

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

1. ROLL CALL

Martin Garrett
John Hagee
Wilford Kale
Alexander Kuras
A. Joe Poole, III

ALSO PRESENT

John T.P. Horne, Manager, Development Management
O. Marvin Sowers, Planning Director
Leo Rogers, Deputy County Attorney
Don Davis, Principal Planner
Tammy Rosario, Senior Planner
Paul Holt, Senior Planner
Jill Schmidle, Planner

2. MINUTES

Upon a motion by Alex Kuras, seconded by Joe Poole, the minutes of the November 2, 1998 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Alex Kuras reviewed the cases brought to the DRC and recommended approval by the Commission. John Hagee seconded his motion. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-7-98. J. W. CROSSING (formerly C & N Dining).

Jill Schmidle presented the staff report stating the applicant had continued to work with representatives from Ewell Station and County staff to resolve issues and concerns. The applicant has requested deferral to the January Planning Commission meeting. Staff concurred with their request.

Martin Garrett asked if anyone wished to speak on this matter. There being no speakers, the hearing remained open.

5. CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT/POWELL ADDITION.

Jill Schmidle presented the staff report stating this parcel had been a part of the AFD since its creation in 1986 and was withdrawn in September 1998. She stated the owners now wished to place the property back into the Agricultural and Forestal District. She said the AFD Advisory Committee voted 6-0 to approve this request and staff also recommended that the Planning Commission approve the addition to the district.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Alex Kuras made a motion, seconded by Joe Poole, to recommend approval of this application. In a roll call vote, motion passed 5-0. AYE: Hagee, Kale, Poole, Kuras, Garrett, (5); NAY: (0).

6. CASE NO. MP-5-98. WARHILL TRACT MASTER PLAN AMENDMENT.

Tammy Rosario presented the staff report stating the applicant had requested an amendment to both the master plan and the proffers in order to expand the amount of retail commercial square footage and to increase the flexibility in locating the various uses throughout the property. She stated that the present three land bays were proposed to be combined into two land bays as outlined in the staff report. She stated staff found that the proposal was consistent with the surrounding properties and uses, the Comprehensive Plan, and the previous actions taken by the Board of Supervisors. Staff recommended that the Planning Commission approve this application.

John Hagee asked if the DRC would have any involvement with the application.

Tammy Rosario stated that after approval of the master plan, the DRC would review the enhanced landscaping and any building that would exceed 30,000 sq. ft. when an application for a site plan was submitted.

Wilford Kale asked if all the parcels, E, F, G, would be designed to allow more flexibility and design.

Tammy Rosario stated that the previous master plan called for only commercial in the portion closet to Centerville and Richmond Roads. Now the commercial could be spread into other areas and the warehouse and office uses could be located closer to the Centerville and Richmond Roads intersection.

Joe Poole asked what the proposed increase in retail could be compared to what now exists in the County. He also asked if the 50 foot buffer was standard or could it be increased to 75 feet.

Tammy Rosario stated a 50-foot standard was typically used for commercial applications but the applicant could offer additional footage.

Martin Garrett opened the public hearing.

Vernon Geddy spoke on behalf of TMB stating the goal of these changes was twofold: There had been considerable retail interest in this site by several prospects and by removing interior lines it would give more flexibility as to where things could be located.

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

Alex Kuras made a motion, seconded by Wilford Kale, to approve the request for the master plan and proffer amendments. In a roll call vote, motion passed 5-0. AYE: Hagee, Hunt, Kale, Poole, Kuras, Garrett (5); NAY: (0).

7. CASE NO. AFD-1-89. ARMISTEAD AGRICULTURAL AND FORESTAL DISTRICT/CARTER ADDITION.

Paul Holt stated staff could not support this application, since they could not support the associated rezoning and master plan amendment applications submitted by Ford's Colony. Staff found the withdrawal request to be inconsistent with the Board of Supervisors policy for the withdraw of land in an AFD. On December 3, 1998 the AFD Advisory Committee felt that two of the three withdrawal criteria had been met and recommended approval for withdrawal by a 6-0 vote. Staff recommended the parcel not be withdrawn from the district as outlined in the staff report.

8. CASE NOS. Z-4-98 AND MP-3-98. FORD'S COLONY REZONING AND 1998 MASTER PLAN AMENDMENT.

Paul Holt reviewed the three parcels which Ford's Colony requested to add to the master plan and the number of housing units that would be developed. He stated that, for reasons presented in the staff report, staff could not support these applications and recommended denial.

John Hagee asked for clarity on the reason why staff requested denial pertaining to the recreation standards.

Paul Holt stated staff looked at the areas as though there would be recreational facilities for each of the three additional parcels. This was done based on the location of the existing recreational areas within Ford's Colony, the size of the three land bays, and the expected number of generated people based on average persons per household. Staff also found that the additional land bays fell short of the standards set forth in the Parks and Recreation Master Plan proffer standards.

John Hagee felt this proposal should be looked at as a whole planned community and not just a portion when considering the recreation areas.

Martin Garrett opened the public hearing.

Vernon Geddy spoke on behalf of Realtec, Inc., the developer of Ford's Colony. He stated that the applicant disagreed with the staff report. He stated the report prepared by Paul Holt laid out the zoning history of this project and said that Ford's Colony was zoned for 3,250 units in 1986. Twice since then, in 1987 and in 1995, Ford's Colony expanded geographically but with no increase in the total number of units. Staff recommended approval to the Planning Commission and final approval was granted by the Board of Supervisors. The applicant was requesting to do the same in 1998. He felt the basic disagreement with staff in this application were in the related issues of impacts and proffers which the applicant believed were straight forward since no additional units would be added. He stated no new impacts would be brought on due to the additional land and there would be no reason for buffers between areas of Fords Colony and New Town since they were both residential single-family homes. He stated if this application were approved, Realtec, Inc. had identified a number of organizations within the Community that they would make contributions to as described in the staff report. He added this was not part of the formal application and the Commission could disregard it. He said another issue was greenways and that the County requested the opening of the Powhatan Creek corridor through the middle of Ford's Colony for public access. He stated Ford's Colony, since it's inception, had been approved, developed, and sold as a private, gated, limited-access community and could not agree to providing this public access. He said staff found some deficiencies in the proffers submitted but felt the applicant and staff were not far apart and that some changes would be proposed tonight. He also stated that the 150' buffer area along Longhill Road was sufficient but the applicant would be willing to structure a proffer that would make the buffer 150' unless it could convince the DRC that reduction to 100' was appropriate. He concluded by requesting that, with the proffer changes made tonight, the Commission approve these applications.

Alex Kuras asked, without the DRC or Board of approval, how many lots could be developed.

Vernon Geddy said that over and above what was currently platted, with the 100 undeveloped acres within the project, under the Master Plan and the Zoning Ordinance, 540 units could be built.

Drew Mulhare commented that the total build out would be about 100 to 150 units less than the 3,250 that were approved.

John Hagee asked Vernon Geddy to enumerate the proffers and what changes the applicant was willing to make.

Vernon Geddy stated the applicant proffered an endangered plant species survey, which was acceptable. The archeological proffer, staff questioned, and the applicant was willing to follow the new policy. The Longhill Road greenbelt was proffered for 100' and the applicant was now willing to offer 150'. The final proffer was bike paths with could be worked out with staff.

Richard Boggs, Chair of the Ford's Colony Homeowners Association Advisory Board and the Senior Elected Representative of residents within Ford's Colony, spoke on behalf of the residents stating they strongly supported the changes proposed by Realtec, Inc.

Robert Casey a member of the C.C. Casey Ltd. Co. spoke in support of the Casey portion of this application. He said he was pleased to see in the staff report that they were not generally opposed to the development of Section 13 of New Town as part of the Ford's Colony Master Plan.

Don Baker of Ford's Colony strongly concurred with the comments made by Richard Boggs in support of these changes.

Before closing the public hearing, Martin Garrett asked Leo Rogers to comment on the proffers.

Leo Rogers stated there was not much say on the proffers submitted. He did comment that the \$200,000 contribution to organizations within the County offered by the applicant, was not, in any way, a proffer. He said it did not assist the County in mitigating the impacts of the development, and the County could not mandate or enforce these contributions.

John Horne stated should the Commission agree with the proposal, they should be cautious and not allow the expansion of boundaries in order to keep the number up to the original limit they could build because that could take up a lot of property in the County. The other concern was the original master plan and proffers were done some time ago and over the years, the County has learned, in addition to the direct impacts on adjacent roadways that developments had, there was an overall impact on the County road system. He added these roadways were not taken care of in the existing proffers nor the impacts on News Road. He concluded by reemphasizing the precedent this might set if this application was approved for other developments and that it was not unusual for a development to not be able to achieve its approved number of units.

Drew Mulhare responded to the comments made by John Horne. He stated they could achieve sufficiently close to the approved number of units but felt it was not in their best business sense. He stated Ford's Colony proffered and essentially built the Longhill Connector Road in the mid 1980's and stated they were use to making cash proffers for off-site road improvements, in addition to the intersection improvements that have been proffered in the past. He stated there would be no additional traffic impacts because they were staying with the 3,250 units and a recently submitted study was approved by VDOT that proved that the impact was less than what was shown in the 1980's. He stated the County had already established a precedent by approving the 1987, 1993, and 1995 rezonings for Ford's Colony.

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

Martin Garrett stated that, before discussion began among the Commission members, he had two comments. He felt that the fiscal impact study was biased and that, even though the Comprehensive Plan designated these three areas as residential, it did not mean that the Commission had to approve this rezoning.

John Hagee agreed with John Horne stating that approval of a set number of units by the County did not automatically allow the developer to expand into another area but felt it should be taken into consideration. He said that, regardless of the fiscal impact study, Ford's Colony provided good low-density development and that this particular application had addressed all the mitigating factors on an item by item basis. He stated, considering the actions taken in 1985, 1987 and 1995, the Commission could not ignore this application and he supported it.

Alex Kuras commented that the Commission needed to look at what was good for the County. He did have some concern regarding the Wilford addition since it was adjacent to the moderately priced Springhill Subdivision and the Comprehensive Plan stated there should be a variety of priced homes in the County. He stated Ford's Colony was an upscale community, but a gated community and he questioned how much the County should expand closed communities. He also felt the proffers needed adjustments, such as buffers, green ways, News Road improvements, and the recreations areas.

Wilford Kale spoke of his concerns regarding the total number of 3,250 units. He mentioned that Drew Mulhare stated that in any type of situation he did not envision reaching that number without submitting new plans. Wilford Kale said he would like to see the number of units reduced to 3100 at total build out. He also said he would like to see these new parcels phased in, in a time frame that spoke to the seven-year build out, in order to help slow growth. He was also concerned with changing the multi-family to single-family because of the possible increase in enrollment of school children. He was not against the project but wanted to see more information regarding the proposal.

Joe Poole said he would normally have had concern about expanding residential further but said he was comfortable with this application since the number of housing units had not increased and he liked the additional open space.

Martin Garrett stated the majority of the Commission members appeared comfortable with these applications but, he did not want them to go to the Board of Supervisors without the Commission knowing more about what the developer wanted to do and, until certain issues were clarified, he could not support these applications.

Because the proposed rezoning involved land not previously part of Ford's Colony, the Planning Commission concluded that all 368 additional residential units proposed by the developer should be examined as if it were a new rezoning consideration and package. Additional information was requested by the Commission members and Alex Kuras made a motion to defer Case Nos. MP-3-98 and Z-4-98, seconded by Joe Poole. In a unanimous voice vote motion passed.

Alex Kuras made a motion, seconded by Wilford Kale, to defer Case No. AFD-1-89. In a unanimous voice vote, motion passed.

9. FY2000 SIX YEAR SECONDARY ROAD PLAN.

Don Davis presented the staff report stating that, by the request of the Department of Transportation, staff had reviewed its secondary roads and made recommendations on the allocation of State funds to those roads (Route numbers 600 and above) with the greatest need for

improvement. He stated that Lake Powell Road was removed from the list due to citizens response in not wanting these road improvements.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Alex Kuras made a motion, seconded by Joe Poole, to recommend approval of the Six Year Secondary Road Plan as presented by staff. In a roll call vote, motion passed 5-0. AYE: Hagee, Kale, Poole, Kuras, Garrett (5). NAY: (0).

10. CASE NO. ZO-12-98. ZONING ORDINANCE AMENDMENT/SPECIAL REGULATIONS.

Jill Schmidle presented the staff report stating the Business and Industrial Zoning Ordinance Committee had revisited the provision requiring screening of certain outdoor operations from adjacent property with fencing and landscaping. The Committee recommended that the ordinance remain in its current form since they support the screening of outdoor operations. Staff concurred with the Committee's recommendation.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Alex Kuras made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed 5-0. AYE: Hagee, Kale, Poole, Kuras, Garrett, (5); NAY: (0).

11. PLANNING COMMISSION CONSIDERATIONS.

Marvin Sowers presented the proposal to the Commission to change the January 4, 1999 Planning Commission meeting to January 11, 1999 in order to give the Commissioners and the public adequate time to review case materials after the holiday season.

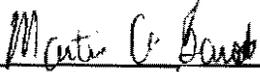
The Commission concurred with this proposal to move the meeting to January 11, 1999.

12. PLANNING DIRECTOR'S REPORT.

Marvin Sowers stated if anyone had any questions regarding the Director's Report in the Commissioners agenda packet, he'd be happy to answer them.

13. ADJOURNMENT

There being no further business, the Planning Commission adjourned at approximately 9:35 P.M.



Martin A. Garrett, Chair



O. Marvin Sowers, Jr., Secretary