

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

1. ROLL CALL

Planning Commissioners

Present:

George Billups

Mary Jones

Rich Krapf

Tony Obadal

Shereen Hughes

Jim Kennedy

Jack Fraley

Staff Present:

Marvin Sowers, Director of Planning

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Planner

Ellen Cook, Senior Planner

Leanne Reidenbach, Planner

Terry Costello, Development Management
Assistant

Ms. Hughes stated that there was a revised agenda and the order of the public hearings had been changed moving the Stonehouse Case to the fourth item on the agenda.

2. PUBLIC COMMENT

Ms. Hughes opened the public comment period.

There being no public comments, Ms. Hughes closed the public comment period.

3. MINUTES

A. November 7, 2007 Regular Meeting

Mr. Billups motioned to approve the minutes from the November 7th regular meeting.

Mr. Fraley seconded the motion.

In a unanimous voice vote the minutes were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Ms. Jones presented the report stating that the DRC met November 28, 2007. Ms. Jones, Ms. Hughes, Mr. Fraley, Mr. Billups were present, with Mr. Kennedy absent. The DRC reviewed two cases. The DRC recommended preliminary approval subject to agency comments for SP-0021-2007, Anderson's Corner Animal Hospital with a vote of

4-0. The Committee stated that they felt the site plan was consistent with the master plan. The second case was SP-0144-2006, S-0098-2006, MP-0008-2007, White Hall Section 2, the DRC with a vote of 4-0 granted preliminary approval subject to agency comments. The Committee had the following conditions: LID features that meet or exceed requirements to capture runoff from 30% of the impervious surface onsite, each infiltration facility treat at least one inch of stormwater runoff from impervious portion of the contributing drainage area, and applicant must restore the open space areas next to the townhouses shown on the master plan. The DRC will hold a special meeting on Friday December 7th to review an amendment to the master plan for Prime Outlets.

Ms. Hughes had one correction to the minutes. The condition was that the infiltration facility treat one half inch, instead of one inch.

Mr. Fraley made a motion to approve the minutes with the one correction.

Mr. Krapf seconded the motion.

In a unanimous voice vote, the DRC report from November 28, 2007 was approved (7-0).

B. Policy Committee Report

Mr. Fraley stated that the Policy Committee did not meet since the last Planning Commission meeting.

C. Comprehensive Plan Update

Mr. Fraley spoke about the Comprehensive Plan Update. He stated that the Citizen Participation Team has had their first two meetings which are conducted every Tuesday at 3 p.m. and are open to the public. Mr. Fraley stated there is a position open as one of the members regrettably had to resign. He stated that the Planning Commission will be working on a replacement.

D. Other Committee/Committee Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – Setback Ordinance Amendment R-1 District

Mr. Jose Ribeiro presented staff's report to amend Section 24-236 of R-1, Limited Residential ordinance to reduce the required dimensions for setbacks. He stated that this is in accordance with the Better Site Design Principles, and based on the Recommended Model Development Principles for James City County. Mr. Ribeiro stated that currently setbacks in R-1 require a minimum of 35 feet away from any street right of way. He

stated this proposal reduces the setback to 25 feet. Mr. Ribeiro stated that staff recommends the Planning Commission adopt the resolution to initiate consideration of this amendment to the Zoning Ordinance, and to refer this matter to the Policy Committee.

Mr. Billups asked if this setback change will affect any other standards besides the front setback.

Mr. Ribeiro stated that the change was only to the front setback requirement.

Mr. Billups asked if there was any future compensation for the side or rear setback.

Mr. Ribeiro answered no.

Mr. Billups questioned the reference to the Better Site Design. He questioned the justification for changing the ordinance.

Mr. Ribeiro referred to Principle #11 of the Better Site Design Principles. He stated that when open space design was limited or not possible, the justification to relax setbacks was to allow for greater flexibility for design and to reduce size of impervious surfaces.

Ms. Hughes wanted to make the point that this is just an initiating resolution that's going to go to the Policy Committee. She has spoken with staff and requested that all Planning Commissioners and future Commissioners receive the Better Site Design Document that stated the Principles with implementation strategies. She stated that this report has all the documentation such as justification and purpose. Ms. Hughes also stated that the recommendations of the Better Site Design were presented to the Board of Supervisors. She stated that the Board of Supervisors did approve sending these recommendations to the Policy Committee.

Mr. Fraley made a motion to approve the initiating resolution.

Ms. Jones seconded the motion.

In a unanimous voice vote, the motion was approved (7-0).

B. Initiating Resolution – Handicap Parking Ordinance Amendment

Mr. Ribeiro gave staff's report requesting the Planning Commission adopt the resolution to initiate consideration of amending Section 24-56 of the Highways, Streets, Parking and Loading ordinance to reduce the required dimensions for handicap parking spaces. This change is in accordance with the Better Site Design Principles, based on the Recommended Model Development Principles for James City County. Currently the required space dimensions for handicap parking stalls are 9' by 18'. Principle #8 of the

Recommended Model Development Principles recommends reducing the overall imperviousness associated with parking lots by minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spill over parking areas.

Mr. Billups expressed his concerns about the Better Site Design document legally overriding items that are in the Ordinance. He will propose his questions at a later date.

Mr. Ribeiro reiterated that when the changes are proposed to the Policy Committee and Planning Commission staff will be more than willing to address his concerns.

Mr. Billups made a motion to approve the initiating resolution.

Ms. Jones seconded the motion.

In a unanimous voice vote, the motion was approved (7-0).

C. 2007 Planning Commission Annual Report

Ms. Hughes presented this report and stated she will also present it to the Board of Supervisors on December 11, 2007.

Mr. Fraley made a motion to accept the report.

Mr. Obadal seconded the motion.

In a unanimous voice vote, the motion was approved (7-0).

6. PUBLIC HEARINGS

A. Z-0008-2007 / MP-0006-2007 Ford's Colony Section 37

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the January 9, 2008 Planning Commission meeting.

Ms. Hughes opened the public hearing.

There being no comments, Ms Hughes kept the public hearing open.

Mr. Krapf motioned for deferral.

Ms. Jones seconded the motion.

In a unanimous voice vote, the motion was approved (7-0).

B. Z-0005-2007 Ingram Road Rezoning

Mr. Sowers stated staff's concurrence with the applicant's request for a deferral to the January 9, 2008 Planning Commission meeting.

Mr. Obadal motioned for deferral.

Mr. Krapf seconded the motion.

In a unanimous voice vote, the deferral was approved. (7-0).

C. SUP-0032-2007 John Deere Dealership

Mr. Obadal excused himself from this case stating he represented through the Trade Association the John Deere Company for many years and felt he could not be impartial in this case.

Mr. Ribeiro presented staff's report for a special use permit to allow an additional 8,000 square feet of building area. A special use permit is also requested to allow the sale of farm and construction equipment (e.g. small-sized tractors and medium to smaller size equipment such as cutters, gator utility vehicles, and push and riding mowers), which falls under the category of "vehicle and trailer sales and services (with major repair limited to a fully enclosed building)" per Section 24-391 of the Zoning Ordinance. Mr. Ribeiro stated the property is at 7761 Richmond Road, is zoned B-1, General Business and is designated by the 2003 Comprehensive Plan as Mixed Use. He stated that staff finds the proposal to be consistent with surrounding land uses, and acceptable by the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Mr. Ribeiro asked that the Planning Commission recommend approval of this special use permit application.

Mr. Sowers did mention that there was a typo on condition #16 where it states "business hours and obtaining permits"; it should read "business hours and/or obtaining permits." Mr. Sowers stated that the applicant had requested the ability to occupy the site prior to starting construction. He stated that the applicant would like to move the business before building construction, and staff had agreed to supporting this request.

Ms. Hughes opened the public hearing.

Mr. Vernon Geddy spoke on behalf of Fleet Brothers of Williamsburg, Va. He spoke about Fleet Brothers being in the area of over 50 years and a part of the John Deere organization for many years. Mr. Geddy stated that this store will also have branded lines of animal and landscape supplies and products. He stated that this is an existing business in the County that is seeking to expand as opposed to relocating elsewhere. Mr. Geddy also stated that this plan is also a redevelopment of an existing site that is no longer being used. He further stated that Fleet Brothers believes this is an ideal business to preserve the rural village of Toano. Mr. Geddy showed the existing site with the

current buildings, and showed where the display areas would be if the application was approved. He showed the proposed landscape areas to be added to the area, where the new building would be located, and showed the scale of equipment that would be displayed. Mr. Geddy stated that they feel the use is compatible with the Toano area. He stated that there were conditions attached to the special use permit that the changes would be subject to architectural review. Mr. Geddy showed the types of John Deere equipment that would be displayed. He also requested to be able to display equipment in the existing impervious area. Mr. Geddy stated that they were aware of the limitations stated in the master plan and conditions attached to this application. He stated that the plan addressed environmental concerns, with the turf mulch display areas, the use of infiltration or bioretention type facilities to handle stormwater, use of LID measures, etc. He stated that when Mr. Fleet acquired this property he was under the impression that this was a permitted used. Mr. Geddy stated that his business is heavily seasonal and it is important to have this application approved so that his business can be opened in the Spring. Mr. Geddy requested that the Planning Commission recommend approval to the Board of Supervisors.

Mr. Krapf asked Mr. Geddy about the change for additional storage on the impervious area. He further asked what size equipment would be placed there.

Mr. Geddy answered that this is existing impervious cover, and seemed like a logical place to put equipment.

Mr. Fleet answered that in staging certain equipment, they envisioned pods of equipment. He stated that the area around the barn would be for construction type equipment and landscaping items.

Mr. Krapf had a concern about balancing the sensitivity of the community character corridor aspect and the Toano Design Guidelines with the view that is offered from Richmond Road from the addition of this equipment. He felt that there was quite a bit of display area in the plan as is. He asked if staff had any concerns about the additional request for storage.

Mr. Ribeiro stated that staff did not have any major concerns but did state that using this area for storage will reduce the number of parking spaces. Mr. Ribeiro also stated that they would be applying for a parking waiver.

Mr. Sowers stated that if the additional request for storage is granted, a note would need to be made on the master plan similar to the others allowing for additional displays.

Mr. Fraley asked if the site plan review would be up for DRC review.

Mr. Sowers stated that the site plan would be reviewed administratively, and that the only item that would come before the DRC would be the parking waiver.

Mr. Kennedy asked if this site was previously approved for expansion with Basketville.

Mr. Ribeiro stated that was correct.

Mr. Kennedy asked the square footage of that expansion.

Mr. Ribeiro stated that the expansion was for approximately 8,000 square feet.

Mr. Kennedy stated that in this area currently there are tractor trailers parking. He would much rather see some commerce going in there.

Ms. Hughes questioned the landscaping conditions. She stated that the condition stated that the buffer was to be landscaped.

Mr. Fleet stated that edge along Route 60, if they are not going to display anything there would be no need to buffer equipment. He stated that there will be some equipment in the porch area of the building but that is back off the road. On the east side there is much undergrowth, which will be evaluated to try and improve the scenery. He stated this will act as a buffer. Mr. Fleet stated that they are proposing a buffer greater than 50 feet.

Ms. Hughes asked how many small tractors would be placed in front of the barn.

Mr. Fleet did not know the size or number. He stated that his business is seasonal, and equipment is replaced as it is sold. He also stated that they have allotments based on last year's history. Mr. Fleet felt that changes based on sales. He estimated anywhere from a dozen pieces of equipment to twenty pieces depending on sales. Mr. Fleet envisioned the barn area as the farmstead area. He envisioned the front area as a lawn care area so it would look like a typical lawn.

Mr. Fraley asked Mr. Geddy about protecting the Community Character Corridor. He asked about the view shed.

Mr. Geddy pointed out that this is a redevelopment. He felt the first enhancement would be the hedge that would hide the row of cars from the road. He felt that the addition of the landscape islands would break up the parking lot. Mr. Geddy stated that the 50 foot buffer for the Community Character Corridor for a commercial use is being observed. He also pointed out the enhanced size landscaping. He also mentioned the way the equipment would be displayed and that the equipment will not look out of place. Mr. Geddy stated he felt this use would fit in very well in the Toano area.

Mr. Kennedy stated that there was a nursery at this site about a year ago. He felt that this application is a better use aesthetically than what was previously there.

Mr. Sowers stated that he wanted to clarify the conditions about the landscaping.

He stated that their intent was for beautification not for buffering.

Mark Rinaldi, Chairman of the Economic Development Authority (EDA), spoke in favor of the application. He stated that this initiative would preserve the rural lands of the County. The EDA seeks reasonable use of the rural lands in the Community. Mr. Rinaldi felt that this proposal gives the County an opportunity to retain a local business, which will facilitate additional capital investment, and redevelop a commercial property that currently sits vacant. He felt that this business will provide a sound anchor for moving forward with rural economic development.

Mr. Kennedy stated that Fleet Brothers runs a good facility and felt that this is a good fit for this location. He would be inclined to support the application and made a motion for approval.

Mr. Sowers asked whether the motion contained the correction to condition #16 and the changes the applicant had requested about storing additional equipment in the existing parking area.

Ms. Hughes felt that the parking lot should be limited as such, and that further reducing the number of spaces by increasing the display area would not be beneficial. She felt the applicant needed to show where there was a need for additional display area. Ms. Hughes also stated that she felt that this use was appropriate for the area. She was concerned about the display and that it follow the Community Character Corridor guidelines. She was inclined not to support the request for additional display area. Ms. Hughes also suggested there might be a recommendation attached to this application to limit the number of vehicles that can be parked in the front.

Mr. Krapf supported the application but had concerns about the request for additional display area. He would not support that request.

Mr. Billups asked about traffic flow.

Mr. Fleet answered that there is already a turn lane and two entrances to the property along with a side entrance.

Mr. Billups asked about stormwater flow and whether any excess would flow onto any adjacent property.

Mr. Geddy stated that all issues have been addressed.

Mr. Kennedy withdrew his motion.

Mr. Fraley made a motion for approval as presented with the correction to condition to #16.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved. (6-0) AYE: Jones, Billups, Fraley, Krapf, Kennedy, Hughes. (Abstained: Obadal)

D. Z-0004-2007 / MP-0004-2007 Stonehouse Planned Community Amendment

Ms. Ellen Cook presented staff's report for an amendment to the master plan and proffers to accomplish changes to the land use designations within the development and make revisions to the approved proffers related to traffic improvements, environmental protections, and other matters. She stated that the proposed Master Plan does allow for a greater degree of flexibility than the 1999 Master Plan. She stated that staff finds that the proposed amendments are generally consistent with the Comprehensive Plan and with surrounding development. Ms. Cook stated that compared with the 1999 application, some elements like archaeology proffers have changed very little. She further stated that some elements have changed substantially in concept or approach, but appear to still address project impacts and present a public benefit to a comparable degree as the 1999 application – these include transportation, parks and recreation amenities, the master plan, and fiscal/economic development aspects. Staff finds the current application offers certain benefits beyond what had been previously proposed. Ms. Cook stated that overall staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Fraley commended Ms. Cook for all her hard work on this application.

Mr. Fraley stated he felt it was important that the public be aware that the trigger for the cash proffers is different than what has been followed in the past. He stated that the cash proffers are triggered by Certificates of Occupancy or Building permits which is a deviation from past practices in James City County.

Mr. Sowers stated that normally cash proffers are received at the subdivision or site plan phases which allows the County to receive the money more quickly and be working on public impact issues. He stated that staff is willing to accept building permits as an alternative to the normal practice.

Mr. Krapf asked about the comment of workforce housing at the amount of \$250,000. He asked if there were still any ongoing discussions with the applicant on any of the proffer conditions or the workforce housing issues.

Ms. Cook answered that staff has not had any updated information from the applicant.

Mr. Obadal asked if any calculation was done concerning the interest on the proffers that would have been received in the normal fashion, as opposed to at the building permit stage.

Ms. Cook stated that the calculation has not been done.

Mr. Obadal stated that the issue of accumulating interest is one of the problems with this non-traditional method of collecting proffers.

Mr. Sowers stated that it would cost the developer more since the proffers would need to be paid upfront. He stated that receiving the money upfront allows the County to get a head start on things such as public improvements.

Mr. Obadal asked about owner responsibility, given that responsibility would be shifted to the commercial homeowners' association or possibly the builders. He asked if there was any proffer relating to a continuing responsibility by the owner or a willingness to pay in the event that the County does not receive the money.

Ms. Cook stated that the cash would be paid at the time the building permit is drawn.

Mr. Obadal asked if the owner would be paying, since the traditional method requires the owner to pay the proffers.

Ms. Cook stated that the owner would not necessarily be paying the proffer; payment is required to get a building permit, so it could be one of several parties involved.

Ms. Hughes asked about the water supply. She stated that the JCSA has a first come, first serve type policy. She wanted to make sure that the County was not guaranteeing them the water usage when it may not be available.

Ms. Cook stated that JCSA's commitment to serve water is based on approval of subdivision plans, not upon master plan approval. She further stated that if it is determined that there is not adequate water available for subsequent subdivision plans then JCSA would not sign off on it.

Ms. Hughes asked whether there were standards for pocket parks, or is there a standard size determined by the Parks and Recreation Department. She also asked if the applicant proffered to comply with the standards, and would this satisfy the pocket park issue.

Ms. Cook stated that there is a recommendation for the applicant to proffer that. She also stated that staff would like it to be as specific as possible and have the acreage stated in the proffer.

Ms. Hughes asked about the document report that was submitted. She stated that it had a lot of information, background information, building materials, design guidelines, etc. She asked if these were going to be attached to the master plan so that these guidelines are adhered to.

Mr. Sowers stated that the binding documents include the proffers, the binding master plan and those plans that state “binding”.

Ms. Cook stated that the community impact information is classified as supporting documentation. She stated that if there were certain elements that the Planning Commission determines as critical, that the Commission may wish to look to the applicant for additional proffers.

Mr. Obadal asked about the financial impact on the County.

Ms. Cook stated that a fiscal impact study was completed with this application.

Mr. Sowers stated that upon build out the impact is a positive. He stated one factor is on how rapidly the residential units are constructed in relationship to the commercial sites.

Ms. Hughes opened the public hearing.

Mr. Geddy spoke on behalf of the applicant, GS Stonehouse Greenland Sub LLC. Mr. Geddy showed pictures of some of the applicant’s completed projects. They used a variety of consultants to complete this application. Mr. Geddy stated this amendment is to allow a greater level of flexibility within the development and to be able to respond to market changes. He stated that the proposed application does not change any square footage for the commercial sites, nor does it change the number of residential units previously approved. He stated this change would increase the marketability of the nonresidential areas by providing for infrastructure in the early part of the development.

Mr. Geddy stated that the applicant has done several studies earlier in the process and sought community input early in the process. He stated that the applicant has held numerous community meetings to work with citizens and their concerns and business owners in the area. Mr. Geddy stated that the applicant has made changes based on requests from citizens, homeowners’ associations and the business community. Mr. Geddy elaborated on the transportation study and how the plans addressed these concerns. He stated that the applicant has worked closely with the EDA and made changes based on their recommendations.

Mr. Geddy mentioned the proffered 125 units of workforce housing. He spoke about the donated public use site, where a middle and elementary school complex could potentially be built, and also that the applicant has proffered to construct a sports complex. Mr. Geddy spoke about the major amenity center, the open spaces, a planned marina, community garden, extensive trail system, and additional greenway paths connecting canoe sites to the transportation system. He spoke on the environmental plans and the applicant’s willingness to comply with the County’s Stormwater criteria. He stated that the applicant has proffered a stormwater management inventory plan. Mr. Geddy stated that there will be a LID education facility at the amenity center. He stated

that there are additional conceptual plans agreed to prior to construction. Mr. Geddy stated that this plan is a better plan than what was originally approved and would create a win-win situation for the County and the residents.

Mr. Fraley asked about the town center that was originally in the plan.

Mr. Geddy stated that after meeting with senior County staff and members from the Economic Development Authority, that there were significant concerns with the concept of a town center. He stated that an agreement was reached to remove the town center. He also stated that there is still a proffer attached to this application that prohibits strip mall commercial development.

Mr. Fraley asked if there were plans for a supermarket.

Mr. Geddy stated yes.

Mr. Fraley stated that he understood that there were issues with the R-4 Zoning and what was trying to be proposed for the town center.

Mr. Geddy stated that the applicant had not been aware that the R-4 Zoning did not allow mixed use buildings. He stated that R-4 Zoning allows for mixed uses just not in the same building.

Mr. Fraley thanked Mr. Geddy, his team, and Mr. Kennedy for their involvement with the residents of Stonehouse Glen. Mr. Fraley stated that he received some emails from Stonehouse Glen residents and there was some confusion as to the location of the community recreation facility.

Mr. Geddy stated that the amenity center will be a couple of miles from Stonehouse Glen. He also stated that the pool complex will be around the corner from Stonehouse Glen which is the exact location under the current plan.

Mr. Fraley asked if it were the same type of building and same square footage as the previous plan.

Mr. Geddy stated yes.

Mr. Fraley asked about the RV storage areas.

Mr. Geddy stated there were two areas proposed, one in tract 4 in the phase 1 area for those residents there, and another in tract 9 that will be available to the residents of Stonehouse Glen.

Mr. Fraley asked what will trigger that.

Mr. Geddy stated that this is the only recreational area that is not located in a

residential area; normally triggers are based on resident units, so it could possibly have a condition that triggers it when the first site plan is approved.

Mr. Fraley asked if this would be proffered.

Mr. Geddy stated yes.

Mr. Fraley stated that Kimley-Horn, the County's independent consultant has recommended road improvements relating to Rochambeau Drive and Croaker Rd, be moved from Level 2 to Level 1 status.

Mr. Geddy stated that they have agreed to the recommendations although the proffers do not currently reflect that.

Mr. Fraley asked about the reclaimed water issue.

Mr. Geddy stated that Hampton Roads Sanitation District (HRSD) does not feel that it is financially feasible but ultimately it will be a County and HRSD decision.

Mr. Obadal asked when the commercial development was anticipated to begin.

Mr. Geddy stated that a tract of land has already been sold to accommodate the Avid Expansion.

Mr. Obadal asked what type of businesses they anticipate being there.

Mr. Geddy stated at this point it was hard to tell.

Mr. Obadal asked about the financial impact on the County. He stated what when commercial and residential development was looked at together, it showed a positive impact. Mr. Obadal questioned what happens if you just calculated the financial impact of the residential units. He stated according to the report that the condos and townhomes produced a negative impact when built out.

Mr. Geddy stated that would depend on the price of the townhomes or condos and typically those type of homes generate the lowest number of school children.

Mr. Obadal stated it shows a negative impact for townhome and condos in the report by the Wessex Group. He also stated however, that a project like this brings benefits to the County, and that the County should be willing to take a chance on a plan that has made some remarkable improvements.

Mr. Geddy stated the projected amount was determined to be a positive \$12.9 million.

Mr. Obadal then questioned the traffic study. He stated he had concerns with the

accuracy of the study. He stated that the study sample was done during the winter and between a Tuesday and Thursday. He felt this was not an accurate sample to draw from. Mr. Obadal also stated that only one sample was taken from certain intersections and he thought more than one sample should have been taken. He stated that he understands that VDOT has these standards but that the County does not necessarily have to accept them. He felt that for the report to be accurate several samples should have been done, at various times and during different times of the year.

Mr. Geddy stated that the first thing they did was to review the proposed methodology with the consultants and County staff. He further stated that all parties that were consulted agreed on the methodology.

Mr. Billups stated he was concerned about the workforce housing. He felt that this type of housing should be throughout the development and not just in one area. He also mentioned Ford's Colony and how that development has a three tier system throughout the development. Mr. Billups felt that by not including workforce housing throughout the development it was not fulfilling the needs of the County.

Mr. Geddy mentioned that under the current plan there is no plan to include any workforce housing. He stated that the current proposal would proffer \$ 3.7 million for the County to do whatever it saw fit to deal with workforce housing. He further stated that this plan had a range of housing types with a range of housing options.

Mr. Billups stated he felt this is a land use issue.

Mr. Fraley asked when it was determined to provide the recreational area to the Stonehouse Glen residents, did this have any effect on the other recreational areas and specifically downsize them.

Mr. Geddy stated that there was no change in the sizes of the other recreation areas.

Mr. Fraley stated that this proposed plan has a range of housing types. He asked Mr. Sowers to comment on the range of housing types proposed.

Mr. Sowers stated that the difference between the 1999 and 2007 plans is that the housing types in the 1999 plan are more specific in most of the tracts. He stated that this gives the developer more flexibility to mix the housing types within a tract and allows for more flexibility on a broader scale.

Ms. Hughes asked about design guidelines being proffered. She stated that the present design philosophy creates a vision. She wanted to ensure that these designs are what will be in the development in the future. Ms. Hughes stated she would like to see the design guidelines in the proffer language.

Mr. Geddy stated there will be design guidelines. He stated for instance, Phase I

will be developed in conjunction with the Phase I association.

Ms. Hughes asked if they could commit these guidelines into the proffers.

Mr. Geddy stated there will be design guidelines and they will be administered through the association.

Ms. Hughes asked Mr. Geddy to address staff's concern about the average price range of the workforce housing.

Mr. Geddy stated he does not understand the concern about the workforce housing. He stated the average will be \$250,000. He stated that some will be sold at a higher price, and then some will be sold at a lower price.

Ms. Hughes asked about the comment regarding height and buffer specifications in Tract 9. She stated that the commercial buildings were compared to a similar design in Greensprings West but that their design had twice the square footage. She asked if the applicant would be willing to consider additional buffers.

Mr. Geddy stated that they felt that the buffers were sufficient. He did however state that they would be willing to consider proffering a height limit.

Ms Hughes stated that would be beneficial since this development is between two residential areas.

Judy Dean, 10225 Sycamore Landing Rd, thanked Stonehouse for removing the emergency access road. She stated her opposition to a sewage treatment plant in Stonehouse. She understands that it is an initiative between the County and HRSD. Ms. Dean felt that operating a sewage treatment plant for a few months out of the year would be not beneficial. She also understood that the sewage from this area may not be adequate and that sewage may need to be pumped from other locations. Ms. Dean also felt that there was a chance that some effluent may seep into the York River. She stated that the York River is used by many people and she would hate to see it like the James River. She also stated that Stonehouse is in the PSA and that Sycamore Landing Road is not. She felt that this plant might benefit Stonehouse, but not the residents of Sycamore Landing Road and that these residents might end up bearing the burden should something go wrong.

Ms. Kelly Fulton, 9888 Sycamore Landing Rd, stated that her family has been in this area for many years. She is also against the water facility proposed to be built in Stonehouse. She would like to see all ideas exhausted before this type of facility is built. She feels that it is important to preserve all natural waterways, such as the York River. Ms. Fulton also thanked Mr. Geddy for removing the emergency access road on Sycamore Landing Road.

Mr. John Fulton, of 9888 Sycamore Landing Rd, also spoke on the water

treatment plant that was proposed. He is concerned about the introduction of certain chemicals or toxins from the effluent. He gave some information that he obtained concerning chemicals that are used to treat effluent. Mr. Fulton spoke on his research on health effects that could happen due to exposure with some of these chemicals.

Mr. Tim Trant, with Kaufman and Canoles, spoke on behalf of the Board of Directors from Stonehouse Owners Foundation. He stated that the Board of Directors had initially had some concerns about the amenity package. He stated that he had received a revised set of proffers that seem to have addressed those concerns. Mr. Trant did state however that he reserved the right for further comment on these proffers once he has read them thoroughly. He stated that the Board of Directors has been clear that the final say on the proffers as a whole be the purview of the actual residents of Stonehouse Glen.

Mr. David Jarmon, of 117 Landsdown, spoke on behalf of the James City County Citizens Coalition. He stated that this organization supports this amendment as they feel that it is an improvement to the original plan. He stated that the Coalition feels this application should be on a fast track review especially when they included new features important to the County. He felt that GS Stonehouse has carried out their part including the identification of AB soils and researching new ways to reuse water. He stated the Coalition felt that at a time with limited water supply it was commendable that GS Stonehouse took the initiative in addressing this issue.

Mr. Robert Spencer, of 9123 Three Bushel Drive, spoke on behalf of the Homeowners Association of Phase I. He commended the applicant for meeting with the residents and addressing their concerns. He stated that his association requests prompt approval of the application.

Ms. Colleen Lynch, of 9409 Ashlock Court, spoke on behalf on the residents of Stonehouse Glen. She stated that the applicant met with the residents and addressed all of their concerns. She further stated that it appears that the latest revision of the proffers would be in agreement with the residents of Stonehouse Glen. Ms. Lynch also encouraged quick approval as the triggers are based on when things are approved.

Mr. Doug Gephardt spoke on behalf of the Economic Development Authority (EDA). He stated the EDA has given its remarks concerning this application. Mr. Gephardt wished to thank Ms. Cook for keeping the lines of communication open during the review process. He also wished to thank the applicant for soliciting their perspective. Through this interaction hopefully it will enhance the economic potential of this community.

Ms. Hughes closed the public hearing.

Mr. Kennedy stated he felt this project proposed today is a much better project than the previous plan. He stated that most plans submitted in the past cost the County money. He felt that this is a much better plan and a much better project. Mr. Kennedy

appreciated the fact that the applicant worked with the residents in the area. He stated that this area is a major component of the County. He is inclined to support this project but would recommend to citizens' groups concerning their input to be mindful of all the groups involved. Mr. Kennedy stated that it is important to look at the project as a whole. He made a motion to approve the project.

Mr. Krapf stated that he was in agreement with Mr. Kennedy. He appreciated the openness and the dialogue between the applicant, staff, citizens and all of the citizen's groups involved.

Mr. Fraley wanted to thank all parties involved and their effort. He thanked staff, senior staff and Mr. Kinsman for all of their work on the project.

Mr. Billups stated he looked at land use and the attitude of the developer. His concern was the affordable housing proposed. He felt that on principle alone it was unacceptable to him.

Ms. Jones wanted to thank the applicant and staff for all their work and their collaborative effort. She commended all of the work that involved citizens and the various citizens' groups. She will be recommending approval to the Board of Supervisors.

Mr. Obadal stated that this was an open process and that the applicant has been extremely cooperative with the Commissioners and responding to their concerns. He stated that he has problems with this project but the original plan was approved over ten years ago. He also stated his concerns about the affordable housing not being placed within the community itself. Mr. Obadal stated he would hope that the applicant would re-consider this aspect of the project. He felt it is important to encourage integration with regard to affordable housing. Mr. Obadal stated that he does have concerns with what he feels like is an inadequate traffic study although the applicant followed the designated standards. Mr. Obadal feels that the County should revisit these standards. He felt that shifting the housing types is troublesome, and would rather see where those types of units will be in the development. Mr. Obadal seconded the motion.

Ms. Hughes wanted to commend staff, the applicant and everyone involved in this process. She appreciated the fact that the stormwater management plan and the DRC will get to look at these plans again. She would recommend some linkage between the design philosophy into the proffers so that all this information would be available to everyone who works on the project in the future. She would also recommend some qualifier for the height limitation for the commercial space in Tract 9. Ms. Hughes also stated she would like the applicant to address the affordable housing issues. She realizes that there is no workforce housing with what is already approved and there are no proffers for such. She did state that it would be more desirable to have integration with regards to affordable housing. She suggested to the applicant to possibly create a design that would incorporate affordable workforce housing within the development, or to come up with a creative way for the proffers to offset the cost. She felt it is important to build a sense of

community to have all people living and working together along with reducing traffic impacts with individuals living closer to where they work. Ms Hughes stated she will support the application.

Mr. Sowers clarified the motion made by Mr. Kennedy. He stated that several proffer amendments were to be added to include a trigger for the RV lot construction, moving transportation improvements for Rochambeau and Croaker Road to level 1, addressing Environmental Division's comments, adding height limits in Tract 9 and pool timing trigger. Mr. Sowers also asked about making a recommendation to the Board that summarizes all of the comments made by the Commissioners.

Ms. Hughes suggested making a recommendation with all of the comments so that all parties are on the same page.

Mr. Sowers stated that it will be made as a recommendation to the Board of Supervisors.

Mr. Billups wanted to clarify his previous comments. He stated that his comments were not about promoting housing for African American individuals. Mr. Billups stated that there is a need to provide housing for all of James City County.

On a roll call vote the application was approved. (6-1) AYE: Jones, Fraley, Krapf, Kennedy, Obadal, Hughes. NAY: Billups.

E., F., G. SUP-29-2007 / MP-0009-2007 Freedom Park Amendment;
SUP-0031-2007 Jolly Pond Utility Extension; SUP-0030-2007 4th Middle School / 9th Elementary School

Ms. Leanne Reidenbach gave staff's report on three applications, SUP-0029-2007 / MP-0009-2007, Freedom Park Master Plan Amendment, SUP-0031-2007, Jolly Pond Utility Extension, SUP-0030-2007, 9th Elementary School and 4th Middle School. She stated the Freedom Park Master Plan Amendment application was to amend the original Master Plan and special use permit to remove approximately 90 acres of land located on a portion of 5537 Centerville Road to accommodate two new schools and associated fields. Ms. Reidenbach stated that the removal of the land from the master plan is essential to the development of the new schools as it best meets the criteria for school construction. She stated that the special use permit for the utility extension is to allow for the extension of water and sewer utilities through Freedom Park and along Jolly Pond Road to serve the proposed school site. Ms. Reidenbach also stated that the last application was to allow for the construction of a joint elementary school, middle school, and associated fields. She stated that staff finds all three proposals, with their attached conditions, to be consistent with surrounding land uses, and generally consistent with the Comprehensive Plan. She further stated that staff recommends that the Planning Commission recommend approval of the Freedom Park master plan and SUP amendment and special use permit applications for the 4th middle/9th elementary school site and associated utility extension with the attached conditions, to the Board of Supervisors.

Ms. Hughes complimented Ms. Reidenbach on the presentation.

Mr. Fraley asked about green building techniques.

Ms. Reidenbach deferred to the applicant.

Mr. Billups asked which sewer connections were close to this area.

Ms. Reidenbach stated that the Forest Glen subdivision was the closest to this area.

Mr. Billups asked Mr. Kinsman if there are any legal restrictions about connections.

Mr. Kinsman stated that the conditions proposed are the same ones that have been used in all extension applications outside the PSA. He also stated that these conditions have been in existence for some time.

Mr. Billups asked what the distance would be for the new line.

Mr. Reidenbach stated the sewer connection would be 13,000 feet.

Mr. Obadal commended Mr. John Horne, Mr. Sowers and the legal staff for addressing his legal question concerning the property site. He felt because of their prompt attention a lot of time was saved in reviewing these proposals.

Ms. Hughes opened the public hearing.

Mr. David Whale gave information on green building standards to the Commissioners.

Mr. Whale stated the handout has broken down the green building strategies. He mentioned erosion control that was being proposed was beyond what was required. Some other techniques proposed are LID measures, reduced site disturbance by using two and three story buildings, the use of pervious pavement, the use of light color pavement, and of light colored roof material to help reflect the heat.

Mr. Kennedy inquired about geo-thermal designs.

Mr. Whale stated that it was looked into, but it was decided that it was not cost effective.

Mr. Kennedy would like to see that analysis at some point. His information states that there are some cost savings.

Mr. Whale stated every site and design is different. This site, for instance, required deeper wells.

Mr. Aaron Small stated that they looked into geo-thermal but stated the JCSA had certain concerns with the protections that would be needed. He stated JCSA would prefer the wells to be only so deep, thus not being about to take advantage of geo-thermal designs. He also stated that JCSA had concerns with protecting the water aquifers. Ms. Small stated that when the analysis was done, these protection measures were not cost effective.

Ms. Hughes stated that one concern might be leakage. She also mentioned downward leakage along the boring creating cross contamination. Other locations might have other water sources, such as non-potable water.

Mr. Kennedy requested more information, especially from JCSA. He stated a lot of other localities are using these designs and it has been cost effective in these instances.

Ms. Hughes suggested exploring geo-thermal designs during the Comprehensive Plan update.

Mr. Kennedy stated there are homes in James City County using this technology.

Mr. Whale spoke about modern efficiency. He stated that the proposal took used water from the ponds for the ball fields, and that environmentally friendly equipment was proposed in the plumbing and heating units. He further stated that materials for construction would come from local and regional sources. Mr. Lamb stated the plans included indoor environmental quality, including low emitting materials, and that an entry way system would be installed that would minimize contaminants from entering the building.

Ms. Jones questioned the percentage of daylight listed.

Mr. Whale stated the definition of daylight.

Mr. Krapf stated that many elements in the proposal seem to be linked to the Cool Counties program. He also stated that when the CIP projects were presented that there was mention of obtaining environmentally friendly certifications such as LEED. He asked how this application fit into the Cool Counties program and whether there would be any certifications attained.

Mr. Whale stated the school would not pursue any certification. He stated this application was an attempt to identify strategies that could be done economically. He stated to obtain a LEED rating 26 points needs to be attained and he believes that they have obtained 21 or 22.

Mr. Krapf wanted to encourage striving for LEED certification. He also wanted to mention that he would like to see the County move toward trying to obtain these types of certifications.

Mr. Obadal stated he was pleased to see the use of pervious pavement and asked how much was proposed.

Mr. Small referred to page 3 of the master plan and stated that it was located in the upstream part of the parking lot so that there were no areas draining into them.

Ms. Jones wanted to thank the applicant for meeting with Commissioners to get their feedback. Her two questions were concerning parking and traffic. She asked whether the parent drop-off rate was taken into account when the traffic study was done.

Mr. Carroll Collins of Kimley Horn and Associates stated that their methodology was to use the elementary and middle school trip generation rate. He stated that parents dropping off their children were not directly taken into account when the study was done. He felt that there was not that much difference.

Mr. Small stated that 250 spaces were provided in a joint parking lot for both schools. There is also an auxiliary lot for the recreation fields only, and that this lot will be closed during normal school hours.

Ms. Jones asked what numbers of spaces are normally required.

Mr. Small stated elementary schools normally have 125 and middle schools have around 130 parking spaces. He stated they took a 10% decrease because of shared parking. He also stated that they provided overflow parking. Mr. Small said this would allow for an extra 300 spaces if needed.

Ms. Hughes stated that she appreciated the fact that it was a cooperative effort. She stated that schools addressed every one of the Commissioners' concerns. She also stated that joint uses of facilities are mentioned in the Comprehensive Plan. Ms. Hughes stated that these applications had made awareness of environmental concerns public.

Ms. Hughes closed the public hearing.

Mr. Fraley made a motion to approve SUP-0029-2007 / MP-0009-2007, Freedom Park Amendment.

Mr. Kennedy seconded the motion.

In a roll call vote the application was approved. (7-0). AYE: Jones, Billups, Fraley, Krapf, Kennedy, Obadal, Hughes.

Mr. Fraley made a motion to approve SUP-0031-2007, Jolly Pond Utility

Extension.

Ms. Jones seconded the motion.

In a roll call vote the application was approved. (7-0). AYE: Jones, Billups, Fraley, Krapf, Kennedy, Obadal, Hughes.

Mr. Obadal made a motion to approve SUP-0030-2007, 4th Middle School /9th Elementary School.

Ms. Jones seconded the motion.

In a roll call vote the application was approved. (7-0). AYE: Jones, Billups, Fraley, Krapf, Kennedy, Obadal, Hughes.

Ms. Hughes called for a five minute recess, time being 9:55 p.m.

Ms. Hughes called the meeting back to order at 10:00 p.m.

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated he did not have anything to add to his report in the meeting packet. He did mention the DRC meeting that was scheduled for January 2nd. He would like the Commission to give staff some guidance for some suggested dates.

Mr. Fraley suggested the DRC discuss the change at their December 7th meeting.

8. COMMISSION DISCUSSIONS AND REQUESTS

Ms. Hughes asked about the Commissioners between sworn in. Her concern was that there will be three remaining members for the DRC. She will need to do a temporary assignment to the DRC.

Mr. Kinsman stated that the Chair appoints a temporary replacement but that will not need to take place at a public meeting.

Ms. Hughes stated that she will present the annual report to the Board of Supervisors at their next meeting.

Mr. Fraley asked Ms. Jones about her replacement. She stated that at the Board of Supervisors January 2nd meeting it will be decided.

Ms. Hughes stated that at the next meeting there will be two new Planning Commissioners.

Mr. Fraley wanted to commend Ms. Hughes on the annual report for all her work.

He wanted to thank staff for all of their effort.

Mr. Billups asked about the school's special use permit and the Better Site Design implementations.

Mr. Kinsman stated that any plans under review are under the current guidelines.

Mr. Billups asked about the size of the schools and any plans for redistricting.

Ms. Hughes stated that the Planning Commission has no control over the redistricting aspect.

Ms. Jones stated that it has been an honor serving with her fellow Commissioners.

Mr. Kennedy reiterated her sentiments. He stated that he will have an open door policy. He wanted to thank staff as well as everyone on the Commission.

Mr. Obadal commended Ms. Hughes as Chairperson. He stated he will miss both Ms. Jones and Mr. Kennedy. He felt that this Planning Commission has come together a great deal. He also stated that has enjoyed working with both Ms. Jones and Mr. Kennedy.

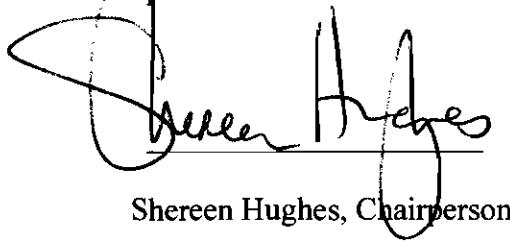
9. ADJOURNMENT

Mr. Kennedy made a motion to adjourn.

Ms. Jones seconded the motion.

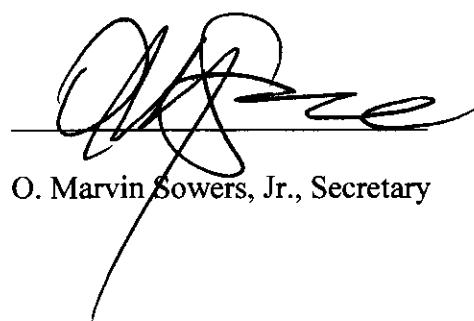
In a unanimous voice vote, the motion was approved (7-0).

There being no further business the Planning Commission meeting was adjourned at 11:00 p.m.



Shereen Hughes

Shereen Hughes, Chairperson



O. Marvin Sowers, Jr.

O. Marvin Sowers, Jr., Secretary