

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

1. ROLL CALL

George Billups
Mary Jones
Tony Obadal
Jack Fraley
Shereen Hughes
Jim Kennedy

STAFF PRESENT

Ellen Cook, Senior Planner
Jenny Lyttle, Assistant County Attorney
Jason Purse, Planner
Jose Ribeiro, Planner
Toya Ricks, Administrative Services Coordinator

ABSENT

Don Hunt

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Hearing no requests; the public comment period was closed

3. MINUTES

A. September 11, 2006 Regular Meeting

Mr. Kennedy motioned to approve the minutes.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes of the September 11, 2006 regular meeting were approved.

4. COMMITTEE AND COMMISSION REPORTS

A. Policy Committee

Ms. Jones presented the Policy Committee report stating that the Policy Committee met on September 20 to review language and implementation of recreational requirements in the R-1 and R-2 Zoning Districts. She said Staff was asked to submit a setback amendment to the Better Site Design for their input. Scott Thomas met with members of the Committee to continue the review of Section 19-32 of the Subdivision Ordinance. Ms. Jones stated that in response to Board of Supervisor and Planning Commission concerns regarding inconsistencies in parking requirements staff was asked to draft a new parking ordinance to provide consistency in calculating parking requirements for planned shopping centers and outlet malls. The next Policy Committee meeting will be held on October 18 at 9:30 a.m. in Conference A of the County Complex.

B. Development Review Committee (DRC)

Mr. Fraley stated that the DRC report was deferred until the November 6 meeting.

5. PUBLIC HEARINGS

A. Hill Pleasant Farm

Mr. Fraley stated that the applicants requested deferral until the November Planning Commission meeting and asked if Staff concurred.

Ms. Cook said Staff concurred.

Mr. Fraley opened the public hearings.

Hearing no requests to speak the public hearings was continued to November 6, 2006.

B. SUP-23-06 Volunteer Fire Department Flea Market

Mr. Purse presented the staff report stating that Mr. Bill Apperson, on behalf of the James City-Bruton Volunteer Fire Department, has applied for a Special Use Permit to allow for a flea market, on approximately .5 acres of land, on a parcel zoned B-1, General Business. The property is located on the north side of the corner of Forge and Richmond Road. The property can further be identified as Parcel No. (1-8) on the JCC Tax Map No. (12-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Moderate Density Residential. Recommended uses on property designated for Moderate Density Residential areas are townhouses, apartments, recreation areas, and may also include very limited commercial and community-oriented facilities. Staff found the proposal generally consistent with surrounding characteristics and the Comprehensive Plan and recommended approval.

Mr. Fraley asked for the locations and distances where setback modifications have been requested.

Mr. Purse indicated the locations on a display map.

Mr. Fraley asked about the parking requirement waiver for the rear of the parcel.

Mr. Purse said no request had been made. He stated that a determination of the parking requirement will be made during the Site Plan process.

Mr. Obadal asked if parking will be allowed up to the property line.

Mr. Purse said the minimum screening buffer is 10 feet from the property line.

Mr. Obadal asked if that was the location of the intended 35 foot buffer.

Mr. Purse said yes.

Mr. Obadal asked who would be responsible for granting the modification.

Mr. Purse said it would be the Planning Director.

Mr. Obadal asked if the structure would be an open building without walls.

Mr. Purse said yes.

Mr. Obadal expressed concerns about the types of items that would be allowed for sale.

Mr. Purse explained how the list of permitted items was created.

Mr. Obadal said there has been discussion about boats and automobiles being offered for sale and about limiting the hours of operations.

Mr. Purse stated that automobiles were not included in the list of permitted items and that Staff did not think such items would match with the intended use of the property. He said Staff could specifically restrict automobiles if the Commission desired.

Mr. Obadal asked that boats and automobile sales be restricted.

Mr. Purse stated that the applicant was present and agreed to the addition of a stipulation limiting the hours of operation to between dawn until dusk.

Mr. Fraley asked if the list of permitted items offered enough protections or if every undesirable item should be listed.

Mr. Purse stated that Staff felt the current list offered enough specificity. He also stated that items of particular concern could be excluded.

Mr. Billups asked about the criteria for excluding coins, books, and antiques.

Mr. Purse stated that the intent is for a farmer's market rather than a flea market.

Mr. Billups asked if there were any Health Department conditions for the sale of food items.

Mr. Purse stated that Department of Agriculture and Health Department approvals would be required during the site plan process.

Mr. Kennedy asked if the Volunteer Fire Department would be allowed to hold special fundraising events on the property under the proposal.

Mr. Purse answered no.

Ms. Hughes stated her concerns about the limited landscaping along Richmond and Forge Roads.

Mr. Purse said the landscape modifications do not effect the location or number of trees that are required according to the ordinance.

Ms. Hughes asked if the landscaping would be enhanced to look more attractive.

Mr. Purse said the applicant's intent is to have a pedestrian friendly landscape along the street.

Ms. Hughes asked if the reduced 10 foot buffer in the rear would be enhanced also as other applicants have been required to do.

Mr. Purse said it was not a condition. He said it could be added if the commission desired.

Ms. Hughes said she would like to see that included.

Mr. Fraley opened the public hearing.

Mr. Jesse Rowe, 117 Tom Taylor Road, stated that the Volunteer Fire Department receives most funds from donations. He stated that the intent is for a Farmer's Market where food will be purchased by the consumer and taken home to prepare. Mr. Rowe also stated that the location of the 10 foot reduced buffer is already heavily treed.

Mr. Fraley asked if the applicant would be comfortable restricting the sale of boats and automobiles and limiting the operation to daylight hours.

Mr. Rowe said he was.

Mr. Billups asked if the applicant anticipated a seasonal slowdown in September or October.

Mr. Rowe stated that he envisioned that farmers and waterman would sell their products so that he anticipated a 9 month operation.

Mr. Billups confirmed that space would be available for rent 12 months of the year.

Mr. Obadal asked how parking would be addressed if use on the adjacent property changed.

Mr. Rowe said he did not envision a lot of traffic.

Mr. Obadal asked if they would operate primarily on weekends.

Mr. Rowe said they would probably be busier on the weekends.

Mr. Billups asked how the operation would differ from the business across the street from the Pottery.

Mr. Rowe said he was not aware of what products the other business sold. He stated that this project would offer a more central location for people to gather to sell their products.

Mr. Kennedy stated his support of the Volunteer Fire Department and encouraged Commissioners to visit Fire Station #1.

Mr. Rowe stated that the Fall Fish Fry would be held in October.

Mr. Rich Krapf, 2404 Forge, represented the Friends of Forge Road and Toano and recommended approval. He urged Commissioners to require landscaping on Richmond and Forge Roads.

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

Mr. Fraley clarified that Commissioners are not being asked to consider the 10 foot reduced buffer at the rear of the site.

Mr. Purse said that was correct. He also stated that all Landscape Ordinance requirements would be met.

Ms. Jones motioned to approve the application and amended conditions.

Mr. Fraley clarified with the other Commissioners their recommendations restricting the sale of boats and automobiles and the hours of operation.

Mr. Billups asked if patrons would be allowed to use the convenience facilities across the street at the fire station.

Mr. Purse said yes.

Ms. Hughes seconded the motion.

In a unanimous roll call vote approval was recommended (6-0). AYE: Hughes, Jones, Obadal, Fraley, Kennedy, Billups (6); NAY (0). (Hunt Absent).

C. SUP-18-06 Stuckey's Redevelopment

Mr. Jose Ribeiro presented the staff report stating that Mr. Vernon M. Geddy, III has applied for a commercial Special Use Permit on the parcel located at 9220 Old Stage Rd, which is currently zoned B-1, General Business in order to operate a 40 seat restaurant, convenience store, and gas station with 14 gas and 2 diesel fueling pumps. The property is also known as parcel (1-16) on the JCC Tax Map (4-4). Mr. Geddy has filed for the Special Use Permit application as a requirement to operate a convenience store that dispenses fuel within the B-1 district. The site is designated as Mixed Use by the James City County Comprehensive Plan and is located along a Community Character Corridor.

Mr. Billups confirmed that the request for setback modification has been withdrawn.

Mr. Fraley stated that the applicant had submitted a revised plan that does not include the setback modification.

Mr. Obadal asked when the revised plan was received.

Mr. Ribeiro said it was received today at approximately 4:00 p.m..

Mr. Fraley opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He outlined the proposal to rehabilitate and renovate the Stuckey's site. Mr. Geddy showed pictures of the site currently. He detailed the LID (Low Impact Design) features and stated the impervious surface cover would be reduced.

Mr. Fraley clarified that if a sidewalk waiver request is made at a later date it would require DRC and Planning Commission approval.

Mr. Kennedy asked for an explanation of the restriction on pumps that could service tractor-trailers. He asked if such fueling stations had been previously proposed.

Mr. Geddy said the original proposal did include pumps to service 18-wheelers.

Mr. Kennedy asked why they were removed from the proposal.

Mr. Geddy stated that it was staff's opinion that the pumps would classify the operation as a truck stop which is not a permitted use in the zoning district.

Mr. Kennedy asked if tractor-trailer fueling pumps existed there in the past.

Mr. Geddy said there had been a diesel pump where the trucks had fueled in the past however; this proposal had been for pumps specifically designed for tractor-trailers.

Mr. Kennedy stated that James City County has a lot of trucking businesses. He stated that the location is ideal for them to refuel their trucks. Mr. Kennedy said he had previously stated his concerns to Mr. Horne that the County embraces the industry but that they have to refuel in nearby localities.

Mr. Obadal asked if there was a home across the street from the site.

Mr. Geddy said he thought it belonged to Mr. Sam Hazelwood who supports the application.

Mr. Obadal said he was concerned with the numbers of pumps but that he felt it was within the applicants' right to have them. He asked what was being done to improve the character of the area in addition to adding the restaurant.

Mr. Geddy stated that the applicant proposed enhanced landscaping in buffer areas, renovation of the building, repainting of the blue roof, and removing 15% of impervious cover.

Mr. Obadal asked about the location of the BMPs(Best Management Practices).

Mr. Geddy showed the locations on a display map.

Mr. Obadal asked if one of them had been relocated to accommodate the gas pumps.

Mr. Geddy said the plan was conceptual and that the final location may be adjusted some during the site plan process.

Mr. Obadal asked if the Environmental Division had reviewed the plan.

Mr. Geddy stated that they had reviewed previous submittals showing the layout of the pumps.

Mr. Obadal stated that he was concerned that Environmental had not approved the current layout.

Mr. Geddy said that previous submittals showed the pumps and BMP in even closer proximity.

Mr. Fraley stated that Ms. Hughes would have additional comments on that during the public hearing.

Ms. Hughes thanked the applicant for responding to the Commissioners concerns about the location of the stormwater facilities in the buffer area, and for the proposed reduction in impervious cover. She stated that citizens had expressed concerns that the late submission of plans did not allow them time to review them.

Mr. Billups asked what brand of fuel the applicant would be selling given the proximity to the Shell station across the street.

The applicant said that although they have not signed a contract it would be a major oil company. He said it would not be with Shell as long as the one remained across the street.

Mr. Billups asked if the mature trees along the front of the property would be maintained.

Mr. Geddy said yes.

Mr. Billups asked if there was a problem with standing water at the site.

The applicant said the only problem was potholes that they would repair.

Mr. Billups asked if there was a gully at the rear of the property.

The applicant said there are many protected areas along the rear of the site and that they would not be disturbing any of them.

Mr. Fraley said he was pleased with the architectural review provided for in the application. He also explained that there were mitigating circumstances that resulted in late submissions of plans.

Mr. Fraley opened the public hearing

Ms. Caroline Lott, 9804 Loblolly Court, requested deferral until citizens have had a chance to review the latest revision. She also stated her concerns about another fuel station within a mile radius of one another.

Ms. Linda Rice, 2394 Forge Road, expressed the need for various neighborhood associations to work together to make sure that the rural quality of the area is maintained. She talked about the importance of the consideration being given to the type of landscaping used and a reduction in grassy areas. She was also concerned about the amount of impervious cover that will remain. Ms. Rice stated that she would like to see some mention of green building in future proposals and urged developers to consider accommodations for alternative fuel vehicles.

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

Ms. Jones asked how the granting of a sidewalk waiver would impact the long-term plan for the

Mr. Fraley explained that the applicant was not requesting a waiver because the ordinance requires one. He explained that the applicant is requesting that the requirement to install sidewalks be removed from the SUP conditions in order to preserve their right to request a waiver in the future.

Ms. Jones expressed her appreciation for the applicant's efforts for removing the need for a setback reduction. She stated her agreement with Mr. Kennedy on the need to provide refueling pumps for trucks. She stated her support for the project.

Mr. Fraley stated that a truck stop would not be consistent with the zoning. He also explained that the delay in submittal of revised plans included change in staff responsibility of the proposal and the applicant's cooperation in responding to concerns of Staff and Commissioners. He gave his reasons for supporting the project.

Mr. Kennedy recommended the applicant meet with concerned citizens and staff prior to the Board of Supervisors meeting. He clarified his comments on trucks and fuel. Mr. Kennedy said he was not suggesting a traditional truck stop just the ability for them to refuel. He asked that the Board of Supervisors look at the number of trucking firms in James City County and consider providing opportunities for them to refuel here. Mr. Kennedy stated his concern that more time be allowed to review submitted plans and Planning Commission packets. He stated his support for the application and the need for conservation and green building efforts.

Ms. Hughes stated her agreement with Mr. Kennedy's comments. She stated that her concerns regarding location of the LID facilities had been eased by the Environmental staff. She also said water conservation measures have been included in the conditions.

Mr. Billups stated that he too agreed with Mr. Kennedy on including the possibility for fueling trucks. He said the applicant might want to include those changes prior to the Board of Supervisors meeting. Mr. Billups questioned the need for and location of the sidewalk.

Mr. Obadal asked if the Commission was being asked to consider placement of truck fueling pumps at the site.

Mr. Fraley said they were not. He said that those were comments from Mr. Kennedy and Mr. Billups.

Mr. Obadal thanked Mr. Fraley for negotiating the removal of the setback modification request prior to the Planning Commission Meeting. He stated the need for a deadline for submitting revised proposals. Mr. Obadal also asked Ms. Rice for an outline from the meeting she attended earlier in the day regarding environmental issues.

Mr. Fraley said that receiving last minute submittals occurs for different reasons. He stated that Commissioners have the option of deferring the public hearing. He also stated the applicant's request to remove the condition requiring sidewalks. Mr. Fraley asked staff to include in the staff report forwarded to the Board of Supervisors a statement about the Planning Commission's opinion that it is important to have fueling sites in the County given the industries we have and the economic development implications.

Mr. Kennedy asked staff to investigate including proffers or conditions requiring applicants to

install sidewalks in off – site areas where they are necessary, when it is determined that sidewalks are not desirable for the application under consideration. .

The Commissioners agreed to the removal of the sidewalk condition.

Mr. Kennedy motioned to approve the application and amended conditions.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was recommended for approval. AYE: (Obadal, Jones, Hughes, Fraley, Kennedy, Billups (6); NAY: (0). (Hunt Absent)

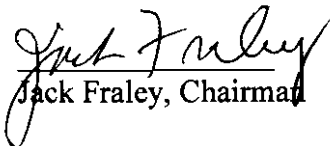
6. PLANNING DIRECTOR'S REPORT

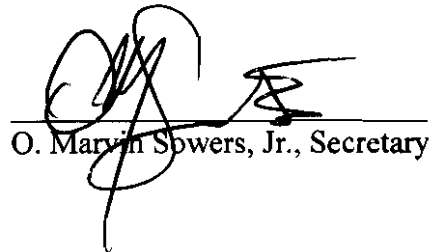
Ms. Ellen Cook presented the Planning Director's Report stating that Luke Vinciguerra has joined the Division as a Planner. She also stated that the James City County Division of Parks and Recreation is currently revising their Master Plan. She said there are a variety of opportunities for citizens to get involved.

Mr. Fraley asked for a status on update of the Greenways Master Plan.

7. Adjournment

There being no further business; at 8:40 p.m. the Planning Commission recessed until October 28th at 8 a.m. for a joint work session with the Board of Supervisors at Towne Bank Conference Room on Monticello Avenue.


Jack Fraley, Chairman


O. Marvin Sowers, Jr., Secretary