

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF JUNE, TWO-THOUSAND AND NINE, 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:

Deborah Kratter
George Billups
Joe Poole III
Reese Peck
Rich Krapf
Chris Henderson
Jack Fraley

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Angela King, Assistant County Attorney
Dave German, Senior Planner
Sarah Propst, Planner
Jose Ribeiro, Senior Planner
Brian Elmore, Development Management Assistant

2. PUBLIC COMMENTS

Mr. Rich Krapf opened the public comment period.

There being none, Mr. Krapf closed the public comment period.

3. MINUTES – MAY 6, 2009

Mr. Reese Peck stated that according to the minutes that Mr. Ned Cheely could provide some information regarding fiscal impacts of standards. Mr. Peck clarified that it was his intent to request this information. He felt that this was not clear in the minutes as written. Mr. Peck also asked that this request for information be relayed to Mr. Cheely.

Mr. Chris Henderson had a correction with regard to the minutes of the case concerning Dee's Day Care. He stated sentence three should read "three years is a long time for potential detrimental impacts to affect a neighborhood without review."

Mr. Joe Poole had an insertion clarifying his statement concerning Dee's Day Care. He requested to insert "Mr. Poole stated that while aware of this essential community need, he was not convinced of the appropriateness of the project's specific location." He stated the last sentence on page 11 should read "He said that although it may be minimally intrusive it was located in an older community off of the main road, and that older communities without gates and homeowner associations' covenants and restrictions are more vulnerable to non-residential uses."

Mr. Henderson moved for approval of the minutes with the stated corrections, with a second from Mr. Poole.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated the DRC met on May 27, 2009 to review four cases. The first case was SP-0034-2009, New Town Section 3 and 6, Block 18 Entrance. In this case the applicant was seeking a setback modification for the perimeter of a mixed use district. However, without a preliminary or final development plan, the DRC agreed to approve a portion of the setback reduction for the Ironbound Road entrance, and also noted favorable disposition toward a complete setback reduction if warranted by a final development plan of sufficient detail.

The second case reviewed was SP-0062-2007, Pleasant Hill Car Wash. The applicant was seeking to modify the roof color to elevations and materials that were previously approved by the DRC. The DRC requested a revised elevation incorporating this particular change along with a material sample in order to evaluate this request. The DRC offered a special meeting to the applicant to keep the project moving.

The DRC reviewed exterior elevations for SUP-0008-2009, CVS at Norge for architectural qualities but not to hear the special use permit request, which will be heard by the Planning Commission. The DRC approved the submitted elevations, with notations that the signage areas on the building itself be clad in siding similar to the rest of the building, and that the freestanding signs match in materials and colors to the building exterior.

The DRC reviewed S-0014-2009, Summerplace, which focused on internal street connectivity, cul-se-sacs, sidewalks versus pathways, a community well location, and residential clustering instead of a more traditional residential design. No preliminary approval was requested or provided since only Committee feedback was requested.

Mr. Henderson moved for approval of the DRC actions with a second from Ms. Deborah Kratter.

In a unanimous voice vote, the DRC actions were approved (7-0).

B. Policy Committee

Mr. Henderson stated that the Policy Committee continues to discuss the CIP process, which the Committee hopes to conclude in June. He stated that the Committee hopes to present a final draft to the Planning Commission in July.

Mr. Poole moved to approve the report with a second from Mr. Jack Fraley.

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

C. Steering Committee

Mr. Fraley stated the Steering Committee has two more scheduled meetings in June. At tomorrow's meeting, the Committee will be reviewing the Public Facilities section, Land Use Map, the Glossary, and the information contained in the appendix. The agenda for the last meeting will include the Transportation section and the implementation guide. The joint work session for the Board of Supervisors and the Planning Commission has been cancelled for June and will be rescheduled. It is anticipated that the Planning Commission will begin its review of the Steering Committee's recommendations in July and continue its review throughout August. Final action by the Planning Commission is anticipated at the September 4th meeting.

5. PUBLIC HEARINGS

A. SUP-0011-2009 7708 / 7710 Cedar Drive

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the July 1, 2009 Planning Commission meeting.

Mr. Krapf opened the public hearing. Seeing no speakers, he continued the public hearing to July 1, 2009.

B. SUP-0008-2009 CVS at Norge

Mr. Allen Murphy introduced Ms. Sarah Propst to the Planning Commission. He stated she received her bachelor's degree in inter-disciplinary studies and biology from the University of Missouri, was an intern with the Planning Division beginning in 2008, and was hired as a planner in September 2008. She is completing a master's degree in urban and regional planning at Virginia Commonwealth University in Richmond.

Ms. Sarah Propst stated that Mr. David Todd of the Rebkee Company has applied for a special use permit to allow the construction of a CVS store at 7521 Richmond Road. The parcel is zoned M-1, Limited Business/Industrial, and designated by the 2003 Comprehensive Plan as Mixed Use. Mixed Use areas located at or near intersections of major thoroughfares are intended to maximize the economic development potential of the area by providing sites primarily for intensive commercial office and limited industrial proposes. The site fronts on Route 60, a Community Character Corridor, and is located within the Norge Community Character Area. Also, the site is located within the Primary Service Area (PSA) and is situated within the Yarmouth Creek Watershed Area. The building is to be located at the northwestern corner of the existing Candle Factory commercial complex. The existing 13-acre parcel will be subdivided to create a two acre parcel for the pharmacy.

The CVS will feature three internal entrances within the overall Candle Factory site. A shared access agreement between the Candle Factory and CVS parcels is one of the conditions for approval associated with this project. The two existing access points on entrance road to the Barnett Property will be closed as part of this development and will be relocated to one access point aligned with the existing Crosswalk Church entrance.

Approximately 12,000 square feet of the existing 183,300 square foot commercial complex will be demolished and replaced by the new CVS building. A section of the existing parking area adjacent to Route 60 will be removed and the existing narrow buffer between the front parking area and the street right-of-way will be widened to 50 feet to meet the Community Character Corridor requirement. Additionally, the existing parking area located along the entrance road to the Barnett Property will be removed and the buffer will be widened to 30 feet.

This SUP application includes a landscape modification request for Planning Commission consideration. This request has been reviewed by staff, and approval of this landscape modification is recommended. Staff notes that all agencies have reviewed this proposal and have offered no objections. Staff has reviewed this proposal and finds it to be in accordance with the James City County Zoning Ordinance and Comprehensive Plan. Based on its analysis, staff recommends that the Planning Commission recommend approval of this proposal with the attached conditions to the Board of Supervisors.

Mr. Henderson asked if Mr. Barnett was included in this application. He was part of the application for the Candle Factory rezoning.

Mr. Jose Ribeiro answered that staff believed that the parcel is owned by Mr. Alex Perkins. Mr. Barnett was not involved since he was not an owner.

Ms. Kratter asked if any provisions were made for some pedestrian connectivity, especially to the large apartment complex that is close to this parcel.

Ms. Propst answered that there are several pedestrian connections on site including an eight-foot-wide walking path along with several sidewalk connections within the property.

Mr. Ribeiro stated that staff has not explored the possibility of connectivity to the apartment complex on Croaker Road. Staff has explored crosswalks, but according to VDOT it would be difficult due to the topography.

Ms. Kratter stated that one item that has been mentioned during the Comprehensive Plan update is making sure our facilities keep pace with the developments that are being proposed. She stated that if there is a large population nearby that may use this facility within walking distance, it would be beneficial to encourage this pedestrian traffic so that the intersection there is not overburdened.

Mr. Krapf asked the applicant to address this issue.

Mr. Tim Trant, of Kaufman and Canoles, spoke on behalf of the applicant. He thanked staff for their work on this proposal. He stated the applicant has addressed the DRC's concerns with regards to signage and there is also a materials board available if the Commission wishes to review. Mr. Trant stated the applicant held a community meeting in Toano to address citizen concerns and to encourage feedback from the community. The Candlelight Kitchen, a business that is proposed to be relocated, was an area of concern among the citizens that attended. Mr.

Trant stated that the applicant worked with the owner of the property and real estate brokers that are handing that site to open the lines of communication with the owner of the Candlelight Kitchen. He stated a lease extension has been executed between the business owner and the property owner which will allow the business to operate through the end of 2009. This was to allow for more time to attempt to re-locate the business to another part of the site.

Ms. Kratter asked if the applicant would be willing to consider some kind of pedestrian connectivity to the apartment complex on Croaker Road.

Mr. Trant stated traffic is a concern in that area for the applicant. He stated there is an existing sidewalk that terminates at this site, and extends back east into Norge proper. This sidewalk may be redeveloped in connection with the extension of the Community Character Corridor buffer, but as part of the conditions associated with the application, a shoulder and a multi-use path will be installed. Mr. Trant stated that the proposed application has promoted pedestrian connectivity onsite wherever practical. Offsite improvements for pedestrian movement should be provided when Croaker Road is improved. Development of the Spiegel property would also provide pedestrian improvements.

Mr. Poole asked if the applicant considered re-using the existing structure on the site in a way that might compliment the remainder of the center that is planned to stay.

Mr. Trant stated that the existing structure and layout with the existing parking is not amenable to the business and the activity CVS proposes. This was seen as a redevelopment opportunity, moving from the existing façade of a strip type building to a development that is more compatible with the character of Norge.

Mr. Poole stated his opinion of the importance of redevelopment and the adaptive reuse of existing structures.

Mr. George Billups asked if there was data as to the number of employees that would be employed in relation to the previous establishment. He asked if the makeup of the workforce was known.

Mr. Trant answered that CVS businesses maintain current data on their employees. Statistics with regards to positive impacts and impacts surrounding the area are difficult to maintain. He believed this project to be a net economic benefit to the community in terms of employment.

Mr. Billups questioned the immediate impact on the existing business in that area.

Mr. Trant stated there would be retail staff, pharmacists, pharmacy staff, and most likely managerial staff. He is confident that there will be a net gain of jobs with the relocation of the existing business anticipated.

Mr. Jack Fowler, 109 Wilderness Lane, stated there is a drugstore across the street from where this CVS is proposed to be built. There is also an existing business on this site. He asked

the Commission to use common sense when reviewing these proposals and not listen to the corporations that are proposing them.

Ms. Maria Fuentes-Sherman, 5413 Mary Lane, spoke about the proposal. She stated she was at the meeting where the applicant met with the citizens. She stated that many citizen concerns have been addressed with the extension of the lease for the existing business located on site. She stated that the opposition was actually in reference to the existing business that would have to be relocated. If the restaurant is to be left in the shopping center, the neighbors would welcome CVS as a neighbor in that location.

Mr. Krapf closed the public hearing.

Mr. Henderson asked about the sample material board that was mentioned earlier by Mr. Trant. He thought it would be beneficial for all Commissioners to review. He commended the applicant on a quality project in keeping with the character of the Norge community. Mr. Henderson also commended staff in working with the applicant and the DRC. He asked that the freestanding monument sign be of similar materials (brick to match the design) to the building and that the dumpster enclosure is made of brick rather than a fence or wood material. Mr. Henderson further stated that since the dumpster site in the back would be in the middle of a mixed use development, appropriate screening would be particularly important.

Mr. Trant agreed with the request for the freestanding sign, but a request would be that the signage area not be hardiplank. It would be of a concrete or brick material. The dumpster screen is proposed to be brick, but the doors would be wood.

Ms. Kratter addressed those on the Commission who are part of the Steering Committee. She asked whether the entire Candle Factory site has been reviewed for the new designation proposed, Economic Opportunity (EO). She wanted to avoid proliferation of retail, hourly, and clerk-type jobs.

Mr. Fraley answered that the EO designation is associated with light industrial and office uses, not necessarily retail. This designation is also being considered as part of a master planning process in a wider view. He does not believe that this area would meet the criteria for the new designation as currently defined from the Steering Committee.

Ms. Kratter expressed her concerns over a piecemeal rebuilding of that strip mall area and noted that by adding CVS in that corner, it may adversely impact other opportunities that might surface for that already developed area. She felt that this area is already designed for maximum economic development and intensive commercial uses. She felt that the new designation, EO, could be applied here. Ms. Kratter thought it would be more beneficial to master plan this area, rather than bring proposals before the Commission individually.

Mr. Fraley stated that the proposed use is consistent with the Mixed Use Land Use designation. He stated that from the Steering Committee's standpoint, this site falls more in line with a Mixed Use designation. Whether this area should be part of a sub-area master plan is a separate issue for discussion and he would encourage this.

Ms. Kratter asked how sub-area master planning would be encouraged in this area. Once this proposal is approved, it may be difficult to master plan this area.

Mr. Fraley stated it would have to be an entirely new consideration.

Mr. Murphy stated it would have been preferable to have a redevelopment plan for the entire frontage of the old Soap and Candle Factory. Lacking this, the special use permit application presented tonight may make the remainder of the property more attractive and viable from a commercial aspect. Since the closing of the candle factory this site has struggled.

Mr. Kratter stated that she can foresee that some redevelopment in this area is likely to be forthcoming. She felt that the County is committing to more retail business with this proposal.

Mr. Murphy thought it was more of an exchange of retail.

Mr. Henderson stated that the EO designation is generally reserved for parcels that are much larger than this one, usually of several hundred acres or greater. There were three areas considered by the Steering Committee, and only one was ultimately designated. He stated that the Steering Committee had considerable discussions on the character of Norge and Lightfoot and the importance of preserving those Community Character Corridors/Areas.

Mr. Henderson moved to approve the special use permit application for the CVS at Norge, with the two clarifications that the monument sign base and dumpster enclosure are of brick.

Mr. Fraley seconded the motion.

Mr. Poole stated he supports the application and is grateful that the applicant worked with the existing business on site and the DRC. He stated that by supporting this application, he is not advocating an extension of Croaker Road south of the subject intersection. Mr. Poole asked staff to provide the Planning Commission information on similar projects in the City of Williamsburg and the County when considering special use applications.

Ms. Kratter stated she was not prepared to support the application at this time and under section 24-9 of the Zoning Ordinance, Special Use Permits, the Commission is required to take into account the nature and condition of adjacent uses and structures and the probable effect upon them of the proposed exception. She believes that the existing business needs to be relocated first before this special use application is approved.

In a roll call vote, the application was approved. (6-1, AYE: Henderson, Billups, Poole, Fraley, Peck, Krapf; NAY: Kratter.)

6. PLANNING DIRECTORS REPORT

Mr. Murphy had no additional comments to make.

7. COMMISSION DISCUSSIONS AND REPORTS

Mr. Krapf stated the Commission's representative to the Board of Supervisors for June was Mr. Reese Peck.

Mr. Krapf initiated discussion about communication among the Commission and citizens. He mentioned last month's meeting and stated that all citizens and commissioners who spoke were trying to express what they thought was best for the applicant, the neighborhood, and the County. However, it may not have come across that way to the listeners. He asked that all who is involved in this process keep in mind that words can create perceptions and to be sensitive to that fact.

Mr. Billups stated that it is always best to have a legal foundation rather than personal feelings when making decisions that come before the Commission. He apologized if he offended anyone with his comments at the last Planning Commission meeting. He did not intend to offend anyone. Mr. Billups stated it was important to remember how comments are perceived by other individuals.

Ms. Kratter stated that the Policy Committee will be meeting in June and she only has comments from one individual. She requested that other comments be forwarded to her in advance of the meeting.

Mr. Poole asked for clarification as to whether discussion should take place before or after a motion is made.

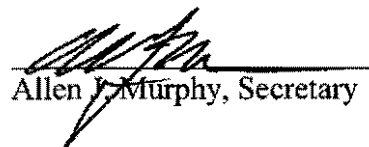
Mr. Krapf stated that discussion can take place before or after a motion.

8. ADJOURNMENT

Mr. Fraley moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 8:20 p.m.


Rich Krapf, Chairman


Allen J. Murphy, Secretary