

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

Jack Fraley

Reese Peck

Joe Poole

Chris Henderson

Mike Maddocks

Rich Krapf

Al Woods

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager

Adam Kinsman, Deputy County Attorney

Chris Johnson, Principal Planner

Luke Vinciguerra, Planner

Ellen Cook, Senior Planner

Melissa Brown, Zoning Administrator

Scott Thomas, Environmental Director

Brian Elmore, Development Management Assistant

Mr. Reese Peck called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. Peck stated that both Mr. Jack Fraley and Mr. Chris Henderson asked for points of personal privilege after roll call. He stated Mr. Adam Kinsman will update the Commission on the Autumn West case during Planning Commission Considerations. The public hearing case order will be switched to hear the Chickahominy Road Modular Home case before Courthouse Commons.

Mr. Fraley stated the community lost a great man in George Billups. He stated he attended Mr. Billups' wake, and met a young person for whom the deceased served as a father-figure and friend. Mr. Billups spoke for those who did not have a voice. It was an honor to have known Mr. Billups.

Mr. Henderson stated that he has recused himself from the Courthouse Commons case due to a personal financial interest, as defined by Section 2.2-31-01 of the Code of Virginia. He stated that before the public hearing of the case, he would restate his recusal and leave the dais.

3. MINUTES

A. May 5, 2010 Regular Meeting

Mr. Henderson stated that on page 5, Mr. Greg Davis' name was misspelled on the fifth line. He stated on page 7, line 1, there is an unneeded "of." On page 7, on the last sentence, remove the unneeded "that."

Mr. Rich Krapf moved for approved of the minutes as amended.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Krapf stated the May meeting of the Development Review Committee (DRC) was held on May 26th at 4:00 pm. The DRC reviewed S-0014-2009 Summerplace Subdivision. Summerplace is a proposed by-right residential development which will consist of 164 single-family dwelling units on 924 acres near Jolly Pond Road. On June 30, 2009 the DRC recommended preliminary approval of the construction plans, and also requested the applicant provide phased clearing and tree preservation plans. The DRC reviewed the phased clearing and tree preservation plans and, by a vote of 4-0, agreed that both items were in accordance with the June, 2009 guidance provided by the DRC. Additionally, the committee asked to review entry feature(s) for the subdivision at a future DRC meeting. The DRC also reviewed SP-0040-2010 Ironbound Water Storage & Booster Facility Upgrade. On August 14, 2001, the Board of Supervisors approved construction of two 500,000 gallon water storage tanks, a booster pumping station, and water mains on Ironbound Road adjacent to Monticello Avenue. Several minor changes mostly to the interior of the facility have been made to the approved site plan, which required DRC approval. By a vote of 4-0, the DRC found the proposed changes to the public facility to be substantially consistent with the 2009 Comprehensive Plan. The DRC also reviewed 0041-2010 New Town Block 11, Parcel B, Lots 19-22. LandTech Resources amended an approved site plan to change from 4 attached townhomes to 2 duplexes, each containing two units. The units are located in a section of the New Town master plan that permits a variety of residential unit types. The New Town Design Review Board approved the plan amendment on April 15, 2010. Six residents of units near the proposed construction area submitted a letter of objection to staff. Concerns centered on perceived decreased property values, homogenous housing clustered together, and overall aesthetics of the block. After reviewing the staff report and communications from residents, the DRC voted 4-0 to approve the revised site plan. The DRC also reviewed SP-0037-2010 Williamsburg Landing Woodhaven Expansion Phase II, a site plan for additional nursing beds, assisted living units, and independent living units for the development. This expansion will total approximately 120,000 square feet and will include three new buildings and additions to the existing Woodhaven building. The DRC voted 4-0 to grant preliminary approval subject to agency comments. Finally, the DRC reviewed C-0016-2010, Grove Christian Outreach Center, a conceptual plan for the construction of a worship center with outreach services as an accessory use. The 5,657 sq ft facility would be located on Pocahontas Trail that is zoned LB, Limited Business.

Mr. Joe Poole moved for approval of the DRC report.

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

B. Policy Committee

Mr. Fraley stated the Policy Committee met on May 12th to review proposed amendments to the sign ordinance and Subdivision and Site Plan Review Improvement Team (SSPRIT) process improvements. The Committee was generally supportive of sign amendments but asked staff to reduce sandwich board sign allowable signage from 12' to 10' square feet. The Committee also expressed its concern with sign cluttering in Mixed Use developments. The Committee was generally supportive of SSPRIT recommendations except for increasing the DRC review threshold from 30,000 to 50,000 square feet. The Committee would be comfortable with a smaller increase. At the next Committee meeting, it will review the Zoning Ordinance updates and the Commission Annual Report.

Mr. Peck stated that since the sign amendments and SSPRIT recommendations were on the agenda, the Committee report did not need to be adopted.

C. Other Committee / Commission Reports

Mr. Mike Maddocks stated that nothing substantial was discussed at the April Regional Issues Committee.

5. PLANNING COMMISSION CONSIDERATIONS

Mr. Adam Kinsman stated that the Autumn West case is still in litigation. The Autumn West applicant is prepared to bring a series of revisions, addressing many Commissioner concerns, back to the Commission. He stated the Commission should adopt a motion to reconsider the Autumn West case. If the Commission reconsiders the case, the revisions will be brought back at a later date.

Mr. Fraley asked if the case will involve a full public hearing.

Mr. Kinsman stated a public hearing was not legally required, but suggested allowing the public to speak at the hearing. He stated staff will treat the application as if it was a completely new case, with APO letters and various forms of advertising and providing public notice.

Mr. Fraley moved to reconsider the Autumn West case.

In a unanimous roll call vote, the Commission moved to reconsider Autumn West. (7-0)

A. Initiating Resolution – Amendment to add Section 24-24 to Article I of the Zoning Ordinance

Ms. Erin Wall stated that staff requests the Commission give consideration at a future meeting to add Sec. 24-24 to Article I of the Zoning Ordinance. Section 24-24 proposes additional requirements when someone applies for a special exception to the Zoning Ordinance. Applicants must now attach a signed statement from the County Treasurer's office stating that all real estate taxes have been paid on the proposal's properties. The Treasurer's certification is

only good for 30 days. Section 24-24 brings County code in line with existing State code.

Mr. Poole moved to approve the initiating resolution.

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

6. PUBLIC HEARING CASES

A. Z-0002-2009 / MP-0002-2009 – Governor's Grove Section III Proffer and Master Plan Amendment

Mr. Peck stated the applicant had requested deferral.

Mr. Allen Murphy stated staff did not object to the deferral request.

Mr. Peck continued the public hearing until the July 7, 2010 Planning Commission meeting.

B. AFD-09-86-1-2010 – 3889 News Road Gordon's Creek Addition

Mr. Peck asked Staff and the Commissioners if they had any objection to the applicant's request for a deferral.

Mr. Allen Murphy stated there is no objection.

Mr. Peck opened the public hearing and continued it until the September 1, 2010 Planning Commission Meeting.

C. SUP-0004-2010 Courthouse Commons

Mr. Henderson stated that he will be recusing himself pursuant to Section 2.2.3101 of the Code of Virginia.

Mr. Peck called for any Planning Commission disclosures.

Mr. Fraley stated that he and Mr. Krapf met with Kaufman and Canoles, AES Engineers, DRW Consultants on April 23, 2010 for an informational presentation. The primary reason was for a presentation on the vast traffic study. He stated that staff was aware of the meeting in advance, and there was a report issued on the matter.

Mr. Peck stated that he had a discussion with Mr. John Lawson, a member of the Development Team, concerning traffic issues, parking exceptions and the suburban nature of the development.

Mr. Poole stated that he had a phone conversation with Mr. Greg Davis concerning the

traffic issues.

Mr. Krapf stated that he had a phone conversation with Mr. Tim Trant of Kaufman and Canoles concerning traffic concerns.

Mr. Maddocks stated that he also had a conversation concerning traffic issues.

Ms. Ellen Cook, presented the staff report stating that Mr. Davis has applied on behalf of New Town Six, LLC for a commercial shopping center located at the corner of Monticello Avenue and Ironbound Road. The proposed development would include up to 83,000 square feet of office and/or commercial development. The site is zoned M-1, Limited Business/Industrial and requires a special use permit under Section 24-11 of the Zoning Ordinance as it proposes a group of buildings which exceed 10,000 square feet of floor area and are expected to generate a total of 100 or more peak hour trips. The binding sheet of the Master Plan indicates five development Areas. Area 1 shows the footprint and general use (commercial) associated with the proposed Fresh Market grocery store and retail uses. Staff understands that the uses for the other four development Areas are conceptual in nature – however, both the CIS and traffic study list the uses as a restaurant and caretaker apartment, pharmacy with drive-through, bank with drive-through, and office building.

In terms of site design and design guidelines, this project is in the New Town Community Character Area, and has a land use designation as part of the New Town Mixed Use area. At its May 20, 2010 meeting, the DRB approved the project master plan, grocery store elevation, and preliminarily approved the Guidelines, subject to its review of all final revised language. Environmental and JCSA staffs have reviewed the Community Impact Statement and Master Plan and concur with the approach presented, while noting requirements that will need to be addressed at the site plan stage.

Based upon the Comprehensive Plan Mixed Use Land Use Designation, commercial/mixed-use development is appropriate for this location, contingent upon the availability and timing of adequate facilities such as roads. Given that this SUP is an “impact SUP” triggered under the ordinance by size (amount of square footage) and traffic generation, staff considers traffic impacts as a primary issue for this proposal, and considering the results presented in the applicant’s traffic study, staff does not support approving an additional significant traffic generator at this location at this time. Should the Commission wish to recommend approval of this application to the Board of Supervisors, staff recommends that the conditions listed in the staff report be attached.

Mr. Fraley thanked staff for being responsive to his questions and comments. He had asked staff to determine the traffic impacts with a by-right development on this site.

Ms. Cook wanted to make sure it was clear what development would be allowed under a by-right scenario. In M-1, there are permitted uses and specially permitted uses. What would be determined in the permitted uses is whether the development would be subject to a commercial impact SUP, just as this case is. This applies to a building or a group of buildings that are over 10,000 square feet in size, or 100 or more peak hour trips. A permitted commercial use in M-1

could still be subject to a SUP if it met these criteria. There are other uses in M-1 that are permitted, and not commercial, such as offices and industrial uses. Ms. Cook stated that these uses are typically lower traffic generators than commercial uses. She displayed some information comparing traffic generation of this project with other scenarios. These scenarios would be those uses that are not subject to a commercial SUP. She also displayed information estimating traffic if the property was subdivided in some manner and they would need to have access to the main roads. Ms. Cook stated that there are certain limitations that are in accordance with the Zoning Ordinance for by-right usage of the property.

Mr. Fraley thanked Ms. Cook for providing this information. He stated that the original thinking was that the level of service would be a "C" for Monticello Avenue.

Ms. Cook stated that when New Town was rezoned a proffer was put in place for achieving a "C" level of service for intersections along the corridor. There were provisions for turning movements with a level of "D".

Mr. Fraley asked if the vision of Monticello Avenue was to be six lanes with two turning lanes.

Ms. Cook answered that the ultimate configuration was a four lane scenario. There was a desire to balance the ability to handle the traffic generated by New Town with the overall vision of New Town as a more urban area that provided for pedestrian connections, and connectivity between the North and South sides of the street.

Mr. Fraley thought that part of the original concept was to have Monticello as a six lane road with two turning lanes.

Mr. Chris Johnson stated that six lanes may have been considered at one point, but a four lane road is what was approved by the Board of Supervisors.

Ms. Cook stated that the proffer has been applied to every section of New Town.

Mr. Fraley stated that during the process of developing Settler's Market, he recommended that the policy be changed to include other intersections, down to the area of the West Monticello Plan, and that would require proffers on rezoning on making those improvements. He asked how it was determined that Monticello Avenue is worse as far as traffic and what was originally thought and proposed. Currently the level of service is much different than the traffic study that was presented for Settler's Market.

Ms. Cook deferred to the applicant on these comments and questions.

Mr. Al Woods stated that he was under the impression that the expectation of a "C" service level is based on the current configuration of the roads. In most recent revisions this four lane configuration has been reviewed and has been the basis of traffic studies consistently throughout.

Ms. Cook answered that the traffic studies that have been presented were based on the road system as it is.

Mr. Woods asked what the principle concern was with the tower, and what will be the status of the tower after the completion of this project.

Ms. Cook answered that the tower is located on a previously developed portion of this site. The tower was used as a two way radio communication and is approximately 140 feet high. The proposed master plan stated that the applicant would be retaining the tower on the site. It is a legally nonconforming use under the 1971 Zoning Ordinance, so any alterations to the tower would be under the review of the Zoning Administrator. She stated that staff did note that any changes to the site would make the tower more visible than it is currently.

Mr. Woods asked if there would be conditions placed on the applicant should the application be approved regarding the visibility of the tower.

Ms. Cook answered that there is no SUP condition addressing this. It would be subject to the nonconforming provisions in the Zoning Ordinance. Any changes or use would be subject to the review of the Zoning Administrator.

Mr. Woods asked about the flexibility in the setback provision.

Ms. Cook stated that in the landscape section of the Zoning Ordinance, it addresses right of way buffers and community character corridor buffers. It does have provisions for reductions but the applicant must demonstrate that certain criteria are met. These criteria were discussed in the staff report. Staff felt that the applicant met the criteria in addition to other things that were being done on the site. These would include being subject to the DRB review for site plans and elevations.

Mr. Woods asked about the deficit with regards to parking. He asked whether this was customary.

Ms. Cook answered that it is more typical that the concept plan shows the amount of parking that does match the amount of square footage. In this instance, there is a degree of uncertainty of the uses on this site. Staff wanted to make sure that minimal amount of parking that is required under the Zoning Ordinance were met.

Mr. Murphy answered that no, staff was not accustomed to this scenario. He stated that staff has had a discussion with the applicant and explained to them that the 83,000 square foot number may not be realized given the parking situation.

Mr. Poole wanted to confirm that this site has been abutting this corridor with a signaled intersection for some time.

Ms. Cook answered as far as she knew, yes.

Mr. Fraley asked about the mention in the staff report about preserving specimen trees and retaining the natural topography to the maximum extent possible. He stated that Condition #2 addresses the specimen trees. He asked if there was a condition addressing the natural topography.

Ms. Cook answered that in the staff report it states that this would be subject to Zoning Ordinance provisions. There is language in the Zoning Ordinance about grading. She stated that the forty foot buffer is an average. The Zoning Ordinance does state that there will be no grading within the buffer area.

Mr. Fraley asked if this would be better addressed in a condition to the SUP, or does the ordinance provide enough protection.

Ms. Cook answered that staff felt the Zoning Ordinance was sufficient in this instance.

Mr. Fraley asked if it were known how many stoplights were included in the New Town Master Plan.

Ms. Cook answered she did not know, but she could research it and report back.

Mr. Woods asked if it was staff's interpretation that the applicant is in agreement with the 18 conditions proposed.

Ms. Cook answered that the conditions have been discussed with the applicant. She deferred to the applicant as to whether they were in complete agreement.

Mr. Mike Maddocks asked about the projections in traffic in 2016.

Ms. Cook answered that staff had included tables in the traffic section of the staff report. These tables showed the overall level of service and the worst lanes group. The applicant did provide in their traffic study measures for improving the levels of service on Monticello Avenue. These measures include the signal optimization shown on the Monticello West Plan, and turn lane improvements.

Mr. Maddocks asked if during a worst case scenario, a long section of the road would be passable.

Ms. Cook answered that the levels of service are presented as levels "A" through "E". Each of these has a traffic definition. She suggested either the County's traffic consultant or the applicant's traffic consultant go into more detail concerning what those levels equate to.

Mr. Fraley referred back to Table Two in the staff report. He stated the projected numbers do not include any traffic that is generated from this project. He stated that his interpretation of the table is that with the applicant's proposed measures to improve traffic, the numbers look to remain generally the same.

Ms. Cook stated that in the staff report it says that the no build and build conditions are similar and show levels of service in the "D" and "E" ranges.

Mr. Peck opened the public hearing.

Mr. Greg Davis, of Kaufman and Canoles stated he was representing the applicant, New Town Six. He displayed a map of where the site was located. He stated that the applicant was in agreement with all of the conditions set forth by staff. These included adhering to design guidelines and being subject to the New Town Design Review Board. This project is architecturally consistent with New Town, it contains a buffered/tree preservation plan, and it is a redevelopment of an abandoned Verizon site. He felt that this redevelopment proposal is better than a by-right M-1 development. Mr. Davis stated that the 1997 New Town Conceptual Master Plan included development on this site. He stated that the proposal before the Commission is in complete accord with this Master Plan. He showed a diagram of proposed buildings where it is thought to have a bank and a pharmacy or restaurant. Offices and restaurant uses are under consideration for the remainder of the site. Mr. Davis stated that this plan shows a pocket park at the intersection of Monticello and Ironbound Roads. He showed an aerial view of what the proposed site would look like from Monticello Avenue.

Mr. Davis stated that according to the Traffic Study, at build-out, Monticello Avenue traffic is the same with or without Courthouse Commons. By their calculations, by-right development would produce more than 500 peak-hour trips. By-right development of the property would not produce any of the improvements that the applicant has proposed for this area. He briefly went through the different levels of service. He stated that Level "A" is not the goal. Level "C" is such that 50-70% road capacity is during the peak hour. Level "D" means that the roadway is functioning in an urban setting. The demand and capacity are matched. Mr. Davis stated that staff's recommendation is based on technical policy on levels of service. He stated that Courthouse Commons will not materially change the traffic on Monticello Avenue.

Mr. Davis then discussed the expansion of Fresh Market from their current location at Colony Square. He stated that the new building will be more energy efficient and have a larger prepared foods section, which will in turn increase revenue (meals tax). This proposed plan also offers some architectural upgrades.

Mr. Davis stated that this is an opportunity for Fresh Market to expand in James City County offering more jobs. This application is a redevelopment in the Gateway Commercial District of New Town. This is a master planned center with Design Guidelines and DRB Review, and there is no real traffic impact. If this application is not approved, at build-out Monticello traffic is no better. A by-right development could be developed here, and Fresh Market goes elsewhere. This would be the same result for Colony Square. He requested that traffic not be the deciding factor.

Mr. Poole asked if the pharmacy may have a drive thru type scenario where the traffic generated may be different than a walk up pharmacy. He feels that a stand-alone pharmacy has different traffic generation than a walk up pharmacy.

Mr. Davis answered that conversations have led to the design where one can drive around the building. If this is not a pharmacy, the building most likely would front Monticello therefore eliminating the drive around aspect. He stated that the design team spent much time creating a walk up type pharmacy scenario for those living in New Town Sections 2, 4 and 7.

Mr. Poole commented that he felt that the elevation design for the Fresh Market was very attractive and commended the applicant on the tree preservation plan.

Mr. Krapf expressed his concerns about the lack of specificity in four out of the five areas of the development. He asked Mr. Davis about the comments that any M-1 use could be in this development.

Mr. Davis stated that there were discussions with staff on limited uses. He stated that the volume of information concerning traffic was a challenge for the applicant and for staff. He also stated that the applicant is willing to discuss with staff limiting the uses if the Planning Commission requests this for the application to move forward. Mr. Davis stated that the flexibility in the uses of these areas is attractive.

Mr. Krapf asked about the revised figures from VDOT on the West Monticello Plan. It significantly changed what the cost would be to implement those improvements. Figures proposed were based on the old numbers, and with the new figures, the dollar amount would increase significantly.

Mr. Davis stated that they drafted a condition relating to the cash contribution for Monticello Avenue improvements. The applicant encouraged feedback from staff on these figures and did not get any until the staff report was made available.

Mr. Krapf asked for staff comments.

Ms. Cook stated that the SUP condition was based on the latest version of what staff understood to the applicant was willing to consider.

Mr. Murphy stated that staff is not in a position to negotiate this scenario. He believes that Mr. Davis was aware of the estimates involved before the staff report was issued, and based on conversations believed that Mr. Davis had difficulty with the amount. Staff is not in a position to mandate additional money from the applicant.

Mr. Peck stated he thought that the County as a condition could require certain expenditures that directly relate to the impact of the project.

Mr. Kinsman stated that requiring off-site improvements and cash contributions as a special use condition is infrequent. He would not recommend changing such conditions without the approval of the applicant.

Mr. Fraley stated that he read the condition that either the applicant pays the cash contribution or pays for the improvements.

Mr. Kinsman stated that was correct.

Mr. Fraley asked if it were known what the cost of the improvements would be.

Mr. Davis answered that it would probably be millions.

Mr. Fraley asked Mr. Davis to explain the financial impacts to the County of this project if approved.

Mr. Davis stated that the Fresh Market expansion will involve the increase of employees employed by Fresh Market. Jobs generated by Fresh Market are a number of levels. Fresh Market plans to expand their prepared food section of their store thereby increasing meals tax revenue. They calculated the increased revenue to be between \$250,000 and \$500,000.

Mr. Fraley expressed his concerns over the square footage. He felt that a reduction in square footage would enhance the proposal. He felt that there would be some impact on traffic and parking.

Mr. Davis stated that it was not uncommon in a master plan project such as this, to offer a range of allowable square feet in each area. He stated that the applicant is fully aware that the maximum square footage proposed would not be allowed given the parking available at the site. He also stated that the applicant is willing to commit to a reduction in square footage and would be willing to work with staff and the Planning Commission to achieve this goal.

Mr. Fraley asked how the applicant would propose doing this.

Mr. Davis answered that they have the ability to receive comments from Planning Commissioners as part of their recommendations which would encourage the applicant to work with staff to achieve those results that would be acceptable. He stated that a reduction of 5,000 – 7,000 square feet is not outside the parameters for this project.

Mr. Fraley hoped the applicant would consider an enhanced number for the funding.

Mr. Davis stated that his request is well received and the applicant will work toward a figure that is acceptable to staff.

Mr. Murphy spoke on the by-right development that Mr. Davis mentioned in his presentation. He stated that those uses listed may require a commercial SUP for different reasons. It is of his opinion that the commercial SUP trigger of 100 trips during the peak hour will apply to a majority of those uses that on their face are permitted by-right.

Mr. Krapf thanked Mr. Davis on their flexibility on addressing many concerns include site plan comments and traffic concerns. He stated one of his concerns is that the Comprehensive Plan encourages redevelopment as opposed to new development on new sites. He gave the example of Settler's Market across the street where the infrastructure is already in

place.

Mr. Davis commented on the idea of the County, Planning Commission and the Board of Supervisors of suggesting to businesses where to locate for their business. He stated that Trader Joe's has an exclusive in Settler's Market which would preclude Fresh Market from relocating there. He stated that Fresh Market has looked at other possible redevelopment areas.

Mr. Peck asked if any community meetings were held to obtain feedback.

Mr. Davis stated that they had not due to the fact that most of the adjacent properties are primarily businesses. They have contacted adjacent land owners and they are generally supportive.

Mr. Woods asked for clarification on the policy suggesting certain levels of service for traffic.

Mr. Davis stated that in fact it is a defacto policy since the developments in that area have been held to that standard.

Mr. Murphy stated that in general the Comprehensive Plan suggests a level of service "C". He believes it specifically references that the County achieve this in the New Town area with concessions to individual lane grouping and lane movements falling below that. The policy decision before the Commission is considering the differences in that expectation between Section 9 of New Town and today. The level of service on the roads is worse today than anticipated. During Section 9 review, it was projected that by 2015 all but one of the intersections would be functional at a level of service of "C". The County is in a position now that given current conditions are at the "D" level of service, and are at a level now with or without this proposal where half of those intersections functioning at a level of "D". The proposal before the Commission asks the question of whether you want to add to this area where the conditions exceed (in the sense of being greater or more serious than) the expectations previously.

Mr. Woods asked for Mr. Murphy's interpretation of Chart 2 on page 9 regarding the with or without scenario of Courthouse Commons.

Mr. Murphy answered that there is little difference in each level of service between building the development and not building the development. The question before the Commission is whether a significant traffic generator should be added given those levels of service, and what would that cumulative impact be further out. The County and VDOT expect the traffic conditions to worsen. There are no plans to make this area a six lane roadway nor is there any funding.

Mr. Woods questioned the economic gap if the project were to move forward, the cost to the County versus the contribution by the applicant.

Mr. Murphy stated that there is about a \$1.5 million difference for the West Monticello

Plan improvements.

Mr. Davis stated that the applicant's portion of that would be based on trip generation.

Mr. Woods asked if the applicant was in agreement with all 18 conditions.

Mr. Davis answered that there have been discussions on some of the verbiage. But if the Commission endorses this project, they would be in agreement with all of the conditions.

Mr. Fraley felt that the Commission should be looking at expectations of levels of service by areas with regard to traffic.

Mr. Dexter Williams, of DRW Consulting, stated he prepared the traffic study for this project and for New Town.

Mr. Woods expressed his concern with the concept of build-out and the data that was presented for this application. He asked about the traffic information in relation to New Town.

Mr. Williams stated that New Town encompasses both sides of Rt 199. Windsor Meade Marketplace and the Windsor Meade retirement community were all part of the master plan, as well as the Courthouse and a section of the property that is a part of this application. He stated that the last traffic calculation was done in 2007. He stated that at that time Sections 2, 3, 4, 6 and 9 did not exist at all. Mr. Williams stated the east side is probably 50% developed and the west side has a few other tracts.

Mr. Woods asked the build out of New Town.

Mr. Williams stated probably around 60% that development is complete. He also stated that when this information was gathered certain assumptions about where and what kind of development might be anticipated were made.

Mr. Woods stated that he was having trouble with the statement that at build-out with this development, and with a calculated trip generation of 800 trips per hour, this will have no impact on the intersection.

Mr. Williams stated that the comments made earlier related more to the general range of levels of service. A level of service is calculated by delay, and there is a range of delay. He stated that adding this development will add to the traffic but the numbers would most likely be within those ranges.

Mr. Woods was referring to the intersection at Settler's Market.

Mr. Williams stated that this development will use the curb cut that was put in by VDOT. A fourth leg will be added to the signal, which will create the greatest impact since it will lower the level of service overall. Three legged intersections work better than four legged ones. Changing it to a four legged intersection was planned in the New Town Master Plan.

Mr. Mike Maddocks asked for clarification on the comment that regardless of whether this development is built or not, the traffic in 2016 was essentially is the same.

Mr. Williams answered that in relation to broad levels of service that was correct.

Mr. Maddocks asked for clarification on staff's concerns.

Mr. Murphy stated that the desire would be to approve development at the appropriate time. The Comprehensive Plan speaks to the timing of development, and staff has questions as to whether this is the appropriate time.

Mr. Fraley stated that VDOT and a consultant hired by the County reviewed the applicant's traffic study and calculations. He stated that VDOT essentially agreed with the applicant's calculations.

Mr. Fraley asked how the calculations to make improvements to Montello West increased substantially, and why the results of this study were different than past New Town traffic studies.

Mr. Williams stated that the first traffic study was done in 1997. That study was done with different software before most of the development took place. The County expressed an interest of achieving a service level of "C". The only way to achieve this level was to have Monticello Avenue as six lanes. The County moved ahead with a four lane road due to money constraints. In 2005, it was decided to do actual counts of traffic. At this time, only six intersections were signalized. There was a recalibration of the forecast, using new software, and there was a need to create a system of modeling traffic for the operation out there. Mr. Williams stated that the system used created a 90 second cycle which is the time it takes for the traffic signal to go through one turn. All the systems have to run on the same cycle. With this system most intersections had a level of service of "C". Currently there are nine signalized intersections and they are not run on a 90 second cycle, but 110 second cycle. This is the cause in the drop of service level. There were also four pedestrian signals added which will also decrease the level of service. He stated that volumes of capacity ratios have not changed much since 2006.

Mr. Fraley asked about the West Monticello Avenue area.

Mr. Williams stated that the West Monticello function is not so much a factor of traffic growth as it is due to poor design. The West Monticello Plan adds traffic to News Road to the point that people turn in the shops to avoid going to News Road. Both of those left turns back up out of the turn lanes. Mr. Williams does not see the need for the six lanes yet. He feels like this road plan fits the demand for now. The analysis process may have changed but the forecast has remained the same.

Mr. Carroll Collins, of Kimley Horn & Associates, spoke as the County's traffic consultant. He spoke on some of the improvements that are mentioned in the West Montello Avenue plan. These include improvements to turn lanes, islands, curb modifications, lane extensions, and modifications to the traffic signals along the corridor. The largest section of

improvement was News Road from Monticello Road up to Ironbound Road.

Mr. Collins addressed the comments about little change if the site is developed. There will be 5800 vehicles added to this area over the course of the day. There may be a slight change within the levels of service, but adding more traffic to that area will cause more delays. Mr. Collins stated that if the traffic is added to the area, signal optimization and lane improvements would be needed or the situation will worsen.

Mr. Krapf asked when reviewing traffic, how far away from Monticello Avenue does the study address. He was concerned if any other conditions may exist as a result of this development.

Mr. Collins answered that other areas were not reviewed to see if there were any other impacts.

Mr. Robert Richardson, of 2786 Lake Powell Road, spoke on behalf of Citizens for Ethical Government. He asked what would be the vote needed to recommend approval for this case being that there were only six members present.

Mr. Kinsman answered that based on prior practice if the vote is 3-3, and unless someone agrees to reconsider their vote, it would be passed up to the Board of Supervisors with a neutral recommendation.

Mr. Richardson thanked the Commission for the numerous disclosures regarding this case. He spoke on the proposal of changing the signage on John Tyler directing traffic toward the Monticello Avenue area. This should be considered when deciding this case. He felt that the statement of the level of service not changing from a "C" does not mean that the level of service will not decrease. Mr. Richardson felt that this development will cause a detrimental decrease. He stated that 75 foot buffers were required with this type of project as opposed to 50 feet which is shown on the plan. He felt that the only positive was the expansion of Fresh Market. Mr. Richardson expressed his concerns about Planning Commissioner Chris Henderson being involved in the project.

Mr. Bill Chenail, of 185 Heritage Point, spoke on the project. He felt that there was nothing about this project that should not be approved. He felt that this project would provide jobs and work for individuals in this area. Mr. Chenail felt that the plan goes beyond what the Ordinance requires.

Mr. Fowler spoke on this application. He expressed his concerns about what will happen when Fresh Market vacates Colony Square Shopping Center. He does not feel that service jobs, such as those provided by Fresh Market, were a positive for the County.

Mr. Peck closed the public hearing.

Mr. Poole thanked staff and the applicant for some impressive information concerning traffic. He agreed that this does represent an opportunity for James City County. He questions

the timing of this project. He expressed his concerns over adjacent and not so adjacent parcels that have a lot commercial space available. Mr. Poole appreciated the plan to redevelop this site. He is very concerned about what could happen at Colony Square Shopping Center. He also felt that there was not enough clarity as to what could be located at other parts of the site. He is uncomfortable with approving a commercial use when that area is heavy with commercial uses currently.

Mr. Maddocks appreciated the design of this project. He liked the idea of the expansion of Fresh Market and the idea of a walk up pharmacy. He does not feel that the burden of additional traffic has been proved. Mr. Maddocks was prepared to support this project.

Mr. Krapf expressed his concerns regarding the cumulative impacts of this project. He is under the assumption that this project will add vehicles to the traffic situation in this area. He felt that the Comprehensive Plan emphasizes in several sections that development should occur at a pace when County infrastructure is able to accommodate that pace. Mr. Krapf felt that this area is not able to accommodate this. He expressed his concerns over the lack of detail as to what type of business may be located there. He expressed his concerns over the disparity between what the applicant has offered as contributions to improvements as opposed to VDOT's calculations. Mr. Krapf stated he cannot support this project.

Mr. Fraley stated that the concern over Colony Square Shopping Center is well founded and maybe should be addressed. He is concerned about the relocation of Fresh Market. He stated that the County should work towards retaining businesses. Mr. Fraley stated that something will be built on this site. He is more flexible because he is aware of this. If something is built by-right there could be no money committed for road improvements. The County would lose the positive financial benefit of an existing business. He felt that this plan was consistent with the New Town Master Plan. Mr. Fraley does have concerns with the square footage proposed and felt it should be reduced. He has concerns with the level of funding that was agreed upon, and the vagueness of what the other businesses could be on this site. Mr. Fraley could support this with these three concerns addressed when sent to the Board of Supervisors.

Mr. Kinsman stated that uses can be discussed but he would not recommend that they be limited or unilaterally imposed without the applicant's agreement.

Mr. Peck stated that if it were just for Fresh Market he would not have any issues. He is concerned about the traffic, and potential waivers for setbacks, buffers and parking. He felt that this corridor can sustain additional development; however, he is not ready to support this project. Mr. Peck stated that many residents in this area have issues with this project.

Mr. Woods asked Mr. Kinsman for clarifications on Mr. Fraley's three concerns.

Mr. Kinsman answered that Mr. Fraley's concerns were normally those that are included in a rezoning. These conditions are not normally included as parts of a special use permit application. He would work with Mr. Davis and his development team on these concerns, but it would ultimately need to have the applicant's approval.

Mr. Woods appreciated the work of the applicant and staff. He felt it was an outstanding project as far as what it represents and its quality. He stated that consciously the County made a decision to create a commercial corridor in this area. Mr. Woods stated that the County cannot legislate where businesses need to locate and relocate. He would feel more comfortable if there was a stronger mechanism for dealing with the concerns that Mr. Fraley listed. Mr. Woods cannot support this project as currently proposed.

Mr. Krapf moved for denial of the application.

In a roll call vote, the application was denied. (4-2, AYE: Woods, Krapf, Poole, Peck, NAY: Fraley, Maddocks)

D. Chickahominy Road Manufactured Home

Ms. Sandra Kimrey has applied for a Special Use Permit to allow for the placement of a manufactured home at 2818 Chickahominy Road. The property is outside the primary service area (PSA), is zoned R-8, Rural Residential and is designated Rural Lands on the Comp Plan. Manufactured homes not located within the PSA in the R-8, Rural Residential District require a Special Use Permit (SUP). The proposal is to demolish the existing residential structure and replace it with a manufactured home. The applicant has informed staff that the current structure is leaking and is in poor condition. The proposed manufactured home would be a double-wide, roughly 60' by 28' 2010 Oxford model manufactured home. He stated that staff finds the proposal with the conditions attached meets the administrative criteria for a placement of a manufactured home consistent with the rural lands designation. Mr. Vinciguerra asked that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Henderson asked if staff has received any comments from adjacent property owners.

Mr. Vinciguerra answered that a citizen came in the office and had questions about the case but he did not object to it.

Mr. Peck opened the public hearing.

Ms. Sandra Kimrey of Oakwood Homes stated that the owners who have resided on the property all of their lives are in need of a replacement home. Their home is in need of many repairs and this was the best feasible option for them. The home will have a masonry foundation. She hopes that the Planning Commission recommends approval to the Board of Supervisors.

Mr. Fraley moved for approval with the conditions proposed by staff.

Mr. Poole noted that staff and the applicant are adhering to the 1989 Manufactured Home Guidelines.

Mr. Woods concurred.

In a unanimous roll call vote, the application was approved (7-0; AYE: Fraley, Maddocks, Woods; Krapf, Poole, Henderson, Peck.)

E. ZO-0001-2010 Zoning Ordinance Amendment – Pedestrian Orientated Signage

Ms. Melissa Brown stated that the staff received a request to consider amendments to the Sign Ordinance to address outstanding issues members of the New Town Commercial Association were experiencing. She stated at a meeting with the group, they indicated customers were having trouble both finding their way around New Town and finding specific businesses. Ordinance amendments would be required for “You Are Here” signs, larger blade signs, and additional building face signage. Staff proposes allowing increases of blade signs in Mixed Use, which do not count against total face signage, pedestrian-scaled directional signage from 16’ to 24’ square feet, 10’ square foot sandwich signs in Mixed Use and other walkable districts, and an exception for an additional building face sign when a business proves it faces a signage-related hardship. The New Town Design Review Board (DRB) was supportive of the amendment, and plans review standards for any new signage allowed. Staff recommends approval of the Sign Ordinance amendments.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved for approval of the sign amendments. He stated there should be some latitude for the size and color of sandwich board signs.

Mr. Murphy stated that staff would pass along blade sign concerns to the DRB.

In a unanimous roll call vote, the amendment was approved. (7-0)

F. ZO-0002-2010 / SO-0001-2010 – Zoning and Subdivision Ordinance Amendments – Plan Review Criteria and Procedures

Mr. Chris Johnson stated that the Commission initiated a resolution to consider amendments to the Zoning and Subdivision Ordinance review criteria and procedures for Site Plans, Conceptual Plans, and Subdivision Plats. Based on the findings of the Business Climate Task Force, County Administration organized the Subdivision Site Plan Review Improvement Team (SSPRIT) to identify process improvements during plan review. SSPRIT established five goals: increase predictability in the plan review process, establish consistency for all applicants, improve two-way communication between staff and applicants, reduce the number of submittals and achieve higher quality plans, and to empower staff to make independent decisions. SSPRIT has three recommendations requiring legislative action: amended review times to allow longer agency review to reduce the need for additional submittals; modify or eliminate DRC plan review triggers. The team also recommended Enhanced Conceptual Plan review, to reduce future submittals and allow the DRC an earlier opportunity to shape the proposal. Applicants who have submitted enhanced conceptual plans to the DRC can better decide whether to pursue fully engineering plans. Enhanced conceptual plans would be granted preliminary approval

subject to DRC conditions. Staff recommends approval of the zoning and subdivision ordinance changes.

Mr. Fraley stated he would be more comfortable with increasing the DRC threshold to 40,000 square feet, rather than the staff-recommended 50,000 square foot threshold.

Mr. Johnson stated SSPRIT determined that many projects exceeding 30,000 before the DRC for review had already seen some legislative review as part of master plans. DRC review in those cases was redundant and time-consuming but staff would support the Commission's recommendations.

Mr. Henderson asked if the language regarding elimination of DRC review for master planned areas would take care of the redundancy.

Mr. Johnson stated that not all buildings over 30,000 square feet are located in master-planned parks, so staff separated the two thresholds.

Mr. Poole stated there were large differences between master plans and site plans.

Mr. Krapf asked if language could be inserted further clarifying the situation between buildings included in master plans and those not included. He stated language added regarding those distinctions could simplify the development process.

Mr. Fraley stated he could not support elimination of DRC review in cases of a binding master plan. He stated site plans were too different from the binding master plans.

Mr. Johnson stated master plans receive extensive amounts of staff review before Board approval, and that DRC review of related administrative site plans may be redundant.

Mr. Peck opened the public hearing.

Mr. Doug Gebhardt, representing the Economic Development Authority, (EDA) stated that SSPRIT's goals were enhanced communication and predictability, which would be directly achieved through its recommendations, which includes Recommendation #6. Recommendation #6 hopes to achieve greater clarity for the DRC process. SSPRIT also recommends a DRC consent agenda for minor DRC thresholds, such as parking exceptions. The EDA found that most DRC cases had already seen master-plan legislative approval. The EDA supports approval of the recommendations.

Mr. Peck closed the public hearing.

Mr. Poole asked if any citizen groups had been included during the formation of SSPRIT recommendations.

Mr. Gebhardt was not aware of any citizen groups involved in SSPRIT. He stated there were public notices for the Business Climate Task Force hearings.

Mr. Poole stated that during the Comprehensive Plan, citizens groups expressed their desires for smart growth. He stated the inclusion of such groups could have lead to beneficial dialogue.

Mr. Henderson stated that businessmen could appreciate both financial and community interests simultaneously.

Mr. Fraley stated the DRC may still have large caseloads due to disagreement between property owners.

Mr. Johnson stated that DRC caseloads have been increasing of late and are likely to continue to do so. He stated that between the proposed consent agenda items and enhanced conceptual reviews, future DRC agendas could remain full.

Mr. Johnson stated the County Attorney's office has asked the Commission to vote on the Zoning Ordinance and Subdivision Ordinance changes separately.

Mr. Fraley stated he was very enthusiastic about enhanced conceptual plans.

Mr. Poole stated he supported the amendments with the exception of increasing the DRC square footage threshold. He stated the DRC makes substantial improvements to proposals. Thirty-thousand square feet was already a significant amount of space. He did not support elimination of review for master planned areas, due to major differences between those and site plans. Several mature trees and a cemetery had been saved due to DRC review of Greenmount area proposals.

Mr. Poole moved to approve all recommended amendments to the Zoning Ordinance, with the exception of language at the top of page 36, on the 3rd and 4th bullet points, regarding review of buildings or groups of buildings which contain a total floor area that exceeds 30,000 square feet, and elimination of proposed language to exempt buildings within in industrial or office park subject to a binding master plan.

Mr. Henderson clarified Mr. Poole's motion to reflect that all proposed language be removed and any language proposed to be stricken be retained in Section 24-147 (a)(1)(a).

Mr. Poole added that language proposed to be removed from (a)(1)b regarding two entrances on the same road was acceptable.

Mr. Murphy stated the Board has the authority to amend the SSPRIT recommendations despite the printed advertising. He stated staff will forward the original and amended SSPRIT recommendations to the Board.

Mr. Peck stated the SSPRIT recommendations were reasonable improvements to the process. He stated he was comfortable with a 40,000 floor area DRC trigger, but did not have an opinion on master plan exceptions.

Mr. Murphy stated it was incumbent on the Commission to be comfortable with the amount of detail in master plans. He stated if the master plans proposed were exempt from DRC review, the Commission should ensure new master plans have sufficient detail.

Mr. Fraley stated that applicants have balked at more detailed master plans, and wished to retain more flexibility to react to market conditions.

Mr. Murphy stated there were not many issues with master planned office parks, but there may be DRC cases involving perimeter disputes with adjacent property owners.

Mr. Peck stated that the motion was to amend the language to delete the proposed language in 24-47 (a)(1)(a), and keep existing language for "30,000" square feet and 'strike multi-family unit development of 50 or more units, whichever is less.'

In a roll call vote, the Commission approved the recommendations as amended (6-1; AYE: Fraley, Maddocks, Woods, Krapf, Poole, Peck; No: Henderson).

Mr. Henderson moved for approval of the Subdivision Ordinance amendments as presented.

In a unanimous roll call vote, the Commission approved the recommendations as amended (7-0).

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no comments.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Poole stated he had concerns with open discussions at the beginning of Commission meetings. He stated many of the statements were not relative to the land use cases.

Mr. Fraley stated that comments should be related to land use cases. He stated he would like to send this issue to the Policy Committee.

Mr. Krapf stated that any vehicle that fosters citizen participation in the process is worth having. Even though many comments relate to issues not under Commission authority, it does more good than harm to allow comments.

Mr. Henderson stated that to allow groups to take advantage of the longer speaking times, speaking groups should be pre-qualified by staff.

Mr. Fraley stated the open comment for groups should be limited to three minutes as well.

Mr. Peck stated the Commission would be doing a Comprehensive Plan Progress Report

this year. The Commission should work with staff over the next few months on the report.

Mr. Fraley stated the progress report process is more important than the content.

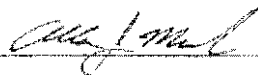
9. ADJOURNMENT

Mr. Fraley moved to adjourn.

The meeting was adjourned at 11:10 p.m.



Reese Peck, Chairman



Allen J. Murphy, Secretary