

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

1. ROLL CALL

Martin Garrett, Chair
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Joe Poole
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John Horne, Development Manager
Marvin Sowers, Director of Planning
Christopher Johnson, Senior Planner
Karen Drake, Planner
Benjamin Thompson, Planner

2. MINUTES

Upon a motion by Joe Poole, seconded by John Hagee, the minutes of the April 2, 2001, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

John Hagee presented the DRC report stating the committee recommended approval of St. Bede Church which came to them because it was over 30,000 sq. ft.; Stonehouse, LLC had a change of Land Bays to its master plan; and Wellington Subdivision came before the committee because it was 108 lots. He stated the committee reviewed and recommended approval of Monticello at Powhatan Apartments, Phase II, which came back to them from last month and the applicant agreed to the original sidewalk requirements.

Wilford Kale asked if there were any changes to the parking or landscaping to the St. Bede site plan that minimized the impact on the adjacent property owners.

John Hagee stated that there was additional enhanced landscaping and the fence was extended to address the impact on the neighbors.

Joe Poole made a motion, seconded by Wilford Kale, to recommend approval of the DRC report. In a unanimous voice vote, motion was approved.

4. CASE NO. Z-6-00. LOULYNN ACRES (Chesapeake Bank).

Christopher Johnson presented the staff report stating that on April 2, 2001, the Planning Commission deferred this case. Since that meeting, the applicant has been working to revise the proposed plan, proffers and application in response to comments received by the Commission. Therefore, the applicant has requested this case be deferred until the June 4, 2001, meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

5. CASE NO. SUP-03-01. COLONIAL VIRGINIA COUNCIL (BOY SCOUTS OF AMERICA).

Christopher Johnson presented the staff report stating the applicant had requested deferral of this case until the meeting of June 4, 2001, and staff concurred with this request.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

6. CASE NO AFD-8-86. CASEY AGRICULTURAL AND FORESTAL DISTRICT, CASEY WITHDRAWAL.

Karen Drake presented the staff report stating the applicant requested the withdrawal of 378± acres from the ADF District for the purpose of future development of Casey New Town. Staff found that the application met the three criteria of the adopted Board policy regarding the withdrawal of lands that were within the Primary Service Area. On April 20, 2001, the AFD Advisory Committee met and voted unanimously to approve the withdrawal requested. Staff concurred with this recommendation and recommended that the Commission approved this application.

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

Joe Poole made a motion, seconded by Peggy Wildman, to approve this application. In a roll call vote, motioned passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

7. CASE NO. SUP-7-01. JOLIN KENNELS.

Christopher Johnson presented the staff report stating the applicant requested a special use permit in order to operate a boarding kennel which would contain eight indoor/outdoor dog runs, eight indoor dog runs, two outdoor holding kennels and three outdoor dog exercise pens. He said the kennels had already been constructed and were housed in the basement of an existing garage located adjacent to the applicant's residence. The kennels were originally used to groom and house their show dogs and allow sufficient space for their animal rescue work. Staff found the proposal consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended that the Planning Commission recommend approval of this application with conditions as outlined in the staff report.

Peggy Wildman asked about the size of the kennel that was located across the road from the applicant's home.

Christopher Johnson stated that kennel was primarily a grooming operation and did not board animals.

Martin Garrett opened the public hearing.

Joseph Banks of 4472 Ware Creek and the applicant for this application stated that the neighbor's kennel was used only for grooming dogs and they did not board them. He also stated his kennel would board a maximum of 18 dogs.

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

John Hagee made a motion, seconded by Joe Poole, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Poole, Hagee, Wildman, Hunt, McCleary, Kale, Garrett (7); NAY: (0).

8. CASE NO. AFD-6-86. CRANSTON'S POND AGRICULTURAL AND FORESTAL DISTRICT, WARE WITHDRAWAL.

Ben Thompson presented the staff report stating the applicant had requested the withdrawal of 90± acres in the A-1 district from the Cranston's Pond ADF District. Staff found the proposed withdrawal consistent with the surrounding zoning and development and the Comprehensive Plan. He stated that since this application was running concurrently with the applicant's rezoning and master plan applications, staff recommended deferral of this application until the June 4, 2001, Planning Commission meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

9. CASE NO. Z-4-01/MP-1-01. COLONIAL HERITAGE AT WILLIAMSBURG.

Ben Thompson presented the staff report stating the applicant had applied to rezone five parcels totaling approximately 740± acres from A-1, General Agricultural, to MU, Mixed Use, for the purpose of developing a master planned gated and age-restricted community of 2,000 residential units, an eighteen hole golf course, and 350,000 sq. ft. of commercial development. He stated that at this time there were still significant unresolved issues and forthcoming materials to be reviewed further by staff, including a traffic impact study and proffers. He further stated that due to the scale of this application, staff was requesting deferral to the June 4, 2001, meeting. He concluded by stating the applicant agreed with this deferral but requested to be allowed to make a presentation tonight.

John Hagee asked, under Residential Cluster Zoning Ordinance Requirements, paragraph three, why the applicant was not required to adhere to these standards.

Ben Thompson stated that under the current ordinance there was no requirement for them to adhere to those standards in MU districts. However, the requirements applied to residential areas which were zoned R-1 or R-2 and under those zonings, in order to get to the higher densities they needed to meet them. He added that staff believed the requirements were relevant to Mixed Use as an expectation but not a requirement.

John Hagee asked if all the items listed pertaining to the financial impact of the County were covered under the financial impact study, specifically, were the incremental County expenditures listed intended to mitigate the fire, police, etc.

Ben Thompson stated that was the applicants stance and that at this time, staff had not formalized a recommendation.

Marvin Sowers suggested that question also be answered by the applicant.

Martin Garrett opened the public hearing and stated that Alvin Anderson, representing the applicant, had requested additional time for his presentation from the Chairman and Planning Director as allowed by the by-laws and that the additional time had been granted. He also commented that the materials given to the Commission assuredly had been read by them and hoped that Alvin Anderson would not be redundant in his presentation.

Alvin Anderson said he hoped he would not be redundant. He then introduced Bill Gerald, Executive Vice President of U.S. Home; Arch Marston and Robert Wornem of AES; Ron Boyd of

Williamsburg Environmental Group; Don Mesmer, representing Suzanne Huddleston from the Wessex Group; and Greg Davis, his associate on this project.

Joe McCleary commented that he attended Alvin Anderson's presentation at the Library on April 23 and found it to be very edifying and, although he read the materials over the weekend, he felt that this presentation would be worthwhile to both the Commission and community.

Alvin Anderson proceeded to give his power point presentation. He spoke on the number of future retirees; population of households between the ages of 55 and 64 years of age; the positive effects of senior citizens living in this area, such as lower taxes; moderate cost of living; low crime rate; good health care, etc. He stated that retirement had already become an industry in James City County and said that retired citizens were now living in communities such as, Graylin Woods, Kingsmill, Ford's Colony and in continuing care retirement communities such as, Williamsburg Landing, Patriots Colony and Chambrel. He stated that this project would bring an active adult age restricted community. He gave a brief history of U.S. Home stating they were the largest single-family home builders in the United States today. He spoke of the various properties in James City County that U.S. Homes had been looking at since 1996 and how they arrived at choosing the five parcels in this application. He stated that the proffered plan was divided into two sections, residential and commercial, and spoke about traffic mitigation on Richmond Road, underground utilities, bus facilities, age restriction, density restriction, and a cash contribution for water. He stated that the 350,000 sq. ft. of commercial that was the subject of discussion between U. S. Home and staff involved the designation on the Comprehensive Plan. He concluded his presentation by stating that typically a rezoning must give rise to conditions that have some reasonable relation to the rezoning and that was the other balance that needed to be worked on between the applicant and staff. He said he would answer any questions the Commission may have.

John Hagee asked what the applicant was trying to represent when speaking of the net value per year of 10.6 million dollars.

Alvin Anderson stated that after build out that figure of 10.6 million dollars was the net annual benefit to the County excluding all government associated expenses with the proposal.

Martin Garrett stated it would be easier to understand an impact statement if it was presented in net present-value-dollar terms. He felt that figure of 10.6 million dollars represented an inflated value.

Martin Garrett asked if Alvin Anderson would be addressing some specifics at the next meeting, such as, the environmental impact of building a bridge as opposed to a culvert for the connection to Centerville Road.

Alvin Anderson replied with a yes stating that Ron Boyd from the Williamsburg Environmental Group was present today and if desired, he could address that now but said he felt confident the permit would be obtained to build the bridge. He said he had spoken with staff and their concern was that if they did not get the Centerville Road entrance and load all the traffic onto Richmond Road, then the traffic distribution numbers used in the study would not be accurate. He said the applicant had revised proffers that they have been working on with staff to basically limit development at a certain point in time until the permit for the culvert was obtained.

Martin Garrett said he asked about a permit for the bridge and not the culvert.

Alvin Anderson said he was not sure what permits were required but they would need to get whatever environment and construction permits were necessary.

There being no further speakers, this case was deferred to the June 4, 2001, meeting and the public hearing remained open.

Martin Garrett stated that he would not be at the next Planning Commission meeting. He expressed some of his comments so the Commission could have some idea of how he felt. He stated the major issue to him was that this could be the last prime piece of property in the county for something that might be called a regional shopping center. He felt that for the citizens of this community, that this type of development far exceeded the benefits of what a regional shopping center might bring. He did state there were a number of things that the applicant and staff needed to work out that he hoped would be resolved before the next meeting.

Wilford Kale asked staff to bring to the next Planning Commission meeting the number of existing residential units approved and not yet developed in the PSA and the number of units that could be built by-right within the PSA. He also stated that he would like the James City Service Authority (JCSA) to give the Commission a paragraph as to how they project and on what basis they project water usage in the future and how they project water usage per unit.

Don Hunt asked if Larry Foster could give the Commission any information as to when the desalination permit would be known.

Larry Foster estimated that the desalination permit would be acquired with the next 12 months.

Joe McCleary commented on the trip to Heritage Hunt saying he took photographs of the community and said there was no doubt that the development in northern Virginia was a very attractive community with a lot of amenities.

Don Hunt said, since Heritage Hunt was built on an old horse farm, there were a lot of open landscapes with wooded backgrounds and mountains. He felt it was a topnotch professional development.

Joe Poole stated he was impressed with the applicant's provision of the materials received, the applicant's track record with Heritage Hunt, and with the landowners of this project. He said that water was a very important issue to him and with the magnitude of this development, he needed to better understand the impact on the long term viability of the County. He also stated he wanted to understand the commercial aspect, commenting that some of the existing commercial development in that area was vacant and he did not know what the impact of additional commercial development would be. He said he was delighted to hear Don Hunt's comments on the open space and conservation areas in the Heritage Hunt project. Lastly, he spoke on the school funding issues and needed to know, and he knew there was really no answer, how an age-restricted community would see public funding of schools if they didn't have children in the school system and would they be supportive or negative on that issue.

Joe McCleary commented that he lived in Fairfax County and belonged to a shooting club in Gainesville and over the years had driven past what was now Heritage Hunt. He said the area had been considerably improved due to the development. He agreed that water was a major issue.

There were no additional comments and the case was deferred to June 4, 2001.

10. INITIATION OF THE ZONING ORDINANCE.

Martin Garrett read the Initiation of the Zoning Ordinance to amend the PUD section of the ordinance.

Wilford Kale made a motion, seconded by Joe McCleary, to recommend approval. By unanimous voice vote, motion passed.

11. PLANNING DIRECTOR'S REPORT

Marvin Sowers informed the Commission that there would be a community interest meeting on the Purchase of Development Rights (PDR) on May 21st at the Croaker Road Library at 6:30 pm and encouraged them to attend.

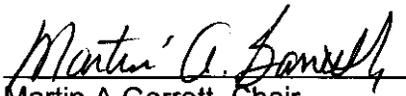
Marvin Sowers stated that each year the Historic Triangle Bicycle Advisory Committee (HTBAC), designates May as Bike Month and invites Planning Commission members and Board members to go on a bike ride. The ride will be held on May 12 at 10 am at the Little Creek Reservoir. Free lunch and free use of the boating facility will be provided for all who participate.

Joe McCleary said he would leave the photographs of Heritage Hunt with Carole Giuliano so members of the Commission or residents of the community could have the opportunity to review them.

Peggy Wildman wanted to thank Martin Garrett for his presentation at the Board of Supervisors meeting of April 10, 2001, where he defended the position of the Planning Commission very eloquently on the issues regarding ESG and commented that she was sorry that the Board vote did not go in favor of the Commission.

12. ADJOURNMENT

There being no further business, the May 7, 2001, Planning Commission meeting adjourned at approximately 8:30 p.m.


Martin A Garrett, Chair


O. Marvin Sowers, Jr., Secretary