

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF JUNE, 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

John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Joe Poole
Peggy Wildman

ALSO PRESENT

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

2. MINUTES

Upon a motion by John Hagee, seconded by Joe McCleary, the minutes of the May 7, 2001, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

John Hagee presented the DRC report stating the committee recommended approval of the five cases that were heard. He stated one case was a request for a septic tank replacement while two other cases were for overhead utilities exception to the Subdivision Ordinance. Additionally, he stated the committee reviewed a conceptual plan from JCSA for a new water tank storage facility and proposed office building and finally, they reviewed a modification to the Sidewalk Section of the Zoning Ordinance for Williamsburg Plantation.

Peggy Wildman, made a motion, seconded by Joe McCleary, to approve the DRC report. In a unanimous voice vote, motion passed.

4. PLANNING COMMISSION CONSIDERATION

A. Water Demand and Supply

Joe McCleary stated that as a new Commission member it had become obvious to him that one of the major issues within the County as development continues was water. He felt it was advisable to invite Larry Foster, General Manager of JCSA, to speak to the Commission on present usage and availability of water and where they were going in the future with resources.

Larry Foster of JCSA handed out information to the Commission members for them to follow during his presentation. He began with an explanation of the role of JCSA in supplying water to a large portion of the County. He stated projections were based on the Master Infrastructure Plan approved by the Board of Supervisors and the JCSA Board of Directors in 1997 and that this plan was based on the County's Comprehensive Plan. He stated that one objective of JCSA was to reduce dependence on the Chickahominy/Piney Point Aquifer. He spoke on water projections based on the County population stating that 90% of the population lived within the PSA with 80% served by JCSA. He stated the residential water allocation per capita was 72 gallons per day and projected to be 67 gallons per day in the year 2010 because of their aggressive water conservation programs. He said there was another way in which the Comprehensive Plan dealt with projecting water and used the U.S. Home project as an example. He said 80 acres of that site would be used for commercial purposes and they allocated 1,000 gallons per acre per day when the property was fully developed. He said there were 50 acres of moderate-density residential of 4 to 12 units per

acre and estimating 200 gallons per unit, the projected usage would be 40,000 to 120,000 gallons per day. He said the remaining 604 acres of low-density residential of one unit per acre was estimated at 120,000 gallons per day. Larry Foster stated if the project went solely by the designations in the Comprehensive Plan, the water demand allocation would be 240,000 to 320,000 gallons per day. He said in Master Infrastructure Plan projected demand for water through 2015 would be 6 million gallons per day. Larry Foster further explained the regulatory permits required by the Virginia Department of Health and the Department of Environmental Quality, who regulates the quantity of water that can be withdrawn monthly and annually. He noted these permits needed to be renewed every ten years and there were no guarantees the permits would be renewed, stating there was no reason to think that they wouldn't be, and there was not guarantees that the amounts of water would be expanded at time of permit renewal. He continued the presentation with the Water Supply Plan from 2002-2015 explaining that JCSA would be purchasing 1.8 million gallons of water from Newport News until the completion of the ground water treatment plant in the year 2005-2006. Then in 2005-2010 the plant would produce 2.5 million gallons of water and they would continue to use capacity from existing facilities up to 5 million gallons per day. He stated projections for 2010 indicated a need to bring an additional 2.5 million gallons from the second phase of the Ground Water Treatment Facility. He said beyond the year 2015 the existing permits would expire and they hoped to participate in the Regional Surface Water Project, the King William Reservoir and/or a Regional Groundwater Treatment Program. He said he would be happy to answer any questions of the Commission.

John Hagee asked Larry Foster to again review JCSA's philosophy of first come, first serve.

Larry Foster stated there were no commitments to any one project. If a development was existing and in a certain phase of development and water was available, then water would be supplied to that project but, if water was not available, then there would be no commitment to supply water for that project.

John Hagee asked, if an individual purchases a lot in the Stonehouse Development and several years later when they are ready to build and there was no water available, would they then not be entitled to have water.

Larry Foster stated JCSA would likely not be able to honor the commitment if water was not available and said further discussion about the question is necessary.

Joe McCleary noted that the Chickahominy/Piney Point aquifer was one that JCSA would like to get away from and there were three other aquifers, the Potomac Upper, Potomac Middle, and Potomac Lower, which JCSA was tapping into for the Ground Water Treatment Facility. He asked Larry Foster to characterize the capacity of those aquifers in comparison with the Chickahominy/Piney Point aquifer and what other resources were available.

Larry Foster stated collectively they were much larger than the Chickahominy/Pine Point aquifer but the aquifers were not directly potable or drinkable and that was the reason why JCSA was building the Ground Water Treatment Facility.

Joe McCleary commented that in the 1997 Comprehensive Plan there were requirements for population projections and he felt that was the key factor since land didn't drink water, people drank water. He asked Larry Foster if he felt confident that the water needs of the County would be satisfied based on the population projections for the next ten years.

Larry Foster stated their experience had matched the population projections almost exactly and said unless there was a major change in the development pattern for the County, he felt confident that the water needs would be satisfied.

Wilford Kale asked why there was no information as to the location of where the projected populations would be within the County or projected industrial usage.

Larry Foster stated that industrial usage was impossible to project but said the pattern has been that industrial usage had tracked about 35% of the residential usage.

Wilford Kale asked how many localities could tap into the Upper and Lower Potomac aquifers.

Larry Foster explained that the aquifer started on the fall line at I-95 and went east all the way into the coast and it was not tapped very much at this time and the largest users of that water was probably the West Point Paper Mill.

Peggy Wildman ask if the price of the water being drawn from Newport News Waterworks was going up as water became scarce or would it be tracked another way.

Larry Foster stated that Newport News Waterworks would sell JCSA water for \$1.65 per thousand gallons used and would track their water rate increases from there on.

There being no further questions from the Commission, Joe Poole thanked Larry Foster for his presentation.

5. CASE NO. SUP-3-01. COLONIAL VIRGINIA COUNCIL - BOY SCOUTS OF AMERICA.

Paul Holt presented the report stating staff had continued to work with the applicant on this application and proposed SUP conditions. He stated that the applicant had requested a one month deferral and staff concurred.

There being no speakers, this case was continued to the July 2nd meeting.

6. CASE NO. SUP-13-01. JCSA JOLLY POND ROAD WATER LINE - SUP AMENDMENT.

Paul Holt presented the staff report stating that the applicant had applied to amend the conditions of SUP-47-90 which was approved by the Board on October 29, 1990. The purpose of this amendment was to amend the water line SUP conditions to provide public water to a portion of the Boy Scout Camp facility. He stated that since the applicant for Case No. SUP-3-01 had requested deferral, staff recommended deferral of this case so the two cases could go forward concurrently in the public hearing.

Joe Poole opened the public hearing. There being no speakers, the case was continued to the July 2nd meeting.

7. CASE NO. ZO-3-01. PLANNED UNIT DEVELOPMENT DISTRICTS.

Paul Holt presented the staff report stating the proposed Zoning Ordinance revision would add golf courses to the list of permitted uses in the Planned Unit Development Commercial District (PUD-C). He stated the purpose of this change was due to a recent title search on property located in the Stonehouse Planned Unit Development. He said the research found that part of the 18-hole golf course was developed on property zoned PUD-C which is not permitted according to the present ordinance. He stated the attached text amendment, if adopted, would correct this and would bring the entire golf course into a conforming status. Staff found that golf courses on PUD-C property would be consistent with the intent of the PUD Ordinance and recommended the Commission recommend approval this request.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

Wilford Kale stated he was not in favor of putting a golf course on commercial property in a PUD in order to place it in conformance with what already had been done. He felt that was not a good policy and was uncomfortable with this request and could not support the application.

Don Hunt made a motion, seconded by Peggy Wildman, to recommend approval. In a roll call vote, motion passed (5-1). AYE: Hagee, Wildman, Hunt, McCleary, Poole; (5); NAY: Kale (1).

8. CASE NO. SUP-11-01. CARROT TREE BAKERY AT JAMESTOWN ISLAND.

Karen Drake presented the staff report stating that the applicant had applied for a special use permit to operate a seasonal concession stand at Jamestown Island on property owned by the Association for the Preservation of Virginia Antiquities. Staff found the proposal compatible with the existing development, consistent with the surrounding property and the Comprehensive Plan. Staff recommended the Planning Commission approve this application.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

Joe McCleary made a motion, seconded by Don Hunt, to approve this application. In a roll call vote, motion passed (6-0). AYE: Hagee, Wildman, Hunt, McCleary, Kale, Poole (6); NAY: (0).

9. CASE NO. SUP-8-01 HOGAN DAY CARE.

Ben Thompson presented the staff report stating the applicant had requested a special use permit to operate a child day care out of her home to accommodate up to 10 children. He stated the applicant currently operated a day care with up to 5 children, as generally permitted by James City County as a home occupation. Staff found the proposal inconsistent with the surrounding zoning and development and the Comprehensive Plan as outlined in the staff report and recommended the Commission recommend denial of this application. He mentioned that the proposal created more impacts than home occupations.

Joe Poole opened the public hearing.

John Hogan spoke on behalf of the applicant and gave a brief history of the procedures which were followed in order to come before the Planning Commission tonight. He said the state required one teacher per eight children and that it was the policy of the day care to have one teacher per five children. He stated the purpose of this application was to hire on additional staff. He also stated that when checking with the County, he was informed that in the R-2 zoning this type of business was permitted and did not understand why staff had requested denial of this application. He said he also spoke to JCSA and the Health Department and felt confident that this business would operate under the water restrictions. He also said that the school buses usually completed its routes by 7:30 in the morning and did not feel their business would impact the traffic since their hours of operation were 8:30 a.m. to 1:30 p.m. Regarding the Comprehensive Plan he felt this business was a limited commercial establishment and was community oriented and said the parents/customers were pleased with the service they provided. He requested that the Commission approve this application.

Peggy Wildman asked John Hogan if all the names on the petition were neighbors.

John Hogan stated that the petitioners were surrounding neighbors and offered to supply their addresses, if requested by the Commissioner.

Wilford Kale asked if anyone in the area had voiced any concerns over this application.

John Hogan stated that he did not know of anyone who had concerns. He added that they placed an ad in their community newsletter and they were very supportive.

Wilford Kale asked if the current five children were full time.

John Hogan stated that on average the children came one or two times a week.

John Hagee asked if the community association had any by-laws about home businesses.

John Hogan stated not to his knowledge.

Don Hunt asked if there was an age limit for the children attending the day care.

Cathrine Hogan said she preferred to refer to her business as a mothers morning out program/pre-school program and did have an age limit at present of walking toddlers through five-years old. She stated that during school year breaks, many of the parents had requested if they could also bring their older child and said she could not provide that service and that was one reasons she had applied for this application.

Mary Minor, Director of Child Caring Connection, stated she was here to support this and two other special use permits coming before the Commission tonight. She explained the role of the Child Caring Connection and confirmed the need for more infant and toddler care within the County. She supported this application.

Joe McCleary said he spoke with the DSS and they stated that for children two and above there were vacancies, understanding that there were differences between in-home and institution care. He did state they reported a lack of facilities for the new born and after hour day cares. He asked Mary Minor if she agreed.

Mary Minor said under state regulations, infant care was up to 16 months and anything after 16 months to 36 months was considered toddler care. She stated it was a broader age group than what most would consider and that day care was hard to find, especially good high quality, pre-screened care.

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

Wilford Kale stated that his own children attended a day care facility within his community and was very comfortable with this application. He felt in this situation the applicant had done a wonderful job and he could support this application.

John Hagee said he also could support this application but, he did have a problem with the parameter or the lack thereof. He said the applicant had requested 12 children and asked how the Commission could limit that number and how would they deal with a situation where two or three neighbors did not want a day care in their community. He said that the state set a maximum of 5 children and any more than that a special use permit was required. He asked what the County's maximum was, stating one application tonight was for 10 children and the other for 12 children. He also asked if there was a request for 15 children, how would additional traffic and noise impact the neighborhood and the adjacent neighbors.

Don Hunt suggested that the number of children allowed at a day care be determined by the size of the facility, stating that a similar project with of greater size might allow for a larger number of children.

Marvin Sowers stated the Zoning Ordinance tied the threshold of 5 children to the state building code and beyond that threshold, you get into fire suppression and handicap requirements and state requirements for an additional employee in some cases. He stated that the ordinance tries to keep this type of use in line with what was allowed for home occupations, stating that home occupations are not permitted to have anyone else working there besides those who reside on the premises and by definition, once the number of children exceeds eight, another employee is required by the state. The ordinance also was trying to keep day cares and home occupations similar in terms of the amount of traffic and the visibility of the business within a neighborhood. Another issue that concerns staff is that they could not think of any physically distinguishing characteristics that separates this neighborhood from other neighborhoods such as Ford's Colony, Kingsmill, or Kingspoint and when looking at a special use permit staff recommends narrowing the precedent as much as possible.

Joe McCleary said he shared John Hagee's concerns. He also felt it would increase traffic within the neighborhood and was concerned with the size of the lot and the noise that could occur. He said the problem he had with any special use permit was that once that permit was granted, the permit stays with the property and if another person moved into the home and did not have the simpatico nature of the Hogans they could operate a day care that would bring problems to the neighborhood.

Peggy Wildman said she was also concerned that the special use permit stayed with the property because the applicant had stated in her goals that she wanted to move the day care once she got up to ten children.

Cathrine Hogan stated she spoke with Martin Garrett and he asked if she would be open to the Commission placing stipulations on the business and also having a special use permit that would only last for one year at a time. She said she told Martin Garrett that would fit right along with her goals and had no problem with a time limitation.

Leo Rogers stated the County did have the authority of to put time limits on special use permits and they would expire if not renewed.

Wilford Kale questioned the need for a sign and felt that 12 children was satisfactory for a home day care and that 15 children become more of a commercial operation.

Joe Poole said, since this case may be recommended for deferral in order to sharpen some of the criteria, he wanted to comment that being a parent of two pre-school children he was very sensitive to the needs in the community and commended the applicant for their dedication and interest. He said he was very cautious about introducing a commercial use in a residential community, especially in some of the older neighborhoods and also agreed with Commission members concerns as to what number you stop at. He said he was not ready to support this application as it now stood.

John Hagee suggested that the Commission limit the application for a home day care to 8 children in residential areas.

Peggy Wildman did not feel the Commission was in a position tonight to determine these parameters and felt it would be doing an injustice to the applicants. She felt the Commission needed to be careful about not getting a lot of commercial uses into residential neighborhoods.

Joe McCleary said he would prefer that staff looked into this matter before the Commission took any action.

Wilford Kale stated that he thought there were more home day cares existing in the community that were not licensed by the state but fit within the County's parameters and, if the Commission limited it to 8 children, he knew of 4 that would be closed tomorrow that had been operating for 10 or 15 years without County requirements on them because they had done different things such as, full-time kids, part-time kids, and kids that were there for drop off in the morning to catch a school bus. He felt this was a broader situation and the limit of 8 children would cause serious problems to existing home day cares.

Wilford Kale moved for deferral for one month and asked that a committee of the Commission meet with staff during the next 30 days to come up with parameters that the Commission could accept even though it may not be supported by staff.

Don Hunt supported the deferral but felt that by placing a time limit on a special use permit, with the agreement of the applicant, would resolve some of their concerns.

John Hagee seconded the motion of Wilford Kale.

Marvin Sowers informed the Commission that this case had been pre-advertised for the June 12, 2001, Board of Supervisors meeting and asked the applicant if they preferred the Commission taking action or deferring for one month.

Cathrine Hogan stated she would accept a deferral, which was very disappointing to her, and informed the Commission that during the deferral period, she would have to close down her day care.

Joe Poole stated the motion was for a one month deferral and that a subcommittee of this Commission would meet to sharpen the criteria with staff and present it at the July 2, 2001, meeting.

In al roll call vote motion for deferral passed (6-0). AYE: Hagee, Wildman, Hunt, McCleary, Kale, Poole (6); NAY: (0).

10. CASE NO. SUP-10-01. VICKIE'S CLUBHOUSE CHILD DAY CARE CENTER.

Jill Schmidle presented the staff report stating the applicant applied for a special use permit to operate a child day care center from her home. She stated the applicant would renovate her existing two-car garage into space for the day care center for 12 children between the ages of 15 months and 5 years. She stated the applicants's mother-in-law would be assisting in the running of the day care since the state required an additional employee for centers greater than eight children. Staff found this application to be inconsistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Planning Commission recommend denial of this proposal and if the Commission chose to recommend approval, staff recommended the conditions listed in the staff report.

Joe Poole opened the public hearing.

Willafay McKenna, representing the applicant, stated the applicant had been a resident of Indigo Park for all of her life. She made reference to an article in the 1992 Planning Commissioners Journal on the problems in finding day care and the desire of parents to place their children in an atmosphere that was home like, particularly when their children are young. She continued to say the article pointed out how very easy it was to exclude these from operating anywhere in the

community. She stated she looked at other statutes and ordinances that had addressed this problem in their communities. She stated one standard she came across was the home area square footage per child: inside was 35 sq. ft. per child, and outside was 75 sq. ft per child. She stated the applicant met those requirements even though they were not part of the James City County statute. Willafay McKenna noted that, as of June 1st, the applicant had revised her request by reducing the number of children from 12 to beginning with 8 and not exceeding 10. She gave a brief history of the community of Indigo Park. She stated regarding staff's concern of traffic, she felt most of the children would be from the community but, if they came from other areas, they would not all be arriving at the same time. She said that the noise would be minimal since the applicant had a large yard and the age groups would be divided into two play areas and little time would be spent outside. She stated the applicant did not mind if the Commission placed a time limit on the special use permit with the understanding that if the home day care was running with out any objections from the neighbors, it would not be necessary to come back to a formal Planning Commission hearing. She concluded stating that the Commission should note the petition in the Commission's packet noting that the applicant had gone around the community to get the names and addresses of those in support of the application. She said she would answer any questions of the Commission and asked that they support this application.

Joe Poole opened the public hearing. There being no other speakers, the public hearing was closed.

John Hagee asked if the Commission could recess this meeting to a work session to discuss the two day cares so they could take action and the applicants could move forward to the Board.

Leo Rogers stated that Commission could either adjourn this meeting and have a special meeting or they could recess this meeting and indicate in a vote what cases they wanted to defer to the special meeting.

Wilford Kale moved for deferral to the July 2, 2001, meeting, seconded by Joe McCleary. In a roll call vote, motion for deferral passed (6-0). AYE: Hagee, Wildman, Hunt, McCleary, Kale, Poole, (6); NAY: (0).

11. CASE NO. SUP-9-01. MT. GILEAD BAPTIST CHURCH.

Paul Holt presented the staff report stating the applicant requested a special use permit to allow for the operation of a day care and an Academy inside the existing church which could accommodate up to 104 children. He stated the applicant has spoken with the Code Compliance Division and that the needed changes to the church had been made to accommodate both facilities. Staff found the proposal consistent with the surrounding uses, zoning, and the Comprehensive Plan. Staff recommended the Commission recommend approval of this application with the conditions as outlined in the staff report.

Joe Poole opened the public hearing.

Abram Frink of 148 Magruder Avenue and representing the church handed out materials to the Planning Commission and then introduced Pastor Dawson.

Pastor Dawson reviewed the materials handed out stating that the Day Care and Academy would only enhance the already rich heritage of Mt. Gilead Church and the community. He explained the intent of the application and discussed the facilities existing within the church that would serve both the Day Care and Academy. He asked that the Commission approve this request for a special use permit.

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

Don Hunt felt this application should not be categorized as the two previous cases since the Day Care and Academy would be operated in a church and not in a single-family residence. He hoped that the Commission would act on this case tonight.

Peggy Wildman stated that this was an incredible proposal and complimented the applicant on what was being proposed for the children and said she would fully support this application.

Joe McCleary felt that this was an eminently wonderful use of the church and it was apparent that the entire congregation had worked together and he highly commended them for taking this action. He fully supported this application.

Joe Poole stated this application epitomized a non-residential use. He stated that this was an existing house of worship on a main arterial road so it was different than the two previous cases. He also supported this application.

Peggy Wildman made a motion, seconded by Wilford Kale, to recommend approval with the conditions as outlined in the staff report.

In a roll call vote, motion passed (6-0). AYE: Hagee, Wildman, Hunt, McCleary, Kale, Poole (6); NAY: (0).

12. 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 this case run concurrently with Case No. Z-4-00/MP-1-01. Colonial Heritage at Williamsburg. Staff therefore, recommended deferral of this application until the July 2, 2001, Planning Commission.

There being no speakers, Joe Poole continued this public hearing until the July 2nd meeting.

13. CASE NO. Z-4-00/MP-1-01. COLONIAL HERITAGE AT WILLIAMSBURG.

Ben Thompson presented the staff report stating the Commission was presented this case with facts and issues at its May 7, 2001, meeting. The staff report before the Commission tonight was based upon staff's review of signed proffers received on May 29, 2001 and that proffers had since been revised and a revised master plan had been received on May 31st. Staff did not have sufficient time to complete its review of the latest proffers and master plan had identified the latest proffer parts and master plan that contained additional changes as outlined in the staff report. He stated the proffers, in legal form, were received after the submittal date, which is not in accordance with the adopted policy for proffers. Staff recommended deferral of this case to allow staff adequate time to review the proffers.

Joe McCleary asked what the approval process would be regarding the second paragraph under the Transportation and Access section of the staff report.

Ben Thompson stated that under the proffer the traffic study would be brought back to the Planning Department as an update and at that time it would be determined whether the Centerville Road access would be needed due to further development or if it was not necessary. He stated staff would determine the amount the developer could continue to build based on the traffic study, noting it would be approved at the staff level and not at the Commission level.

John Hagee stated the staff report mentioned that the applicant had not included measures to mitigate several issues and the proffers had not sufficiently addressed this issue. He asked if staff was waiting for the applicant to address these issues. He also asked about the social services and medicare programs and what could an applicant do since they were federal programs.

Ben Thompson said the County had not recommended specific measures but they were asking the applicant to address that issue in some type of manner as earlier cases had.

John Hagee asked why the County would expect that.

Ben Thompson explained that, for example, if Newport News had a sufficient number of physicians that were accepting new medicare patients, that could affect our Social Service Department since they provide transportation services for citizens to these services.

John Hagee asked what the County expected in regards to the similar issue of police services.

Ben Thompson stated that staff was specifically looking for something along the lines as to what was offered for the Fire Department in order to mitigate additional vehicle and equipment expenses of the necessary additional police officers.

Alvin Anderson on behalf of U.S. Home began his presentation with a comparison of the annual sales of selected James City County industries and how they ranked in sales along with U.S. Home and stated the proposed construction investment of this project in the 20-year build out period was \$607,400,000. He said that the community in northern Virginia, in which several Commission members toured, was the model proposed to be duplicated in the County with certain architectural changes that would be more suited to the area. He continued his presentation with a review of the facilities that would be developed and stated that Community Adult Services was required to provide specific services to those over the age of 60, such as home based services, transportation, and adult day care. He stated that at this time the applicant did not include measures in their proposal to mitigate these issues. He also stated that the applicant had not included any measures to mitigate any of the County's need for affordable housing or police services. He stated this proposal was reviewed by the County's Financial Management Services, in conjunction with The Wessex Group, and revealed a \$10,660,000 per year net, a net of all County expenses including police, affordable housing, and adult services. He stated that the contribution to those areas would be paid by the community through taxes and concluded that the applicant had indeed addressed each of those areas. He spoke of the water conservation measures of the project and stated no soil disturbing permit would be issued until a draft desalination permit was issued to the County and explained the proffer of a contribution of \$750.00 per dwelling unit to JCSA. He reviewed the history of this application since it was submitted to the Planning Department in November, 2000 and concluded his presentation stating the applicant would appreciate a favorable recommendation.

Alvin Anderson spoke on the concern of Section 5 going over to Centerville Road. He stated the crossing there was far narrower and shallower than other crossings done of a similar nature by U.S. Home in other projects as opposed to using a box culvert. He stated that what was proposed to be used was a conspan that has a foundation on each side of the stream bed and there would be a span that would adequately reduce the disturbed area. He felt confident that they would get the permit but did include a provision in the proffers to protect the impact on Richmond Road.

Peggy Wildman stated the water irrigation proposed for the golf course noted that if there was a particularly bad drought during the summer, beyond the two retention ponds, they would withdraw water from Yarmouth Creek.

Alvin Anderson said that was mentioned in subsequent studies and they found that if they made the retention ponds somewhat wider and deeper there would be enough water on site to give them the assurance that they would have enough water for the golf course.

Joe Poole asked if anyone wanted to speak on this matter noting that this case would be deferred to the July 2, 2001, meeting.

Richard Boggs of 105 Butler Road stated that many of his concerns about this project were covered in the June 2nd Virginia Gazette. He deferred to that article for his concerns and addressed two issues. He said he had nothing against the U.S. Home Corporation but, as a resident of the County, as all residents, had been told for several years that there was a pending water crisis. He stated that Larry Foster, as well as other JCSA employees, had been speaking with homeowner associations, civic associations, and others to warn them of the need to conserve our water resources. He stated that Ford's Colony had initiated a major effort to encourage water conservation by its residents. He questioned if the citizens had been lead astray by this effort to conserve water since the staff report stated that JCSA did not see water supply as a determining factor on this project. He said that citizens were now hearing that adding 2,000 units was okay. He asked if the citizens should believe that this was also okay with the 12,000 homes already in the pipeline. He said JCSA was confident that future efforts would correct this so called crisis. He asked if the citizens need not worry after all about water conservation. He encouraged the Planning Department to look at and evaluate the apparent lack of senior medical care currently in James City County. He said it appeared that much of our medical community was swamped with patients and, in fact, many physicians were no longer accepting new patients. He requested, for these and many other reasons brought forward by residents, the Planning staff, and Board of Supervisors, that the Commission deny this development application at this time.

Burt Roth of 112 Winged Foot felt that one concern missing from the staff report and other reports was the impact of the development on the watersheds. He stated that the County was spending a lot of money doing a study on the Powhatan Watershed and did not feel that they should gloss over this area.

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

Don Hunt stated he supported the application and did not feel another delay was necessary as long as they could work the proffers up before it went to the Board.

Joe McCleary was concerned about the general public in getting adequate exposure to this project and what was being proposed. He suggest that this be deferred to the July 2, 2001, meeting.

John Hagee felt the Commission had an awful lot of information to digest with many questions still unanswered. He felt he needed more time before he was able to make a decision on this case. He said the only question would be to defer this to another meeting but asked if there would be enough time to get everything done so it could go forth to the Board of Supervisors. He was in favor of a deferral.

Peggy Wildman supported both suggestions and felt this should be deferred because there were still too many questions and the public had not had enough time to review the proffers. She stated if the Commission were to defer, it would be helpful to have a work session to discuss everyone's opinion and come up with some consensus.

Joe McCleary said if the Commission deferred to another public meeting it should be to a date the public was most certain to observe, preferably to a Monday night.

Wilford Kale did not think staff nor the developer could respond to the Commission any sooner than a month.

Marvin Sowers stated that the July 2, 2001, meeting agenda at this time would include the two day cases that were deferred, two cases that were listed in the Planning Director's Report, and the Boy Scout case, if it was ready to go forward. He stated potentially there was a large case load for July.

Joe Poole said he did not like pushing everything back to July but conversely the way the proffers had gone back and forth, felt there should be sufficient time for everyone to review those proffers. He also supported the deferral.

John Hagee asked what the Commission would do at the July 2nd meeting. Would the staff and applicant give another presentation, would the Commission ask questions they want answered at that time or, would they need to go back and get answers and delay this again.

Joe Poole suggested that the Commission advise the applicant and staff as quickly as possible of concerns they had so they could have the answers at the next meeting.

John Horne said the July 2nd meeting had not been advertised so, if the Commission was willing to start earlier, they had that option. He felt from the County staff's point of view, they would have very few issues left.

Joe McCleary made a motion, seconded by Wilford Kale, to defer this case to the July Planning Commission meeting. In a roll call vote, motion for deferral passed (6-0). AYE: Hagee, Wildman, Hunt, McCleary, Kale, Poole (6); NAY: (0).

Joe Poole encouraged all Commission members to be swift in getting all questions to staff and the applicant.

Wilford Kale asked staff and the applicant to make some reference to the impact on the watershed since the County was presently studying the Powhatan Creek Watershed.

Peggy Wildman stated she spoke with Tracy Dowling at the Williamsburg Community Hospital and she agreed to have one of her staff members do a telephone survey of doctors in the area who were willing to take Medicare patients and also asking about secondary insurance. In addition, she stated she called "Ask a Nurse" and they informed her that there was not one Riverside Medical practice in the Williamsburg area accepting new Medicare patients. She felt this was an issue to be reviewed.

Don Hunt commented that the relocation of the Williamsburg Community Hospital would certainly impact the Lightfoot area.

John Hagee asked if the medicare situation was really a problem, how should the Commission deal with it and, would that mean they shouldn't approve any age-restricted communities.

14. CASE NO. Z-6-00/SUP-28-01. LOULYNN ACRES - CHESAPEAKE BANK.

Paul Holt presented the staff report stating that since the last Planning Commission meeting the applicant had revised his request to master plan the entire parcel with a bank and future uses. The applicant was now proposing a partial rezoning of the property and construction only of the bank. Staff did not find the proposal consistent with the Comprehensive Plan and recommended that the Commission recommend denial of this application.

John Hagee asked how the staff defined strip development.

Paul Holt stated the proposal before the Commission last month was considered by staff as strip development. He said all of the uses were oriented toward the road, as if they could be sold out piece by piece and not what staff saw as an internally oriented park, citing the example of the Norge Office Park.

Wilford Kale asked staff to review the problem with the entrance on Route 30.

Paul Holt stated that the Comprehensive Plan specifically states that no access to Route 30 shall be designed and used in the Stonehouse Mixed Use area.

Joe Poole opened the public hearing.

Vernon Geddy made a presentation on behalf of Chesapeake Bank. He briefly reviewed the reasons why Chesapeake Bank chose the site for its business and stated this use would be a very low-impact business to this area. He stated the property owner was not willing to sell just the bank site, but since the bank was committed to come to this area, they were willing to purchase the entire property and rezone only its site, then come back at a future date to rezone the remainder of the property. He commented on the Community Character Corridor and stated in the new plan the building had been moved back and proffering enhanced landscaping in order to keep parking up front so the bank would not impact the adjacent property owners behind them. He stated there were conditions in the staff report that he requested be changed, asking that the construction begin within 60 months rather than 24 months and that the 8-foot pedestrian connection with Highfield Drive be changed to a 5-foot wide sidewalk. He stated that when proposing the original master plan the rendering was going to be the basis of the consistent architecture for the entire project and hoped they could continue to use this rendering. He stated that with those changes he felt it would be a good use, it would enhance the area, and have a positive fiscal impact on the County. He urged the Commission to recommend approval of this proposal.

There being no speakers, the public hearing was closed.

Joe Poole stated that he recently had been asked to serve as a Board member of another bank and checked with Leo Rogers regarding any conflict of interest. He stated that, even though there was no legal conflict, he felt that there was a personal conflict and therefore, would abstain from voting on this application.

John Hagee made a motion of approval, seconded by Don Hunt, with the conditions as outlined in the staff report.

Wilford Kale asked to amend that motion by including the changes requested by the applicant. Item #2 change 8-feet to 5-feet; Item # 3 change 24 months to 60 months. Wilford Kale questioned how to reword Item #5 and asked for some guidance.

Marvin Sowers stated since this item was to be determined by the Planning Director, he felt the rendering proposed by the applicant was consistent with the surrounding areas and, for the record, referenced the June 4, 2001, rendering proposed by Guernsey-Tingle Architects shown to the Commission.

Joe Poole stated the a motion for approval, with changes made to the conditions, had been made. In a roll call vote, motion for approval passed (5-0-1). AYE: Hagee, Wildman, Hunt, McCleary, Kale (5); NAY: (0); ABSTAIN: Poole (1).

15. CASE NO. Z-8-00/SUP-29-00. WILLIAMSBURG CHRISTIAN RETREAT CENTER.

Jill Schmidle presented the staff report stating the applicant had applied to rezone 138 acres with a special use permit to allow for a 51-lot single-family community for residents 55 years and older with a 9-hole golf course for youth and retirees. Staff found that the residential rezoning outside the Primary Service Area (PSA) was contrary to the adopted Comprehensive Plan policy for preferred development outside the PSA. Staff believed that approval of a residential rezoning outside the PSA would encourage development of agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. Staff recommended the Commission recommend denial of this rezoning and special use permit. Jill Schmidle stated if the Commission chose to approve these applications, staff recommended the conditions listed in the staff report.

John Hagee stated that he and several other Commission members attended a conference regarding rural clusters and felt that this particular property lent itself to it thematically. He asked if staff's position was based on the fact that the County ordinance had not been adjusted to accommodate a rural cluster or was staff discouraging it.

Jill Schmidle stated that, at this time, there was not a rural cluster ordinance but was something that had been discussed for several years. She stated that the special use permit for parcel clusters was an option for the developer but they chose not to pursue it.

Marvin Sowers commented on the presentation referred to by John Hagee stating that Randall Arendt presented very attractive proposals from a design standpoint for preserving the visual character of the community whether inside or outside the PSA. He stated that what staff had a concern with was the fact that Randall Arendt's concepts would potentially accelerate the rate of residential growth in the community and eliminate farming and forestry uses unless other land use policy changes are made. He stated that currently the Comprehensive Plan policy was clearly contrary to that notion.

David Eberly of 205 Roger Webster spoke on behalf of the Williamsburg Christian Retreat Association asking that the Commission approve these applications for this unique 9-hole golf course and residential development. He gave a brief history of the Williamsburg Christian Retreat Master Plan previously approved by the County and the steps they took with County staff to bring this proposal before the Commission tonight.

Steve Driver, Senior Engineer from McGee-Carson, spoke on behalf of the applicant stating it was a privilege for his firm to work with the Williamsburg Christian Retreat Center and Mennowood

in developing this master plan. He stated the purpose of this application was to promote and provide a community that would help our young people to build character traits. He stated the youth-retirees concept of golf and retirement home was believed to be a win-win combination in achieving its goal. He said that they recognized that the 138-acre parcel was outside but contiguous with the PSA and it was his task to work with all regulatory personnel and County staff to produce a concept that was sympathetic to both the County's Comprehensive Plan and its growth policy. He reiterated that this request for rezoning was not for the purpose of obtaining a high-density development but to allow the clustering of homes to facilitate retirees while preserving maximum open space for both passive and active recreation. He continued his presentation and concluded by saying he appreciated the Commission's time this evening in hearing this presentation and looked forward to a favorable recommendation.

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

Joe McCleary stated he had a major conflict and problem with this application because it was outside the PSA.

Joe Poole felt that the mission, interest, and package presented was very appealing but was located outside of the PSA and could not support this application.

John Hagee believed that this was a wonderful idea and again referred to the seminar he attended. He fully supported this concept and felt it was thinking outside the box, leaving a very pastoral type of environment and he commented that he did not think that the people of James City County gave a hoot about agricultural and forestal uses. He felt basically that they don't want development in that area. He said looking at the forestal concept there was an area on this property that would still be fairly wooded. He mentioned the past issues on Barnes Road with concerns of traffic and large trucks and that was in a forestal district. He stated from a practical perspective he would much rather see this type of development rather than having a by-right development with the homes spread out among the 138 acres. He felt this was an issue that needed to be looked at since he speculated that he did not see farming as a thriving business in the County since the children of families that have farms no longer want to do it. He felt what they were after as a practical perspective would be nice pastoral settings outside the PSA area and said he doubted whether this type of subdivision would work inside the PSA due to the high cost of the land. He supported this application.

Peggy Wildman felt this was one of the best designed plans to come before the Commission but regrettably could not support it because it was outside the PSA.

John Hagee made a motion to approve this application.

There being no second, Joe Poole ask for another motion.

Joe McCleary made a motion, seconded by Peggy Wildman, to deny this application.

In a roll call vote, motion for denial was approved (5-1). AYE: Wildman, Hunt, McCleary, Kale, Poole (5); NAY: Hagee (1).

16. COMMISSION COMMENTS.

A. Greenway Advisory Committee Report.

Joe Poole stated the next matter was not on the agenda but felt it should be brought up. He said Peggy Wildman was the Commission representative on the Greenway Advisory Committee and asked if she had anything to report.

Peggy Wildman stated the committee began meeting in April and said they hoped that the Greenway Master Plan would help reduce citizens concerns about the loss of open space and address community aesthetics as growth occurs. She said this next meeting would be about the process of educating the public and getting citizens involved.

B. Day Care Facilities.

Joe Poole stated there was discussion on having a subcommittee review criteria for day care within a residential area and suggested that perhaps the Policy Committee could take on this task.

Wilford Kale, Chair of the Policy Committee, agreed that his committee would consider this matter.

The Commission also requested that the Hogan Day Care and Vickie's Clubhouse special use permits be pre-advertised for the July Board of Supervisors meeting.

17. PLANNING DIRECTOR'S REPORT

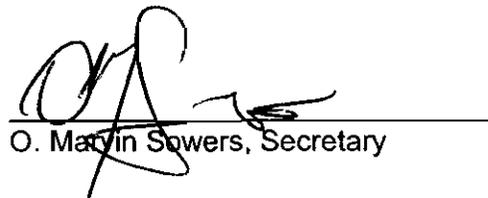
Marvin Sowers announced the public input meeting on Purchase of Development Rights on June 11, 2001, at 6:30 p.m. at the Norge Library. He said a presentation would be given on the PDR program and citizen input into the program would be sought.

18. ADJOURNMENT.

There being for further business, the June 4, 2001, Planning Commission meeting adjourned at approximately 11:38 pm.



A. Joe Poole, Acting Chair



O. Marvin Sowers, Secretary

NOTE: A meeting of the Planning Commission's Policy Committee was held on June 22, 2001, to discuss Child Day Care Centers located in the interior of residential neighborhoods. Information will be presented at the July 2, 2001, Planning Commission meeting by Wilford Kale, Chair of the Policy Committee.