

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF APRIL, 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.

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  
Pat Foltz, Development Management Assistant  
Karen Drake, Senior Planner  
David Anderson, Senior Planner  
Matthew Arcieri, Planner

2. MINUTES

Mr. Joe McCleary suggested that a change be made on page eight of the minutes, specifically correcting the direction of his question concerning the animal hospital to "staff" instead of the "Commission."

Mr. McCleary moved to approve the minutes of the March 2004 Planning Commission as amended.

Mrs. Wildman seconded the motion. The amended minutes were approved by a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary, chairman of the DRC, presented the DRC report. The DRC heard eight cases at its March 31st meeting. On the regular agenda the DRC recommended the Planning Commission grant preliminary approval for S-098-03, Stonehouse Glen, Section 1, and SP-016-04, Richardson Office and Warehouse. The DRC recommended deferral for SP-014-04, Action Park of Williamsburg Ride Addition, and SP-018-04, New Town Block 8, Phase 1B Residential.

In addition, the DRC granted a septic waiver for case S-013-04, Wexford Hill Phase II - Lot 48, an overhead utility waiver for case C-036-04, 1131 Jolly Pond Road, Overhead Utility Line, and a setback waiver for case SP-021-04, New Town - Block 2, Parcel F Office Building. The DRC granted a waiver for buildings in Blocks 2, 5, and 8 of New Town provided that future proposals are in accordance with the New Town Design Review Guidelines.

Mr. Poole re-iterated that all New Town cases subject to this waiver would still appear before the New Town DRB.

In a unanimous voice vote the Planning Commission adopted the DRC report.

4. PUBLIC HEARINGS

A. CASE NO. Z-1-04 & MP-2-04 New Town Section Five.

Mr. Matthew Arcieri stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the May meeting of the Planning Commission in order to resolve outstanding issues concerning the New Town master plan and proffers. Staff concurred with the request.

Mr. Poole, III opened the public hearing.

Hearing no other requests to speak, Mr. Poole, III deferred the case until the May 3rd meeting.

B. CASE NO. Z-11-03 & MP-12-03 Stonehouse Modifications

Ms. Karen Drake stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to the April meeting of the Planning Commission in order to resolve outstanding issues concerning the New Town master plan and proffers. Staff concurred with the request.

Mr. George Billups asked if any archaeological sites had been identified in Stonehouse.

Ms. Drake responded that several had been identified, and Mr. Sowers commented that a proffer from the original rezoning addressed archaeological concerns.

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

Hearing no other requests to speak, Mr. Poole deferred the case until the May 3<sup>th</sup> meeting.

C. CASE NO. SUP-09-04 Chesapeake Bank

Mr. David Anderson presented the staff report. Mr. Jim Bennett of AES Consulting Engineers has applied on behalf of Marshall N. Warner of Chesapeake Bank to request an extension of SUP-28-00, approved July 10, 2001. The original special use permit approved a 3,200 square foot bank building at 8909 Richmond Road. The property is further identified as parcel no. (1-3A) on James City County Tax Map no. (12-1). This application requests an extension of the expiration date of the approved special use permit to coincide with the expiration date of the approved site plan (SP-98-01), approved April 19, 2002 and scheduled to expire on April 19, 2007. The property is zoned B-1, General Business District, and designated Mixed Use on the 2003 Comprehensive Land Use Map. Staff recommended approval for the application.

Mr. Wilford Kale asked if there were any additional conditions to the previous special permit.

Mr. Anderson responded that the changes were limited to the first condition, which requires a pedestrian connection between Michelle Point and the bank site.

Mrs. Wildman asked which businesses had vacated the Stonehouse Commerce Park since the special permit was approved.

Mr. Sowers outlined the changes.

Mrs. Wildman inquired as to whether the trail was a hard trail or a soft trail.

Mr. Anderson affirmed that it was a hard trail.

Mr. Billups asked for clarification of the date presented in condition seven.

Mr. Anderson responded that it was the expiration date of the site plan.

Mr. Billups asked if staff knew of any current or potential conflicts between Chesapeake Bank and Michelle Point.

Mr. Anderson answered that he was not aware of any.

Mr. Don Hunt asked for more detail regarding the proposed pedestrian connections between Michelle Point and the bank site.

Mr. Anderson reviewed the proposed connections.

Mr. Sowers spoke to the overall zoning history of the site, specifically that only a small portion of the 10 acre property, located along Richmond Road, had been rezoned.

Mr. Poole inquired as to the zoning of the rest of the property.

Mr. Anderson responded that it was indeed A-1.

Mr. Jim Bennett, the applicant, delivered a short presentation and concurred with the staff report.

Mr. McCleary asked if Chesapeake Bank in any way opposed the change.

Mr. Bennett responded that they did not.

Mr. Billups inquired into the eventual schedule of the bank's construction.

Mr. Bennett responded that the site plan phase was next in the process.

Mr. Poole stated that, while he was happy with past projects undertaken by Chesapeake, he was less sure of this project due to concerns as to the overall commercial space in Stonehouse.

Mr. Kale stated that he was troubled by the overall time schedule for the bank's construction and was concerned about extending the time on this permit.

Mr. Bennett responded that the initial three-year permit was, in this instance, too short a timeframe for a site that was unready and that this time extension would give the bank time to gauge the market.

Mr. Poole opened the public hearing.

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

Mr. Jack Fraley asked staff the implications of not approving this extension of the SUP.

Mr. Anderson responded that, if the extension would not be approved, the bank could not be built under the current special use permit.

Mr. Fraley expressed his concern, in this instance, that this special use permit for the bank drove the initial rezoning of the property.

Mr. Leo Rogers explained that the zoning would remain in effect unless the property was "down-zoned," or rezoned to its original A-1 designation, but that the County must show a significant change in circumstances surrounding the property to pursue that course.

Mr. McCleary explained that the rezoning process is not driven by the initial intended use.

Mr. Sowers added that, even if a proposed use changes after a rezoning, the proffers still apply to the property and to any owner that acquires it.

Mr. Hunt asked if the bank owned the entire property.

Mr. Sowers responded that they did.

Mr. Fraley remarked that the bank's decision to rezone a small fraction of the overall parcel seemed atypical to him.

Mr. Sowers remarked that no expiration date can be given to a rezoning but that future uses of the property are controlled through the proffers. As for the remainder of the site, any proposed use that did not

conform with the A-1 zoning of the parcel would require a rezoning.

Mr. McCleary moved to approve the application. Mr. Hunt seconded the motion.

Mr. Poole stated that he was not prepared to support the action.

In a roll call vote the motioned passed 5:2. AYE: McCleary, Wildman, Fraley, Hunt, Billups (5). NAY: Poole, Kale (2).

D. CASE NO. SUP-24-03 - Communications Tower - 3135 Forge Road

Mr. Matt Arcieri presented the staff report. Mr. Richard Miller has applied on behalf of James City County for a special use permit to construct and operate a communications tower at **3135 Forge Road** (EOC Building). The Parcel is zoned B-1, General Business and designated Federal, State and County Lands on the Comprehensive Plan Land Use Map. The property can be further identified as Parcel No. (1-27) on JCC Real Estate Tax Map No. (12-3). The tower will be 144 feet tall. Staff finds the application consistent and recommends approval.

Mr. Billups asked if any standards had been put in place for communications towers.

Mr. Arcieri responded that staff uses Board-adopted standards for communications facilities and that these regulations have guided consideration of these towers.

Mr. Poole spoke to the evolution of the tower standards and their use in this instance.

Mr. Hunt discussed other changes neighbouring localities had made to their communications ordinances.

Mr. McCleary spoke to the concerns of the citizens regarding the site location and acknowledged the concerns of local citizens that the convenience center would have to be moved.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Hunt made a motion to approve. Mr. Kale seconded.

Mrs. Wildman remarked that it was consistent with the County's performance standards and voiced her support.

Mr. McCleary commended Mr. Miller and his staff on their efforts to work with citizens.

Mr. Kale commented on how well this project had been developed and credited Mr. Miller and his staff on their willingness to work with other localities in moving this project forward.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

5. PLANNING DIRECTOR'S REPORT

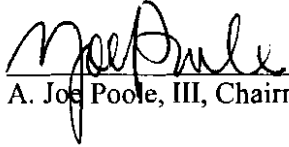
Mr. Sowers presented the report. He noted that the Hogan Daycare SUP was up for renewal at the May meeting of the Planning Commission. Set to expire in July, this special use permit had been reviewed once before by the Planning Commission three years ago. A short discussion of possible renewal options followed.

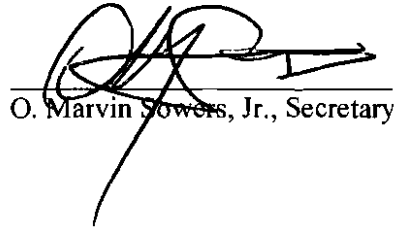
Mr. Fraley asked Mr. Sowers to elaborate on Item 10 of the report.

Mr. Sowers responded that the expansion of high speed broadband service was an action from the 2003 Comprehensive Plan and would be coming forward.

6. ADJOURNMENT

There being no further business, the March 1, 2004, meeting of the Planning Commission was adjourned at approximately 8:00 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary