

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF JULY, 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
Al Woods
Mike Maddocks
Rich Krapf

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Adam Kinsman, Deputy County Attorney
Kate Sipes, Senior Planner
Jose Ribeiro, Senior Planner
Leanne Reidenbach, Senior Planner
Sarah Propst, Planner
Terry Costello, Development Management Assistant

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

2. ELECTION OF OFFICERS

Mr. Peck stated that with the resignation of the Vice-Chairman of the Planning Commission, and in accordance with the bylaws, the Commission will elect a Vice-Chairman this evening.

Mr. Jack Fraley asked if any of the Commissioners objected to addressing the election of a Vice-Chairman in open session, rather than closed session, as allowed by State Code. There were none. He made a motion to elect Mr. Joe Poole as Vice-Chairman. He stated that Mr. Poole has served as a Planning Commissioner for a number of terms and has been the Chairman of the Commission in the past.

In a voice vote, the motion was approved.

3. PUBLIC COMMENT

Mr. Peck stated that while the Commission encourages public comment, he wanted to remind speakers to use decorum when making comments. Courtesy from speakers is appreciated as well as respectful language. It would be appreciated if the public refrained from making comments that result in insults, personal attacks, or any act of violence. Mr. Peck stated that the opening public comment period is not required by law.

There were no public comments.

4. MINUTES

A. June 2, 2010 Regular Meeting

Mr. Poole had a correction to the minutes. On page 20 of the packet, he would like it to read, "He stated there should be some latitude for the size and color of sandwich board signs."

Mr. Fraley moved for adoption of the minutes as amended.

In a roll call vote the motion was approved. (6-0)

5. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Rich Krapf stated that the DRC did not meet in June but did hold a special meeting at 6:30 this evening to review SP-0028-2010, The Pavilion at Williamsburg Place Site Plan. The applicant had requested minor modifications to the plan for a proposed acute psychiatric treatment facility at Williamsburg Place. The original plan was reviewed by the DRC on April 28, 2010 and preliminary approval was granted at the May 5, 2010 Planning Commission meeting. Mr. Krapf stated that by amending the previously approved site plan now to accommodate the slightly larger facility will enable the applicant to begin construction next month, rather than later and also eliminate costly changes during the construction phase. The DRC approved the revised site plan by a vote of 3-0.

Mr. Poole moved to approve the minutes of the DRC.

In a voice vote the motion was approved. (6-0)

B. Policy Committee

Mr. Fraley stated that the Policy Committee did not meet in June. There is a meeting scheduled for July 20, 2010 to discuss the August 10, 2010 joint work session with the Board of Supervisors. Other items for discussion are the Comprehensive Plan Annual Report and protocol for public comment at Planning Commission meetings. Other important dates included the first public input forum on August 24, 2010 from 6:30 p.m. to 8:30 p.m. in Building F, and the second forum scheduled for September 1, 2010 from 4:30 p.m. to 6:30 p.m. There may be a joint work session with the Planning Commission and Board of Supervisors on September 21, 2010 at 4:00 p.m. Mr. Fraley stated the zoning process update website is www.jccplans.org.

C. Other Committee/Commission Reports

There were no additional reports.

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 August 4, 2010 Planning Commission meeting.

B. Amendment to the Zoning Ordinance – Adding Section 24-24 to Article 1

Ms. Erin Waugh, working with the County Attorney's Office, presented an amendment to the Zoning Ordinance that would require applicants to certify that they do not owe any delinquent real estate taxes to the County prior to the County's consideration of the application. This requirement would apply to all applicants seeking a special use permit, variance, rezoning, or other land development permit (including building permits and erosion and sediment control permits). The County Treasurer has indicated that this certification can be provided at the Treasurer's customer service counter quickly and without cost to the applicant. Ms. Waugh stated that staff recommends the Planning Commission recommend approval of this ordinance amendment to the Board of Supervisors.

Mr. Peck opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Krapf moved for approval of the amendment.

In a roll call vote the motion was approved. (6-0)

C. AFD-1-94 – Wright's Island Agricultural and Forestal District

Ms. Kate Sipes stated that there are currently 14 Agricultural and Forestal Districts (or AFDs) in the County. One has an eight year term, one has a six year term, and the remaining 12 have four year terms. The Wright's Island AFD, the only one with an 8 year term, expires August 13 of this year and is currently being renewed. Per State Code, a public hearing must be held to consider the renewal of a district for an additional term. This renewal period allows landowners to continue participating in the program or allows them to withdraw all or some of their parcels. The Wright's Island AFD currently consists of five parcels, totaling approximately 1,454.40 acres, located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek, and the Chickahominy River. The district is comprised of woodlands and tidal wetlands. All of the property is zoned A-1, General Agricultural and is designated either Rural Lands or Conservation Area on the 2009 Comprehensive Plan Land Use Map. The entire district is located outside the PSA.

Ms. Sipes stated that one parcel, JCC Tax Map No. (20-2)(1-28), is being withdrawn at the property owner's request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1,379.65 acres.

During the renewal period in 2006, staff made an effort to synchronize the districts' expiration so that all districts expire in the fall. Staff recommends a term of eight years and two months, making the expiration date October 2018. On June 28, 2010 the AFD Advisory Committee recommended renewal of this district by a vote of 6-0. This AFD is consistent with the surrounding zoning and with the goals of the Comprehensive Plan. Staff recommends renewal, subject to the conditions stated in the packet.

Mr. Peck opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Poole moved for approval of the application.

In a roll call vote the motion was approved. (6-0)

D. Fast Food Restaurant at 8953 Pocahontas Trail

Ms. Sarah Propst stated that Mr. John Rogers has applied to rezone a 1 acre parcel located at 8953 Pocahontas Trail from M-2, General Industrial, to B-1, General Business, with proffers, for the development of a fast food restaurant. The property is the site of the former Spray King Truck Wash. The parcel is designated Mixed Use as part of the James River Commerce Center. Limited industry and office uses are recommended in the Comprehensive Plan. While the proposed restaurant use is not compatible with the designation, it will provide a service lacking in the area.

Ms. Propst stated that prior to submitting this application for a rezoning. Mr. Rogers came before the DRC to receive comments and direction. Some of the suggestions received at those meetings have been incorporated into this plan. She stated the applicant is requesting two landscape modifications. This request has been reviewed by staff and approval of this landscape modification is recommended.

Ms. Propst displayed a preliminary architectural rendering of the building that is proposed. Additionally the size of the building, materials, and colors are being proffered. Staff finds that the proposed fast food restaurant is consistent with some recommendations set forth by the Comprehensive Plan, and notes that the rezoning of this property is also consistent with several nearby properties which are currently zoned B-1. Staff finds that the small scale of this proposal, the positive redevelopment of the site, and the proffers associated with this request will mitigate impacts. Staff recommends that the Planning Commission approve the landscape modification request and recommend approval of this application with the conditions included in the staff report.

Mr. Fraley had a question concerning condition #1 where it lists other uses that may be permitted. He stated that some individuals may have some concerns with these uses being by-right. He was asking for clarification being that the application was for a fast food restaurant.

Ms. Propst answered that this application is for a fast food restaurant but that the

applicant wishes to have other options available for the future. There are several uses listed that would be by-right if the property was rezoned to B-1. Some uses listed would require a special use permit. She stated the applicant is willing to clarify this condition before the case is heard by the Board of Supervisors.

Mr. Poole stated that he would feel more comfortable if it were clearly stated that a special use permit is required for certain uses listed in condition #1.

Mr. Adam Kinsman stated that if the Zoning Ordinance requires a special use permit for a particular use, that a proffer cannot change that.

Mr. Fraley expressed his concern if the property was sold and a use was permitted that was originally not approved.

Mr. Allen Murphy added that uses that are most intensive would still require a special use permit. These proffers are a little unusual, but the applicant is a small business owner who is working through the County Business Facilitator.

Mr. Kinsman stated that he felt that the intent was to make the application more presentable. It is recognized that zoning does go with the property. Mr. Kinsman is sure that he can work with the applicant on this condition if the Commission desires.

Mr. Peck opened the public hearing.

Mr. Rogers spoke and stated that he would answer any Commission questions.

Mr. Poole stated that he appreciated his willingness to come before the DRC and the willingness to incorporate some of the concerns and suggestions of the DRC into his designs.

Mr. Rogers stated that this was a need in the area where it will be located.

There being no further comments, the public hearing was closed.

Mr. Krapf commended the applicant on his flexibility and felt that this use will serve a need in the community. He felt that this was an excellent use of a redevelopment of an existing site and it reduces impervious cover on the site.

Mr. Fraley moved for approval of this application. He is confident that Mr. Kinsman can work with the applicant to clarify condition #1.

Mr. Poole suggested adding the phrase "the property should be used only for the following purposes and in accordance with the uses outlined in the B-1 Zoning District." He supports the application and thinks it is a good redevelopment of an existing site where infrastructure is located.

In a roll call vote the motion was approved. (6-0)

E. SUP-0014-2010 Grove Christian Outreach Center

Mr. Jose Ribeiro stated that Mr. Vernon Geddy on behalf of Grove Christian Community Church and Outreach Center has applied for a special use permit to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The parcels are located at 8798 and 8800 Pocahontas Trail, are zoned LB, limited Business and designated Neighborhood Commercial on the Comprehensive Plan. A house of worship is a by-right use in Limited Business; however, Section 24-370 of the Zoning Ordinance requires a SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive Plan.

Mr. Ribeiro stated that Grove Ministry has served the Grove community since 2000 and currently operates from a leased space in front of Windy Hill Mobile Home Park. The proposed site is being designed to accommodate the needs of Grove Community Church as the main use of the property and the needs of the Outreach Center as an accessory use.

Mr. Ribeiro stated that all agencies have reviewed and recommended support of this application. Staff finds that this request is compatible with surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds the architectural elevations submitted by the applicant to be in accordance with the design guidelines of the Limited Business zoning district and the County's Neighborhood Commercial Development Standards Policy. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Mr. Peck opened the public hearing.

Mr. Vernon Geddy spoke on behalf of Grove Christian Church. He stated that this organization has year round activities and listed several for the Commissioners. He stated that this organization in 2009 served 627 families, approximately 2000 individuals, and distributed 430,000 pounds of food. The Church also offers financial assistance to some individuals. Mr. Geddy displayed the current location and displayed drawings of the proposed buildings at the new location. There is room for future expansion for the building and parking. He stated that a community meeting was held in April 2010 with widespread community support. Mr. Geddy also had a list of 215 signatures supporting the application. He requested that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Poole supports the application but did express his concern about saving specimen trees or some sensitivity towards mature trees in the buffered area.

Mr. James Peters, AES Consulting Engineers, stated that with the exception of the perimeter areas, the site is not heavily wooded, but mature trees will be kept wherever possible.

Ms. Kathy Reynolds, 14 Briar Avenue, spoke on behalf of the Church. She stated that she is a client and volunteer of Grove Christian Outreach Center. She gave examples of how the

center has assisted her and her family. She encouraged the Commission to recommend approval of the application.

Ms. Rebecca Knowles, 137 Jefferson's Hundred, stated she is on the Board at Grove Christian Outreach Center. She supports the work of the church and the outreach center. She stated the needs are great and ongoing. Ms. Knowles stated that the organization is supported by many local businesses and volunteers. The new church and outreach center will help the organization meet the needs of the community more effectively. She hopes that the Commission recommends approval to the Board of Supervisors.

Mr. Alan Rikkola, 1908 Miln House Road, stated that he is also a Board member of the organization. He stated that the center has become very important to the people it serves. He stated that this area has the greatest concentration of poverty in the County. Mr. Rikkola felt that this new site will serve the community more effectively. He encourages the Commission to recommend approval to the Board of Supervisors.

Mr. John Rogers, 8960 Pocahontas Trail, stated that he knows the pastor and encourages the Commission to support the application.

Mr. Jack Fowler, 109 Wilderness Lane, spoke in favor of the application.

Mr. Peck closed the public hearing.

Mr. Fraley moved for approval of the application. He commended the church for all the work they do in the community.

Mr. Poole stated that he has had the privilege of working at the outreach center. He felt that the applicant is very well deserving of the Commission's support.

In a roll call vote the motion was approved. (6-0)

F. SUP-0015-2000 – Chanco's Grant Greensprings Trail Amendment

Ms. Leanne Reidenbach stated that Mr. Bernie Farmer has applied on behalf of James City County Parks and Recreation for an amendment to an existing Special Use Permit to allow for the construction of a trail segment through a required 300 foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco's Grant neighborhood. The property is located at 3123 Ironbound Road, is zoned R-8, Rural Residential, and is designated Federal, State, and County Land on the 2009 Comprehensive Plan. The trail is proposed to connect the Greensprings Trail network with Clara Byrd Baker Elementary School and Five Forks.

Ms. Reidenbach stated that the trail is proposed as an 8-foot-wide paved multi-purpose trail and the alignment is designed to have the least impact to the natural environment by avoiding steep slopes. This minimizes the necessary clearing while allowing the trail to be ADA accessible. Staff finds this SUP amendment to be consistent with surrounding land uses and the

Comprehensive Plan and recommends that the Planning Commission recommend approval of this SUP, with the proposed conditions, to the Board of Supervisors.

Mr. Mike Maddocks asked if this trail will allow individuals to go from the area around the treatment plant to the Mainland Farm area and avoid using Ironbound and Jamestown Road.

Ms. Reidenbach answered that was correct and that this trail will also connect to the Virginia Capital Trail.

Mr. Peck opened the public hearing.

There being no comments, Mr. Peck closed the public hearing.

Mr. Poole moved for approval of the application.

In a roll call vote the application was approved. (6-0)

G. SUP-0016-2010 La Tienda Virginia Packing

Ms. Reidenbach stated that Mr. Jonathan Harris of Virginia Packing, LLC has applied for a Special Use Permit to allow an approximately 6,000 square foot sausage and ham slicing, packaging, and processing facility on a parcel zoned M-1, Limited Business/Industrial. The facility is proposed to use three units in an existing building located within the Toano Business Center at 8105 Richmond Road. The property is shown as General Industry on the 2009 Comprehensive Plan. Recommended uses include those that maximize the industrial opportunities in an area and include manufacturing and warehousing. Secondary uses include office and a limited amount of commercial development. Surrounding properties are zoned B-1, M-1, M-2, or A-1 and many have existing similar industrial, office, or warehouse uses. All are designated General Industry or Mixed Use.

Staff finds this expansion to be consistent with surrounding land uses and the Comprehensive Plan and recommends that the Planning Commission recommend approval of this SUP, with the proposed conditions, to the Board of Supervisors.

Mr. Peck opened the public hearing.

Mr. Jonathan Harris spoke and stated that the reason for the special use permit was to relocate a portion of his business from Virginia Beach to James City County.

Mr. Tom Tingle, Chairman of the Economic Development Authority (EDA) spoke on behalf of this application. He stated that the EDA supports this project and he encourages the Planning Commission to support the project. This business started in James City County and continues to grow.

Mr. Peck closed the public hearing.

Mr. Krapf moved for approval of this application.

In a roll call vote the motion was approved. (6-0)

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no comments.

8. COMMISSION DISCUSSIONS AND REQUESTS


There were none.

9. ADJOURNMENT

Mr. Maddocks moved to adjourn.

The meeting was adjourned at 8:10 p.m.


Reese Peck, Chairman


Allen J. Murphy, Secretary