

A CONTINUED MEETING OF THE MARCH SIXTH TWO-THOUSAND AND SIX PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON MARCH 8, 2006 AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> | <u>ABSENT</u> |
| | Jack Fraley | Marvin Sowers, Planning Director | Don Hunt |
| | Anthony Obadal | Matthew Smolnik, Planner | Shereen Hughes |
| | Mary Jones | Geoff Cripe, Development Management Assistant | |
| | George Billups | David German, Planner | |
| | James Kennedy | Leo Rogers, County Attorney | |

5. PUBLIC HEARINGS

L. Z-16-05/MP-13-05 New Town Sec. 9 – Settler’s Market

Mr. Matthew Smolnik presented the staff report stating that a joint application has been submitted by AIG Baker Development, LLC and Developer’s Realty Corporation to rezone 50.3 acres of land located at 5224, 5244 and 5246 Monticello Avenue currently zoned R-8, Rural Residential and M-1, Limited Business/Industrial to MU, Mixed Use. The property is also known as parcels (1-3), (1-2), (1-52) and a portion of (24-3) on the JCC Tax Map (38-4). Under the proposed Master Plan, a range of 330,000 to 350,000 square feet of buildings are proposed with a range of 57 to 118 condominium or townhouse units. The site is designated for Mixed Use development by the James City County Comprehensive Plan. Mixed Use areas are centers within the Primary Service Area where higher density development, redevelopment and/or a broader spectrum of land uses are encouraged. Mr. Smolnik identified outstanding traffic issues and stated staff recommends deferral.

Mr. Billups asked if there are any problems being generated that cannot be resolved.

Mr. Sowers said the main issue was traffic. He stated that there is a policy issue that must be considered by the Planning Commission and Board of Supervisors regarding application of additional standards that were not part of the 1997 proffers.

Mr. Kennedy asked how this parcel had changed since the original master plan.

Mr. Smolnik stated that there had been some density transfers but the overall plan had not changed other than this applicant’s request to add the WMBG radio tower.

Mr. Kennedy asked if a density transfer had been applied to this section.

Mr. Smolnik answered yes and stated that the increased density was included in the traffic study.

Mr. Sowers said the density transfer is from land in New Town on the same side of Route 199.

Mr. Obadal asked whether the traffic data was cumulative.

Mr. Sowers said yes. He also stated that the share that should be contributed to Settler's Market had been determined.

Mr. Kennedy asked if the impact of High Street had been factored in.

Mr. Sowers said yes.

Mr. Fraley stated that he was pleased to see the project come forward. He also said he thought it was wise to consider future traffic impacts upfront. Mr. Fraley asked if the \$680,000 cost was for design modifications at Monticello Marketplace and News Roads.

Mr. Sowers stated yes and that costs were also for other improvements west of Route 199.

Mr. Fraley praised AIG Baker and John Abernathy for their roles in bringing the project forward.

Mr. Fraley opened the public hearing.

Hearing no requests the public hearing was continued.

M. SUP-2-06 Busch Gardens – New France Addition

Mr. David German presented the staff report stating that LandMark Design Group has applied, on behalf of Busch Gardens Entertainment Corporation, Williamsburg, for approval of a Special Use Permit for four buildings to support a major new expansion a new major attraction in the New France section of the Busch Gardens, Williamsburg theme park located at 7851 Pocahontas Trail. The parcel is further identified as Parcel No. (1-9) on JCC Tax Map No. (51-4).

Mr. Fraley opened the public hearing.

Mr. Larry Giles, Vice President of Engineering for Busch Gardens Williamsburg, stated that the building would be centrally located within the park. Mr. Giles also stated that the project was a redevelopment of a section of the park that had already been developed and that impervious area would be reduced.

Hearing no other requests to speak the public hearing was closed.

Mr. Kennedy motioned for approval of the application.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval (5-0). AYE: Jones, Kennedy, Billups, Obadal, Fraley (5); NAY: (0).

N. Capital Improvements Program

Mr. Matthew Smolnik stated that after a series of meetings to discuss and rank the Capital Improvements Program (CIP) requests the Policy Committee and Staff are forwarding its recommendations for the fiscal years 2007-2011. The ranking system emphasizes service needs and conformance to the Comprehensive Plan. In the end 26 projects received high priority, 30 received medium priority and 23 received low priority ranking. Mr. Smolnik also highlighted changes in the procedure for assigning priority rankings.

Mr. Obadal stated that he found it troublesome that Commissioners were given the total cost of the different projects but they were not given the potential funding sources.

Mr. Smolnik stated that the major role of the Policy Committee was to evaluate each project on its conformance to the Comprehensive Plan and not the financial aspects.

Mr. Obadal asked if Title 10.2 of the Virginia Code requires the Planning Commissioner take a look at the source of the costs.

Mr. Rogers stated that when the CIP plan is reviewed by the Planning Commission there are several criteria that are identified in that section of the code, one being the source of funding. He also stated his opinion that the Planning Commission has the option.

Mr. Obadal confirmed that if the Commission decided to consider funding data as a part of the review next year that they needed to request the information in advance.

Mr. Rogers said that was correct.

Mr. Obadal asked if there were any other factors.

Mr. Rogers said there were several factors that than translates into the County's budget over the next four years.

Mr. Fraley asked Mr. Kennedy his experience on how the Board viewed the Planning Commissions' role in the CIP process.

Mr. Kennedy said the CIP projects list was always reviewed by the Board. He stated that there is a lot of competition for funds. Mr. Kennedy stated that he did not know whether it would be beneficial to request a look at the funding sources due to the many reasons and sources Board members use when considering a project.

Mr. Obadal said he would have to consider Mr. Kennedy's perspective. He said he found it difficult to set a priority without knowing where the money is going to come from.

Mr. Kennedy said that often the CIP is reviewed before the budget is released. He said the budget is prepared and the CIP projects are ranked according to the funding that is available.

Mr. Fraley confirmed with Mr. Rogers the wording of the State Code.

Mr. Fraley opened the public hearing.

Mr. Fraley commended Mr. Billups and the Policy Committee on the work.

Mr. Billups also commended Mr. Smolnik for his work in the process. Mr. Billups gave the 11 elements the Committee used in their decision making process.

Mr. Billups motioned to approve the recommendations.

Mr. Kennedy seconded the motion.

Mr. Fraley requested that Ms. Hughes' summary of the rationale for rankings be forwarded to the Board of Supervisors.

Hearing no other requests the public hearing was closed.

Ms. Jones commended Mr. Billups, Ms. Hughes and Staff for their efforts.

In a unanimous roll call vote the CIP rankings were recommended for approval (5-0).
AYE (5): Jones, Kennedy, Billups, Obadal, Fraley; NAY (0).

Mr. Sowers thanked Commissioners for their efforts as well.

6. PLANNING DIRECTORS REPORT


Mr. Sowers reminded the members of the joint work session with the Board of Supervisors on March 28th at 4 p.m. in Building F and the Environmental training on March 22nd at 9 a.m. in Building A. Mr. Sowers also stated that the final Rural Lands Committee meeting will be held on March 22nd at 4:30 p.m. at the County Library.

Mr. Fraley asked Commissioners to email him any suggestions for agenda topics for the joint work session with the Board of Supervisors within the next few days.

8. ADJOURNMENT

There being no further business, the Planning Commission meeting was recessed until March 22, 2006 at 7:45 p.m.


Jack Fraley, Chairman


O. Marvin Sowers, Jr., Secretary