

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

- |    |                  |   |               |
|----|------------------|---|---------------|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u>                             | <u>ABSENT</u> |
|    | Jack Fraley      | Marvin Sowers, Planning Director                | Wilford Kale  |
|    | Don Hunt         | Adam Kinsman, Assistant County Attorney         |               |
|    | Jim Kennedy      | Matthew Arcieri, Senior Planner                 |               |
|    | Mary Jones       | Matthew Smolnik, Planner                        |               |
|    | George Billups   | Toya Ricks, Administrative Services Coordinator |               |

2. MINUTES

Ms. Jones corrected the spelling of “recused” on page 9.

Mr. Fraley motioned to approve the minutes as amended.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved as amended (5-0). (Kale Absent)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered six cases at its September 7<sup>th</sup> meeting. The Committee recommended preliminary approval, subject to agency comments for an overhead utility waiver at 3406 N. Riverside Drive, a sidewalk waiver for Phase 5 of The Villages at Powhatan, a site plan for a condominium unit building in New Town and a site plan for an aged restricted apartment complex at 4400 Ironbound Road. The DRC recommended that a subdivision plan for Stonehouse – Fairmount Sections 1 through 4 be found consistent with the Stonehouse Master Plan and recommended preliminary approval of a cul-de-sac exception for this development. A final recommendation on this case was deferred due to outstanding environmental issues. Finally the Committee deferred action on a site plan for Colonial Heritage Phase 4 due to outstanding environmental issues. The votes for all the cases were unanimous.

Mr. Kennedy motioned to approve the DRC’s report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved (5-0). (Kale Absent)

B. OTHER COMMITTEE REPORTS – None

4. ZO-5-05 INITIATING RESOLUTION- ZONING ORDINANCE AMENDMENT-AGED FACILITIES

Mr. Matthew Arcieri presented the staff report. He explained that an initiating resolution is required prior to the public hearing that will take place later in this meeting to consider a resolution to add facilities for the care and/or residence of the elderly to the R-8 District. Mr. Arcieri said this is a procedural matter and staff recommended approval.

Mr. Kennedy motioned to approve the resolution.

Mr. Fraley seconded the motion.

In a unanimous voice vote the resolution was approved (5-0). (Kale absent)

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 Warhill Tract
- B. Z-8-05 Williamsburg Wicker and Rattan
- C. MP-9-05/ SUP-21-05 Olde Towne Timeshares
- D. Z-7-05/MP-5-05 Jamestown Retreat
- E. Z-12-05 Toano Business Center

Mr. Hunt stated that the applicants for items 5-A through 5-E requested deferral of those cases until the October 3, 2005 Planning Commission meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak, Mr. Hunt continued the public hearings to October 3<sup>rd</sup>.

F. AFD-5-86 Barnes Swamp – Toano Business Center, LLC Withdrawal

Mr. Matthew Arcieri presented the staff report. Mr. Michael Brown has applied to withdraw approximately 79.12 acres from the existing Barnes Swamp Agricultural & Forestal District (AFD). In April of 2005 a subdivision of this property into five lots was approved in conflict with the conditions of the AFD. The property is located at 11125 Old Stage Road and can be further identified as Parcels (5-1), (5-2), (5-3), (5-4) and (5-5) on the JCC Tax Map (4-1).

Staff found the proposal inconsistent with the criteria for withdrawal from AFDs outside the Primary Service Area (PSA), but did note that the use is consistent with the Comprehensive Plan and will not cause the Barnes Swamp AFD to be discontinued. Given the unusual circumstances behind the request staff had no major objections.

On September 6, 2005 the AFD Advisory Committee recommended denial of the application by a vote of 8-0 with one abstention.

Mr. Hunt opened the public hearing.

Mr. Carlye Ford, 319 Farmville Lane, represented the AFD Advisory Committee. The Committee found the proposal inconsistent with the guidelines established by the Board of Supervisors for withdrawal of property from an AFD outside the PSA. The Committee unanimously recommended denial.

Mr. Walter Dzula Jr., 12021 Old Stage Road, was concerned about the continued development in the area given the lack of public services. He said that both he and his uncle have had to install new wells. Mr. Dzula stated that overcrowded schools were another concern.

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

Mr. Billups stated that the AFD Advisory Committee was knowledgeable of the situation and that the Board of Supervisors had set forth the directions for any modifications; therefore it is up to the Board to approve or disapprove any changes. He said he will not override the AFD Committee or the Board of Supervisors.

Mr. Hunt asked when the district would come up for renewal.

Mr. Arcieri said August of 2006.

Mr. Kennedy confirmed that the property could be withdrawn at that time. He asked what steps had been taken to ensure that situations like this do not occur again.

Mr. Arcieri described the current procedure for making sure a property is not in an AFD as well as the additional measures that have been added.

Mr. Kennedy asked what financial obligations, if any, the applicant had committed to the project and if reimbursement by the County had been discussed.

Mr. Michael Brown said he had spent approximately \$3,000 to \$5,000 since Planning gave approval and that there had been no discussions about reimbursement. Mr. Brown also stated that should this case be denied he intended to develop the property next August.

Ms. Jones said that given the AFD Committee's strong recommendation for denial and that the project did not meet the full criteria for withdrawal she could not support the application.

Mr. Fraley stated that the Board of Supervisors has set a policy that discourages withdrawal of land during the term of the Districts, that the application does not meet two of the four criteria for withdrawal, and the AFD Committee gave a strong recommendation for denial. He said that for those three reasons he was unable to support the application.

Mr. Kennedy said the applicant had stated that he would still withdraw the land from the AFD in eleven months. He also said he was concerned due to the number of new planners and ensuring that mistakes like this don't happen again. Mr. Kennedy said that because of the policy that has been established he would have to say no. He also recommended that the Board of Supervisors come to some kind of financial agreement with the applicant.

Mr. Billups said that when property owners elect to be included in an AFD they should commit to the full four year term.

Mr. Ford stated that Mr. Brown did not place the property in the AFD, but that he purchased it afterwards.

Mr. Sowers stated that the motion was to recommend denial of the application.

In a unanimous roll call vote denial was recommended (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0) (Kale absent)

G. SUP-27-05 Chickahominy Baptist Church Expansion

Mr. Matthew Smolnik presented the staff report. Ms. Marian J. Brown has applied for a Special Use Permit to construct a 5,800-square-foot addition to the existing Chickahominy Baptist Church building. The property is located at 2900 Chickahominy Road and may be further identified as parcel (1-9) on the JCC Tax Map (22-3). The property is zoned R-8, Rural Residential and is designated as Rural Lands by the JCC Comprehensive Plan.

Staff found the proposal consistent with the Comprehensive Plan and Land Use Map designation and compatible with surrounding zoning and development. Staff also believed the proposed conditions would sufficiently mitigate impacts and recommended approval of the application and attached conditions.

Mr. Billups asked if the proposal would trigger the need for additional parking.

Mr. Smolnik said that enough parking exists to accommodate full capacity.

Mr. Hunt opened the public hearing.

Ms. Marian Brown, 7272 Little Creek Dam Road, said the size of the existing church does not support their current ministries. Ms. Brown showed the proposed elevations and indicated the uses for the new spaces.

Mr. Corwin Hammond, 6120 Glenrose Dr., Suffolk, said the church has become a focal point in the community. He said the increased space will be used for youth and community programs.

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

Ms. Jones asked for an explanation of a Virginia Department of Transportation (VDOT) comment concerning the driveway.

Mr. Smolnik said the recommendation was made due to limited sight distance. He pointed to the current and suggested driveway locations on a location map.

Mr. Kennedy motioned to recommend approval of the application and attached conditions.

Mr. Fraley recognized church members in the audience and spoke about the good work they perform in the community. He seconded the motion.

In a unanimous roll call vote the application and attached conditions were recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

H. ZO-5-05 Zoning Ordinance Amendment – Aged Facilities

I. SUP-26-05 Williamsburg Landing Parking Addition

Mr. Matthew Arcieri presented the combined staff reports. Mr. Tim Trant has applied for an ordinance amendment and special use permit to permit the construction of an accessory parking lot at Williamsburg Landing. The Ordinance requires that accessory parking have the same zoning classification as the use it supports. The special use permit process allows for the ability to review and mitigate any potential negative impacts on a site specific basis. Staff found the use consistent with surrounding uses and the Comprehensive Plan and recommended approval.

Mr. Hunt opened the public hearings.

Mr. Tim Trant, Kaufman and Canoles, introduced himself, the applicant, and the engineer for the project. He made himself available for questions.

Mr. Billups questioned the appropriateness of considering the amendment request and special use permit together prior to the Board of Supervisors having an opportunity to act on the former.

Mr. Sowers explained the process. He said it is intended to save time for the applicant.

Hearing no other requests to speak, Mr. Hunt closed the public hearings.

Mr. Sowers indicated that a single motion would be made to recommend approval.

In a unanimous roll call vote ZO-5-05 Zoning Ordinance Amendment – Aged Facilities was recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

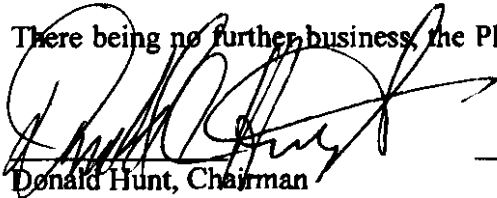
In a unanimous roll call vote SUP-26-05 the Williamsburg Landing Parking Addition was recommended for approval (5-0). AYE: (5) Hunt, Kennedy, Jones, Fraley, Billups; NAY: (0). (Kale absent)

6. PLANNING DIRECTOR'S REPORT

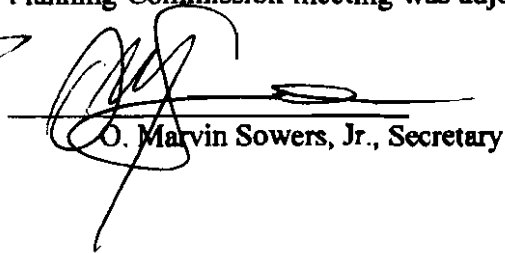
Mr. Marvin Sowers presented the report. He reminded the Commissioners of the opportunity to attend the Certified Planning Commissioners course this fall and spring.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 7:45 p.m.



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary