

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF APRIL, TWO-THOUSAND AND ELEVEN, 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
Tim O'Connor
Joe Poole III
Rich Krapf
Mike Maddocks

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Kate Sipes, Senior Planner
Jennifer VanDyke, Admin.Services Coordinator

Absent

Reese Peck
AI Woods

Mr. Jack Fraley called the meeting to order at 7:05 p.m.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period. Seeing no one wishing to speak, the public comment period was closed.

3. MINUTES

A. March 2, 2011

Mr. Joe Poole made a motion to approve the minutes. The March 2, 2011 minutes were approved in a unanimous voice vote (5-0; Woods, Peck, absent).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole provided the DRC report for March 30, 2011. The report is attached.

Mr. Fraley moved to adopt the DRC report. The report was adopted in a unanimous voice vote.

B. Policy Committee

Mr. Reese Peck was not present to provide the Policy Committee report.

C. Regional Issues Committee/Other Reports

There were no other reports to be made.

5. PUBLIC HEARING CASES

A. SUP-0001-2011 Williamsburg Crossing Car Wash

Ms. Kate Sipes stated that Mr. Vernon Geddy has applied on behalf of Mr. Mathew Blanchard for a Special Use Permit (SUP) to construct an automated car wash on two parcels along Route 5 and Pilot's Way in front of The LaFontaine Condominiums.

Ms. Sipes stated that the case was deferred from the March meeting at the applicant's request after residents of LaFontaine spoke in opposition to the project. Ms. Sipes stated that conditions number one and five have been amended since the March Planning Commission meeting to address concerns raised by commissioners. Condition number nine has been amended to address concerns of both commissioners and residents of LaFontaine. Condition number seven has been added, stating no exterior loud speaker system shall be used. Ms. Sipes stated that additionally, the applicant has offered to install off-site landscaping, as well as make an annual contribution to the LaFontaine Home Owners Association (HOA) for the maintenance of said landscaping. Ms. Sipes stated that offsite improvements are not included in conditions as they cannot be enforced by the County.

Ms. Sipes stated that the application proposes an approximately 8,000 square foot building which would fully enclose the car wash, detailing operations, offices, reception and equipment areas. Ms. Sipes stated that the applicant is proposing to locate on 5117 John Tyler Highway and a portion of 5109 John Tyler Highway, a total of approximately one and a half acres. Ms. Sipes stated that the property has frontage along, but no access from, John Tyler Highway. Access to the site is from Pilot's Way via Kings Way at the entrance to the Williamsburg Crossing Shopping Center.

Ms. Sipes stated that the parcels are designated Mixed Use in the 2009 Comprehensive Plan. Ms. Sipes stated that the Williamsburg Crossing Mixed Use Area has principal suggested uses of commercial and office.

Ms. Sipes stated that staff recommends that the Planning Commission recommend approval of the SUP to the Board of Supervisors (BOS), subject to the amended conditions.

Mr. Poole stated he has concerns regarding the noise generated from the facility. Mr. Poole asked if measures could be taken to ensure that any subsequent owners of the car wash would continue to use the same low-impact vacuum system or another comparable reduced-noise model.

Mr. Adam Kinsman stated that it is very difficult to regulate noise. Mr. Kinsman stated that a potential solution could be adding a condition requiring a particular vacuum model, stipulating that a comparable model could be used upon Planning Director's approval.

Mr. Fraley opened the public hearing.

Mr. Geddy provided a map of the area and pointed out certain features. Mr. Geddy pointed out that Mr. Blanchard has changed the intended hours of operation. Mr. Geddy stated that the landscaping plans have been amended to further enhance the landscape buffer between LaFontaine and the proposed car wash. Mr. Geddy stated that Mr. Blanchard will not permit employees or customers to play music in their cars while using the facility. Mr. Geddy stated that 85% of the water used for car-washing operations will be reused. Mr. Geddy stated that this is a small business that is important to the County economy. Mr. Geddy stated that there is a petition that was signed by nearly all business owners within Williamsburg Crossing Shopping Center in support of the proposed car wash. Mr. Geddy stated that this is the sort of business that has the potential of attracting more customers and more start up businesses to the shopping center.

Mr. Wayne Slusir, 308 Queens Way stated he wanted clarification regarding the vacuum units. Mr. Slusir also wanted to know if a sound study had been completed and stated he was concerned with noise generated from customer's car stereos. Mr. Slusir questioned the placement of the HVAC units.

Mr. Fraley stated he would ask the applicant to respond to questions later on.

Ms. Joan Lamberson, 307 Queens Crescent spoke against the proposed car wash. Ms. Lamberson stated that the proposed site is inappropriate for a car wash. She stated LaFontaine property owners will suffer a loss in property values if the car wash is approved.

Ms. Jane Covere, 903 Queens Way spoke against the proposed car wash. Ms. Covere stated that the proposed site is not appropriate for a car wash due to the close proximity to LaFontaine.

Ms. Dorothy Sayre, 407 Queens Crescent spoke against the proposed car wash. Ms. Sayre stated that the proposed site is inappropriate for a car wash due to the close proximity to LaFontaine. She stated she is most concerned about the noise impacts, traffic and trash. She stated that LaFontaine property owners will suffer a loss in property values if the car wash is developed.

Ms. Geneva Perry, 1508 Queens Crossing spoke against the proposed car wash. Ms. Perry stated she is concerned with how the additional traffic will impact pedestrians in the area.

Ms. Mary Kohlenhoefer, representing Union First Market Bank spoke in favor of the car wash. Ms. Kohlenhoefer stated that Union First Market Bank has been located in or around Williamsburg Crossing Shopping Center for twelve years. She stated that the bank is contiguous to the proposed car wash site. She stated that the car wash is compatible with the neighboring businesses and residential community. She stated that she is pleased with the proposed car wash and that it will bring with it economic benefits for all businesses in the area.

Mr. Brian McGurk, 3832 Philip Ludwell spoke in favor of the car wash. Mr. McGurk stated that the proposed car wash will bring economic benefit to all the businesses in the area. Mr. McGurk pointed out that the car wash intends on hiring twelve full-time employees. He stated that the creation of new jobs is much needed. He stated that the County needs to further diversify its tax base and encourage new small businesses to this end. Mr. McGurk stated he has been impressed with Mr. Blanchard's efforts to meet the needs of the surrounding business and residential community.

Mr. Robert Winger, 3668 Bridgewater Drive spoke in favor of the car wash. Mr. Winger stated his primary concern for new development is the environmental impacts. He stated that he is pleased with the proposed car wash partly due to several low-impact environmental features such as the recirculation of water. He stated that the noise impacts generated from the car wash will be successfully mitigated by having its functions inside the building as well as landscape buffers. He stated that the plan for the building illustrates an aesthetically pleasing structure. Mr. Winger stated that after living next to Mr. Blanchard for six years he can attest to him being a considerate neighbor.

Mr. Jacob Polderman, 4904 Toddington Circle spoke in favor of the car wash. Mr. Polderman stated that after studying the well thought-out plans he is not concerned with the noise impacts.

Ms. Elsa Schmeier, 204 Queens Crossing spoke against the proposed car wash. Ms. Schmeier stated that she appreciates the efforts Mr. Blanchard has made to resolve the issues brought up by the residents of LaFontaine. She stated that she is still concerned with the noise impacts that will be generated by the car wash and its patrons. She stated that the proposed site is not compatible for a car wash.

Mr. Tom Tingle, Chairman of the James City County (JCC), Economic Development Authority (EDA) spoke in favor of the car wash. Mr. Tingle stated that the proposed car wash will bring much needed jobs to the area. He stated that this business proposal is consistent with the EDA's goals concerning the diversification of the JCC tax base. The proposed site of the car wash is also consistent with the Comprehensive Plan Land Use designation and the zoning of the property. He stated that Mr. Blanchard's decision to enclose the car wash functions to limit noise impacts illustrates his willingness to work with the community.

Mr. Gordon Berryman, 100 Stanley Drive spoke in favor of the application. Mr. Berryman stated that the architectural elevations show an attractive structure. He stated that with B-1 zoning there are many other business types, some less desirable, that could go in by-right. He stated, considering the potential, the proposed car wash is an acceptable use at this location.

Mr. Fraley asked for more information regarding the vacuums, the noise, locations and hours in which they will be available.

Mr. Geddy stated that the vacuums will only be available to patrons that pay for a car wash. Mr. Geddy pointed out several features on an illustration provided.

Mr. Fraley asked how the applicant intended to enforce radio restrictions for the car wash patrons.

Mr. Geddy pointed out that the car wash will always have staff present during operation hours. Mr. Geddy stated that signs will be posted requiring patrons to turn down or off their car radios. Staff will enforce this policy.

Mr. Fraley asked if any noise studies had been completed.

Mr. Geddy stated that the applicant has sound information on the vacuum system. There is a

chart that gives decibels levels to illustrate how far the noise from the vacuums will carry.

Mr. Fraley asked for more information on the site selection process.

Mr. Geddy stated that there was a list of criteria that Mr. Blanchard used to find the site. He stated that a well-traveled road was the first criteria; Route 5 has roughly 20,000-22,000 cars traveling on it per day. Mr. Geddy stated that the location is ideal in that it is still close to the main entrance to Williamsburg Crossing Shopping Center. Mr. Geddy stated that the price was also a factor.

Mr. Fraley asked for more information concerning the ownership of Pilots Way.

Mr. Geddy stated that Pilots Way is a private road, and it was intended to serve these outparcels. He stated that the first half of the road will be owned by Mr. Blanchard. The last parcel, that is currently undeveloped, will eventually be developed. Once developed the new property owner will own the second half of Pilots Way.

Mr. Fraley asked for more information on pedestrian traffic.

Mr. Geddy stated that there is a sidewalk along the front of the bank which will be continued. Mr. Geddy stated that the car wash would not greatly impact pedestrian traffic. Mr. Geddy deferred to the applicant's consultant for more information on vacuum noise.

Mr. John Freudenthal representing Quality Structures of Charlotte, North Carolina spoke. Mr. Freudenthal stated that he works as a consultant for car wash facilities. He stated that during the last five years there have been significant improvements in the industry, specifically for sound deadening measures in vacuum units. Mr. Freudenthal provided a diagram illustrating the noise levels on the site in relation to the vacuum system.

Mr. Fraley asked for a comparison to the sound levels provided on the illustration.

Mr. Freudenthal stated that at twenty feet a standard conversation could be conducted over the top of the 55 dba (Noise Weighting Rating Frequency) level. He stated, in comparison the highway is 68-70 dba. He stated that the car noise on Pilots Way will be more significant than the vacuums.

Mr. Poole asked if the two units seen on the drawing can be placed in the interior of the structure.

Mr. Freudenthal stated that the vacuums must be placed in close proximity to the location in which they will be used, otherwise the suction power is compromised. He stated that the units will be screened.

Mr. Poole asked Mr. Freudenthal if he had seen a similar car wash facility placed in close proximity to multi-family, residential units.

Mr. Freudenthal said he had. He stated that many Auto-Bell locations are in mixed use or multi-family designated areas. He stated that the highest grossing Auto-Bell facility is in a location

that is identical in many ways to the proposed site. He stated that it too is next to a multi-family complex. He stated that typically patrons will not travel a great distant to go to a car wash facility. He stated for a car wash to be successful it needs to be placed near residential areas. He stated that a customer will not drive more than five or six miles to a car wash.

Mr. Poole asked for more detail regarding the highest grossing site.

Mr. Poole asked Mr. Geddy if the customer will be doing their own vacuuming. Mr. Poole asked for the distance from the last stall to the closest residential unit.

Mr. Geddy stated that the customer will be doing the vacuuming.

Mr. Jason Grimes of AES stated that the distance would be 65'-70'.

Ms. Claire Johnson, 1309 Queens Crossing spoke against the proposed car wash. Ms. Johnson stated that she is concerned with the noise that would be coming from the cars patronizing the car wash.

Mr. Slusig stated that his research indicated that a dba is a unit of sound to measure a single occurrence not a sustained noise.

Mr. Fraley closed the public hearing.

Mr. Rich Krapf stated that he had met with the applicant and Mr. Geddy on March 29, 2011 to get an update on any changes to the project since the last Planning Commission meeting. Mr. Krapf stated that there were many elements to this proposal that he considered before making his recommendation including the zoning of the parcel in question and the surrounding community. This parcel is part of the master plan for the Williamsburg Crossing Shopping Center and is zoned B-1, general business. LaFontaine is zoned mixed use. The primary concerns resulting from this project are: traffic, noise, headlights and property values. Mr. Krapf stated that he believes that the applicant has taken extraordinary measures to mitigate these issues. The bay doors do not face LaFontaine. There is enhanced landscaping. Loud speakers will be prohibited from use. Mr. Krapf stated that the applicant has offered to put in landscaping on the LaFontaine side as well as contribute \$500 annually for maintenance and upkeep. Mr. Krapf stated that the elevation difference between the proposed car wash and LaFontaine should prevent headlights from becoming an issue. Mr. Krapf then spoke to the fears of property values dropping stating that the property is zoned B-1. Mr. Krapf stated that a business with frequent public access will be placed on this parcel. He stated that Mr. Blanchard has taken great lengths to minimize these impacts on LaFontaine. He stated that LaFontaine is a development that went into an area zoned B-1. Mr. Krapf stated that he supports the project.

Mr. Poole stated that he is impressed with certain elements of the proposal. He stated the property is zoned B-1 and is intended for commercial use. He stated that the SUP is used to determine if a business fits based upon more subjective measures that are not easily categorized. Mr. Poole stated that he is not convinced that this is the right location for the proposed car wash. Mr. Poole stated that he too is concerned with the economic viability of the Williamsburg Crossing Shopping Center though adding this business to it may not be helpful. Mr. Poole stated that there is too much

retail and business space within JCC, Williamsburg, and Yorktown. This proposal is not appropriate to abut a multi-family residential area. Mr. Poole stated that he is not prepared to support the proposed car wash.

Mr. Mike Maddocks stated that the applicant has been very accommodating. Subsequent to concerns raised Mr. Blanchard adjusted the hours of operation and amended landscaping. Mr. Maddocks stated that Mr. Blanchard has offered to pay up to \$500 per year to maintain the landscaping on the off-site location. The property is B-1; LaFontaine is in the middle of a commercial development. Mr. Maddocks stated he supports the proposed car wash.

Mr. Tim O'Connor stated that the applicant has provided screening and sound abatement. Mr. O'Connor stated that he supports the proposed car wash.

Mr. Fraley stated that the \$500 annual landscaping maintenance agreement is not part of the conditions. Mr. Fraley stated that he spoke to another car wash owner in JCC. He stated he asked a number of questions regarding the nature of this type of business. Mr. Fraley stated that it would be his preference to see this business in a different outparcel. He stated he is worried about some of the possible impacts. Mr. Fraley stated that there is the potential of having a different sort of business coming in by-right that could have even greater undesirable impacts.

Mr. Fraley asked Mr. Poole if he was interested in adding a condition regarding the acceptable level of noise coming from the vacuum unit.

Mr. Poole stated that would be helpful.

Mr. Adam Kinsman stated that the County is not prepared to enforce noise regulation. Due to this limitation Mr. Kinsman recommended adding a condition that requires a vacuum from a particular manufacturer (in this case the Hurricane Model 35-192), or an equivalent model as determined by the Planning Director.

Mr. Krapf made a motion to approve the special use permit request with the additional condition as prescribed. The motion was approved in a voice vote (4-1; Mr. Poole, nay; Mr. Peck, Mr. Woods absent).

6. PLANNING DIRECTOR'S REPORT

Mr. Allen Murphy reminded the commission of the scheduled work session to discuss Urban Development Areas scheduled for April 13, 2011 at 4:00 p.m.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley reviewed the BOS coverage schedule.

Mr. Fraley stated he is having a meeting on Monday morning with staff and several James City County Concerned Citizens (J4C's) members regarding the Economic Opportunity

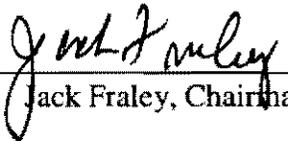
(EO) ordinance.

Mr. Fraley discussed the Planning Commission's by-law requirements regarding disclosures.

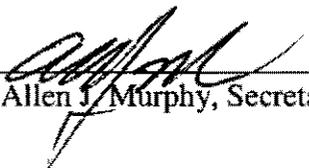
8. ADJOURNMENT

Mr. Poole moved for adjournment until April 13, 2011.

The meeting was adjourned at 8:44 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Secretary

Development Review Committee
James City County Planning Commission
March 30, 2011

In attendance: Rich Krapf, Mike Maddocks, Tim O'Connor, and Joe Poole.

C-0013-2011 - St. Bede Catholic Church - Mausoleum Addition Conceptual Review - 3686 Ironbound Rd.

- Prior to proceeding with the legislative process for the amendment of the existing SUP and Master Plan for St. Bede Catholic Church, the applicant requested DRC input for its current mausoleum proposal.
- The DRC reviewed conceptual site and building plans and exterior elevations for a six-phased mausoleum project to be located at the westerly end of the subject property.
- DRC comments this meeting addressed architectural compatibility with the main sanctuary structure, mausoleum screening from Ironbound Road and adjacent residential properties, and the suggestion for a community information meeting regarding the project prior to the commencement of the legislative process.

C-008-2011 - New Town Section 9 - Settler's Market - Master Plan Consistency - 4540 and 4600 Casey Blvd.

- Augmenting stated comments of the New Town Design Review Board at its March 17th meeting as provided for this 3/30 DRC meeting, the DRC unanimously agreed that the current Master Plan is generally consistent with the original Master Plan as approved in November 2006.
- Further, the DRC noted current Master Plan enhancements regarding pedestrian connections within the development, landscaped edges between parking areas and adjacent roadways and eventual commercial/residential development, and buffers and scenic quality protections along Route 199.

SP-0002-2011 - Martin's Fuel Facility - Sidewalk and Landscape Modification Request - 4820 Monticello Avenue

- By a vote of 3 to 1, the DRC approved the sidewalk modification request in this particular location given adjacent public roadway, sidewalk, and topographic considerations - - and given forthcoming and adjacent site development plans that will likely include complementary sidewalk connections. Providing appropriate site and area sidewalk links were emphasized by the DRC, along with the recognition that in some instances, adjustments are necessary for safety and other practical reasons. The DRC also approved the landscaped modification request for this planned fuel facility.

C-0007-2011 - Johnny Timbers Tree Service - Master Plan Consistency - 2201 Jolly Pond Road

- In accordance with the 2006 SUP conditions for the subject property, the DRC unanimously agreed that minor site changes that have occurred since then do not substantively change the

basic concept or character of the approved development's Master Plan, and that these changes can be handled administratively going forward.

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