

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF MARCH, TWO-THOUSAND AND TWELVE, 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:

Rich Krapf

Tim O'Connor

Chris Basic

Mike Maddocks

Absent

Al Woods

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Senior Planner I

Melissa Brown, Zoning Administrator

Leanne Reidenbach, Senior Planner II

Mr. Tim O'Connor called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

There being no public comments, he closed the public comment period.

3. MINUTES

A. February 1, 2012 Regular Meeting

Mr. Rich Krapf stated that one correction needed to be made. He made a motion to approve the minutes with the correction.

In a unanimous voice vote, the minutes were approved.

4. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Basic stated that the DRC met on February 29, 2012 to discuss two cases. He stated that the first case was S-0059-2005, Pelegs Point, Phase 6. He stated that the case was deferred until March 28th so that a public meeting could be held. He stated that the public meeting is scheduled for March 14, 2012. He stated that the other case brought before the DRC was C-0004-2012, New Town Section 9, Phase 2, Walmart Market. He stated that the case was before the DRC for master plan consistency. He stated that the DRC reviewed a pedestrian feature. He stated the DRC determined that the feature satisfied the build-to lines as shown on the Section 9 master plan. He stated that following a vote of (2-0) the DRC recommended approval, pending New Town Design Review Board (DRB) comments.

B. Policy Committee

Mr. Krapf stated that the Policy Committee did not meet last month. He stated that he is currently working with staff to set up a meeting to discuss a number of topics to later present to the full Planning Commission in preparation for the joint meeting on April 30, 2012 involving James City County (JCC), York County and the City of Williamsburg.

C. Regional Issues Committee/Other Commission Reports

Mr. Mike Maddocks stated that there was not a Regional Issues Committee meeting to report on.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – ZO-0001-2012, Addition of Resort Hotel Definition, Amendments to R-4, Residential Planned Community District and Special Regulations

Ms. Melissa Brown stated that staff had received a request to consider modifications to the existing ordinance to address the definition of resort hotel and associated performance measures. She stated that staff recommends adopting the attached resolution to initiate consideration of the amendment. She stated that the amendment includes a new definition for resort hotel, performance standards and staff's recommendation for the districts resort hotels should be included in.

Mr. Krapf made a motion to adopt the initiating resolution. In a unanimous voice vote, the motion was approved.

6. PUBLIC HEARING CASES

A. MP-0003-2011/Z-0004-2011, Mason Park Master Plan Amendment

Mr. Jose Ribeiro stated that the applicant requested the case be withdrawn. He stated that staff concurs with the request and asks that the Planning Commission open and close the public hearing.

Mr. O'Connor opened the public hearing and after seeing no one from the public that wanted to speak on the application he closed the public hearing.

B. SUP-0001-2012/Z-0001-2012, Williamsburg Seventh Day Adventist Church Expansion

Mr. Ribeiro stated that due to a procedural error made by staff regarding the notification of adjacent property owners staff requests that the case be deferred to the April 4, 2012 Planning Commission meeting. He stated that the notification letters were sent to the property address rather than the property owner's mailing address. He stated that some property owners were not properly notified. He stated that the additional time will allow staff the opportunity to properly notify the

adjacent property owners. He stated that staff requests that the Commission open the public hearing and continue it to the April 4, 2012 Planning Commission meeting.

Mr. Maddocks asked for the location of the church.

Mr. Krapf asked for clarification on the proposed amendment language. He stated that in the staff report it states that the owner is expected to remove any overstory trees under an eight inch caliper and any understory trees under a two inch caliper. He stated that the word "any" may allow the applicant to remove more trees than preferred.

Mr. Ribeiro stated that staff and the applicant have not finalized the language for the proffer. He stated that any proposed tree removal would be subject to staff's approval.

Mr. Allen Murphy stated that any trees selected for removal would need to be approved by the Director of Planning.

Mr. Krapf pointed out one error on page four of the staff report.

Mr. O'Connor opened the public hearing. He stated that the public hearing will remain open until the April 4, 2012 meeting.

C. SUP-0002-2012/Z-0002-2012, Colonial Manor Proffer Amendment

Ms. Leanne Reidenbach stated that Dr. Pedro Becerra has applied to amend the proffers and special use permit conditions associated with Colonial Manor (formerly known as the Epstein Rest Home) in Grove to convert from a congregate housing facility to assisted living. She stated that the proposal also includes an increase to the number of allowed units to 110. She stated that the property is located at 8679 Pocahontas Trail, is 7.4 acres, is zoned R-5, Multi-family Residential, and is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map.

Ms. Reidenbach stated that the existing facility was rezoned to Multi-Family Residential in 1991 and received an SUP to operate as a congregate housing facility in 1999. She stated that an SUP and proffer amendment is required at this time to change the use to "nursing home and facilities for the residence and/or care of the aged" and to increase the number of permitted units to 110. She stated that site work related to this conversion would occur inside the building and no changes to the exterior of the site are proposed. She stated that the existing parking lot can also accommodate the increase and change in units without requiring any expansion.

Ms. Reidenbach stated that the Comprehensive Plan specifies certain standards for commercial facilities (including retirement and care facilities) proposed in Low Density Residential areas. She stated that the facility should basically be compatible with the character of the area, have impacts similar to surrounding uses, be located on arterial or collector streets at intersections, and provide screening and buffering. She stated that this proposal meets these standards as there are no external site changes and the facility is located immediately adjacent to Pocahontas Trail so that traffic to or from the facility is not funneled through the surrounding residential neighborhood. She stated additionally that any increases in traffic will be minor since the largest shift at the facility

would only increase by ten employees and residents in the facility will no longer be able to drive like residents in an independent living facility could.

Ms. Reidenbach stated that the Comprehensive Plan recognizes least-cost housing as serving a significant public benefit, particularly when it provides housing for low-income, senior citizens. This amendment will help meet a demonstrated need for affordable, assisted living care and will also help an existing business in the County's Enterprise Zone adapt to changing market demands.

Ms. Reidenbach stated that staff finds this proposal, with the amended proffers and conditions, to be consistent with existing development, surrounding land uses, and the 2009 Comprehensive Plan. She stated that staff recommends that the Planning Commission recommend approval of this SUP and rezoning to the Board Of Supervisors (BOS).

Mr. Krapf asked staff what objections they had heard from the public and family members of existing residents.

Ms. Reidenbach stated that she had received correspondence via email from Ms. Miller Hill which was previously forwarded to the Planning Commission. She stated that the e-mail noted general objections to the facility. Ms. Reidenbach noted that she responded to Ms. Miller Hill's e-mail to try to determine specific objections, but had not received a response.

Mr. Krapf stated that he did have some concerns related to the switch from independent living to assisted living from a traffic perspective. He stated that his initial assumption was a greater number of residents would equate to a greater amount of traffic. After discussing this concern with staff via email he stated that his concern has been alleviated. Mr. Krapf asked Ms. Reidenbach to recite the explanation previously given as to why traffic impacts would be no greater, even with more residents.

Ms. Reidenbach stated that she looked to identify the Institute of Transportation Engineers (ITE) codes regarding traffic generation. She stated that the PM peak hour is likely to increase less than ten vehicle trips. She stated that aside from the number of units, the per unit generator for this type of facility is less than that of a single family home. She stated that the facility is served by a bus route, which is frequently used by employees. She stated that the shift changes for employees are staggered. There is no one time during day or evening hours when a large number of employees either arrive or leave.

Mr. Maddocks asked what had triggered the need for a SUP.

Ms. Reidenbach stated that it was the change from independent to assisted living units as well as the increase in units. She stated that the original SUP was for 48 units; the applicant is now proposing 110 units.

Mr. O' Connor opened the public hearing.

Dr. Pedro Becerra introduced himself as the applicant and medical director of the facility. He stated that the facility is serving the population with moderate income. He stated that they have

seen less demand for independent living units since the downturn in the economy. He stated that there has been an increased need for assisted living units that the facility could not currently meet.

Seeing no one else wanting to speak, Mr. O'Connor closed the public hearing.

Mr. Basic made a motion to approve the proposed application.

In a unanimous roll call vote the application was approved (4-0; Woods-absent).

D. ZO-0001-2012, Addition of Resort Hotel Definition, Amendments to R-4, Residential Planned Community District and Special Regulations

Mr. O'Connor recused himself from voting on this case since his employer has an interest in this case.

Ms. Melissa Brown stated that staff had received a request from Geddy, Harris, Franck and Associates to consider amending the ordinance to include a definition of resort hotel as well as potential inclusion into the R-4, Residential Planned Community Zoning District.

Ms. Brown stated that the current definition of hotel does not permit the use of detached units as part of the hotel development.

Ms. Brown stated that while the use of detached units is a variation not currently available in JCC it is permitted under the definition of hotel resort under other Virginia localities.

Ms. Brown stated that staff is recommending that resort hotel be inserted as a permitted use in the R-4, Residential Planned Community District. She stated that currently Kingsmill, Ford's Colony and Governor's Land are the only properties zoned, R-4 within the County. She stated that the reason staff is recommending this change as a matter of right versus specially permitted is because new and expanded developments must obtain legislative approval. She stated that expansion to existing development that is not consistent with the approved master plan requires legislative action. She stated that specifically, Kingsmill would be the only existing development in the County that could take advantage of these types of units. She stated, as such this proposal is narrowly defined in order to address the needs of properties currently zoned R-4.

Ms. Brown stated that as part of the proposal the Planning Commissioners received in their packets a proposed definition for resort hotel along with proposed performance standards. She stated that the performance standards require that the unit never be utilized as a permanent dwelling place, that the units never be addressed in such a way that they could be used as a primary mailing address, and that access must be controlled by a central check-in and check-out desk. She stated that maid service should be provided on a regular basis and that no person can use the same room or suite for 60 consecutive days or more. She stated that staff proposes that resort hotel be included in the list of permitted uses in the R-4 district. She stated that the full use reference would be: "hotels, resort hotels, tourist homes and convention centers".

Mr. Maddocks asked if the proposed resort hotel is less invasive than the typical traditional

hotel including one large building.

Ms. Brown stated that it would potentially have the appearance of several single-family dwelling units with associated greenspace and landscaping.

Mr. O'Connor opened the public hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck and Associates spoke. He stated that the proposed changes would be a benefit to JCC and would allow for a greater variety of accommodations.

Mr. O'Connor closed the public hearing after seeing no one else wanting to speak.

Mr. Krapf stated that the proposed language seems sensible. He stated, the fact that future applications would have to go through the legislative process anyways this approach seems like a beneficial way to eliminate unnecessary red tape and make the process more efficient. He made a motion to approve the language and definition as stated in the staff report.

In a unanimous voice vote the motion was approved (3-0; O'Connor-abstained; Woods-absent).

7. PLANNING DIRECTOR'S REPORT


Mr. Murphy stated that he had nothing further to report this evening.

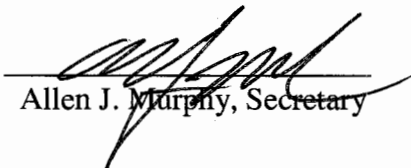
8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. O'Connor reviewed the BOS meeting coverage for the year and reminded everyone of the joint meeting between JCC, the City of Williamsburg and York County.

9. ADJOURNMENT

The meeting was adjourned at 7:33.


Tim O'Connor, Chairman


Allen J. Murphy, Secretary