

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF SEPTEMBER, 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
Martin Garrett
John Hagee
Donald Hunt
Willafay McKenna
A. Joe Poole, III

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John T.P. Horne, Development Manager
Marvin Sowers, Planning Director
Matt Maxwell, Senior Planner
Gary Pleskac, Senior Planner
Tammy Rosario, Senior Planner
Paul Holt, Planner

2. MINUTES

Upon a motion by Willafay McKenna, seconded by Jay Everson, the minutes of the August 4, 1997 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Martin Garrett presented the DRC report and recommended approval. Upon a motion by Martin Garrett, seconded by Willafay McKenna, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. MP-4-97. GREENSPRINGS PLANTATION.

Jill Schmidle presented the staff report to amend the Greensprings Plantation Master Plan and to amend the proffers. She stated the proposal sought to redesignate the location of dwelling units in the Multi-family land bays and would not affect the total number of approved dwelling units. She concluded by stating that the master plan amendment was consistent with the approved master plan and recommended the Planning Commission approve this application and accept the voluntary proffers.

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

Willafay McKenna made a motion, seconded by Jay Everson, to approve the master plan amendment and voluntary proffers. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

5. CASE NO. SUP-23-97. WILLIAMSBURG-JAMESTOWN AIRPORT.

Matt Maxwell presented the staff report to amend the existing special use permit application for the Williamsburg-Jamestown Airport. He stated the proposed amendments would provide a series of capital improvements over the next 20 years which would be done in four development stages. He stated that the property was designated "Airport" on the Comprehensive Plan Land Use Map. He said staff would be preparing a thorough report addressing all issues and questions of concerned citizens for the October 6 Planning Commission meeting. He concluded by stating staff concurred with the applicant's request for deferral and recommended that the Commission defer this matter until their next meeting.

Jay Everson requested that staff indicate in their report which changes were required by state/federal regulations and which were being done by the applicant. He also asked which subdivisions were existing before and after the airport was constructed.

Matt stated that information would be supplied and any citizen interested in acquiring a copy of the staff report could come to the Planning Department on Friday afternoon, October 3.

Alex Kuras opened the public hearing and encouraged the citizens to speak next month unless anyone had new issues or questions or would be unable to attend the next meeting.

Paul Miller of 2804 Sterling Drive spoke in opposition of the proposed widening and extending of the runway. His main concern was the flight pattern over the new expanded and renovated Rawls Byrd Elementary School. He felt that the expansion would invite larger aircraft into the area and cause a greater risk to the surrounding developments. He displayed several overheads explaining his concern of what might happen if aircraft that usually land at the Williamsburg-Patrick Henry Airport attempted to land at the Williamsburg-Jamestown Airport, which is a substandard airport.

Ray Merritt, a former Air Force pilot, who lives in the flight path of the airport and flies into Williamsburg-Jamestown Airport spoke of the necessary need for widening and extending the present runway and displaced threshold. He stated that pilots are informed to turn immediately after take off in order to avoid the flight path over the school.

Forrest White of 100 South Point Drive and representing the school system complimented Matthew Maxwell and staff for doing an excellent job in compiling the questions. His concern for the school, which he felt was not totally explored, was the noise level impact. He stated he saw the noise level study prepared by the consultant and felt it was limited. It showed noise levels on the ground in excess of 65 decibels, which is the level used for fire alarms in the schools. He suggested a wider study of noise level impact both on and off the property over the neighborhoods for takeoffs and landings of various types of aircraft in order to have an accurate impact on the school.

John McGlennon of 2817 Mockingbird Lane spoke in opposition of the airport improvements. He wanted to know what impact there would be on the proposal to change the access road on the potential widening of Lake Powell Road beyond the current Marclay Road. Also he asked staff to provide a clear deliniation of the way in which the conditions of the last special use permit were met by all parties and wanted to know what conditions had changed in order for this amendment to occur.

Willafay McKenna commented that it was her understanding that the Commission's discussion and consideration had to be related to the requested approval and it was not the purpose of any of this to reopen every issue regarding the airport that we had in the past.

Alex Kuras commented that light aircraft at 900' were relatively quiet. He did not feel that property values would be changed.

With the concurrence of the Planning Commission, the case was deferred until the October 6, 1997 meeting.

Joe Poole thanked everyone for coming out to the meeting and looked forward to seeing them October 6 and hearing from them during the interim.

6. CASE NO. AFD-8-86. CASEY/WILLIAMSBURG-JCC COURTHOUSE WITHDRAWAL.

Gary Pleskac presented the staff report to withdraw approximately 75 acres for the existing Casey Agricultural and Forestal District for the purpose of initiating the first phase of the Casey New Town and to withdraw approximately 11.5 acres from the existing Casey Agricultural and Forestal District for the new Williamsburg/James City County Courthouse. He stated that the AFD Advisory Committee did not concur with staff's recommendation of approval for withdrawal.

Jay Everson asked if the AFD Advisory Committee stated their reasons for denying this application.

Gary Pleskac stated there were no specific reasons but there was a general consensus among the Committee that the New Town Plan was not a necessary project beneficial to the public interest and they also expressed reservation about the loss of the farm vista long Ironbound Road for the development of the Casey Tract.

Gary Pleskac requested the Commission defer voting on this case until later in the meeting along with their consideration of Case Nos. Z-4-97 and MP-2-97.

7. CASE NO. Z-4-97 AND MP-2-97. CASEY/NEW TOWN AND Z-100-97. W/JCC COURTHOUSE.

Tammy Rosario presented the staff report for the Casey New Town which was submitted to rezone approximately 16 acres from M-1, Limited Business/Industrial, and R-8, Rural Residential, to MU, Mixed Use and 554 acres from M-1, Limited Business/Industrial, and R-8, Rural Residential, to R-8, Rural Residential, with proffers. She concluded her presentation by stating that the MU portion (Section 1) and the R-8 portion (Sections 2-14) were consistent with the Comprehensive Plan land use and Community Character Area designation. Staff recommended the Planning Commission recommend approval of this case with the understanding that the issues of the school site and the final fiscal impact statement numbers would be resolved by the time the case was decided by the Board.

There being no questions from the Planning Commission, Tammy presented Case No. Z-10-97 for the Courthouse which was submitted to rezone 11.5 acres from M-1, Limited Business/Industrial, to MU, Mixed Use with proffers for the purpose of constructing the new Courthouse. Staff stated that the proposed rezoning was compatible with the Mixed Use Master Plan prepared for this area, the Comprehensive Plan and the surrounding zoning and development. Staff requested that the Commission recommend approval of this case to the Board of Supervisors.

Joe Poole asked for information on the Design Review Board such as the number of individuals, their qualifications, who appoints them, their duration on the Board.

Tammy Rosario stated that the Design Review Board would be appointed by both the County and owner. The Board would consist of five members, two appointed by the owner, two by the County and one that would be mutually agreed upon. They would serve a term of one year and it was preferred that three members be professionals in the field of architecture, engineering, land planning, environmental consultant or landscape architecture.

Joe Poole stated that 10% open space was required and asked how much of the entire complex would be open space at time of build out.

Tammy Rosario stated that at build out at least 10% of the entire property would be usable open space although Chesapeake Bay regulations would come into effect and at least 40% would be pervious property.

John Hagee asked about the fiscal impact study.

John Horne stated there was an original impact study submitted with the application and it made certain assumptions and in the opinion of staff made the most conservative estimate, that is, the most residential development and the least likely commercial development. He stated that staff had received and reviewed two other scenarios. Staff had additional comments regarding the developments scenarios and would be giving them to the applicant and asking for further modifications to the assumptions in the model. He stated staff and the applicant had agreed conceptually on a proffer that would require that, with the submission of each additional MU rezoning, there would be an update to the baseline fiscal impact study.

Jay Everson asked if there was some type of trigger where the commercial development would come before housing such as for Stonehouse.

John Horne explained that at this point there was no trigger since they were only asking for approval of the development of the Mixed Use property.

Martin Garrett stated that the agreement reached between the developer and staff in reviewing the fiscal impact study at each stage of rezoning was an excellent way for the County to manage growth. He also noted that the staff was in effect saving the local citizens tax dollars and that it was the result of the Board of Supervisors who had the fore sight to provide us with a good planning staff.

Jay Everson wanted to know if there would be a big box retailer coming into the New Town area and if the private roads would be within the entire development or only in certain areas.

Tammy Rosario stated that the designers could better answer that question, but certain sections of the master plan do have a cap on the amount of square footage on a building.

Alex Kuras opened the public hearing.

Vernon Geddy, III, representing the C.C. Casey Company, stated that this proposal was a unique proposal in its vision, goals, design, rezoning process, design process and most importantly the commitment of the owner in making this vision of the property a reality. As stated previously, results of the New Town Plan embodied the design guidelines, and a master plan had been incorporated by James City County into its 1997 Comprehensive Plan. He concluded by stating that this project creates something that the County does not now have, a "Downtown."

Donald Clinton spoke to the Commission stating that one item he wished to note was the extent with which what they were doing was difficult to do in the constraints of normal development processes as they exist in communities. He complimented the property owner and the County in their collaboration in establishing a plan for the New Town. He stated there was a question raised about the size of retail stores. He explained that each section had a maximum size in which some could support big box retail but there were other factors that need to be considered and at this time there really was no direct answer to the question. He stated 42 percent of the total 14 sections was dedicated to non-residential and Sections 12 and 13, consisting of 228 acres, had a total of 470 proposed residential units.

There being no further speakers, the public hearing was closed.

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval of AFD-8-86. Casey/Williamsburg-JCC Withdrawals. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

Prior to voting on the Casey New Town rezoning, the Commission members restated their thoughts on the residential areas within the master plan. Jay Everson suggested reducing the number of residential units in the west section.

Willafay McKenna made a motion, seconded by Martin Garrett, to recommend approval of MP-2-97 and Z-4-97. Casey/NewTown. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval of Z-10-97. Williamsburg/JCC Courthouse. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

9. PLANNING COMMISSION ANNUAL REPORT

Marvin Sowers stated that a copy of the Annual Report was attached and he asked that the Commission grant approval.

In a voice vote, the Commission unanimously approved the Annual Report.

10. PLANNING DIRECTOR'S REPORT

Marvin Sowers spoke to the Commission members about the VCPA Conference in October and stated anyone who was interested in attending could contact Carole Giuliano by Monday of next week.

There being no further business, the September 3, 1997 Planning Commission meeting adjourned at approximately 10:00 p.m.


Alexander Kuras, Chairman


O. Marvin Sowers, Secretary