

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

ROLL CALL

A. Joe Poole, III
George Billups
Wilford Kale
Peggy Wildman
Joseph McCleary
Don Hunt
John Hagee

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Marvin Sowers, Planning Director
Cynthia Grom, Administrative Services Coordinator
Christopher Johnson, Senior Planner
Sarah Weisiger, Planner

2. MINUTES

The Commission approved the minutes of the December 2, 2002 meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were two cases that were heard at the last meeting: Case No. S-108-02 Scott's Pond, Section 3 and Case No. SP-134-02 JCSA Five Forks Water Treatment Facility. For Scott's Pond, the DRC recommended that preliminary approval be granted subject to the applicant submitting revised plans that adequately address agency review comments. For the JCSA Five Forks Water Treatment Facility, the DRC determined that the proposed facility is substantially in accord with the adopted Comprehensive Plan and recommended that preliminary approval be granted subject to the applicant submitting revised plans which adequately address agency review comments.

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

B. NOMINATING COMMITTEE

Mr. Joseph McCleary presented a brief report of the Nominating Committee meeting that had been held on January 13, 2003. He mentioned they would have the election for Commission Officers at the meeting next month.

4. PUBLIC HEARINGS

A. CASE NO. Z-05-02/HW-1-02. LONGHILL GROVE APARTMENTS.

Mr. Christopher Johnson presented the staff report. He stated that Eagle Construction of Virginia has submitted an application to rezone approximately 15.82 acres located at the southeast corner of Longhill Road and Centerville Road from LB, Limited Business and R-5, Multifamily Residential to R-5, with proffers. If approved, the developer would be using the assembled parcels to create a new affordable apartment housing complex. The development would consist of up to 170, two and three bedroom apartments among multiple buildings, and would include the demolition and rebuilding of the remaining Burton Woods apartment buildings. The project is possible with support from the Low Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority. A height limitation waiver is also requested from the Board of Supervisors as the proposed three story apartment buildings exceed 35 feet in height. With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Staff therefore recommends approval of the rezoning and the acceptance of the voluntary proffers.

Mr. Joe Poole, III opened the public hearing.

Mr. Alvin Anderson, the applicant, stated the proposal would replace a blighted area with a quality product and development plan, benefit to the County with the exchange of the Lift Station property, and provides low income housing which is a stated goal of the James City County Comprehensive Plan.

Mr. Wilford Kale asked about some of the proffers, wondering why there were no proffers for the water and sewer utilities and schools. He wanted to know if there would be any financing available for water hook-ups.

Mr. Alvin Anderson stated that cash proffers to mitigate water or school impacts would prevent the applicant from offering these units as low-income housing.

Mrs. Peggy Wildman asked about whether or not the nearest fire station at Old Town Road would be able to handle the proposed height waiver.

Mr. Marvin Sowers stated that it was not a problem and well within the range of their capabilities.

Mr. George Billups asked about the types of apartments there would be and what was installed for fire safety.

Mr. Bryan Kornblau, a representative of Eagle Construction, stated that the apartments were designed to local building codes and provided sprinkler systems for fire safety. The configuration of the apartments would be 50 percent 2 bedroom and 50 percent 3 bedroom units. No 1 bedroom units would be available. All apartments would have two full bathrooms.

Mr. John Hagee asked about the rent structure and how the Section 8 housing program worked.

Mr. Bryan Kornblau stated they were limited on what they could charge and it was based on the income of the families at 60%.

Mr. Vaughn Poller, Community Development with James City County Housing and Community Development, explained how the Section 8 Housing program worked, the vouchers and how they are issued. He stated that James City County was issued only 175 vouchers and they were all currently being used. The demand for them is so great that the waiting list has 337 people on it and that they had to stop taking names.

Mrs. Peggy Wildman asked Mr. Poller how his department is involved in building low income housing.

Mr. Vaughn Poller explained how they try to bring about these types of projects and encourage them.

Mr. Reed McNeill, a James City County citizen, commented on the staff report. He was concerned about the availability of the handicapped accessible apartments, the proposal for the recreation areas and the need to screen the complex from the roads.

There being no further questions, Mr. Joe Poole, III closed the public hearing.

A discussion ensued among the Planning Commission members in regards to the benefits of this type of project and the proffers being offered.

Mrs. Peggy Wildman recommended approval and made a motion.

Mr. John Hagee seconded.

In a roll call vote, motion passed (6-1). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Poole (6); NAY: Billups (1).

B. CASE NO.SUP-21-02. JAMESTOWN ISLAND EXPANSION.

Ms. Sarah Weisiger presented the staff report. She stated that in preparation for Jamestown's 400th anniversary, the Association for the Preservation of Virginia Antiquities (APVA) and the National Park Service (NPS) are working on a joint undertaking called the Jamestown Project. The proposed facilities in this special use permit application are only part a much larger project that includes proposals to relocate the island's visitors' center, reconfigure parking areas, change roadways and add pedestrian and bicycle trails. Improvements to National Park Service land do not require special use permits. The two facilities require a special use permit because they are located on the parcel owned by the non-governmental APVA. The Archaearium is a proposed new exhibit space that would be open to the public. It is to be adjacent to, and over, the Ludwell Statehouse foundations. This museum exhibit facility is to give visitors an opportunity to learn more about archaeology and about excavation of the historic site. The proposed one-story Archaearium would be approximately 7,500 square feet. The proposed collections' research facility is to be adjacent to the Yeardley House and its existing Jamestown Rediscovery Center addition. The facility will be used, in part, to house APVA and NPS collections together. The addition will be less than 8,000 square feet on two floors. The rooms in the new addition are intended for storage, a processing lab, curator work space, offices, a library and restrooms. The facility is not to be open to the public. Staff finds this proposal compatible with existing development at Jamestown Island and consistent with the surrounding property and the Comprehensive Plan. Therefore, staff recommends the Planning Commission approve this special use

permit application with conditions.

Mr. Joe Poole, III, opened the Public Hearing.

Mr. Alec Gould, Superintendent of the Park Service's Colonial National Historical Park which includes parts of Jamestown Island, explained how the expansion was part of long range plans in regard to the Jamestown 2007 celebration, and how it would improve and not hinder the Park's historical significance. He explained how the Park Service's premier collection of artifacts is currently being stored in the basement of the Visitor's Center where they are exposed to the risk of flooding. This special use permit would allow them to make this collection available for researchers to study.

Ms. Jane Jacobs, the applicant, spoke about the process of the expansion they have been working on for the last two years, and how everything was planned to stay in character with the current historical surroundings.

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. John Hagee recommended approval and made a motion.

Mr. Joe McCleary seconded.

In a roll call vote, motion passed (6-0). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: (0). (Mr. Wilford Kale left prior to this case.)

B. CASE NO.SUP-22-02. SCHMIDT LANDSCAPING.

Mr. Christopher Johnson presented the staff report. Mr. Schmidt purchased two adjoining parcels of land approximately 8.33 acres in size on Jolly Pond Road for the purpose of operating his landscaping and contracting business. A structure was constructed without an approved site plan, building permit, or land disturbing permit. Zoning and Code Compliance staff have discussed the matter with Mr. Schmidt to rectify the zoning and building code violations. The structure has been used to store equipment associated with the landscaping business since its construction. Mr. Schmidt submitted a special use permit application in order to bring the existing use of the site into conformance with the Zoning Ordinance. The applicant intends to continue to use the site as a storage facility for material and equipment typical of a landscaping contracting business. The applicant is also proposing to grow plant material on a portion of the site for the sole use of Schmidt Landscaping. Contractors' warehouses and offices are a specially permitted use in the A-1, General Agricultural, zoning district. The plant growing operation, by itself, is a by-right use. With the proposed conditions, staff believes that the proposed use is consistent with the Comprehensive Plan and the Rural Lands and Commercial Development Standards and does not create negative impacts on the surrounding area. Staff recommends approval of this application with conditions.

Mr. Joe Poole, III opened the Public Hearing.

Mr. Tim Schmidt, the applicant, spoke about the history of the application and why he had started the process.

Mr. Joe Poole, III asked Mr. Schmidt if he had any problems with the conditions.

Mr. Tim Schmidt replied no.

Mrs. Peggy Wildman asked Mr. Schmidt if doing the minor improvement to the entrance was going to be a problem.

Mr. Tim Schmidt replied that he has wanted to do it for ten years, but VDOT would not allow it.

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joe McCleary recommended approval and made a motion.

Mrs. Peggy Wildman seconded.

In a roll call vote, motion passed (6-0). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: (0). (Mr. Wilford Kale left prior to this case.)

6. PLANNING COMMISSION CONSIDERATIONS

A. ZONING ORDINANCE INITIATING RESOLUTION – EIGHT FAMILY DWELLINGS.

Mr. Marvin Sowers presented an initiating resolution to change the current Zoning Ordinance to allow for eight units per building rather than four. He explained how this would only affect R-2 and R-5 zones and would allow other developers to apply for it.

In a unanimous voice vote the Commission approved the initiating resolution.

B. PLANNING COMMISSION ANNUAL REPORT FOR YEAR 2002.


Mr. Marvin Sowers presented the annual report and stated it will be presented at the Board of Supervisors meeting on January 28th, 2003 by Mr. Joe Poole, III.

7. PLANNING DIRECTOR'S REPORT


Mr. Marvin Sowers mentioned that we are still currently accepting Land Use applications and the deadline for submittal is January 31, 2003

8. ADJOURNMENT

There being no further business, the January 14, 2003, meeting of the Planning Commission was adjourned approximately at 8:50 p.m.



A. Joe Poole, III, Chairman



O. Marvin Sowers, Jr., Secretary