

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

1. ROLL CALL

A. Joe Poole, III  
Peggy Wildman  
Jack Fraley  
Donald Hunt  
Joseph McCleary  
Wilford Kale  
George Billlups

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
O. Marvin Sowers, Jr., Planning Director  
Toya Ricks, Administrative Services Coordinator  
Christopher Johnson, Senior Planner  
David Anderson, Senior Planner  
Christy Parrish, Senior Zoning Officer  
Matthew Arcieri, Planner

2. ANNUAL ORGANIZATION MEETING

A. ELECTION OF OFFICERS

Mr. Marvin Sowers opened the floor for nominations for Chairperson of the Planning Commission for the year 2004.

Mr. Donald Hunt nominated Mr. A. Joe Poole, III. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Poole, III was elected Chairperson of the Planning Commission.

Mr. Poole, III asked if there were any nominations from the floor for Vice-Chair of the Planning Commission for the year 2004.

Mr. Wilford Kale nominated Mr. Hunt. Ms. Peggy Wildman nominated Mr. Joe McCleary. Mr. McCleary withdrew his name from consideration. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Hunt was elected Vice-Chair of the Planning Commission.

B. COMMITTEE APPOINTMENTS

Mr. Poole, III notified members that current appointments to the Development Review Committee and the Policy Committee will stand through the month of February. New appointments will be made at the March meeting following the requested input of Planning Commission members.

3. MINUTES

Mr. McCleary made a motion to approve the minutes of the meeting of January 12, 2004 with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole, III presented the report. The DRC granted approval to Wellington Section 5 with the exception of 12 lots which are subject to re-submitted plans addressing agency comments. Approval was also granted to Ford's Colony Section 5 with the condition that the proposed water facility provides for the

demands for all lots outside the Primary Service Area. The Committee recommended an exception be granted to allow an alternate septic system for 7262 Osprey Drive. Approval was also granted to New Town United Methodist Church for a modification of setbacks. WindsorMeade MarketPlace was granted approval subject to re-submitted plans addressing agency comments.

Mr. Kale made a motion to approve the DRC report.

Mr. Hunt seconded the motion.

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

B. BUILDERS FOR THE BAY SITE PLANNING ROUNDTABLE

Mr. McCleary presented the report. The Builders for the Bay sponsored the first local site planning roundtable on January 23<sup>rd</sup>. Approximately 70 participants represented area developers and county agencies. The goal is to assist local jurisdictions in revising existing codes and ordinances to allow more environmentally sensitive site design to preserve and enhance more natural areas. The next meeting is scheduled for mid-March.

B. OTHER COMMITTEES

Mr. Kale, Policy Committee Chairman, notified members that the Policy Committee will hold its first of three meetings tomorrow to consider Capital Improvement Projects (CIP) for the upcoming year. Mr. Kale plans to provide an update at the March meeting.

5. PUBLIC HEARINGS

A. CASE NO. Z-11-03 & MP-11-03 Stonehouse Planned Community.

Mr. Matthew Arcieri stated that Mr. Greg Davis, on behalf of Stonehouse at Williamsburg LLC., requested the case be deferred until the March 1<sup>st</sup> meeting. The applicant requested more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurred with the request.

Mr. Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the March 1<sup>st</sup> meeting.

B. CASE NO. Z-9-03 Williamsburg Community Chapel Rezoning.  
CASE NO. Z-12-03 Jamestown Hundred Proffer and Master Plan Amendment.  
CASE NO. SUP-20-03 Jamestown Hundred Master Plan Amendment.

Mr. David Anderson stated that Mr. Craig Covey, on behalf of Williamsburg Community Chapel and Hampton Roads Development, has applied to rezone .965 acres for the infill development of three single family residential lots in the Jamestown Hundred Subdivision.

This application was unanimously deferred at the November 3, 2003 meeting to allow the applicant and the residents of Jamestown Hundred to reach a compromise. The parties were unable to reach an agreement. The applicant has revised the original proposal by eliminating one of the four proposed lots. Staff found that the conditions and proffers adequately address associated impacts and recommended approval.

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

Mr. Lawrence Cumming, Kaufman and Canoles, represented Hampton Roads Development. The applicant has modified the original request to three and reduced the size of the adjoining lots near lots 4 and 5. Mr. Cumming noted that addendums advised buyers that the seller would not be bound by the statements of

others concerning future use or condition of adjoining property.

Mr. Kale and Mr. Cumming discussed who the real estate agents worked for and who would be responsible for any misrepresentations.

Mr. Kale asked if the addendum had been signed by all the Jamestown Hundred buyers.

Mr. Cumming answered yes.

Mr. Kale wanted to know what adjustments had been made to lots 4 & 5.

Mr. Cumming explained the adjustments.

Mr. Kale asked if any of the lots fronting the road near lots 11A and 11B had been sold.

Mr. Cummings stated that the area remains undeveloped at this time.

Mr. Fraley and Mr. Cummings discussed how the applicant calculated a net gain of only two lots.

Mr. Fraley asked if there had been any instances where a buyer did not sign the addendum or where changes had been initialled by the buyer and seller.

Mr. Cummings did not know of any such instances.

A general discussion ensued concerning the fairness of the document and potential buyers' reliance on the zoning of surrounding properties.

Mr. McCleary said there appeared to be little difference from the original proposal relative to open space.

Mr. Richard Costello, AES Consulting Engineers, explained the change in open space.

Mr. Stephen Bacon, 3220 Reades Way, submitted a copy of the declaration of restrictions for the community that refer to the parcels in question as designated open space.

Mr. Debra Gillilan, 3236 Reades Way, said a petition had been filed with the Army Corps of Engineers regarding the proposed road being constructed on wetlands.

Mr. Roxanne Womack, 3205 Reades Way, said she considered surrounding zoning before purchasing her home.

Mr. Ralph Harshbarger, 3252 Reades Way, gave a summary of the negotiations between the developer and homeowners.

Mr. Craig Covey, on behalf of Williamsburg Community Chapel, explained how the proposal will benefit the Chapel and the community.

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

Mr. Kale asked how the declaration of restrictions will impact construction of the access road.

Mr. Cummings said the Corps of Engineers and James City County must approve the installation of the access road.

Mr. Kale asked if Mr. Covey had any additional information to add.

Mr. Covey said the Board did approve a vacation of the County's easement to allow construction.

They are still in negotiations with the Corps of Engineers.

Mr. McCleary made motion to amend the application by including additional conditions which reduced the number of permitted lots to two additional lots.

There was a discussion concerning whether or not approval of this application would allow for construction of the access road.

Mr. Rogers confirmed that the Board agreed to a land swap of easements only. The road would still require Site Plan and Army Corp. of Engineers approval.

Mr. Hunt clarified the location of the proposed access road.

Mr. Billups did not support amending the application.

In a voice vote the amendment was approved 5-2, AYE (5): Poole, Wildman, McCleary, Kale, Fraley; NAY (2): Billups, Hunt.

Mr. McCleary made a motion to approve the application as amended.

Ms. Wildman seconded the motion.

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

C. SUP-30-03 – Chesapeake Bank.

Mr. Christopher Johnson stated that Mr. Marshall Warner, on behalf of Chesapeake Bank, has applied for a special use permit to allow the construction a bank with a drive-thru and ATM. A bank is a by-right use in the B-1, General Business zoning district; however, a commercial Special Use Permit is required for any use which generates more than 75 peak hour vehicle trips.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommended approval of the application and attached conditions.

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

Mr. Vernon Geddy, represented the applicant. Mr. Geddy agreed with the staff report and conditions.

Mr. Kale asked if the proposal would utilize the vacant former “Buffeteria” building.

Mr. Jim Bennett, AES Consulting Engineers, said it was not a part of the project.

Mr. Hunt made a motion to approve the application.

Mr. Kale seconded the motion.

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

C. ZO-3-03 – Zoning Ordinance Amendment.

Ms. Christy Parrish presented the staff report. Staff requested to forward an amendment to exempt signs from the Zoning Ordinance which are within nonresidential developments in any zoning district that are not visible from a public road or abutting property line. Staff recommended approval.

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

Ms. Jackie Wilder, Jamestown High School Parent Teachers Association, showed a photo of the sign students want to erect. She explained how it would be utilized.

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

Mr. McCleary made a motion to approve the request.

Ms. Wildman seconded the motion.

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

E. SUP-24-03 - Communications Tower - 3135 Forge Road  
SUP-27-03 - Communications Tower - 129 Industrial Boulevard.

Mr. Matthew Arcieri presented the staff report. The applicant was still working on the location of the 3135 Forge Road tower and therefore requested deferral of SUP-24-03.

Mr. Richard Miller, James City County Fire Chief, has applied for a special use permit to allow for the construction of a 380-foot communication tower serving as part of the JCC 800-NHZ trunked radio system.

Staff found the proposal generally consistent with the County's Performance Standards for Wireless Communications Facilities and the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in the interest of public safety. Staff recommended approval.

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

Mr. Kale questioned the close proximity of two of the towers.

Chief Miller explained that one tower will relay communications and the others towers.

Mr. Hunt asked if the existing tower at the EOC building be torn down.

Chief Miller said it would be torn down and replaced with a shorter one.

Mr. John Dodgemeyer, Owens Brockway, was concerned about possible impacts on their operations.

Chief Miller said he will have Motorola contact Mr. Dodgemeyer.

Mr. Hunt and Chief Miller discussed the antennas that will be on top of the towers.

Chief Miller said the antennas will be at the top.

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

Ms. Wildman made a motion to approve the application.

Mr. McCleary seconded the motion.

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

F. Z-15-03 & MP-13-03 - Stonehouse Station at Norge.

A CLOSED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF FEBRUARY, TWO-THOUSAND AND FOUR, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III	Joseph McCleary
Peggy Wildman	Wilford Kale
Jack Fraley	George Billlups
Donald Hunt	O. Marvin Sowers

ALSO PRESENT

O. Marvin Sowers, Planning Director  
Leo P. Rogers, Deputy County Attorney

2. ANNUAL ORGANIZATION MEETING

At 6:30 p.m., Mr. Poole recommended that the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the nominations for Commission Chairman and Vice Chairman, and consideration of appointment to Commission committee.

At 7:00 p.m., Mr. Poole reconvened the Commission into Open Session.

Mr. Kale made a motion to adopt the Closed Session resolution.

Mr. Billups seconded the motion.

In a unanimous roll call vote the resolution was approved 7-0. AYE: (7), Poole, Wildman, Kale, McCleary, Fraley, Billups, Hunt; NAY: (0).

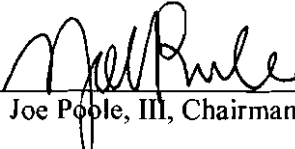
**RESOLUTION**

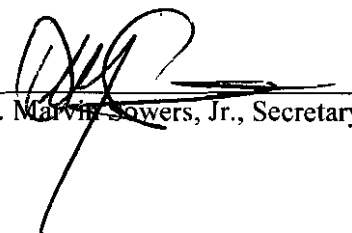
CERTIFICATION OF CLOSED MEETING

WHEREAS, the Planning Commission of James City County, Virginia, (Commission) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Commission that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters were heard, discussed, or considered by the Commission as were identified in the motion, made pursuant to Section 2.2-3711 (A)(1), to consider the nomination of Chairman and Vice-Chairman and consideration of appointments of Commission committees.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary

Mr. Matthew Arcieri presented the staff report. Ms. Lou Rowland has applied to rezone approximately 10.167 acres from B-1, General Business to R-5, Multifamily Residential, with proffers. The application seeks to allow for the construction of up to 104 affordable rent apartments.

Staff found the proposal consistent with the Comprehensive Plan and meets a need for affordable housing in the County. Staff recommended approval of the application and proffers.

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

Ms. Lou Rowland outlined the history, services and credentials of Ripley-Heatwole. She showed photos of other Ripley-Heatwole developments.

Mr. Vernon Geddy agreed with the staff report. He said the proposed use will bring the property in-line with the Comprehensive Plan. Mr. Geddy said the most important benefit of the project is that it will help meet the County's need for affordable housing.

Mr. Billups asked if the project will create jobs for County citizens.

Ms. Rowland said local sub-contractors would be hired for construction. In addition 5 permanent positions will be created.

Ms. Wildman and Mr. Kale expressed their views on the material used for the soft trail.

Mr. Jim Stam, Stonehouse District Citizens Association, expressed concerns about safety due to the proximity of the railroad tracks and a bridge.

Mr. Jack Fitzpatrick, Mirror Lakes, detailed his concerns about crime and safety.

Mr. Tony Dion, 102 Fairmount Drive, wanted to know project's impact on property values, crime rates, and fiscal impacts to the County.

Mr. Jim Brown, 4 Longleaf Circle, felt the project was not a good mix for the area.

Mr. Robert Howe, 204 Plainsview Road, disagreed with projections on the number of school-age children.

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

Mr. Poole did not support rezoning this area to residential. He was also concerned about the impacts to traffic and schools.

Mr. McCleary said the Comprehensive Plan has designated this property as residential since 1991.

Mr. Fraley was concerned about the proximity to a railroad track.

Mr. Kale said there are numerous developments that abut the tracks. He questioned the accuracy of the school projections. He suggested a deferral to answer some of the questions raised.

Mr. Hunt and Mr. Fraley supported a deferral for more information.

Mr. Billups asked for documentation on impacts to county agencies. He also wanted to see affordable housing dispersed throughout the County not localized in the Norge area. Mr. Billups felt the need is for low-income housing not affordable housing.

Ms. Wildman echoed Mr. Fitzpatrick's concerns regarding safety. She agreed with a deferral.

Mr. Poole, III summarized the items members wanted to see addressed by the applicant.

Mr. Geddy said there is a March 31<sup>st</sup> deadline for application for tax credits. He requested the case be pre-advertised for the March Board of Supervisors meeting.

Mr. Kale made a motion to defer the application.

Mr. Billups seconded the motion.

In a unanimous roll call vote the application was deferred 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Poole, Wildman NAY (0).

G. Z-14-03 & MP-1-04 Powhatan Secondary Proffer Amendment.

Mr. David Anderson presented the staff report. Mr. Lawrence Beamer, on behalf of Powhatan Enterprises, Inc., has applied to amend the existing proffers to allow commercial/office development generating up to 1,504 vehicles per day.

This case was deferred at the January 12<sup>th</sup> meeting to allow the applicant and adjacent property owners to resolve issues raised at that meeting. The parties met and were able to resolve those issues.

Staff found the proffer amendment consistent with the surround area and compatible with the Comprehensive Plan. Staff recommended approval.

Mr. Fraley asked about the status of issues relative to traffic impacts.

Mr. Anderson said Virginia Department of Transportation (VDOT) will require a traffic study at the time of site plan application that will address those issues.

Mr. Kale asked for clarity on the transference of traffic counts.

Mr. Anderson said the applicant could address Mr. Kale's question.

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

Mr. Tim Trant, Kaufman and Canoles, agreed with the staff report. He highlighted the applicant's cooperation with adjacent owners. He also clarified the source of the additional traffic density.

Mr. Rogers brought to the Commissioners attention the need to change proffer number 4 regarding the landscape berm.

Mr. Kale asked if the commercial area would use both curb cuts onto News road.

Mr. Trant said that was correct.

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

Mr. Hunt made a motion to approve the application with the understanding that staff and the applicant while resolve proffer number 4 prior to the Board of Supervisors hearing.

Mr. McCleary seconded the motion.

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

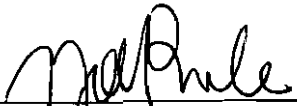



6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He said that he had discussions with Mr. McCleary concerning Mr. Billups' desire to have more information from agencies included along with staff reports.

7. ADJOURNMENT

There being no further business, the February 2, 2004, meeting of the Planning Commission was recessed at approximately 10:45 p.m.

  
A. Joe Poole, III, Chairman

  
G. Marvin Sowers, Jr., Secretary