

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTEENTH DAY OF SEPTEMBER, 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  
Michael Drewry, Deputy County Attorney  
John T.P. Horne, Development Manager  
O. Marvin Sowers, Jr., Planning Director  
Toya Ricks, Administrative Services Coordinator  
Christopher Johnson, Senior Planner  
Karen Drake, Senior Planner  
Sarah Weisiger, Senior Planner  
Matthew Arcieri, Planner  
Ellen Cook, Planner

2. MINUTES

Mr. Poole suggested a changed to the last sentence of the Planning Director's report clarifying the procedure for setting overflow dates.

Mr. McCleary motioned to approve the minutes.

Mr. Fraley seconded the motion.

Mr. Kale refrained from voting, as he was absent for the Planning Commission's August meeting.

The Planning Commission approved the August minutes as amended with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. McCleary delivered the DRC report. The DRC heard four cases at its Sept. 8<sup>th</sup> meeting. The DRC recommended approval for case C-007-03, New Town Conceptual Parking Overview. The DRC recommended deferral for cases SP-098-04, Warhill Green, and S-059-04, Greensprings West – Phase 6. Additionally, the DRC heard a pair of expedited review cases, SP-102-04. New Town – Movie Theater and SP-103-04. New Town – Blocks 6 & 7 parking. The DRC approved both cases.

Mr. Kale moved to approve the DRC report.

Mrs. Wildman seconded the motion.

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

B. FIVE FORKS COMMITTEE

Five Forks Area Study – Primary Principles

Mr. McCleary updated the Commission on the progress of the Five Forks Area Study committee, detailing their final meeting and giving a brief overview of the final principles.

4. PUBLIC HEARINGS

A. Five Forks Area Study – Primary Principles

Mr. McCleary presented the study. The Five Forks Primary Principles are the product of four meetings conducted by the Five Forks Area Study Committee which was created in June 2004 by the Board of Supervisors in accordance with Economic Development Action 12G of the 2003 Comprehensive Plan. Mr. McCleary commended the committee, local citizens, and staff for their contributions to the process.

Mr. Poole also commended the committee, citizens, and staff for their work with the process.

Mr. Kale asked how the study would preserve the unique village character of Five Forks.

Mr. McCleary responded that the Land Use principles addressed the design, spacing, height, and color of new buildings.

Mr. Fraley stated that the study did not set raising the traffic service level of the Five Forks intersection, from “C” to “B,” as one of its goals.

Mr. McCleary replied that the study was concerned with maintaining the current level of service and that the level “C” is the standard currently used by VDOT.

Mr. Poole asked if this report had been shared with the members of the Economic Development Authority.

Mr. McCleary responded that the study had been distributed to that committee and that one of the EDA members, Mr. Jon Nystrom, was a member of the study committee.

Mr. Poole opened the public hearing.

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

Mr. Sowers recommended that the Planning Commission take formal action on the case. If the study is approved, it would become an official policy document for use in reviewing development proposals.

Mr. McCleary pointed out that, since the study would likely become an addendum to the Comprehensive Plan, that the Planning Commission should take some formal action on the study.

Mr. Fraley moved for approval.

Ms. Wildman seconded the motion.

Mr. McCleary stated that the study represents an expansion of the language of the Comprehensive Plan and does not contradict anything within the plan.

The Planning Commission recommended approval of the primary principles by a 7:0 vote. AYE: Poole, Wildman, McCleary, Fraley, Hunt, Kale, Billups. NAY: 0.

B. Z-11-03/MP-011-03 Stonehouse Modifications

Ms. Karen Drake presented the request for deferral. The applicant, Mr. Alvin Anderson of Kaufman and Canoles, requested deferral to the October Planning Commission to allow more time to resolve outstanding issues. Staff concurred with the request.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole deferred the case to the October Planning meeting.

C. Z-02-04/Z-09-04 Oaktree Office Park and Air Tight Storage Expansion

Mr. Chris Johnson presented the staff report. Ms. Jeanette Brady has applied to rezone approximately 5.7 acres from B-1, General Business, with proffers, to B-1, General Business, with amended proffers. The request seeks to amend a 1997 proffer which limits the total building footprint for mini-storage buildings on the site to 40,000 square feet. The amendment is necessary to accommodate a portion of the proposed 15,000 square foot mini-storage warehouse building footprint on the existing Oaktree site. The property is located just north of the Five Forks intersection at 3356 Ironbound Road in the Berkeley District and is designated Mixed Use on the Comprehensive Plan Land Use Map. Community-scale office development with complimentary building types and moderate density residential development are examples of uses that are envisioned for this Mixed Use area. The property is further identified as Parcel (1-26) on James City County Real Estate Tax Map No. (47-1).

Mr. McCleary affirmed with Mr. Johnson that the application, located in Five Forks, fulfills the requirement of maintaining the village feel set forth in the Five Forks Area Study.

Mr. Johnson confirmed this and added that the voluntary proffers included Development Review Committee review for the eventual site plan.

Mr. Poole added that the proffers additionally included enhanced landscaping.

Mr. Johnson stated that the existing office building would be used as a model for that landscaping.

Mr. Poole opened the public hearing

Ms. Jeanette Brady, the applicant, stated that she would comply with Five Forks committee recommendations, specifically with regard to landscaping and prorata share of road improvements.

Mr. Cleary clarified that prior to the Board of Supervisors' hearing the prorating would be addressed through an amended proffer.

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

Mr. Hunt moved to approve the application.

Ms. Wildman seconded the motion.

Ms. Wildman stated that she was pleased with the way applicant has worked with committee.

Mr. McCleary commended the applicant and other applicants who deferred or held applications for the Five Forks area until the committee concluded the Five Forks Area Study.

Mr. Poole stated that this application converted undeveloped land into viable uses and credited the applicant for including landscaping and Development Review Committee review in the proffers.

The Planning Commission approved the application with by a vote of 7-0. AYE: (7) Poole, Wildman, McCleary, Fraley, Hunt, Kale, Billups. NAY: (0).

D. Z-05-04/MP-05-04 New Town Section 3 & 6 and MP-08-04 New Town Section 3 & 6

Ms. Karen Drake presented the staff report. Mr. Greg Davis and Mr. Tim Trant of Kaufman & Canoles have applied on behalf of New Town Associates, LLC, to rezone approximately 69.2 acres of land in Section 3&6 that is currently zoned R-8, Rural Residential with proffers to MU, Mixed Used with proffers to construct a maximum of 470 dwelling units with an overall density cap of 4.5 dwelling units per acre and construct a maximum of 220,000 non-residential square feet. The New Town Section 2&4 Master Plan includes approximately 91.2 acres of land currently zoned MU with Proffers that will also be amended by

transferring 150 dwelling units and 70,000 non-residential square feet from Section 2&4 to Section 3&6 but will not change the overall New Town permitted number of dwelling units or non-residential square footage. The Comprehensive Plan Land Use Map designates this property for Mixed Use development with the principal suggested uses being a mixture of commercial, office and limited industrial with some residential secondary uses. This property is adjacent to Ironbound Road and is located west of the intersection of Ironbound Road and Monticello Avenue, at 4803 Courthouse Street, at 5206 Monticello Avenue and is more specifically identified as a portion of Parcels (1-50), (1-57), (24-6) and (24-1A) on the ICC Real Estate Tax Map No. (38-4). Staff found the proposal for New Town Section 3 & 6 generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines. Staff also found the proposed proffers sufficiently mitigate anticipated impacts. Staff recommended approval.

Mr. McCleary noted that the transportation figures for Ironbound Road reflected that, due to the recent development, the road would be less frequently used.

Mr. Sowers stated that Mr. McCleary's assessment was correct due to the opening of Monticello Avenue and the Route 199 extension.

Mr. Kale confirmed that the proffers for underground utilities applied specifically to Ironbound Road.

Mr. Sowers related that staff had recommended such a proffer but that the proffer had not been included.

Mr. Billups asked for more information about staff's work with VDOT, specifically as to whether the application will meet minimum traffic standards.

Mr. Sowers responded that a letter of approval had not been received from VDOT, but the individual from VDOT that gave verbal approval to the application was the same individual that approved the traffic studies.

Mr. Poole opened the public hearing.

Mr. Greg Davis of Kaufman and Canoles, the applicant, gave a short overview of the project application, specifically highlighting the amenities and advantages envisioned for the area. He continued to address proposed architectural appearance of the area, the positive fiscal impact of the application, and the applicant's position on proffering the underground utilities on Ironbound Road, where the obligation would be undertaken by the applicant on a contractual, rather than a proffered, basis.

Mr. Billups asked if the applicant perceived any problems in finding tenants for commercial and research space.

Mr. Davis responded that the demand for this space was very high.

Mr. Kale asked if this demand for space prompted this proposed increase in commercial space.

Mr. Davis confirmed that this was the case and that residential rezonings would likely follow.

Ms. Wildman inquired into the current plans for landscaping along Ironbound Road.

Mr. Davis responded that the New Town Design guidelines required significant landscaping along road frontage.

Mr. Sowers added that staff was proceeding with road widening plans which will create the streetscape along Ironbound Road and in the median.

Mr. Hunt confirmed that the aforementioned utilities along Ironbound Road are not located on the New Town property.

Mr. Davis responded that the utilities at issue are those existing utilities.

Mr. Kale asked staff for more background into the necessity to institute balance requirements between commercial and residential development in New Town.

Mr. Sowers responded that, unlike Stonehouse for instance, a property which was rezoned all at once, New Town's plan to rezone in phases ensures that checks and balances regarding commercial and residential balance could be handled as part of each section's rezoning. Mr. Sowers also gave a bit of background into the residential development of New Town.

Mr. Davis gave specific numbers of residential projects currently under construction or review.

Mr. Fraley said that he was excited to see the progress in New Town.

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

Mr. McCleary agreed with Mr. Fraley and stated that he supported New Town's commitment to attracting high tech and research facilities.

Mr. Poole agreed with Mr. McCleary but stated that he remains cautious about the residential aspect of the application when the adequate public facilities test fails and the larger community does not appear willing to fund additional facilities

Mr. Kale agreed with Mr. Poole on the issue of schools and stated his concern about the timing and county funding levels required by these types of projects to provide the necessary public facilities. He stated that similar phases would be more desirable.

Mr. Poole stated that he was unsure how citizens feel about bearing costs for new and expanded schools and stated that he felt more comfortable voting on this case after the November referendum.

Mr. Fraley stated his support for the case, citing the positive fiscal impact, but also mentioned his concerns about the Adequate Public Facilities test.

Mr. McCleary motioned to approve the application.

Ms. Wildman seconded the motion

Mr. Billups asked if for some background into the remaining phases of New Town to be rezoned.

Mr. Sowers stated that the remaining rezonings would primarily be residential in character, but that there would still be some primarily commercial sections.

The Planning Commission approved the application by vote of 5-2. AYE: Wildman, McCleary, Fraley, Hunt, Billups (5). NAY: Poole, Kale (2).

E. Z-06-04/MP-06-04 Lightfoot Mixed Use

Ms. Sarah Weisiger presented the staff report. Mr. James Bennett of AES Engineering has applied to rezone approximately 52.0 acres of undeveloped land at **6601 Richmond Road** from B-1, General Business with proffers, to MU, Mixed Use with proffers. The property is also known as parcel (1-35) on JCC Tax Map (24-3). Proposed uses include: commercial, wholesale and warehouse, and/or office uses along Richmond Road. Commercial space is proposed to be 141,000 square feet of floor area. Residential structures containing two to four dwelling units and/or more than four dwelling units are proposed to be located on private streets. A maximum of 244 dwelling units are proposed with a gross density of 6.3 units per acre. The property is designated as Mixed Use Area on the Comprehensive Plan Land Use Map. The principal suggested uses in the Mixed Use Area are moderate density housing, commercial developments and office

developments. Staff recommended the commission defer the case due to the number of proffered conditions that need to be clarified.

Mr. Kale confirmed that the development did not access Centerville Road.

Ms. Weisiger stated that it did not.

Mr. McCleary made it clear that the Richmond Road frontage of the site spanned from Smith Memorial Church on the south to Wythe Candy on the north.

Ms. Weisiger responded that it was, with the exception of the Chesapeake Bank.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, of Geddy, Harris, Hickman, and Franck, spoke representing the applicant. He briefly summarized the different uses proposed with the projects, including warehousing, administrative and office space, and a commercial showroom. He stated the intention of the applicant to seek a vote on the application at the October meeting.

Mr. Poole appreciated the proposed rehabilitation of the area but expressed his concern about the market for additional commercial space in the area, the failure of the schools test, and the separation of commercial and residential uses.

Mr. Kale spoke of his respect for the Noland Company but expressed his concerns about school capacity and access issues, especially the lack of access from Centerville Road.

Mr. McCleary related geographic problems encountered by Colonial Heritage when they considered a similar access.

Seeing no other speakers, Mr. Poole deferred the case to the October meeting.

#### 6. PLANNING COMMISSION CONSIDERATION

Reverend Billy Florence, of Morning Star Baptist Church, requested to speak to the commission and spoke to his concerns regarding the project proposed for the Grove area, Z-03-04, Greenmount-Kirby Tract rezoning. The church members are concerned about the impact of the landscape buffer on the church. Fifty feet, they feel, would not give significantly screening and the church requests a minimum of 100 feet.

Mr. Poole stated that the Commission would consider the Mr. Florence's comments when the Greenmount case comes before the commission.

#### 6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He stated that Mr. Geoffrey Cripe started in September as the new Development Management Assistant. Mr. Sowers announced to the Commission that the Virginia Capital Trail will go to public hearing on September 30. Finally, he presented the Planning Commission's schedule for the remainder of the year, highlighting the reserve dates.

Mr. Poole thanked Mr. Sowers and staff for the information provided in staff reports.

Mr. Fraley also noted high level of good information in the reports.

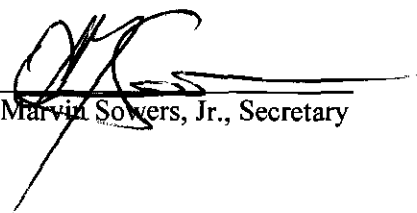
Mr. Kale concurred.

#### 7. ADJOURNMENT

There being no further business, the September 13, 2004, meeting of the Planning Commission was

recessed at approximately 8:58 p.m.

  
A. Joe Poole, III, Chairman

  
O. Marvin Sowers, Jr., Secretary