

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE EIGHTH DAY OF SEPTEMBER, 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
John Hagee
Donald Hunt
Peggy Wildman
George Billups
Joseph McCleary
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John T. P. Horne, Acting Director General Services
O. Marvin Sowers, Jr., Planning Director
Toya Ricks, Administrative Services Coordinator
Karen Drake, Senior Planner
Christopher Johnson, Senior Planner
Sarah Weisiger, Planner

2. MINUTES

The Commission approved the minutes of the June 24, 2003 and August 4, 2003 meetings with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee, Chairman of the Development Review Committee, presented the report. The Committee heard six cases at its last meeting. The first case was Colonial Heritage Phase 1, Section 4. This case was deferred from the August meeting due to staff concerns about the impact of roads on steep slopes in natural areas. Those concerns were resolved by the applicant and the case was approved. The next two cases were septic system waivers. The first was for a lot off Lake Powell Road which is part of a five lot subdivision. Four of those lots were able to use conventional systems while the other needed an alternate system. The other cases involved three lots in Chickahominy Haven. These were all basic, clear cases which were approved. The next three cases were in Ford's Colony and involved a possible need for a Master Plan amendment. Two of the cases involved the elimination of a pool in one section and the enhancement of the pool and recreation area in another section. All of these were approved by the Homeowner's Association and were approved by the Committee. The third Ford's Colony case was a request to allow for the development of a 49 lot subdivision on a Hotel and Conference site in the community. Although the Homeowner's Association had approved this request the Committee felt it was too complex and needed a Master Plan amendment. The case was denied.

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

B. OTHER COMMITTEES

Mr. Joe McCleary, Chairman of the Comprehensive Plan Steering Committee, recently attended the open house of the Senior Center at the Wellsprings Methodist Church. This was a case previously heard by the Commission. Mr. McCleary stated that they have done a magnificent job with the facility.

4. PUBLIC HEARINGS

A. CASE NO. SUP-16-03 Williamsburg Winery – Gabriel Archer Tavern

Ms. Sarah Weisiger stated that Mr. Vernon Geddy, on behalf of Patrick Duffeler, has requested the case be deferred until the October 6th meeting of the Planning Commission to resolve outstanding issues.

Mr. A. Joe Poole, III opened the public hearing.

Hearing no other requests to speak, Mr. Poole, III deferred the case until the October 6th meeting of

the Planning Commission.

B. CASE NO. Z-6-03 & MP-4-03 New Town Sec. 2 & 4 Amended Master Plan & Proffers

Ms. Karen Drake stated that Mr. Alvin Anderson, on behalf of New Town Associates, LLC, has applied to amend the Master Plan, Proffers and New Town Design Guidelines for approximately 85.6 acres of New Town Section 2 & 4 that is currently zoned MU, Mixed Use, with proffers. The application also proposes to rezone approximately 2.9 acres of land to MU with proffers that is currently in New Town Section 9, zoned M-1, Limited Business & R-8, Rural Residential with proffers to be incorporated into Section 2 & 4, zoned MU with proffers. If approved, proposed construction for Section 2 & 4 would include approximately 620,000 square feet of retail space, approximately 122,000 square feet of office and commercial space, and approximately 525 residential units. There is no proposed change to the overall New Town Residential/Non-Residential Cap.

Ms. Drake stated that staff finds the proposal generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. Staff further finds the proposed development compatible with surrounding zoning and development and consistent with the 2003 Comprehensive Plan recommendations. Staff also finds the proposed proffers sufficiently mitigate anticipated impacts, including traffic through the right-in only entrance on Monticello Avenue. Staff therefore recommends the Planning Commission approve the rezoning application and acceptance of the voluntary proffers.

Mr. Kale asked if the 620,000 square feet of retail and 122,000 square feet office relate specifically to sections 2 & 4 and not the remainder of New Town project.

Ms. Drake stated that this was correct and referenced page 28 of the staff report for details of the maximum density for the overall New Town project compared to Sections 2 & 4.

Mr. Kale asked if the WindsorMeade project will have any bearing on this project or vice versa.

Ms. Drake stated that to the best of her knowledge it would not.

Mr. Billups asked if there was an impact statement from the Fire or Police Department to ensure that we have a comprehensive look as to how this will impact the entire community.

Ms. Drake stated that this rezoning it is only a restatement of the proffers and a small land addition and that the original rezoning, approved by the Board Of Supervisors in 2001, would have included a review of the impact statements from Fire and Police. This case only shifts 3 acres to be included into Sections 2 & 4.

Mr. Sowers stated that the overall amount of development does not change. Mr. Sowers also stated that this was an excellent question but perhaps more suitable to the next case.

Mr. Poole, III opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles, represented the applicant. Mr. Davis indicted that this is straight-forward application involving housekeeping related to the previously approved Sections 2 & 4 zoning. It involves the abandoned BMP and some movement of property currently in one section of New Town into another section as well as some changes to the design guidelines. Mr. Davis pointed out the site under consideration on the proposed amended Master Plan. A portion of the 2.9 acres is proposed to be shifted from Section 9 of New Town and added to Section 4. A second portion comes from a Stormwater Management Facility that has been relocated to the rear of the subject property. The application proposes no additional residential units or commercial space. The minor changes to the design guidelines relate to finalization of street names, parking, and some minor architectural standard changes. Mr. Davis stated that this plan is constant with Comprehensive Plan, the New Town Design Plan and was approved by the New Town Design Review Board.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Hagee stated that this is a very straight-forward case and he sees no issues.

Mr. Hunt echoed Mr. Hagee's sentiments. There appears to be no net change other than expanding onto the 2.9 acres. Mr. Hunt supported the application.

Mr. McCleary echoed the remarks of both Mr. Hagee and Mr. Hunt. Mr. McCleary commended the applicant, staff and Virginia Department of Transportation for being able to resolve the question on traffic.

Ms. Wildman stated she was pleased to see the application come before the Commission. She supported the application.

Mr. Kale moved to approve the case.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the case was approved 7:0 AYE (7) Poole, Wildman, McCleary, Hagee, Hunt, Kale, Billups NAY (0)

C. CASE NO. Z-5-03 & MP-6-03 WindsorMeade Marketplace.

Mr. Christopher Johnson stated that Mr. Alvin Anderson, on behalf of C.C. Casey Limited Company, has applied to rezone approximately 34.49 acres from R-8, Rural Residential with Proffers to MU, Mixed Use with Proffers, to allow for the construction of a 200,000 square feet commercial shopping center. This application was deferred at the August 4th Planning Commission meeting to allow staff and the applicant to work with the Virginia Department of Transportation (VDOT) to resolve some outstanding issues and allow VDOT to offer a recommendation on the Traffic Impact Study submitted with this proposal. The applicant has agreed to proffer the construction of a traffic signal at the second crossover on WindsorMeade Way when and if the traffic volume on the road reaches a point where the signal becomes warranted. The applicant has also agreed to restrict turning movements at the first crossover to maintain traffic flow into the center from Monticello Avenue and mitigate traffic congestion on Monticello Avenue. VDOT has concluded that the additional 50,000 square feet of non-residential development will not negatively impact the Level of Service on Monticello Avenue or at the Monticello Avenue/WindsorMeade Way intersection. Staff believes the traffic impacts created by this development are sufficiently mitigated by the master plan and proffer revisions.

Mr. Johnson stated that staff finds the proposal consistent with the surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the New Town Master Plan, Design Guidelines and proffers. Staff recommended that the Planning Commission recommend approval of the rezoning, master plan, and design guidelines.

Mr. Poole, III opened the public hearing.

Mr. Alvin Anderson, Kaufman and Canoles, represented S.L. Nausbaum Realty Company in this application. Mr. Anderson indicated the location of the subject property on an aerial photograph. The subject property is frequently referred to in the New Town Master Plan as the gateway commercial district. Mr. Anderson stated that the New Town Plan was ratified by the Board of Supervisor by the approval of the Comprehensive Plan. The applicant indicted the features of the plan that will enhance the character of the center, parking, small retail shops, through-ways to residential areas, green space etc. Mr. Anderson stated that the plan is consistent with the 2003 Comprehensive Plan, the New Town Plan and approved by the New Town Design Review Board. In response to Mr. Billups' question on the previous application Mr. Anderson indicated that a Community Impact Statement is included in their handouts.

Mr. Hagee asked for the square footage of the main building where Belk will be located.

Mr. Anderson stated that the building is 143,000 square feet

Mr. Hagee asked if the remaining outparcels will be primarily retail or a mix.

Mr. Jim Gresock, with S.L. Nausbaum Realty, stated that the outparcels will be a mix of office and retail space.

Mr. Hagee asked if it will be similar to Monticello Marketplace where most of the outparcels are fast food establishments.

Mr. Gresock indicated that the parking lot layout doesn't allow for individual buildings. He stated there should be fewer food establishments and perhaps one bank. This is the first project they have designed with shared parking.

Mr. McCleary noted that page 4 of the proffers makes reference the owner's association. He asked if this section, the Methodist Home, and the other residential sections will each have their own separate owner's associations.

Mr. Anderson stated there are sub-associations for each of the developments that are all part of a master association.

Mr. McCleary asked if page 44 of the handout regarding traffic lanes indicates that all 5 lanes traffic will be constructed during the initial construction phase.

Mr. Arch Marston, of AES, stated that all 5 lanes will be developed with the development of WindsorMeade Way.

Mr. McCleary stated that the Commission has received complaints over the years from residents on the end of Jester's Lane about the noise of loading and unloading at the rear of the buildings. He asked if there are planned buffers to help mitigate those types of issues.

Mr. Anderson acknowledged that this development is far removed from Jester's Lane and that deliveries will be made off of WindsorMeade Way. The parcel that remains to be developed is designated on the master plan as residential.

Mr. Kale asked for the zoning of the undeveloped parcel.

Mr. Anderson said that it is zoned R-8.

Mr. Sowers stated that it is also part of the New Town Master Plan.

Mr. Leo Rogers clarified that there is a difference between the zoning classification for the property of R-8 and what might ultimately be developed based on the New Town Master Plan.

Mr. Hagee noted that the Stormwater Management Pond will also serve as a buffer.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Kale stated that he has strong reservations when he looks at the total project at New Town. He noted that between Monticello Avenue from Richmond Road to the MarketPlace there are future proposals for at least five shopping centers in an area of approximately two miles. Three of those proposals are in James City County; the other two are in the City of Williamsburg. He stated his concern that the community and the concept of New Town cannot support this much retail business in such close proximity to one another.

Mr. Hunt stated that he does not share Mr. Kale's concerns. He sees this as a logical extension of development in this area and he supports it. Mr. Hunt noted the County has lost retail opportunities to York County. He would like to see some additional sales tax revenue in the James City County.

Mr. Poole supported the application. He is pleased with the guidelines in the provisions for retaining the aesthetics the Commission has been looking for in the Greater New Town area.

Mr. Billups appreciated the comprehensive overview given to the members to review by the applicant. Mr. Billups questioned whether the Planning Commission is reviewing each application with a 10 year or 20 year outlook.

Mr. Hagee supported the application. He thinks it is tastefully done and is an attractive center to be located in the heart of the County. Mr. Hagee also stated that he trusts that the Nausbaum Corporation's marketing studies indicate that the demand is present.

Ms. Wildman agreed with Mr. Hagee on many points. She stated that she sees this as a place to have many different types of uses such as industrial and high-tech industry. Ms. Wildman believes this is a wonderful application and that Nausbaum has done a wonderful job putting together this project.

Mr. Hunt stated that Charles City County residents are using both Monticello MarketPlace and Williamsburg Crossing on a regular basis.

Mr. McCleary agreed with Mr. Hagee that this will be a tremendous success. He liked the design. He is not however unmindful of Mr. Kale's concerns. Mr. McCleary also noted that he trusts that the developers are not planning for failure.

Mr. McCleary moved to approve this application.

Ms. Wildman seconded motion

In a roll call vote the application was approved 6:1 AYE (6) Poole, Wildman, McCleary, Hagee, Hunt, Billups NAY (1) Kale

PLANNING COMMISSION ANNUAL REPORT

Mr. Sowers presented the Planning Commission Annual Report for Fiscal Year 2003. The report identifies the commission members so that citizens will get to know them. Current workloads are indicated along with highlights of major projects. The Comprehensive Plan was the highlight of Fiscal Year 2003. He stated that it was a pleasure working with the Steering Committee who provided great leadership on the project. The Commission is also to be commended for their success and efforts. Some other projects of note were Bikeways construction and Landscaping projects. The Division also received a grant from the State to reimburse the County for previous green space preservation projects.

Mr. Hunt moved to approve to report.

Mr. McCleary seconded the motion.

The Commission approved the report with a unanimous voice vote.

6. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report. On Thursday night September 11, 2003 there will be a preview of the 2026 Regional Transportation Plan conducted by Hampton Roads Planning District Commission. He noted that the Division was successful in getting additional funding for two highway projects. Over \$12 million was approved for the Route 60 relocated project and the Ironbound/Monticello intersection. Planning staff was very instrumental in putting together those proposals.


Mr. Hagee asked when the Route 60 improvements will be made.


Mr. Sowers hopes to see VDOT to purchase the right of way by 2006.

Mr. McCleary noted that great thanks should be given to staff for helping to secure those funds.

7. ADJOURNMENT

There being no further business, the September 8, 2003, meeting of the Planning Commission was adjourned approximately at 8:40 p.m.


A. Joe Poole, III, Chairman


O. Marvin Sowers, Jr., Secretary