

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

1. ROLL CALL

A. Joe Poole
George Billups
Don Hunt
Joe McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Christopher Johnson, Senior Planner
Jill Schmidle, Senior Planner
David Anderson, Planner

2. MINUTES

In a unanimous voice vote the Commission approved the minutes of the May, 6, 2002, and July 1, 2002, meetings.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Joe McCleary presented the DRC report stating there were two cases. The first case was a request for a waiver to allow an alternate septic system on property located at One Drammen Court and the second case, which was deferred to a special meeting prior to tonight's meeting, was a request to deviate from the approved Ironbound Village Master Plan. The request was to switch the location of the town homes with the commercial building that contains apartments. The DRC recommended an additional change in the parking requirement for the commercial building and recommended approval for the above cases.

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

B. POLICY COMMITTEE

Marvin Sowers stated that at the June 3 meeting, the Commission received recommended changes to its bylaws from the Policy Committee.

In a unanimous voice vote, the changes to the Planning Commission Bylaws were approved.

4. PUBLIC HEARINGS

A. CASE NO. Z-5-01. FORD'S COLONY PROFFER AMENDMENT

Christopher Johnson presented the staff report stating the applicant had requested a one month deferral to allow them the opportunity to work on a redesign of the intersection shown on Ford's Colony, Section 12, Development plans in light of VDOT comments and staff's consultant's report. Staff concurred with this request.

Joe Poole opened the public hearing.

There being no speakers, the public hearing remained open.

B. CASE NO. SUP-15-02. JAMESTOWN 4-H CENTER PRESCHOOL

David Anderson presented the staff report stating the applicant had applied on behalf of Jamestown 4-H for a special use permit to allow the Williamsburg Initiative School to operate a preschool/kindergarten in the Chesterfield Lodge located on at 3751 4-H Club Road. Staff found the proposal to be consistent with the surrounding residential zoning and development and with the Comprehensive Plan. Staff recommended approval of this application as outlined in the staff report.

George Billups asked staff about the entrance pavement required by VDOT and why staff did not have it as one of the conditions of the special use permit.

Dave Anderson stated that staff felt the improvements were not necessary due to the minimal impact the school will have on traffic since the student enrollment would not exceed 20 children and 2 teachers.

Charles Burr, the applicant, thanked Jill Schmidle and David Anderson for all their help during the special use permit process and said he would answer any questions of the Commission.

Don Hunt asked if there were any modifications that needed to be made to the Chesterfield Lodge.

Charles Burr stated that the only requirements were the handicap ramp needed adjustments and there would be an addition of a fence to protect children from the adjoining fenced in swimming pool.

Keith Reagan, 8636 Merry Oaks Lane, spoke in support of this application.

Mark Cuttney of Ironbound Road also spoke in support of this application noting that his son currently attended the Waldorf School in Richmond. He noted that Williamsburg Initiative at this time is not an accredited Waldorf School.

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

Joe McCleary supported this application and made a motion to recommend approval.

Peggy Wildman seconded his motion. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt, Billups, Poole (5). NAY: (0).

C. CASE NO. Z0-1-02. ZONING ORDINANCE AMENDMENT - ADULT DAY CARE CENTERS

Jill Schmidle presented the staff report stating staff was requesting an amendment to the ordinance to allow an “adult day care center” in several additional zoning districts where it currently was not a permitted or specially permitted use. She stated the request was brought to staff’s attention by officials from Wellspring United Methodist Church who wanted to open an adult day care center but were unable to do so because adult day care centers were not permitted in the R-2, General Residential, District. Staff recommended the proposed ordinance amendment to allow the use “adult day care center” either by-right or with a special use permit in the same districts that allow child day care centers.

Joe McCleary suggested that the provision of a three-year time limit for a special use permit for an adult day care center be added as was done to child day care centers when it was amended in the ordinance.

Marvin Sowers stated the Commission had some concerns over child day care centers in residential areas when an amendment was presented to them last year. He said the Policy Committee reviewed that amendment and the result was the adoption of a policy for use when the Commission was considering special use permits. He stated one of the policies was to consider putting a time limit of three years on special use permits and noted that the Commission could attach this as a condition rather than putting it into the ordinance. He said staff would have no objections if the Commission decided to take this to the Policy Committee for review to consider setting a policy for adult day care centers as it had previously done for child day care centers.

George Billups asked if any research had been done by staff on adult day care centers. He said he had concerns about the structure, land acreage and use. He commented that even though there was a similarity between Head Start, day care, and early childhood development, there was a difference in the requirements for people being served in adult day care centers and felt that this should be looked at. He agreed that it should go before the Policy Committee for review.

Joe McCleary asked if an applicant would have to have approval from the state regarding whether a facility was adequate and fulfilled state requirements before they could come to the County for approval of such a facility. He agreed with George Billups that this should be sent to the Policy Committee but felt there was further assurance from state requirements for such a facility.

Joe Poole opened the public hearing and suggested the speaker may be able to answer some of these questions.

Lyn Warner, who inquired about opening an adult day care at the Wellspring Methodist Church, spoke on the need for this type of facility and said that they would be licensed by the state in order to operate the adult day care center. She asked that the Commission approve the ordinance amendment.

Ted Coopridier, a lay leader and member of the church council for Wellspring Methodist Church, spoke in support of this application.

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

Peggy Wildman stated that this was a wonderful idea and one that was certainly needed in this community. She moved to defer the ordinance amendment in order to allow the Policy Committee to develop a policy.

Marvin Sowers informed the Commission that staff had preadvertised the amendment for the August 13, 2002, Board of Supervisors meeting.

Joe McCleary asked, if the Commission were to pass the ordinance tonight and at the same time refer it to the Policy Committee for its guidance, could the two move together.

Marvin Sowers stated that deferral of the ordinance amendment tonight would prevent anyone from applying for a special use permit. He said if the ordinance was approved and someone submitted an application, the Commission could defer the application to allow additional time for the Policy Committee to develop necessary guidelines for adult day care centers.

Peggy Wildman withdrew her motion for deferral and recommended approval of the ordinance amendment with the understanding that the Policy Committee develop a policy and report back to the Commission at its September 9th meeting.

Don Hunt supported this ordinance and, as a Policy Committee member, asked if any Commission member had anything they felt should be examined.

George Billups stated from what he understood at this time, they were amending the ordinance fro a group of districts throughout the County and not for someone who had applied for an adult day care center.

Peggy Wildman asked to make an additional comment thanking Jill Schmidle and staff for bringing this request to the Commission.

Joe Poole said that during the last Comprehensive Plan revision process, this topic came up and he was delighted to see this in advance of the Comprehensive Plan public meetings. He stated the motion was to approve, as submitted, with the concurrent review of a policy by the Policy Committee.

Joe McCleary seconded the motion. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt, Billups, Poole (5); NAY: (0).

D. 2002 AGRICULTURAL AND FORESTAL DISTRICT (AFD) RENEWALS

Paul Holt presented the staff reports for the renewal of the Agricultural and Forestal Districts. Staff recommended continuation of the districts and on July 22, 2002, the AFD Advisory Committee recommended continuation by a majority vote on all districts up for renewal. He stated staff and the AFD Advisory Committee recommended termination of the Casey AFD since it did not meet the minimum requirements for an AFD. The following is a summary of the districts up for renewal.

No changes were proposed to the following districts:

AFD 2-86	Croaker
AFD 3-86	Hill Pleasant Farm
AFD 6-86	Cranston's Pond
AFD 10-86	Christenson's Corner
AFD 11-86	Yarmouth Island
AFD 12-86	Gospel Spreading Church
AFD 13-86	Gilley

Staff recommended changes to the conditions of approval, as outlined in the staff report, for AFD 1-94 Wright's Island to make them conform with conditions of the other applications.

The following Agricultural and Forestal Districts had requests for withdrawal of land:

AFD 5-86 Barnes Swamp

- The estate of Richard Mountcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).
- After the withdrawal, the size of this district will be 1,884.876 acres.

AFD 7-86 Mill Creek

- The estate of William A. Thompson has requested the withdrawal of 24.681 acres - Tax Map ID (19-2)(1-5).
- After the withdrawal, the size of the district will be 3,101.359 acres.

AFD 8-86 Casey

- This district no longer meets the minimum size requirements for an AFD (200 acres).
- There are two properties within the Casey AFD. Parcel (37-3)(1-4) which is 165 acres can be transferred into the Gordon Creek AFD. Because of distance restrictions, the other parcel (47-2)(1-1) which is 31 acres cannot be located within another AFD. This parcel will not be eligible to continue in the AFD program.

AFD 9-86

- William Kane has requested the withdrawal of (29-4)(1-3); (30-3)(1-7); (35-2)(1-7); (36-1)(1-1) and (36-1)(1-2), which total 164.33 acres.
- The Gordon Creek Corporation has requested a withdrawal of all of its land within the AFD. This consists of parcels (36-2)(1-1); (36-2)(1-1B); (36-2)(1-2); and (36-2)(1-3) which all total 242.427 acres.
- Parcel (37-3)(1-4) which is 165 acres will be added from the Casey AFD.
- After the withdrawals and with the addition, the size of the district will be 3,110.843 acres.

Paul Holt concluded his presentation and said he would answer any questions of the Commission.

Joe Poole stated the public hearing would be for each individual AFD case.

Leo Rogers stated that the Commission could consolidate the public hearings all together if that were its desire.

Don Hunt concurred with the proposal of consolidating the public hearings and said since he was a part of AFD-3 Hill Pleasant Farm, he would abstain from voting on that district.

Joe Poole opened the public hearing.

Adele Oberhelman, an adjacent property owner to the Casey AFD, asked how the withdraw of the land would affect her property and what could be developed.

Paul Holt stated the only real change of the property coming out of the district would be to the land owner who would no longer be eligible for use value taxation. He stated the current zoning would still apply to the property and any development that would occur would have to abide by all County ordinances and regulations. He said the property was designated as low-density residential on the Comprehensive Plan Land Use Map and that, at this time, there were no development plans submitted to the department.

Joe McCleary stated that the majority of the property appeared to be swamp land and noted that there was a sewage pumping station on the front of the property. He said he would be surprised if any part of the property could be developed.

D. Turner Blanks stated it appeared that the Commission was not going to approve this property for development which was one of his concerns. He said that the property had been condemned years ago by the state when someone tried to develop it and he wanted to make sure the County wasn't going to improve the land and change it for development.

Kirk Adams, a resident on Chickahominy Road and an adjacent property owner, also had concern as to how this affected his property. He said it appeared that, at this time, it was in his best interest because the property was being renewed but was unaware of what an AFD actually meant.

Joe Poole stated that owners of large tracts of land could participate in the Agricultural and Forestal District program which prevents immediate development in return for tax reduced property tax. He said it was a way for the County to preserve green space and provide an incentive to landowners of large tracts.

Kirk Adams asked if there was anything in the process in the Toano area that he needed to be concerned about.

Joe Poole stated that as it related to this particular parcel, there were no suggested changes to the Cranston's Mill AFD at all.

Don Hunt noted that the AFD's were set up for four-year terms and that when it comes up for renewal there was always the possibility of the property being withdrawn.

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

Joe Poole suggested that the Commission pull AFD-3-86 Hill Pleasant Farm from the consolidated AFD's vote for a separate vote.

Joe McCleary made a motion, seconded by Peggy Wildman, to approve AFD-3-86. In a roll call vote, motion passed (4-0-1). AYE: Wildman, McCleary, Billups, Poole (4); NAY: (0); ABSTAIN: Hunt (1).

Don Hunt made a motion, seconded by George Billups, to approve the remainder of the AFD's. In a roll call vote, motion passed (5-0). AYE: Wildman, McCleary, Hunt Billups, Poole (5); NAY: (0).

5. PLANNING DIRECTOR'S REPORT

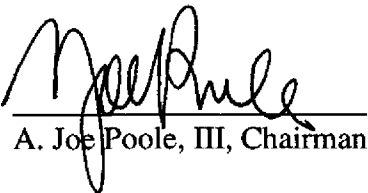
Marvin Sowers mentioned that the Community Participation Team (CPT) was currently meeting and a summary of its meetings has been given to the Commission members. He said if there were any questions, they could contact Don Davis for more information.

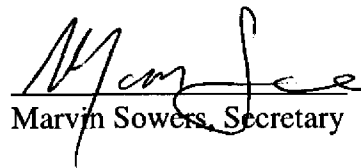
Marvin Sowers announced Carole Giuliano's resignation and move to Communications/Neighborhood Connections. He stated they were sorry to see her go and noted she had done a great job over the years with the Commission, as well as the department and said staff was regretful that she was leaving.

Joe Poole stated that the Commission would find a way to appropriately recognize her and he felt the Commission concurred with his appreciation for all her help.

6. ADJOURNMENT

There being no further business, the August 5, 2002, meeting of the Planning Commission was adjourned approximately at 8:00 p.m.


A. Joe Poole, III, Chairman


Marvin Sowers, Secretary