

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF DECEMBER, 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:

Joe Poole  
Jack Fraley  
Mike Maddocks  
Al Woods  
Rich Krapf  
Tim O Connor  
Reese Peck

Staff Present:

Allen Murphy, Director of Planning/  
Assistant Development Manager  
Adam Kinsman, Deputy County Attorney  
Bill Cain, Chief Civil Engineer  
Jose Ribeiro, Senior Planner  
Sarah Propst, Planner  
Luke Vinciguerra, Planner  
Brian Elmore, Development Management Assistant

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

2. PUBLIC COMMENT

Mr. Peck opened the public comment period.

Mr. Peck closed the public comment period.

3. MINUTES – NOVEMBER 3, 2010

Mr. Joe Poole moved for approval of the minutes.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

There was no DRC meeting in November.

B. Policy Committee Report

Mr. Jack Fraley stated the Policy Committee met twice in November, discussing the status of the Comprehensive Plan update, the Planning Commission Annual Report and the proposed Economic Opportunity ordinance. He stated the ordinance review process is proceeding on schedule. The Annual Report will include more graphics and include the status of higher priority items in the Comprehensive Plan. Based on Committee guidance, staff will construct Economic Opportunity ordinance language. At the December 13<sup>th</sup> Policy meeting, the Committee will discuss Capital Improvement Program projects. At the December 16<sup>th</sup> meeting,

the Committee will discuss the Annual Report update, the wireless communication facility ordinance, the transfer of development rights feasibility study, and CIP projects if needed.

C. Other Committee/Commission Reports

There were no other reports.

5. PUBLIC HEARING CASES

A. Z-0002-2009/MP-0002-2009. Governor's Grove, Section 3

Mr. Peck stated that the applicant has asked for an indefinite deferral. He asked if any Commissioners objected to the deferral.

Mr. Peck deferred the case indefinitely.

B. AFD-2-86-3-2010. Wenger Farms, Croaker AFD Addition

Mr. Jose Ribeiro stated Mr. Anderson Bradshaw, on behalf of Wenger Farms, LLC, has applied to add the 7-acre parcel at 4474 Ware Creek Road to the Croaker Agricultural and Forestal District (AFD). The parcel is zoned A-1, General Agricultural, and will be subject to the same conditions as other Croaker AFD properties. The AFD Committee and staff both recommend approval of the addition.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Poole moved to recommend approval.

In a unanimous roll call vote, the Commission recommended approval (7-0).

C. SUP-0025-2010. Colonial Towne Plaza Shopping Center Flea Market

Ms. Sarah Propst stated Mr. Timothy Trant has applied for a special use permit to allow the operation of a weekend flea market at 6925 Richmond Road. The property is zoned B-1, General Business. The permit will not require any construction. Condition #3 requires the applicant to replace any missing shrubs from the existing hedgerow along Richmond Road. Staff recommends approval of the flea market with attached conditions.

Mr. Tim O'Connor asked if the Condition #2 language could be amended to allow vendors to continue parking on the grass.

Ms. Propst stated that staff can change the condition to meet the current use.

Mr. Poole asked about the differences between the application and the previously submitted Colonial Towne Plaza flea market application.

Ms. Propst stated the current application requests fewer vendor spaces.

Mr. Peck opened the public hearing.

Mr. Timothy Trant, representing the Jones family, the flea market operators, stated the flea market has been ongoing for years, although the previous SUP expired. The operator has been unable to attract the 75 vendors proposed by the previous application so the current proposal has a more realistic growth estimate. The flea market represents a good, rural, community use for the Community Commercial designated property until a more intense development occurs. The applicant wants an eight-year sunset clause and to continue allowing vendor parking on the grass.

Mr. Fraley asked about the lengthy sunset clause.

Mr. Trant stated he felt the staff recommended four-year sunset clause was too short and would mean additional costly SUP renewals.

Ms. Propst stated there is no standard term for a SUP. She stated staff felt a four-year clause was appropriate to periodically evaluate the best use for the property.

Mr. Fraley asked what would happen if a higher use for the property presented itself during the SUP term.

Mr. Allen Murphy stated the market would stimulate the property owner to change the property's use. He stated he did think there was an SUP with a similar term. The SUP term was crafted to reflect the proposed use and applicant wishes.

Mr. Trant stated the operator has a contract terminating the lease if the parcel is sold.

Mr. Peck closed the public hearing.

Mr. Fraley stated he was concerned with the length of the applicant's renewal term request.

Mr. Adam Kinsman stated the law looks down on sunset clauses as SUP conditions. He stated sunset clauses are typically applied to temporary uses and residential child care. The cost to the applicant for an SUP renewal should also be considered.

Mr. Poole stated the application was for a complimentary use of the property with no physical impact. He stated he was prepared to support the application with revised parking language.

Mr. Kinsman stated the condition would now read 'no customer parking.'

Mr. Poole moved to recommend approval with the amended parking condition.

In a unanimous roll call vote, the Commission recommended approval (7-0).

D. SUP-0026-2010. Tractor Supply Company at Norge Center

Ms. Propst stated that Keith Beuley, of the Keith Corporation, has applied for a special use permit to construct a 19,000 square foot farm supply store with vehicle and trailer sales at 7508 Richmond Road. The property is zoned B-1, General Business. The applicant has also applied for a parking waiver. Staff recommends approval of the SUP with conditions as well as the parking waiver. Staff also recommends amending Condition #1 language from 'farm' to 'agricultural or landscape' and 'utility trailers' to 'landscape, open, or enclosed utility trailers.'

Mr. Peck opened the public hearing.

Mr. Fraley asked if the applicant would be willing to consider decorative fencing along Richmond Road.

Ms. Beth Livingston, representing the Keith Corporation, stated the fencing along the road would be black or dark green.

Mr. Fraley stated there had been recent stormwater systems failing despite professional design and County review. He stated that the Commission's only opportunity to review the stormwater system was at the master plan level. There are no pre-treatment facilities for the basin on the master plan. He asked if the stormwater engineer had considered using the area under the parking lot.

Mr. Marc Bennett, AES Consulting Engineers, stated that infiltration and storage under the parking lot were both considered for the site. He stated storage under the pavement is more expensive than the proposed surface-mounted features.

Mr. Fraley asked if the design was cheaper and more efficient.

Mr. Bennett stated that was correct.

Mr. Fraley asked how the design would ensure the use of pre-treatment techniques and handle outflows.

Mr. Bennett stated the design received feedback from the County's Environmental Division. He stated staff recommended fewer pipes and inlets. Pre-treatment is desirable. Due to the highly permeable soils onsite, most stormwater will be totally infiltrated. A grass swale is planned to remove heavier sediments and trash accumulated on the pavement before it can dump into the pond. On the eastern edge of the property, slope will lead to a French drain network

which will keep trash out of the basin. A forebay serves the northeast section of the property. The facilities will have a long life-span. An oversize riser structure will handle large storm events.

Mr. Fraley stated he had concerns with the piping being able to accommodate a special storm event.

Mr. Bennett stated the soils were unusually permeable. He stated the system's key is maintaining soil profiles. There is a greater risk of a maintenance failure than a blow-out.

Mr. Fraley asked who was responsible for the stormwater system maintenance.

Mr. Bennett stated the property owner was responsible.

Mr. Fraley asked if Environmental staff was concerned with the system's capacity to handle a major storm event.

Mr. Bill Cain stated he was not concerned. He stated Mr. Bennett was experienced in designing stormwater systems.

Mr. Peck opened the public hearing.

Mr. John Fleet, co-owner of James River Fleet Brothers at 7761 Richmond Road, stated he was concerned with the Tractor Supply Company's store's effect on three local farming and agricultural supply businesses. He stated he was concerned with competition, job losses, loss of community character, aesthetics, and inconsistent regulations for his SUP and Tractor Supply Company's. He asked the Commission to delay their vote until he can determine local impacts.

Mr. Fraley stated the Tractor Supply Company would be 550 feet from Richmond Road and therefore not subject to Community Character Corridor requirements.

Mr. Fraley moved to recommend approval of the SUP with amendments to Condition #1 language and Condition #4 fencing and approval of the parking waiver.

Mr. Kinsman stated the amended Condition #4 would read '...the fencing used to enclose the 'fenced' outdoor sales area shall be vinyl coated and shall be dark green or black in color and all fencing facing Rt. 60 shall be constructed of aluminum or similar material. All fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.'

Mr. Poole stated the fencing should all be single color.

Mr. Kinsman stated the condition language would now read 'all fencing facing Rt. 60 shall be dark green or black in color and shall be constructed of aluminum...'

Mr. Rich Krapf stated that that Commission's role is to make land use recommendations. He stated it was not within the Commission's purview to examine business decisions.

Mr. Poole stated he supported the application due to its distance from the Community Character Corridor, the neighboring large retailer, its zoning, and its Comprehensive Plan land use designation. He stated it was not within the Commission's purview to keep out a national retailer. He appreciated the applicant working to improve several design features to better fit the Norge area.

Mr. Mike Maddocks stated the Commission's role was to review land use and not competition. He stated he was prepared to recommend approval.

In a unanimous voice vote, the Commission recommended approval (7-0).

#### E. SUP-0027-2010. Jamestown High School Auxiliary Gymnasium

Mr. Luke Vinciguerra stated that Mr. Alan Robertson, representing Williamsburg-James City County (WJCC) Schools, has applied for a special use permit to construct an auxiliary gym at Jamestown High School. He further stated that staff recommends approval of the application with attached conditions which would permit the addition of the gym and put the school as a whole into conformance with the Zoning Ordinance.

Mr. Peck opened the public hearing.

Mr. Peck closed the public hearing.

Mr. Fraley moved to recommend approval.

Mr. Al Woods asked about potential damage to the foundation from the sewer pipe.

Mr. Vinciguerra stated the proposed expansion would come within 8 feet of an existing sewer line. He stated that the James City Service Authority (JCSA) regulations require a 10 foot setback. The sewer line would be placed over a JCSA easement, which would cause the easement to be abandoned. WJCC would assume responsibility for any maintenance and repair of the sewer line. JCSA is unwilling to assume responsibility of encroaching into the setback.

Mr. Alan Robertson stated that based on his discussions with JCSA, he did not believe the issues caused by the sewer line's proximity to be insurmountable. He stated that based on current techniques, no problems were expected.

In a unanimous roll call vote, the Commission recommended approval (7-0).

#### 8. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated he had no additional comments.

9. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Peck asked Mr. Murphy to discuss the new features on the County's website.

Mr. Murphy stated the website now includes the capability to search Comprehensive Plan goals, strategies, and actions by keywords, priority, and implementation timeframe. The website can be found at [www.jccegov.com/comprehensiveplan](http://www.jccegov.com/comprehensiveplan).

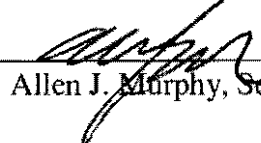
Mr. Murphy stated the Board of Supervisors work session on December 14<sup>th</sup> to discuss the transfer of development rights program is not a joint work session with the Planning Commission.

10. ADJOURNMENT

Mr. Krapf moved to adjourn the meeting.

The meeting was adjourned at 8:05 p.m.

  
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Reese Peck, Chairman

  
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Allen J. Murphy, Secretary