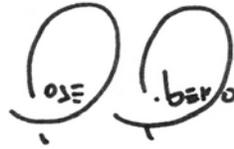
The subject properties have frontage on Smokehouse Lane and Gatehouse Boulevard and it is expected that farm equipment/vehicles will access both streets, consistent with the current usage of the property in recent years. This rezoning application which seeks to bring the current agricultural use of the properties to comply with the Zoning Ordinance is not expected to increase daily traffic.

### **COMPREHENSIVE PLAN**

The properties are designated by the 2035 Comprehensive Plan as Low Density Residential. Recommended uses in Low Density Residential areas include residential, school, churches, very limited commercial and community-oriented facilities. Although agricultural and farming activities are not uses typically associated with Low Density Residential areas, the Comprehensive Plan recognizes the importance of open space design and resource protection measures for new developments by: (1) maintaining open fields or farm lands; (2) protecting land designated as conservations areas on development plans by perpetual conservation easement held jointly by James City County and a qualifying second party or dedicated to a land trust; and by (3) protecting wildlife habitats, high-ranking Virginia Department of Conservation and Recreation designated Natural Area and significant natural heritage resources, and other sensitive areas as open space. Staff finds this application to be consistent with the Low Density Residential designation of the 2035 Comprehensive Plan.

### **RECOMMENDATION**

Staff finds the application with the proposed proffers compatible with surrounding zoning and development and consistent with the 2035 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors and accept the voluntary proffers.

A handwritten signature in black ink, consisting of two large, rounded loops. The first loop contains the letters 'JR' and the second loop contains the name 'Ribeiro'.

---

Jose Ribeiro

**ATTACHMENTS:**

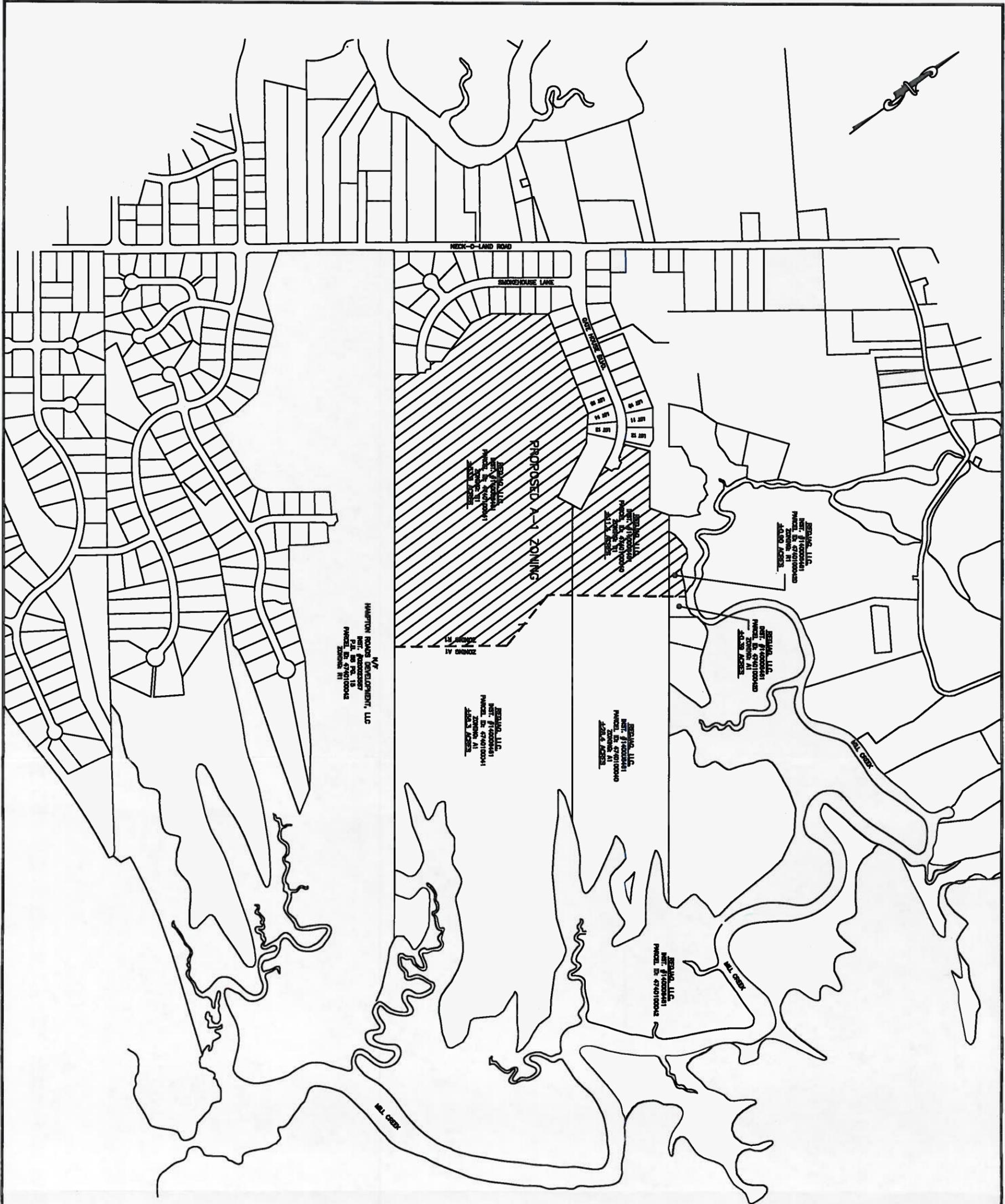
1. Master Plan
2. Location Map
3. Greenspace Easement Acquisition Resolution adopted June 25, 2013
4. Deed of Conservation Easement dated April 18, 2014
5. Proposed amended proffers
6. Amended proffers associated with Z-0004-2014
7. Original proffers associated with Z-0027-1986
8. Letter from the applicant dated May 14, 2015
9. Zoning Ordinance definition of uses associated with “agriculture, intensive”

2-0002-2015

PLANNING DIVISION

MAY 19 2015

RECEIVED



A-1 REZONING EXHIBIT  
 PROPERTY OF  
 REGJAG, L.L.C.

James City County

Virginia

NO.	DATE	REVISION / COMMENT / NOTE

**LandTech Resources, Inc.**  
 Surveying GPS Engineering  
 3925 Midland Road, Portsmouth, VA 23186  
 Phone: (757) 565-1577 Fax: (757) 565-0782  
 web: landtechresources.com

SCALE: 1" = 300'  
 DATE: 4/6/2015  
 JOB: 08-109  
 DRAWN BY: WSF/PF  
 SHEET: 1 OF 1

# JCC-Z-0002-2015

## Gilley Estates



**RESOLUTION**

**GREENSPACE EASEMENT ACQUISITION - REGJAG, LLC AND**

**LEIGH ANN GILLEY, TRUSTEE**

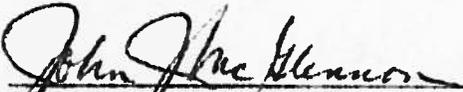
WHEREAS, Regjag, LLC and Leigh Ann Gilley, Trustee, have offered to sell a conservation easement and six parcels to James City County; and

WHEREAS, conservation of these parcels would contribute to the goals of the James City County Comprehensive Plan; and

WHEREAS, conservation of these parcels would contribute to the cultural, historic, and scenic characteristics of the County; and

WHEREAS, the conservation of these parcels will protect the water quality of Mill Creek and reduce the traffic on Neck-O-Land and Jamestown Roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the purchase of a conservation easement on 241.6 acres owned by Regjag, LLC, consisting of Parcels 4740100040, 4740100041, 4740100042D, 4740100042E, and 4830100042, and .93 acres owned by Leigh Ann Gilley, Trustee, consisting of Parcel 4740100042F, in the amount of \$1,175,000.

  
\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	MCGLENNON	<u>X</u>	—	—	—
	JONES	—	<u>X</u>	—	—
	KENNEDY	—	—	—	<u>X</u>
	ICENHOUR	<u>X</u>	—	—	—
	BRADSHAW	<u>X</u>	—	—	—

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2013.

Prepared by and return to:  
County Attorney  
101-D Mounts Bay Road  
Williamsburg, Virginia 23185

140006461

NOTE TO TITLE EXAMINERS: This conservation and open-space easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

April 18, 2014

JCC TAX ID NOS: 4740100040, 4740100041, 4830100042,  
4740100042D, 4740100042E and 4740100042F

CONSIDERATION: \$1,175,000.00

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE  
§§ 58.1-811 (A)(3)

#### DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 18 day of April, 2014, by and between REGJAG, L.L.C., a Virginia limited liability company ("Regjag") and LEIGH ANN GILLEY, TRUSTEE under the provisions of the Leigh Ann Gilley Revocable Living Trust Agreement dated September 3, 2008 ("Gilley", and together with Regjag the "Grantors") and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County" or the "Grantee" and, together with the Grantors, the "Parties").

#### WITNESSETH:

WHEREAS, Regjag is the owner in fee simple of five parcels of real property located in James City County, Virginia, identified as James City County Real Estate Tax Parcel Numbers 4740100040, 4740100041, 4740100042D, 4740100042E, 4830100042, four of which are further identified by addresses 318 and 320 Neck-O-Land Road and 229 and 231 Gate House Boulevard, one of which (Parcel No.: 4830100042) has no designated address, and all of which are more particularly described in Exhibit A (the "Regjag Properties"); and

WHEREAS, Gilley is the owner in fee simple of one parcel of real property located at 227 Gatehouse Boulevard in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4740100042F, as more particularly described in Exhibit B (the "Gilley Property" and, together with the Regjag Properties, the "Properties"); and

WHEREAS, under the County's Purchase of Development Rights Program (the "PDR Program"), codified as Chapter 16A in the Code of James City County, as amended (the "County Code"), the County is authorized to acquire perpetual conservation easements over qualifying

properties in order to accomplish the purposes of the PDR Program and the Open-Space Land Act (§§ 10.1-1700 *et seq.* of the *Code of Virginia*, 1950, as amended (the "Virginia Code")); and

WHEREAS, the Grantors and Grantee desire to protect in perpetuity the historic, aesthetic, agricultural and open-space values of the Properties, and Grantors have voluntarily agreed to have the Properties be subject to the terms, limitations, and obligations of this perpetual conservation easement; and

WHEREAS, the County's acquisition of the conservation easement identified herein furthers the purposes of the PDR Program in that such acquisition, among, other things, assures that the County's resources are protected and efficiently used, establishes and preserves open space, and furthers the goals of the County's Comprehensive Plan by protecting the County's natural and scenic resources, conserving biological diversity and natural wildlife habitat, promoting the continuation of agricultural and forestal activities, and protecting the quality of the County's surface water and groundwater resources (collectively, "Conservation Values"); and

WHEREAS, the Grantors have offered to sell a conservation easement upon the Properties and the County has agreed to pay the Grantors the sum of One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000.00) for this conservation easement, such sum being based upon the fair market value of the easement, as determined by a qualified appraiser; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services ("VDACS") and the County have entered into an Intergovernmental Agreement (the "IGA") on December 31, 2012 to provide cooperation between VDACS and the County to implement VDACS's contribution of funds in support of the County's purchase of agricultural conservation easements.

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, the covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors hereby grant, convey, covenant, and agree as follows:

1. GRANT AND CONVEYANCE OF EASEMENT. The Grantors hereby grant and convey to the Grantee and its successors and assigns, with General Warranty and English Covenants of Title, a perpetual conservation easement in gross in, upon, and over the Properties (as are more particularly described in Exhibit A and Exhibit B attached hereto), establishing servitudes, obligations, and limitations restricting in perpetuity the use of the Properties in the manner set forth in this Deed of Easement.

2. EXISTING STRUCTURES. Existing structures on the Properties shall be authorized to continue only as follows:

(a) *Existing residential structures.* The single-family dwelling that exists on the Gilley Property (the "Existing Dwelling") shown on and more particularly described in the Baseline Study dated September 9, 2013, a copy of which is maintained in the County file (the "Baseline Study"), may continue in its current condition (reasonable wear and tear excepted), may be maintained, repaired, expanded upon up to five thousand (5,000) square feet of building footprint, relocated or replaced with the prior written consent of the Grantee, provided that minor repairs that do not materially alter the existing character of either dwelling (*e.g.*, repair of boards,

shutters, stairs, railings, shingles, windows, trim, moldings, gutters, etc.) may be completed without prior consent of the Grantee.

(b) *Existing non-residential structures.* The non-residential structures that exist on the Properties shown on and more particularly described in the Baseline Study (the "Existing Non-Residential Structures") may continue in their current condition (reasonable wear and tear excepted), and may be maintained, repaired, remodeled, rebuilt or removed. Any expansion, replacement, remodeling, rebuilding, maintenance or repair of any Existing Non-Residential Structure that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

3. FUTURE STRUCTURES AND IMPROVEMENTS. No structure or other improvement shall be constructed, placed, situated, permitted or maintained on the Properties except as authorized according to the following:

(a) *Residential structures.* No more than one (1) additional residential dwelling shall be permitted on any future lot containing the Existing Dwelling currently owned by Leigh Ann Gilley. No more than two (2) residential dwellings shall be permitted on each of the two (2) additional lots which can be created on the Regjag Properties.

(b) *Accessory structures.* Accessory structures (as defined by the County Code) incidental to the Existing Dwelling or other dwellings permitted by this deed, or otherwise incidental to a *bona fide* agricultural or forestal use conducted on the Properties shall be permitted only with the prior written consent of the Grantee. Accessory structures shall be subject to the provisions of Section 3(e) below. Fencing not exceeding six feet (6') in height and duck blinds, boat lifts, and structures associated with water dependent activities shall be permitted without prior approval of the Grantee. One pier and shorefront boat launching area for each residence permitted by this deed shall be permitted; piers shall be eight feet (8') above mean high water, with decking not to exceed sixteen feet (16') in width. Piers shall be of a length necessary to reach navigable water. Boat lifts or covers and pier structures shall not exceed a height of twenty feet (20') above mean high water. Permitted accessory structures may be maintained, repaired, remodeled, rebuilt, expanded upon or replaced, provided that any expansion, replacement or remodeling that materially alters its existing location or external character may be completed only with the prior written consent of the Grantee.

(c) *Structure Size.* No single residential structure on the Properties may have a building footprint exceeding four thousand five hundred (4,500) square feet without the prior written consent of the Grantee. Barns permitted with Grantee consent pursuant to Section 3(b) above shall only be permitted upon developable land and shall not exceed six thousand (6,000) square feet of building footprint.

(d) *Impervious Surfaces.* The total area of all impervious surfaces on the Properties shall not exceed ten percent (10%) of the surface area of the Properties.

(e) *Structure Location.* No building or structure shall be located within one hundred feet (100') of any public road without the prior written consent of the Grantee.

(f) *Public or private utilities.* Public or private utilities constructed in whole or in part to serve the Properties shall be permitted. Public or private utilities to be constructed in whole or in part to serve other properties shall not be constructed on, under, or over the Properties unless Grantee determines that the construction and maintenance of such utilities will not impair the Conservation Values of the Properties and gives its prior written approval for such construction and maintenance. Approval or disapproval of such construction and maintenance shall take into consideration the visibility and any other adverse impact of such utilities on the conservation values of the Properties.

4. FUTURE USES. No use may be made of or established on the Properties except as authorized, permitted, and approved in this Deed of Easement.

(a) *Uses permitted by right.* All agricultural and/or forestal production of the Properties, as well as uses that are accessory to such agricultural and/or forestal production, as defined by Virginia Code § 15.2-4302, shall be permitted without the prior written approval of the Grantee to the extent such uses are: (1) permitted by the County Code; and (2) otherwise consistent with the terms and purposes of this Deed of Easement.

(b) *Unlisted uses.* The Grantors may petition the County Board of Supervisors for approval to establish a use which is: (1) not otherwise prohibited herein, (2) consistent with this Deed of Easement, and (3) otherwise permitted on the Properties by the County Code. Nothing in this Deed of Easement shall be construed so as to require the County Board of Supervisors to grant any such petition.

5. CONFIGURATION/SUBDIVISION OF THE PROPERTY. The Properties are currently comprised of six (6) parcels totaling approximately two hundred forty two and one-half (242.5) acres. The Parties acknowledge and agree that it is the intent and purpose of this Deed of Easement that the Properties may be subdivided or the boundary lines reconfigured into no more than three (3) lots or parcels containing developable land, and accordingly no subdivision or boundary line reconfiguration of the Properties shall be made in contradiction of that purpose and intent. Marsh, resource protection areas, wetlands, and other undevelopable property may be divided into one or more parcels in addition to the three (3) lots or parcels referenced above, to permit ownership by a family entity or out conveyance, all in accordance with the restrictions contained herein. Any such parcel(s) of undevelopable land shall not be eligible for development of commercial or residential structures, or any other structure except those associated with hunting or fishing activities. Final parcel boundaries will be set at the time of final subdivision approval. Minor boundary line adjustments are permitted with the prior written approval of the Grantee.

6. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING. No grading, excavation, earth removal, blasting or mining of the Properties shall be made or conducted except as expressly permitted herein. Earth removal, except for activities incidental to a *bona fide* agricultural or forestry operation, and blasting are prohibited on the Properties. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited on the Properties. Grading and excavation is permitted on the Properties for activities incident to the uses permitted by this Deed of Easement (including, without limitations, driveways serving the lots created hereunder), provided that any

such grading or excavation shall not materially alter the topography of the Properties. Grading and excavation shall be permitted for dam construction to create private conservation ponds with the prior written approval of the Grantee, and grading and excavation shall be allowed during the construction of permitted structures or associated improvements as it relates to such construction. Common and customary agricultural or forestal activities such as plowing, maintenance and repair of existing or permitted farm, driveway, and logging roads and hunting trails, erosion control and restoration of storm damaged, eroded or other degraded areas are permitted activities that do not materially alter the topography of the Properties.

7. MANAGEMENT OF AGRICULTURAL AND FORESTAL RESOURCES.

(a) *Management of Forest.* All silvicultural activities on the Properties shall conform to a Forest Stewardship Plan (the "FSP") prepared by professionals, at Grantor's expense, which FSP shall be approved by the Grantee. The FSP shall include recommended Forest Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the health of the forest, controlling erosion, protecting water quality and providing wildlife habitat. The FSP shall be professionally updated no later than every five (5) years at Grantors' expense. Grantors shall provide Grantee a copy of the FSP and each subsequent FSP update for review and approval. A Pre-Harvest Plan consistent with the FSP shall be submitted by Grantors to the Grantee for approval no earlier than one year nor later than forty-five (45) days prior to the anticipated commencement of any material timber harvest. If an aspect of the harvest activities is inconsistent with one or more purposes of this conservation easement, the Grantee reserves the right to require modifications to the harvest activities that will minimize such impacts. Without limiting the foregoing requirement regarding submission of pre-harvest plans, Grantee shall be notified no later than forty-five (45) days prior to the clearing of over ten (10) acres of forestland for conversion into grassland or crop land or in association with the construction of permitted buildings or the installation of permitted roads or permitted accessory uses.

(b) *Agriculture.* All agricultural activities on the Properties shall conform with a Farm Conservation Plan ("FCP") prepared at Grantor's expense by a qualified agricultural professional. The FCP shall include recommended Agricultural Best Management Practices, an implementation schedule and other scientifically based recommendations as may be appropriate for protecting the soil and natural resources and enhancing water quality. The FCP shall be updated at Grantors' expense no later than every three (3) years by a certified professional and approved as specified above. The Grantors shall provide the Grantee with a copy of the FCP, including updates.

8. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (including, without limitation, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Properties. This restriction shall not prohibit customary agricultural, horticultural, or wildlife management practices including, but not limited to, establishing brush, compost piles, or the routine and customary short-term accumulation of household trash.

9. NOTICE AND PERMISSION.

(a) *Notice.* Whenever notice is to be given pursuant to any of the provisions of this Deed of Easement, or where a request for required consent or permission is to be submitted to the Grantee, or for a change of notice address, such notice or request for consent or permission shall be in writing and shall be deemed to have been given upon (i) delivery by hand, (ii) three days after deposit in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, or (iii) one day after delivery to a recognized national courier service for overnight delivery to:

If to Grantor: REGJAG LLC  
Attn: R. Edwin Gilley II  
223 Gatehouse Blvd.  
Williamsburg, VA 23185

And

Leigh Ann Gilley  
227 Gatehouse Blvd.  
Williamsburg, VA 23185

With Copy to: Gregory R. Davis, Esq.  
Kaufman & Canoles, P.C.  
P.O. Box 6000  
Williamsburg, VA 23188

If to County: County Administrator  
101-D Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

With Copy To: County Attorney  
101-D Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784

If to VDACS: Virginia Department of Agriculture and Consumer Service  
Commissioner's Office  
102 Governor Street  
Richmond, VA 23219

(b) *Permission.* When permission of the Grantee is sought by the Grantors, the Grantors shall submit such request and any supporting documentation in writing to the County Administrator. The request shall be considered by the Board of Supervisors at a public meeting. If no action is so taken by the Grantee, within sixty (60) days of the date of the request, absent agreement by the parties to the contrary, the Grantors shall have the right to require that the issue be placed on the agenda of the Board of Supervisors at its next meeting. Nothing in this

Deed of Easement shall be construed as obligating the County to give or grant any requested permission.

10. MISCELLANEOUS PROVISIONS.

(a) *No public right-of-access to Properties.* This Deed of Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Properties or any portion thereof, except as Grantors may otherwise allow in a manner consistent with the terms of this Deed of Easement and the PDR Program.

(b) *Continuation.* The covenants, terms, conditions, servitudes, and restrictions of this Deed of Easement shall apply to the Properties as a whole, shall run with the land perpetually and be binding, upon the parties, their successors, assigns, successors in title, personal representatives, and heirs, and be shall considered a servitude running with the land in perpetuity.

(c) *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Deed of Easement, the parties shall have the following rights and obligations:

(i) Monitoring. Employees or agents of Grantee may enter the Properties from time to time, at reasonable times, for the purpose of monitoring compliance with the terms of this Deed of Easement. The Grantee shall give fourteen (14) days prior notice before entering the Properties.

(ii) Baseline Data. In order to establish the present condition of the Properties, the Grantee has examined the Properties and prepared an inventory of relevant features, conditions, and improvements included in the Baseline Study which is incorporated herein by this reference. A copy of the Baseline Study has been provided to Grantors, and the original Baseline Study shall be placed and remain on file with Grantee in the Office of the County Attorney. The Grantors and Grantee agree that the Baseline Study is an accurate representation of the Properties at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with this Deed of Easement. The Grantors and Grantee further agree that in the event a controversy arises with respect to the condition of the Properties or a particular resource thereof, the Grantors and Grantee shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy.

(d) *Action at law inadequate remedy.* The Parties agree that monetary damages would not be an adequate remedy for the breach of any terms, conditions and restrictions herein contained, and therefore, in the event that the Grantors, their successors, assigns, or successors in title violate or breach any of the terms, conditions and restrictions herein contained, the Grantee, its successors, or assigns, in addition to all other remedies available at law and in equity, may institute a suit, and shall be entitled, to enjoin by *ex parte* temporary injunction and/or permanent injunction such violation and to require the restoration of the Properties to its prior condition.

(e) *Restoration.* Upon any breach of the terms of this Deed of Easement by Grantors, their successors, assigns, or successors in title, Grantee may require by written demand to the Grantors, or to the successor owner(s) of the portion(s) of the Properties upon which such breach occurs, if such portion is no longer owned by one of the Grantors, that the Properties be restored promptly to the condition required by this Deed of Easement. Furthermore the Grantee retains the right, but not the obligation, to enter upon the Properties and to restore the Properties to a condition consistent with the terms of this Deed of Easement and assess the costs of such restoration against the owner(s) of the parcel in violation of this Deed of Easement. Such assessed costs, together with collection costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the parcel or parcels for which costs of restoration were assessed. Such assessments for restoration costs, together with collection costs and reasonable attorney's fees, shall also be the personal obligation of the owner(s) of the applicable parcel(s) at the time when the restoration costs were assessed for which Grantee may bring an action at law to recover. No such lien shall affect the rights of a subsequent *bona fide* purchaser for value unless a memorandum of such lien was recorded among the land records prior to such purchase, and such lien shall be subordinate to any deed of trust recorded prior to the recordation of a memorandum of such lien.

(f) *Failure to enforce does not waive right to enforce.* The failure of Grantee to enforce any right, provision, covenant, restriction term or condition of this Deed of Easement shall not constitute a waiver of the right of the Grantee to enforce such right, provision, covenant, restriction, term or condition in the future. All rights, remedies and privileges granted to the Grantee pursuant to any term, provision, covenant, restriction, or condition of this Deed of Easement shall be deemed to be cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the Grantee from exercising such other privileges as may be granted by this Deed of Easement, or at law or in equity. Furthermore, the Grantors, and their successors, assign, and successors in title hereby waive any defense of laches, estoppel, or prescription. Further, VDACS retains its rights pursuant to Section 2.h of the IGA to bring action in a Court of law for specific performance of the Grantee or its successors' and assigns' enforcement responsibility.

(g) *Costs of enforcement.* Any reasonable, documented costs incurred by the Grantee in enforcing the terms of this Deed of Easement against the Grantors, their successors, assigns, and successors in title, including, without limitation, costs of suit and reasonable attorneys' fees shall be borne by the Grantors, their successors, assigns, and successors in title, provided, however, if the Grantors, their successors, assigns, and successors in title, prevail in any claim, litigation, or administrative order or ruling, the Grantee shall not be entitled to any of the costs or fees described herein.

(h) *No right of enforcement by the public.* This Deed of Easement does not create, and shall not be construed to create, any right of any member of the public, exclusive of the County itself, to maintain a suit for any damages against the Grantors for any violation of this Deed of Easement.

(i) *Extinguishment and exchange.* The Parties intend that this conservation easement be perpetual and not extinguished, and agree that extinguishment of the conservation easement is not permitted under the Open Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*),

except in conformity with Virginia Code § 10.1-1704, or successor provision. The Parties further agree that the Properties shall not be converted or diverted, as the Open-Space Land Act employs those terms, from the uses permitted by the Deed of Easement until and unless: (i) the Commissioner of VDACS, or the Commissioner's designated agent (referred to collectively hereinafter as "Grant Manager"), with the Grantee's concurrence, certifies that such conversion or diversion satisfies the requirements of Virginia Code § 10.1-1704, or successor provision; and (ii) twenty-five (25) years have elapsed between the recordation date of this Deed of Easement and the date of the Grantor's petition to the County Board of Supervisors for such conversion or diversion, which shall conform to all procedures and requirements set forth in the PDR Ordinance (County Code Chapter 16A) on the recordation date of this Deed of Easement. Furthermore, the Parties intend and agree that pursuant to any decision by the County Board of Supervisors, with the Grant Manager's concurrence, to extinguish this Deed of Easement the Grantor shall convey to the Grantee a Deed of Easement on a different but similar parcel approved by the Grantee, located in James City County and in accordance with the PDR Ordinance in place at the time of the recording of this Deed of Easement.

(j) *Property right.* Grantors agree that Grantee's purchase of the perpetual conservation easement, servitudes, conditions, limitations, and restrictions contained in this Deed of Easement gives rise to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that the perpetual conservation easement at the time of the purchase bears to the value of the Properties as a whole, exclusive of the value of all improvements, at that time, which is forty-seven percent (47.00%) as established by the appraisal conducted by Simerlein Appraisals Ltd., dated October 30, 2012 and amended by letter dated April 12, 2013. If a subsequent unexpected change in the conditions surrounding the Properties make impossible or impractical the continued use of the Properties for the conservation purposes specified herein, and the restrictions set forth in this Deed of Easement are extinguished, whether in whole or part, by a judicial proceeding, such extinguishment shall also satisfy the requirements of the Open-Space Land Act and Chapter 16A of the County Code. The Grantee, upon a sale, exchange or involuntary conversion due to an extinguishment, shall be entitled to a portion of any monetary proceeds derived therefrom, which shall be determined by multiplying the proceeds for the land taken (but not proceeds for improvements or damages to the residue or any other award) by the proportionate value established above. VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the course of purchasing this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. The Grantee shall not receive any portion of the proceeds attributable to improvements, timber or crops.

All proceeds to which Grantee is thereafter entitled to retain from such sale, exchange or involuntary conversion shall be used by the Grantee in a manner consistent with the original conservation purposes of this Deed of Easement and the Open-Space Land Act.

(k) *Notice of proposed transfer or sale.* The Grantors, their successors, assigns, and successors in title shall notify the Grantee in writing at the time of closing on any transfer or sale of any of the Properties or any portion thereof. In any deed conveying all or any part of the Properties, this Deed of Easement shall be referenced by recorded instrument number in the deed of conveyance and Grantors, their successors, assigns, and successors in title shall

cause such deed to state that this Deed of Easement is binding, upon all successors in interest in the Properties in perpetuity.

(l) *Severability.* If any provision of this Deed of Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Deed of Easement shall not be affected thereby. The Grantors, their successors, assigns, and successors in title, shall remunerate Grantee for the proportionate loss of value in the Conservation Easement as determined by the County Board of Supervisors due to any invalidated provision.

(m) *Recordation.* Upon execution by the Parties, this Deed of Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(n) *Authority to convey easement.* The Grantors covenant that they are vested with good title to the Properties and may convey this Deed of Easement.

(o) *Authority to accept easement.* The Grantee is authorized to accept this Deed of Easement pursuant to Virginia Code § 10.1-1701.

(p) *Proceeds from eminent domain.* If all or any part of the Properties is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to extinguish the terms of this Deed of Easement, in whole or part, Grantors and Grantee shall act jointly to recover the full value of the interests in the Properties subject to the taking and all direct or incidental damages resulting therefrom. All expenses reasonably incurred by Grantors and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount received. Grantee's share of the balance of the amount recovered shall be determined by multiplying the proceeds by the proportionate value established in Section 10(j), above. In addition, VDACS shall be entitled to a share of Grantee's proceeds proportional to VDACS's contribution toward the total reimbursable costs that Grantee actually incurs in the purchase of this conservation easement, as evidenced by the completed claim for reimbursement required under Paragraph 1(b) of the IGA. Grantee shall have the right to appear as a party in any eminent domain proceeding concerning the Properties.

(q) *Transfer of easement by Grantee.* Neither Grantee nor its successors and assigns may convey or lease the conservation easement established and conveyed hereby unless the Grantee conditions the conveyance or lease on the requirements that: (1) the conveyance or lease is subject to contractual arrangements that will assure that the Properties are subject to the restrictions and conservation purposes set forth in this Deed of Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700. Further, as per section 6 of the IGA, neither the County nor its successors or assigns may assign this Deed of Easement without the prior written approval of (i) the Grant Manager, and (ii) the Grantors.

(r) *Construction.* This Deed of Easement shall be construed to promote the purposes of this Deed of Easement and the PDR Program.

(s) *Liability and indemnification.*

(i) Grantors agree that neither Grantee nor VDACS has any obligations, express or implied, relating to the maintenance or operation, safety, or control of the Properties. Neither the Grantee nor VDACS shall have any duty to any occupant, user or other party entering upon the Properties, except as set forth herein.

(ii) Grantors warrant that Grantors have no actual knowledge of a release or threatened release of hazardous substances or wastes on the Properties and agree that Grantors, their successors, assigns, and successors and title will hold harmless, indemnify, and defend Grantee, VDACS and VDACS's counsel from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or out of the existence, actual or alleged, of any and all environmentally hazardous or toxic substances or materials on or under the Properties.

(iii) Violation of this Deed of Easement by the owner of one lot or parcel of the Properties shall not create joint and several liability on the part of any other lot or parcel owner(s) and/or party(ies) to this Deed of Easement.

(t) *Taxes and assessments.* Grantors, their successors, assigns, and successors in title shall be responsible for paying all taxes, levies, assessments and other governmental charges levied on or assessed against the Properties.

(u) *No warranty as to tax benefits to Grantors.* The Grantors and the Grantee hereto agree and understand that any value of this conservation easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in IRS regulations (see 26 C.F.R. § 1.170A-13(c)(5)), and that the appraisal is subject to review, audit, and challenge by all appropriate tax authorities. Neither the Grantee, VDACS, nor VDACS's counsel makes any express or implied warranties regarding whether any tax benefits will be available to the Grantors from the sale of this conservation easement, whether any such tax benefits might be transferable, or whether there will be any market for any tax benefits that might be transferable.

(v) *Controlling law.* The interpretation and performance of this Deed of Easement shall be governed by the laws of the Commonwealth of Virginia.

(w) *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Deed of Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Deed of Easement, all of which are merged herein.

(x) *Amendments.* This Deed of Easement may be amended only with the written consent of the Grantee and Grantors, and such amendment shall be duly recorded. No amendment shall affect the rights of VDACS pursuant to the IGA, including, but not limited to, VDACS's rights pursuant to sections 2.e-h of the IGA. Any amendment shall be at the sole

discretion of the Grantee, and shall be consistent with the Open-Space Land Act and Chapter 16A of the County Code. Any such amendment shall also be consistent with the overall purposes and intent of this Deed of Easement. VDACS shall be notified of any amendment to this Deed of Easement.

WITNESS the following signatures and seals:

REGJAG, L.L.C.

By: R. Edwin Gilley II  
R. Edwin Gilley II  
Title: Member and Manager.

By: Leigh Ann Gilley  
Leigh Ann Gilley  
Title: Member and Manager

By: Terri Lynn Gilley  
Terri Lynn Gilley  
Title: Member and Manager

COMMONWEALTH OF VIRGINIA  
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by R. Edwin Gilley, II, member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL] **Susan H. Finkel**  
**Notary Public 139578**  
**Commonwealth of Virginia**  
**Notary Expires: 11/30/2016**  
My Commission expires: \_\_\_\_\_

[Signature]  
Notary Public

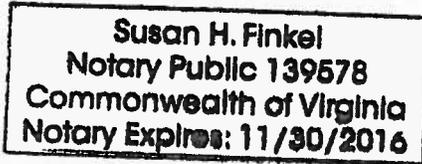
(Notary and Signatures continue on following pages)

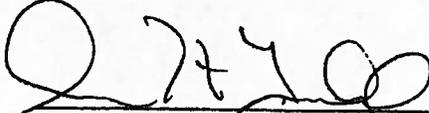
COMMONWEALTH OF VIRGINIA  
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by Leigh Ann Gilley, member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL]



  
\_\_\_\_\_  
Notary Public

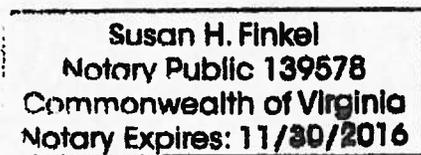
My Commission expires: \_\_\_\_\_

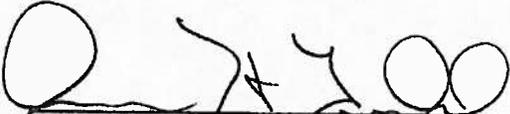
COMMONWEALTH OF VIRGINIA  
County of James City, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this 18 day of April, 2014, by Terri Lynn Gilley member and manager of REGJAG, L.L.C., Grantor.

WITNESS my signature and notarial seal.

[SEAL]



  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

SIGNATURES AND NOTARY CLAUSE CONTINUED ON NEXT PAGE

LEIGH ANN GILLEY, TRUSTEE  
under the provisions of the Leigh Ann  
Gilley Revocable Trust dated September 3,  
2008

Leigh Ann Gilley

COMMONWEALTH OF VIRGINIA

City/County of JAMES CITY, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this  
18 day of April, 2014, by Leigh Ann Gilley, Trustee under the provisions of the  
Leigh Ann Gilley Revocable Trust dated September 3, 2008, Grantor.

WITNESS my signature and notarial seal.

[SEAL] **Susan H. Finkel**  
**Notary Public 139578**  
**Commonwealth of Virginia**  
**Notary Expires: 11/30/2016**

Susan H. Finkel  
Notary Public

Commission expires: \_\_\_\_\_

My Registration no. is: \_\_\_\_\_

The form of this Deed of Easement is approved, and pursuant to Resolution of the Board of Supervisors of James City County, Virginia, duly executed on the 25<sup>th</sup> day of June, 2013 and this conveyance is hereby accepted on behalf of said County.

4/18/14  
Date

*Leo P. Rogers*  
County Attorney

## EXHIBIT A

### Tract No. 1 (4740100040 and 4740100041)

All those certain lots, piece or parcels of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as PARCEL "A", PARCEL "B", PARCEL "C", and PARCEL "D" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47.

The foregoing described property is also described as the following four parcels:

#### Parcel No.: 1

All that certain lot or parcel of land, together with the buildings and improvements thereon, and the appurtenances thereunto belonging, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, containing, one (1) acre of land lying to the northeast of Parcel No. 2, hereinafter described. Said one acre of land fronts 104.35 feet on Virginia State Highway 682, sometimes known as Virginia State Highway 608, and also known as Neck O'Land Road, and formerly known as Jamestown Road, and extends back 417.12 feet from said State Highway, and is bounded by said State Highway, the lands now or formerly belonging to Jess H. Jackson and James W. Anderson, and Parcel No. 2. hereinafter described.

#### Parcel No. 2

All that certain lot, piece or parcel of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as Parcel "A" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47, and on which said plat the property herein described is more particularly shown, set forth and designated as commencing at an iron pipe on the southerly side of Virginia State Route 682, also known as Neck O'Land Road, at a point where the property hereby described, the right of way of said Route 682 and the Parcel D as shown on said plat converge (said Parcel D being the same as Parcel 1 as hereinabove set forth); thence, S 46°59'03" E along the line of the property hereby conveyed through

several iron pipes, and the line of the property now or formerly standing in the name of Jess H. Jackson, et al, the distance of 4345.48 feet to an iron pipe at a point where the property hereby described, the property now or formerly of James F. Ayres and the property of REGJAG, L.L.C. converge; thence, S 72°53'38" W the distance of 49.64 feet to an iron pipe; thence, N 51°7'49" W the distance of 200.03 feet to an iron pipe; thence, N 62°37'08" W a distance of 150.73 feet to an iron pipe; thence S 31°08'07" E the distance of 248.58 feet to an iron pipe; thence, S 40°03'32" E the distance of 307.36 feet to an iron pipe; thence, S 13°41'32" W the distance of 208.48 feet to an iron pipe; thence, N 23°51'06" W the distance of 125.92 feet to an iron pipe; thence, N 62°34'47" W the distance of 306.22 feet to an iron pipe; thence, N 16°29'55" W the distance of 201.20 feet to an iron pipe; thence N 63°45'44" W, the distance of 154.97 feet to an iron pipe; thence, S 34°33'04" E the distance of 123.64 feet to an iron pipe; thence, S 05°20'43" E the distance of 295.64 feet to an iron pipe; thence, N 64°26'51" W the distance of 104.02 feet to an iron pipe; thence, N 36°59'38" W the distance of 79.40 feet; thence, N 53°19'49" W the distance of 186.49 feet to an iron pipe; thence, N 69°00'35" W the distance of 52.54 feet to an iron pipe at a point where the property hereby conveyed, the property formerly belonging to Willard Gilley and Evelyn S. Gilley, and the property of REGJAG, L.L.C. converge; thence, N 46°59'37" W the distance of 3821.90 feet along the line of the property hereby described and the property formerly belonging to Willard Gilley and Evelyn S. Gilley to the iron pipe on the southerly side of Route 682; thence along the line of the property hereby described and the right of way of said Route 682; thence, N 43°4'43" E the distance of 640.57 feet to an iron pipe, the point of departure.

Parcel No. 3

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, and on which plat the property herein described is more particularly shown, set forth and designated on said plat as Parcel "B". The property hereby described commences at an iron pipe on the southerly side of Virginia State Route 682 and the property formerly standing in the name of James F. Ayers (shown Ayres on plat); thence, along the line of the property hereby described and the right of way of said Virginia State Route 682, N 43°04'43" E, a distance of 1177.75 feet to an iron pipe at a point where the property hereby conveyed, the right of way of said Virginia State Route 682 and the property standing formerly in the name of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., S 46°59'37" E, a distance of 3821.90 feet to an iron pipe at a point where the property hereby described the property formerly of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., and the property of REGJAG, L.L.C.

converged; thence, along the line of the property hereby described and the property of REGJAG, L.L.C. as shown on said plat as marsh land to an iron pipe and following the division line as shown on said plat between the marsh land and the wood land to the aforesaid iron pipe being a point where the property hereby conveyed, the property of the REGJAG, L.L.C., and the property formerly standing in the name of James F. Ayers converge; thence, along the line of the property hereby conveyed and the property of James F. Ayers as aforesaid, N 46°59'37" W, a distance of 4110.33 feet to the iron pipe on Virginia State Route 682 being the point of departure. The parcel hereby described contains 123.54 acres, more or less, but is encumbered in gross and not by the acre.

Parcel No. 4

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining., lying, being, and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia," dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, and on which plat the property herein conveyed is more particularly shown, set forth and designated as Parcel "C", bounded and described as follows: commencing at an iron pipe of the northerly side of Virginia State Route 682 approximately 4,271 feet from the right of way thereof at a point where the property hereby described, the property formerly standing in the name of James F. Ayers, and the property of REGJAG, L.L.C. converge; thence, N 84°54'35" E along the line of the aforesaid and the property of the aforesaid, a distance of 63.68 feet to a point; thence N 08°02'10" E, a distance of 168.10 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid; thence, S 47° 58'17" E, a distance of 162.87 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid, S 58°20'5" E, a distance of 259.42 feet to a point; thence, S 86°46'09" W, a distance of 165.37 feet to an iron pipe; thence in a northerly direction along the line of the property hereby conveyed the property of James F. Ayers, a distance of 244.93 feet to the iron pipe, the point of departure. The parcel hereby conveyed, designated as Parcel "C", contains 1.19 acres, more or less. but is sold in gross and not by the acre.

LESS AND EXCEPT from the foregoing described property the following:

A. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 28.220 acres, plus or minus, more particularly described on that certain plat of survey entitled "PLAT OF 28.220 ACRES+/- TO BE CONVEYED TO: UNITED VIRGINIA DEVELOPMENT CORPORATION, FROM: ROBERT E. GILLEY, JAMES CITY COUNTY, VIRGINIA", dated June 5, 1979, revised June 20, 1979, prepared by Paul C. Small of Small Engineering, Inc., a copy of which is recorded in the aforesaid Clerk's Office in Deed Book 195,

Page 468, which property was conveyed by Robert E. Gilley and Joann H. Gilley, husband and wife, to United Virginia Development Corporation by Deed dated June 21, 1979, recorded in the aforesaid Clerk's Office in Deed Book 195, Page 466; and

B. All that certain piece or parcel of land, lying, being and situated in James City County, Virginia, containing 5.79 acres and shown on a certain plat of survey entitled "SUBDIVISION OF 5.79 ACRES STANDING IN THE NAME OF ROBERT E. GILLEY" dated October 13, 1983, made by AES, a professional corporation, which plat is recorded in the aforesaid Clerk's Office in Plat Book 39, Page 45; and

C. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,053 square feet +/-, known and designated as Parcel A, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "A", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 66, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 348, Page 733; and

D. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,528 square feet +/-, known and designated as Parcel B, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "B", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 27, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated April 24, 1987, recorded in the aforesaid Clerk's Office in Deed Book 341, Page 80; and

E. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,353 square feet +/-, known and designated as Parcel C, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "C", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated April 4, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 54, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 345, Page 258; and

F. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 2.00 acres shown and designated as Parcel A-1 on that certain plat entitled "Plat of the Property of Leigh Ann Gilley, Parcel A-1, 2.00 Acres, Being part of Gate House Farms, Jamestown District, James City County, Virginia" made by James K. Alvis, Jr., CLS, Newport News, Virginia, dated December 6, 2004, revised May 3, 2005, which plat is recorded in the aforesaid Clerk's Office as Instrument No. 050002188, and which property was conveyed by REGJAG, L.L.C., to Leigh Ann Gilley by Deed recorded in the aforesaid Clerk's Office as Instrument No. 050002188; and

G. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 1.18 acres +/-, being a portion of the property shown and designated as Parcel C on that certain plat entitled "PROPERTY LINE ADJUSTMENT PLAT, PARCEL C, NECK-O-LAND FARM, OWNER/DEVELOPER ROBERT E. GILLEY II, AND WIFE MEREDITH H. GILLEY, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA" made by DJG, Inc., dated February 20, 2000, which plat is recorded in the aforesaid Clerk's Office in Plat Book 78, Page 62, and which property was conveyed together with other property by Robert E. Gilley and Jo Ann H. Gilley, husband and wife, to Robert E. Gilley II and Meredith H. Gilley, husband and wife, by Deed recorded in the aforesaid Clerk's Office as Instrument No. 000017549.

Parcel No. 2, as hereinabove set forth, is expressly subject to a certain deed of easement dated the 5th day of July, 1974, which grants an easement fifty (50) feet in width over, along and through Parcel No. 2, as is more fully shown, set forth and designated in said deed of easement which is of record in the aforesaid Clerk's Office.

Tract No. 1 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Jo Ann H. Gilley, by deed of gift dated September 11, 2001, recorded October 10, 2001, in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 010018329.

Tract No. 2 (4830100042)

ALL that certain piece of marsh land situated on Coleman's Creek in Roberts District (formerly Jamestown District), James City County, Virginia, containing 60 acres, more or less, but hereby conveyed in gross and not by the acre; being bounded on the west and northwest by the lands now or formerly of Nina M. Anderson; on the south by The National Colonial Historical Park; and on the southeast, east and north by Coleman's Creek and the property now or formerly belonging to Harvey C. and Fannie N. Babcock.

Together with a non-exclusive easement of right of way for ingress and egress to the above described property from Lake Powell Road and continuing over and across a fifteen foot right of way over a parcel of land now or formerly owned by Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, and more fully described as Parcel "2A" on a certain plat entitled "PROPERTY OF ROBERT AND JOANN H. GILLEY: 2.55 ACRES, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated February 23, 1985, made by James K. Alvis, Jr., which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg/James City County in Plat Book 40, Page 53, said easement to include a thirty foot circular turnaround where the creek meets the marsh.

Tract No. 2 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, by Deed dated June 17, 2009 recorded in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 090018383.

Tract No. 3 (4740100042D and 4740100042E)

All of those two tracts, pieces or parcels of property located in James City County, Virginia, and designated as PARCEL "D", and PARCEL "E", containing 3.75 acres and 16.30 acres, respectively, as shown and set forth on a certain blueprint plat of survey entitled "A SURVEY FOR CONVEYANCE – JAMES E. AYERS ET ALS TO UVB OF WMSBG., TR. – PART OF NECK-O-LAND FARM, LYING IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated January 6, 1970, revised February 2, 1970, made by Otto S. Schultz, Jr., C.L.S., a copy of which plat is duly of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, in James City County Plat Book No. 27, at Page 43.

LESS AND EXCEPT a certain 0.93 acre parcel of PARCEL "D" more fully shown and described on a plat entitled, "PLAT OF THE PROPERTY OF ROBERT E. AND JO ANN H. GILLEY, 0.93 AC +/- OF PARCEL "D" AS SHOWN IN PLAT BOOK 27, PAGE 43, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated September 8, 1988, made by James K. Alvis, Jr., Land Surveyor, and recorded in James City County Plat Book 49, Page 62.

Tract No. 3 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, by Deed dated June 17, 2009 recorded in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 090018383.

EXHIBIT B

Tract No. 4: (4740100042F)

ALL of a certain 0.93 acre parcel with improvements thereon, lying and being in James City County, Virginia, more fully shown and designated as 0.93 acres of PARCEL "D" on a plat entitled, "PLAT OF THE PROPERTY OF ROBERT E. AND JO ANN H. GILLEY, 0.93 AC +/- OF PARCEL "D" AS SHOWN IN PLAT BOOK 27, PAGE 43, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated September 8, 1988 and recorded September 22, 1988 in the Clerk's Office, Circuit Court, James City County, Virginia, in Plat Book 49, Page 62, reference to which plat is made for a more particular description of the property herein conveyed.

TOGETHER WITH an easement of right of way for ingress and egress to the aforesaid .93 acre parcel over and along a 50' wide Private Easement for egress and ingress from Gate House Boulevard (60' R/W) which follows the centerline of a 10' dirt lane.

TOGETHER WITH and easement for the existing well on a 10' x 15' Easement, contiguous to the said .93 acre parcel, both of which easements are shown and described on the aforesaid plat made by James K. Alvis.

Being the same property conveyed to Leigh Ann Gilley, Trustee by Deed dated October 17, 2008, from Leigh Ann Gilley, which deed was recorded in the aforesaid Clerk's Office as Instrument No. 080025893.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 04-22-2014  
at 10:49 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

By: Betsy B. Woolridge Clerk



## AMENDED & RESTATED PROFFER AGREEMENT

This Amended and Restated Proffer Agreement (the “2015 Restated Proffers”) is made by REGJAG, L.L.C., a Virginia limited liability company, successor to R. E. GILLEY and JOANN H. GILLEY (all to be indexed as Grantors) (all referred to herein, collectively as “Owner”) and provides as follows:

### RECITALS

R-1. REGJAG, LLC is the owner of certain real property (the “Property”) located in the County of James City, Virginia, containing 170.25 acres, more or less, more particularly described on Exhibit A attached hereto and made a part hereof.

R-2. In connection with development of the Gatehouse Farms subdivision located in James City County, Virginia, R. E. Gilley and JoAnn H. Gilley created certain proffers set forth in an agreement executed June 30, 1987 and recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City (the “Clerk’s Office”) in Deed Book 366, page 508 (the “Existing Proffers”).

R-3. Subsequent to creation of the Existing Proffers, Owner entered into a conservation easement agreement with James City County as a part of the County’s purchase of development rights program. The deed creating said conservation easement dated April 18, 2014 is of record in the aforesaid Clerk’s Office as Instrument Number 140006461 (the “Conservation Easement”). The Conservation Easement eliminates the potential for development of the Property pursuant the Proffers, and as such a certain Addendum to Proffer Agreement was executed by Owner, approved by the County, and recorded as Instrument No. 140011374 in the Clerk’s Office. The Existing Proffers as referenced herein shall be deemed to include said Addendum to Proffer Agreement.

Prepared by:  
Gregory R. Davis, Esq.  
Kaufman & Canoles, P.C.  
4801 Courthouse Street, Suite 300  
Williamsburg, VA 23188

R-4. In order to obtain A-1 zoning for the entire Property consistent with the Conservation Easement, Owner has applied by application dated May 14, 2015 to rezone all R-1 zoned portions of the Property to A-1, with proffers (the "Application").

R-5. Owner desires to offer to the County certain conditions on the use and development of the Property not generally applicable to land zoned A-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended (the "Virginia Code"), and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property and that the Existing Proffers are hereby amended and restated to be as follows:

**CONDITIONS:**

1. Amended & Restated Proffers. These 2015 Restated Proffers shall replace and supersede any and all prior proffer agreements regarding the subject property, specifically including without limitation, the Existing Proffers.

2. Limitation on Uses. The following uses shall be prohibited on the Property:

a. Uses that qualify as "*Agriculture, intensive*" as defined in James City County Code § 24-2 as of the date hereof.

3. Farm Conservation Plan. All agricultural activities on the Property shall be conducted in conformance with a Farm Conservation Plan in accordance with Section 7(b) of the Conservation Easement. A Farm Conservation Plan shall be submitted to the Colonial Soil and Water Conservation District (or such other party as may be approved by the County) for review and approval within eighteen (18) months from the date of approval of this Application by the James City County Board of Supervisors.

4. FEMA Flood Zone. No dwellings shall be erected in the 1% annual chance flood area on the Property. This restriction shall not, in any way, limit Owner's rights with regard to any Existing Dwellings (as defined in the Conservation Easement) on the Property.

5. Successors and Assigns. These 2015 Restated Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

6. Void if Application not Approved. In the event that the Application is not approved by the County, these 2015 Restated Proffers shall be null and void.

WITNESS the following signatures and seals this \_\_\_\_ day of June, 2015.

**REGJAG, L.L.C.**  
a Virginia limited liability company

By: R. Edwin Gilley  
R. Edwin Gilley

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me in James City County, Virginia, this 22nd day of June, 2015, by R. Edwin Gilley. He is personally known to me or has produced Drivers license as identification.

Heather Gilbert  
Notary Public

My Commission expires: 12-31-2015  
Notary Registration No.: 7113407  
[Affix Notarial Stamp]



## EXHIBIT A

### Tract No. 1 (4740100040 and 4740100041)

All those certain lots, piece or parcels of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as PARCEL "A", PARCEL "B", PARCEL "C", and PARCEL "D" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47.

The foregoing described property is also described as the following four parcels:

#### Parcel No. 1

All that certain lot or parcel of land, together with the buildings and improvements thereon, and the appurtenances thereunto belonging, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, containing, one (1) acre of land lying to the northeast of Parcel No. 2, hereinafter described. Said one acre of land fronts 104.35 feet on Virginia State Highway 682, sometimes known as Virginia State Highway 608, and also known as Neck O'Land Road, and formerly known as Jamestown Road, and extends back 417.12 feet from said State Highway, and is bounded by said State Highway, the lands now or formerly belonging to Jess H. Jackson and James W. Anderson, and Parcel No. 2. hereinafter described.

#### Parcel No. 2

All that certain lot, piece or parcel of land with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated as Parcel "A" on that certain plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, by Douglas E. White, CLS, a copy of which said plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia in Plat Book 28, Page 47, and on which said plat the property herein described is more particularly shown, set forth and designated as commencing at an iron pipe on the southerly side of Virginia State Route 682, also known as Neck O'Land Road, at a point where the property hereby described, the right of way of said Route 682 and the Parcel D as shown on said plat converge (said Parcel D being the same as Parcel 1 as hereinabove set forth); thence, S 46°59'03" E along the line of the property hereby conveyed through several iron pipes, and the line of the property now or formerly standing in the name of Jess H. Jackson, et al, the distance of 4345.48 feet to an iron pipe at a point where the property hereby described, the property now or formerly of James F. Ayres and the property of REGJAG, L.L.C. converge; thence, S

72°53'38" W the distance of 49.64 feet to an iron pipe; thence, N 51°7'49" W the distance of 200.03 feet to an iron pipe; thence, N 62°37'08" W a distance of 150.73 feet to an iron pipe; thence S 31°08'07" E the distance of 248.58 feet to an iron pipe; thence, S 40°03'32" E the distance of 307.36 feet to an iron pipe; thence, S 13°41'32" W the distance of 208.48 feet to an iron pipe; thence, N 23°51'06" W the distance of 125.92 feet to an iron pipe; thence, N 62°34'47" W the distance of 306.22 feet to an iron pipe; thence, N 16°29'55" W the distance of 201.20 feet to an iron pipe; thence N 63°45'44" W, the distance of 154.97 feet to an iron pipe; thence, S 34°33'04" E the distance of 123.64 feet to an iron pipe; thence, S 05°20'43" E the distance of 295.64 feet to an iron pipe; thence, N 64°26'51" W the distance of 104.02 feet to an iron pipe; thence, N 36°59'38" W the distance of 79.40 feet; thence, N 53°19'49" W the distance of 186.49 feet to an iron pipe; thence, N 69°00'35" W the distance of 52.54 feet to an iron pipe at a point where the property hereby conveyed, the property formerly belonging to Willard Gilley and Evelyn S. Gilley, and the property of REGJAG, L.L.C. converge; thence, N 46°59'37" W the distance of 3821.90 feet along the line of the property hereby described and the property formerly belonging to Willard Gilley and Evelyn S. Gilley to the iron pipe on the southerly side of Route 682; thence along the line of the property hereby described and the right of way of said Route 682; thence, N 43°4'43" E the distance of 640.57 feet to an iron pipe, the point of departure.

### Parcel No. 3

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining, lying, being and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia", dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia, and on which plat the property herein described is more particularly shown, set forth and designated on said plat as Parcel "B". The property hereby described commences at an iron pipe on the southerly side of Virginia State Route 682 and the property formerly standing in the name of James F. Ayers (shown Ayres on plat); thence, along the line of the property hereby described and the right of way of said Virginia State Route 682, N 43°04'43" E, a distance of 1177.75 feet to an iron pipe at a point where the property hereby conveyed, the right of way of said Virginia State Route 682 and the property standing formerly in the name of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., S 46°59'37" E, a distance of 3821.90 feet to an iron pipe at a point where the property hereby described the property formerly of Gate House Farm, Inc., formerly known as Gate House Dairy, Inc., and the property of REGJAG, L.L.C. converged; thence, along the line of the property hereby described and the property of REGJAG, L.L.C. as shown on said plat as marsh land to an iron pipe and following the division line as shown on said plat between the marsh land and the wood land to the aforesaid iron pipe being a point where the property hereby conveyed, the property of the REGJAG, L.L.C., and the property formerly standing in the name of James F. Ayers converge; thence, along the line of the property hereby

conveyed and the property of James F. Ayers as aforesaid, N 46°59'37" W, a distance of 4110.33 feet to the iron pipe on Virginia State Route 682 being the point of departure. The parcel hereby described contains 123.54 acres, more or less, but is encumbered in gross and not by the acre.

Parcel No. 4

ALL that certain lot, piece or parcel of land together with the appurtenances thereunto belonging, or in any wise appertaining., lying, being, and situated in Roberts District (formerly Jamestown District), James City County, Virginia, and more fully shown, set forth and designated on a certain blue print plat entitled, "Plat of Properties of Gate House Dairy, Inc., and Willard Gilley, Jamestown District, James City County, Virginia," dated May 22, 1971, made by Douglas E. White, CLS, a copy of said blue print plat is duly of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, and on which plat the property herein conveyed is more particularly shown, set forth and designated as Parcel "C", bounded and described as follows: commencing at an iron pipe of the northerly side of Virginia State Route 682 approximately 4,271 feet from the right of way thereof at a point where the property hereby described, the property formerly standing in the name of James F. Ayers, and the property of REGJAG, L.L.C. converge; thence, N 84°54'35" E along the line of the aforesaid and the property of the aforesaid, a distance of 63.68 feet to a point; thence N 08°02'10" E, a distance of 168.10 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid; thence, S 47° 58'17" E, a distance of 162.87 feet to a point; thence, along the line of the property hereby described, and the property of REGJAG, L.L.C., as aforesaid, S 58°20'5" E, a distance of 259.42 feet to a point; thence, S 86°46'09" W, a distance of 165.37 feet to an iron pipe; thence in a northerly direction along the line of the property hereby conveyed the property of James F. Ayers, a distance of 244.93 feet to the iron pipe, the point of departure. The parcel hereby conveyed, designated as Parcel "C", contains 1.19 acres, more or less. but is sold in gross and not by the acre.

LESS AND EXCEPT from the foregoing described property the following:

A. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 28.220 acres, plus or minus, more particularly described on that certain plat of survey entitled "PLAT OF 28.220 ACRES+/- TO BE CONVEYED TO: UNITED VIRGINIA DEVELOPMENT CORPORATION, FROM: ROBERT E. GILLEY, JAMES CITY COUNTY, VIRGINIA", dated June 5, 1979, revised June 20, 1979, prepared by Paul C. Small of Small Engineering, Inc., a copy of which is recorded in the aforesaid Clerk's Office in Deed Book 195, Page 468, which property was conveyed by Robert E. Gilley and Joann H. Gilley, husband and wife, to United Virginia Development Corporation by Deed dated June 21, 1979, recorded in the aforesaid Clerk's Office in Deed Book 195, Page 466; and

B. All that certain piece or parcel of land, lying, being and situated in James City County, Virginia, containing 5.79 acres and shown on a certain plat of survey entitled "SUBDIVISION OF 5.79 ACRES STANDING IN THE NAME OF ROBERT E. GILLEY" dated October 13, 1983, made by AES, a professional corporation, which plat is recorded in the aforesaid Clerk's Office in Plat Book 39, Page 45; and

C. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,053 square feet +/-, known and designated as Parcel A, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "A", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 66, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 348, Page 733; and

D. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,528 square feet +/-, known and designated as Parcel B, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "B", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated March 31, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 27, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated April 24, 1987, recorded in the aforesaid Clerk's Office in Deed Book 341, Page 80; and

E. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 15,353 square feet +/-, known and designated as Parcel C, as shown on that certain plat entitled "PLAT OF THE PROPERTY OF JO ANN H. GILLEY, PARCEL "C", JAMES CITY COUNTY, VIRGINIA" made by James K. Alvis, Jr., Land Surveyor, Newport News, Virginia, dated April 4, 1987, which plat is recorded in the aforesaid Clerk's Office in Plat Book 45, Page 54, and which property was conveyed by Joann H. Gilley and Robert E. Gilley, wife and husband, to Vineyard Investors by Deed dated May 20, 1987, recorded in the aforesaid Clerk's Office in Deed Book 345, Page 258; and

F. All that certain lot, piece or parcel of land, lying and being in the County of James City, Virginia, containing 2.00 acres shown and designated as Parcel A-1 on that certain plat entitled "Plat of the Property of Leigh Ann Gilley, Parcel A-1, 2.00 Acres, Being part of Gate House Farms, Jamestown District, James City County, Virginia" made by James K. Alvis, Jr., CLS, Newport News, Virginia, dated December 6, 2004, revised May 3, 2005, which plat is recorded in the aforesaid Clerk's Office as Instrument No. 050002188, and which property was conveyed by REGJAG, L.L.C., to Leigh Ann Gilley by Deed recorded in the aforesaid Clerk's Office as Instrument No. 050002188; and

G. All that certain piece or parcel of land, lying and being in the County of James City, Virginia, containing 1.18 acres +/-, being a portion of the property shown and designated as Parcel C on that certain plat entitled "PROPERTY LINE ADJUSTMENT PLAT, PARCEL C, NECK-O-LAND FARM, OWNER/DEVELOPER ROBERT E. GILLEY II, AND WIFE MEREDITH H. GILLEY, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA" made by DJG, Inc., dated February 20, 2000, which plat is recorded in the aforesaid Clerk's Office in Plat Book 78, Page 62, and which property was conveyed together with other property by Robert E. Gilley and Jo Ann H. Gilley, husband and wife, to Robert E. Gilley II and Meredith H. Gilley, husband and wife, by Deed recorded in the aforesaid Clerk's Office as Instrument No. 000017549.

Parcel No. 2, as hereinabove set forth, is expressly subject to a certain deed of easement dated the 5th day of July, 1974, which grants an easement fifty (50) feet in width over, along and through Parcel No. 2, as is more fully shown, set forth and designated in said deed of easement which is of record in the aforesaid Clerk's Office.

Tract No. 1 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Jo Ann H. Gilley, by deed of gift dated September 11, 2001, recorded October 10, 2001, in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 010018329.

Tract No. 2 (4740100042D and 4740100042E)

All of those two tracts, pieces or parcels of property located in James City County, Virginia, and designated as PARCEL "D", and PARCEL "E", containing 3.75 acres and 16.30 acres, respectively, as shown and set forth on a certain blueprint plat of survey entitled "A SURVEY FOR CONVEYANCE – JAMES E. AYERS ET ALS TO UVB OF WMSBG., TR. – PART OF NECK-O-LAND FARM, LYING IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated January 6, 1970, revised February 2, 1970, made by Otto S. Schultz, Jr., C.L.S., a copy of which plat is duly of record in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, in James City County Plat Book No. 27, at Page 43.

LESS AND EXCEPT a certain 0.93 acre parcel of PARCEL "D" more fully shown and described on a plat entitled, "PLAT OF THE PROPERTY OF ROBERT E. AND JO ANN H. GILLEY, 0.93 AC +/- OF PARCEL "D" AS SHOWN IN PLAT BOOK 27, PAGE 43, JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated September 8, 1988, made by James K. Alvis, Jr., Land Surveyor, and recorded in James City County Plat Book 49, Page 62.

Tract No. 2 being a portion of the same real estate conveyed to REGJAG, L.L.C. from Robert E. Gilley, II, Leigh Ann Gilley, and Terri Lynn McIlwean, by Deed dated June 17, 2009 recorded in the Clerk's Office, Circuit Court, City of Williamsburg and County of James City, Virginia, as Instrument No. 090018383.

**ADDENDUM TO PROFFER AGREEMENT**

This Addendum is made by REGJAG, LLC, a Virginia limited liability company, successor to R. E. Gilley and JoAnn H. Gilley (to be indexed as Grantors) (both referred to herein as "Owner") and provides as follows:

**RECITALS**

R-1. In connection with development of the Gatehouse Farms subdivision located in James City County, Virginia, R. E. Gilley and JoAnn H. Gilley created certain proffers set forth in an agreement executed June 30, 1987 and recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City in Deed Book 366, page 508 (the "Proffers"), subsequent to creation of the Proffers, the Owners entered into a conservation easement agreement with James City County as a part of the County's purchase of development rights program.

R-2. Subsequent to creation of the Proffers, the Owners entered into a conservation easement agreement with James City County as a part of the County's purchase of development rights program. The deed creating said conservation easement dated April 18, 2014 is of record in the aforesaid Clerk's Office as Instrument Number 140006461 (the "Conservation Easement").

R-3. The Conservation Easement eliminates the potential for development of the property which was the subject of the Proffers, and the Owners have requested that James City County approve an amendment of the Proffers pursuant to Section 15.2-2302 of the Code of Virginia in order to eliminate conditions number 1, 2 and 4 relating to a drainage study, and establishment of a recreation area.

Prepared by:  
✓ Gregory R. Davis, Esq.  
Kaufman & Canoles, P.C.  
4801 Courthouse Street, Suite 300  
Williamsburg, VA 23188

Z-4-14  
Gatehouse Farms Proffer Amendment  
Proffers  
PR-13-A  
Page 1 of 2

R-4. The County has approved an amendment of the Proffers, and therefore, this Addendum evidences the aforesaid Proffer changes.

NOW THEREFORE, this Addendum witnesseth that, in consideration for the terms of the Conservation Easement and the approval by James City County of the amendment of the Proffers as recited above, the Proffers are amended as follows:

**PROVISIONS**

1. Conditions numbered 1, 2 and 4 set forth in the Proffers are hereby eliminated and of no further force of effect.
2. Except as modified by this Addendum, by the Conservation Easement, or by subsequent approval of James City County, the Proffers are ratified, confirmed and unaffected.

WITNESS the following signatures and seals this 14<sup>th</sup> day of July, 2014.

REGJAG, LLC, a Virginia limited liability company

By: R. Edwin Gilley  
R. Edwin Gilley

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me in Williamsburg Virginia, this 14<sup>th</sup> day of July, 2014, by R. Edwin Gilley. He/She is personally known to me or has produced Drivers license as identification.

Heather Gilbert  
Notary Public

My Commission expires: 12-31-2015  
Notary Registration No.: 7113607  
[Affix Notarial Stamp]



VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 7-29-2014  
at 12:08 /PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.  
STATE TAX LOCAL TAX ADDITIONAL TAX

Page 2 of 2

TESTE: Betsy B. Woolridge, CLERK  
BY: Betsy B. Woolridge Clerk



Gatehouse Farms - Gilley Z-27-86

AGREEMENT

BOOK 366 PAGE 528

WHEREAS, R.E. Gilley and JoAnn H. Gilley, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "MASTER PLAN OF GATEHOUSE FARMS."

WHEREAS, the Owner has requested rezoning of 70 acres of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and 100+ acres of the the Property from A-2 Limited Agriculture to A-1 General Agriculture; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1 and the General Agriculture District A-1 because the Limited Residential District, R-1 and the General Agricultural District A-1 zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1 and the General Agricultural District A-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1 and the General Agricultural District A-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1 and the General Agricultural District A-1, but subject to the current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

#### CONDITIONS

1. The Owner or Developer, at his expense, shall cause to be prepared a comprehensive drainage study of the Property for review and approval by the James City County Director of Public Works prior to submittal of preliminary subdivision plans.
2. Upon approval of the drainage study, the Owner or Developer shall be obligated to incorporate the recommendations of the study in the subdivision of the Property.
3. The 70 acres to be rezoned to R-1 shall include not more than 100 lots of an area of at least 17,500 square feet on each lot.
4. A minimum of 2 acres shall be set aside exclusively for a recreational area for residents of Gatehouse Farms.
5. No structures shall be erected in the hundred year flood plain area.
6. The 100 acres now in the Agricultural and Forestal District shall stay in the Agricultural and Forestal District for a period of ten years as per agreement with the Virginia State and Federal agencies involved in the re-seeding

project of this property. There shall be no more than 36 single family dwellings developed on the 100 acres+ to be rezoned A-1 General Agriculture. Uses shall be restricted to single family residential and related uses, and agricultural uses not inconsistent with those permitted in Agricultural and Forestal Districts.

R. E. Gilley  
R. E. GILLEY

JoAnn H. Gilley  
JOANN H. GILLEY



STATE OF VIRGINIA,  
COUNTY OF JAMES CITY, to-wit:

The foregoing was acknowledged before me by R.E. Gilley and JoAnn H. Gilley this 30<sup>th</sup> day of June, 1987. My commission expires June 19, 1988.

Juni L. Massey  
Notary Public

DR. NO. 366 PAGE 511

VIRGINIA: City of Williamsburg and County of James City, to wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City this 14 day of Oct, 1987 this Agreement was presented with certificate annexed and admitted to record at 1:22 o'clock

Testo: Edlene S. Ward, Clerk  
by Edlene S. Ward  
Deputy Clerk

**KAUFMAN & CANOLES**  
attorneys at law

Kaufman & Canoles, P.C.  
4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

*Mailing Address*  
Post Office Box 6000  
Williamsburg, VA 23188

T (757) 259.3800  
F (757) 259.3838

kaufCAN.com

William L. Holt  
(757) 259.3885  
wlholt@kaufcan.com

May 14, 2015

**VIA HAND DELIVERY**

Paul Holt  
Director of Planning  
James City County  
101-A Mount Bays Road  
Williamsburg, VA 23185

PLANNING DIVISION  
MAY 19 2015  
RECEIVED

**Re: REGJAG, LLC – A-1 Rezoning Application**

Dear Paul:

This letter accompanies an application for rezoning by our client REGJAG, LLC. The following background information is provided as a supplement to the County application form and rezoning exhibit enclosed. As a preliminary note, we consider this application to be a clean-up of the County zoning map following the conservation easement placed on the subject property in 2014.

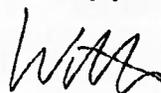
**Background**

REGJAG, LLC is a family limited liability company whose members are the descendants of R. E. "Bobby" Gilley and JoAnn Gilley. The property at issue is a portion of the Gilley family farm commonly known as "Gatehouse Farm" and has been in the Gilley family for three generations. In 1987, the Gilley family obtained approval for construction of up 136 homes in the Gatehouse Farms development. This approval included a rezoning of a portion of the Gatehouse Farm property to R-1 and another portion to A-1. See attached 1987 Master Plan of Gatehouse Farms attached as Exhibit 1.

In more recent years, the Gilley family has entered into a conservation easement agreement as a part of the purchase of development rights program ("PDR") with James City County, which prohibits further development on the subject property. Accordingly, the intent of this application is to eliminate the old R-1 split-zoning of the Gatehouse Farm property and apply consistent A-1 zoning to the entire property. The Gilley family anticipates continued agricultural and farming use of the Gatehouse Farm property, which is inconsistent with the current R-1 split zoning that applies to the 65.6 acres subject to this application. Hence, we view this application as a necessary clean-up of the County zoning map following the conservation easement placed on this property in 2014.

We look forward to working with you and your staff on this application and encourage you to contact me with any questions or concerns.

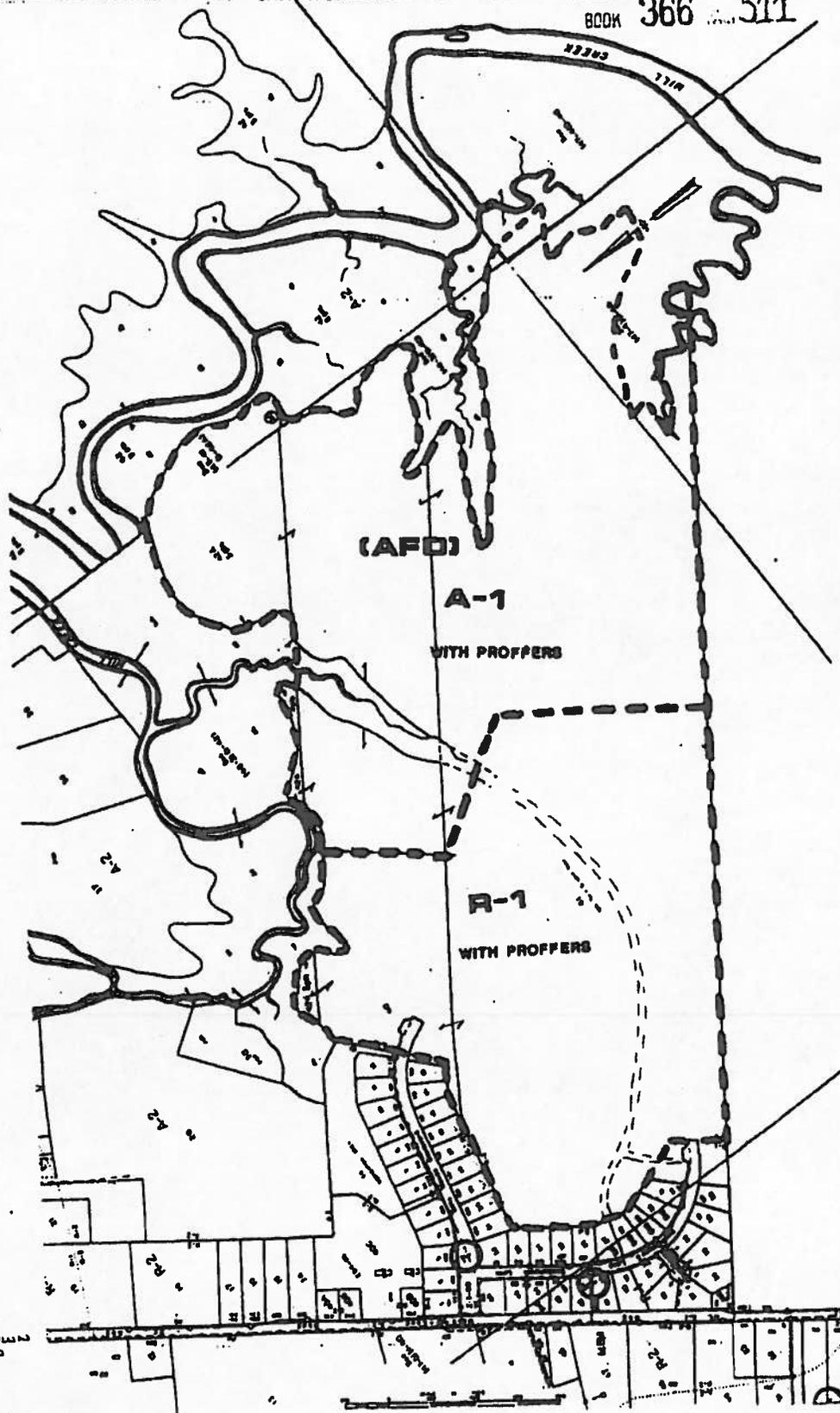
Very truly yours,



William L. Holt

c: R. Edwin Gilley, REGJAG, LLC

BOOK 366 PAGE 511



REV. 10/15/87, P.C.S.

AES, a professional corporation

engineers, surveyors, planners

Williamsburg, Virginia

### MASTER PLAN OF GATEHOUSE FARMS

SHOWING PROPOSED 1987 REZONING

JAMESTOWN DISTRICT

JAMES CITY COUNTY, VIRGINIA

Scale: 1"=600'

Ref.: PB 35/111; JCC TAX MAPS

Date: SEPT, 1987

Job No. 3871

## **Sec. 24-2. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

A

*Agriculture, intensive.* Those intensive agricultural operations commonly known as confinement operations where large numbers of animals or poultry are confined to a relatively small space such as hog, veal and poultry pens or houses, feedlots for livestock and dairy farming operations. Any enclosure, pen or building for the concentrated confinement of livestock or poultry wherein more than 300 veal animals, slaughter or feeder cattle, 200 dairy cattle, 750 swine, 150 horses, 500 sheep, lambs, goats or similar animals, 5,500 turkeys, or 10,000 laying hens or broilers are confined or housed shall constitute intensive agriculture. Enclosed pasture or range where grass is maintained for at least ten months of the year or where animals are confined at no more than 15 adult animals per acre for no longer than 120 continuous days shall not constitute intensive agriculture.

**MEMORANDUM**

DATE: July 1, 2015

TO: The Planning Commission

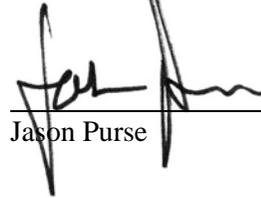
FROM: Jason Purse, Zoning Administrator

SUBJECT: Initiation of a Consideration of Amendments to the Zoning Ordinance to incorporate State Code Changes- Article VIII Appeals

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During the 2015 Legislative session, amendments to the State Code were passed that need to be incorporated into the Zoning Ordinance. The proposed changes deal with the definition of variance, as well as the standards that must be met in order to receive a variance from the Board of Zoning Appeals. Staff will be prepared to provide the new State Code language and proposed ordinance amendments at an upcoming Policy Committee meeting.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of such amendments to the Zoning Ordinance and to refer this matter to the Policy Committee.



---

Jason Purse

Attachment:

1. Initiating Resolution

**RESOLUTION**

**INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE TO INCORPORATE**

**STATE CODE CHANGES - ARTICLE VIII APPEALS**

WHEREAS, Virginia Code § 15.2-2286 and County Code § 24-13 permit the Planning Commission of James City County, Virginia (the “Commission”) to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a Zoning Ordinance and necessary revisions thereto as the Commission finds to be prudent; and

WHEREAS, the Virginia General Assembly enacted legislation during the 2015 Legislative Session that affected local zoning laws; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code § 15.2-2285; 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, by motion, initiate review of the Zoning Ordinance to consider amendments to Article I, In General, Section 24-2, Definitions; Article VIII, Division 1, Administrative Variances; and Division 2, Board of Zoning Appeals, to amend the definition and standards for granting variances. 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.

\_\_\_\_\_  
Robin Bledsoe  
Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Paul D. Holt, III  
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1st day of July 2015.

Ini-Art8App-res

PLANNING DIRECTOR'S REPORT  
July 2015

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

- **New Town.** The Design Review Board did not meet in June. They reviewed electronic submissions for a new trail alignment in Section 3&6, changes to location in trail and amenities in the Roper-Homestead Park and amendments to reflect as-built conditions in Founders Village. The next meeting is scheduled for August 13<sup>th</sup>.
- **Rural Economic Development Committee (REDC).** The REDC is sponsoring a contest for photographers to show how they think about rural in new and creative ways. Winning photographs will be featured in an exhibit in September as part of Williamsburg Fall Arts. Entries are due July 15 and must fit into one of 10 categories:
  - Farms & Working Lands
  - Rivers, Waterways & Farm Ponds
  - Native Flora & Fauna
  - Farm Animals & Wildlife
  - Farm Equipment
  - Rural Recreation
  - Rural Lifestyle
  - Rural Routes
  - Ugly Produce
  - Tremendous Timber

For more information and contest rules, visit <http://www.yesjamescitycountyva.com/rural-photo/>.

- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached documents.
- **Board Action Results:**
  - June 9, 2015
    - Case No. SUP-0013-2014, 104 Howard Drive. Grove Barber Shop (Approved 4-0)
    - Adoption of the James City County Comprehensive Plan, "Toward 2035: Leading the Way" (Deferred to June 23, 2015)
    - Case No. Z-0008-2014/MP-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment (Deferred to June 23, 2015)
    - Case No. ZO-0003-2015. Consideration of Amendments to the Zoning Ordinance - Article 1. In General. Administrative fees, Amendments and variation of conditions, and Submittal Requirements (Approved 4-0)
    - Case No. ZO-0004-2015, A-1, General Agricultural, and Definition Amendments to Incorporate State Code Changes (Approved 4-0)
    - Case No. ZO-0002-2015, B-1, General Business, and M-1, Limited Business/Industrial, Amendments to Incorporate Changes Made to Small-Scale Alcohol Production Definition

(Approved 4-0)

- June 23, 2015
  - Adoption of the James City County Comprehensive Plan, "Toward 2035: Leading the Way"  
(Approved 5-0)
  - Case No. Z-0008-2014/MP-0004-2014. The Village at Candle Station Rezoning and Master Plan Amendment  
(Approved 4-1)

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plan	C-0034-2015	Cox Communication Windsor Ridge Section 4 Power Supply	225 MEADOWCREST TR	Installation of new Cox Power Supply, unit will provide power to cox electronics that will service Windsor Ridge Section 4.	Savannah Pietrowski	01-Stonehouse
	C-0035-2015	Skiffes Creek Switching Station	POCAHONTAS TRAIL	Electric switching station for proposed Dominion Power Surry-Skiffes Creek transmission lines.	Leanne Pollock	00-Unknown
	C-0036-2015	3279 Lake Powell Rd. Parking Verification (Triangle Stepping Stones)	3279 LAKE POWELL RD	Change of use from garden center to meeting space for organized recovery groups.	Ellen Cook	05-Roberts
	C-0037-2015	Jacobs Industrial Center Parcel 8	263 INDUSTRIAL BLVD	Project consists of the subdivision of the existing parcel 8 and the development of the 2 parcels into a warehouse/storage facility for industrial uses.	Jose Ribeiro	00-Unknown
	C-0038-2015	5298 Riverview Rd. Family Subdivision	5298 RIVERVIEW ROAD	Subdivide into two (2) or four (4) parcels.	Jose Ribeiro	01-Stonehouse
	C-0039-2015	Calvary Chapel Day Care	5535 OLDE TOWNE ROAD	Calvary Chapel Williamsburg would like to add a child development day care as a ministry of their church. Permitted use, evaluating for parking.	Roberta Sulouff	02-Powhatan
Height Waiver	HW-0001-2015	Skiffes Creek Switching Station	8968 POCAHONTAS TRAIL	Allow an electrical switching station for overhead transmission lines. Requesting 80' height. Submitted in conjunction with Z-0003-2015 (rezoning from R-8, Rural Residential to M-2, General Industrial) and SUP-0002-2015 (special use permit for an electrical generation facilities with a capacity of over 5,000 kV).	Leanne Pollock	05-Roberts
Subdivision	S-0019-2015	Crawford Property, Subdivision of Property 1	3645 TOANO WOODS ROAD	Subdivision of a 17.2 acre lot into two lots	Chris Johnson	01-Stonehouse
	S-0020-2015	The Village at Candle Station Ph. 1A	7551 RICHMOND ROAD	Plat of 49 lots on 3.703 acres.	Jose Ribeiro	01-Stonehouse
	S-0021-2015	Brickyard on the Chickahominy	1006 BRICKYARD ROAD	Plat of three (3) lots on 13.42 acres.	Savannah Pietrowski	02-Powhatan
	S-0022-2015	The Settlement at Powhatan Creek, Ph. 3-A, Lot 250, Plat of Correction	4209 BERRY SQUARE	Plat of Correction revising the front setback	Chris Johnson	00-Unknown
	S-0023-2015	7550 Church Ln.	7550 CHURCH LANE	A plat proposing a minor subdivision of 5 lots on 20.56 acres.	Roberta Sulouff	01-Stonehouse

Site Plan	SP-0049-2015	The Promenade at John Tyler	5304 JOHN TYLER HGWY	Development of 190 condo units (11 ten-plex buildings and 40 duplex buildings) as shown on the previously approved rezoning and master plan.	Savannah Pietrowski	03-Berkeley
	SP-0050-2015	Facade Renovations to Parker Piano	6316 RICHMOND ROAD	New facade on front and sides with additional wall mounted light fixtures.	Ellen Cook	02-Powhatan
	SP-0051-2015	Kingsmill, MaCaulay Mini-Park	5010300091A	A plan to add several parking spaces, pier renovations, and drainage improvements.	Roberta Sulouff	05-Roberts
	SP-0052-2015	5701 Centerville Rd. Office Addition	5701 CENTERVILLE RD	Addition of a 12'x36' modular office to the existing office space.	Savannah Pietrowski	02-Powhatan
	SP-0053-2015	Chickahominy Riverfront Park Bike Maintenance Station	1350 JOHN TYLER HGWY	Proposed construction of a bike maintenance station for users of the Virginia Capital Trail. The station will include a memorial stone to recognize a local JCC biker and is funded by the local bike community and donated to James City County.	Jose Ribeiro	02-Powhatan
	SP-0054-2015	Fords Colony Maintenance Facility, Storage Bay Conversion SP Amend.	4624 CENTERVILLE RD	This case has been withdrawn	Scott Whyte	02-Powhatan
	SP-0055-2015	New Town Sec. 12 (Oxford Apts/Founders Village) SP Amend. #4	3950 WINDSORMEADE WAY	Amendment showing revised ADA parking near Building #13, relocated ADA space to clubhouse, and revised sidewalks adjacent to garages for building #11 and #12.	Leanne Pollock	04-Jamestown
	SP-0056-2015	Yarmouth Creek Headwaters Stream Restoration	7051 RICHMOND ROAD	Proposed 541 linear feet of stream restoration and stabilization of severely degraded stream in the headwaters of the Yarmouth Creek Watershed. Streambank grading, instream habitat and grade control structures will eliminate excessive erosion and sediment deposition. Native plant species will be installed as part of the project.	Jose Ribeiro	01-Stonehouse
	SP-0057-2015	Busch Gardens Festa Italia Expansion (Tempesto) SP Amend.	7851 POCAHONTAS TR	Site plan amendment to reflect field changes to storm sewer, waterline connection, swales, emergency exit walks, and down spouts and adds a shade structure and shed.	Leanne Pollock	05-Roberts
Special Use Permit	SUP-0002-2015	Skiffes Creek Switching Station	POCAHONTAS TRAIL	Allow an electrical switching station for overhead transmission lines. Submitted in conjunction with Z-0003-2015 (rezoning from R-8, Rural Residential to M-2, General Industrial) and HW-0001-2015 (height waiver for two 75' static poles).	Leanne Pollock	00-Unknown
Rezoning	Z-0002-2015	Gilley Estates, Gatehouse Farms	229 GATE HOUSE BLVD	Rezoning of 150 acres split-zone R-1/A-1 with proffers to A-1 with proffers.	Jose Ribeiro	05-Roberts
	Z-0003-2015	Skiffes Creek Switching Station	POCAHONTAS TRAIL	Rezone from R-8 to M-2 to allow an electrical switching station for overhead transmission lines. Submitted in conjunction with HW-0001-2015 (height waiver to allow two 74' static poles) and SUP-0002-2015 (special use permit for an electrical generation facilities with a capacity of over 5,000 kV).	Leanne Pollock	00-Unknown