



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 04/04/2012


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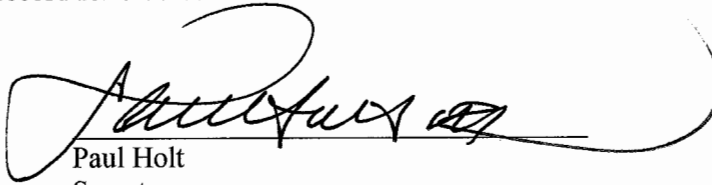
The following minutes for the Planning Commission of James City County dated 04/04/2012 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 04/04/2012, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 04/04/2012.

  
Robin Bledsoe  
Chair

  
Paul Holt  
Secretary

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF APRIL, 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

George Drummond

Absent

Al Woods

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Jose Ribeiro, Senior Planner I

Christopher Johnson, Principal Planner

Tammy Rosario, Principal Planner

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

Mr. O'Connor introduced Mr. George Drummond, the newest member of the Planning Commission.

2. RECOGNITION

A. Mr. Joe Poole

Mr. O'Connor presented Mr. Joe Poole with a Certificate of Appreciation and Resolution.

Mr. Poole thanked the public and his fellow Planning Commissioners for the opportunity to serve the community.

B. Mr. Jack Fraley

Mr. O'Connor presented Mr. Jack Fraley with a Certificate of Appreciation and Resolution.

Mr. Fraley thanked staff and the public for the opportunity to serve.

Mr. O'Connor stated that between the two men they had served more than 20 years on the Planning Commission. He stated that the two had served their community well with their thoughtful leadership.

3. PUBLIC COMMENT

Mr. O'Connor opened the public comment period.

Mr. Tom Hitchens, 350 Thompson Lane stated he wanted to speak on the proposed

development in Peleg's Point. Mr. Hitchens provided his phone number to the public, 757-345-9528. He stated that the proposed development will be detrimental to the environment. He stated that the area is already prone to flooding. He stated that any additional flooding could compromise the public's safety. He stated additionally, Neck-O-Land Road would not be able to handle the increased traffic.

Ms. Carol Mathews, 4733 Captain John Smith Road stated she is a board member of the Peleg's Point Home Owners Association (HOA). She stated that the only reason this project is moving forward is due to the fact that it has been grandfathered. She stated that if this proposal was held to the standards required for new development today, the plans would not be approved due to the environmental sensitivity of the property. She stated that Neck-O-Land Road is already overtaxed. She stated that Neck-O-Land Road has flooded several times and is surrounded by wetlands.

Ms. Jackie Conrad, 105 Branscome Boulevard, stated she lives near the proposed development. She stated that she is concerned with Section 6, and stated that it is next to a two and a half-acre pond. She stated that the plans should be delayed until further research can be completed and certain questions are answered. She relayed several questions that she would like answered. She asked if the builder would be posting a performance bond, guaranteeing that the lot's infrastructure is stable. She asked what the legal obligations would be for the Home Owners Association (HOA) if the pond requires maintenance. She asked if the HOA is dissolved, who then would be responsible. She asked, if all the residents of Peleg's Point understand and agree to these responsibilities. She stated that there had been several inconsistencies with the information provided by Ray Paul, including calculations to determine flooding conditions. She stated that she would like JCC to consider buying the land using eminent domain. She stated that the proposed two and a half-acre pond borders Neck-O-Land Road and the emergency exit. She stated that if the pond blows out it could isolate 300 plus residents. She asked, given all these conditions, if any one of the Planning Commissioners would consider purchasing a home in this location.

Mr. Keith Sadler, 9929 Mountain Berry Court stated he is a representative and member of the Concerned Citizens of the Historic Triangle and he objects to the common pages of the Comprehensive Plan.

Mr. Fraley, 104 Thorpe's Parish stated that the Planning Commission should think very carefully about moving forward with the proposed plans for Peleg's Point. He stated that the cumulative impact of the proposed development could have many unintended consequences. He stated that the area in question is already under duress. He stated that he had walked in that area recently while it was raining and saw firsthand many pools of water accumulating with just moderate rainfall. He asked that this case be considered independently for the other cases or the DRC report. He asked that the public have another opportunity to discuss their concerns before moving forward. He suggested that the developer should consider building fewer houses than what is currently proposed.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public comment period.

4. MINUTES

A. March 7, 2012 Regular Meeting

Mr. Rich Krapf made a motion to approve the minutes.

In a unanimous voice vote, the minutes were approved.

5. COMMITTEE/COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Chris Basic stated that the DRC met on March 28, 2012 to discuss three cases. He stated that the first case was S-0059-2005, Peleg's Point, Section 6. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion by Mr. Mike Maddocks the DRC voted (4-0), to grant preliminary approval, subject to agency comments. He stated that the next case was S-0037-2007, Ford's Colony, Section 35, Westport. He stated that the case was before the DRC because it proposes more than 50 lots. He stated that following a motion he made the DRC voted (4-0), to grant preliminary approval for the revised layout of Westport subdivision, subject to agency comments. He stated that the final case was Z-0003-2012/ MP-0001-2012, New Town, Section 12. He stated that there was no action taken on this case. He stated that the DRC reviewed a master plan and illustrative layout for a proposed 274 for-rent townhouse unit development in Section 12 of New Town. He stated that the rezoning and master plan application have been submitted and are tentatively scheduled for the May 2, 2012, Planning Commission meeting.

Mr. Krapf stated that at this meeting there were comments from the public during the public comment period regarding Peleg's Point. He stated that one question asked was regarding the modeling calculations; did the estimates include rainfall or was it solely reflecting tidal water. He stated that the applicant, the County Engineer and the independent consultant (hired by the County to review this project) all agreed that the models included the 100-year max tidal surge as well as the worst 100-year vertical rainfall. He stated that there was a discussion regarding stormwater management practices. He stated, not only were the new stormwater management practice measures being employed sufficient to handle the proposed 79 new units but they would also benefit a portion of the existing units in Section 5.

Mr. Basic stated that the DRC meeting lasted an hour and a half. He stated prior to that there was another public meeting (for Peleg's Point, Section 6). He stated that this case has been thoroughly reviewed.

Mr. Krapf made a motion to approve the DRC report.

In a unanimous voice vote, the report was approved.

B. Policy Committee

Mr. Krapf thanked staff member, Tammy Rosario for attending the meeting.

He stated that the Policy Committee met Tuesday, March 20, to discuss the upcoming April 30, joint Planning Commission meeting with JCC, York County and the City of Williamsburg. He stated, he, Mr. Maddocks and Mr. O'Connor discussed possible topics for that meeting. He stated that they agreed that the topics should be broad in scope, important to JCC and applicable to at least one of the other two jurisdictions. He stated that included in the meeting package (for this evening) was a memo from Mr. Allen Murphy outlining the efforts. Mr. Krapf stated he would like to go thru the main topics that the Policy Committee is recommending for review at the April 30 joint Planning Commission meeting. He stated, he would like to verify that there is consensus on the chosen topics for discussion. He stated that the chosen topics were: economic opportunity, affordable and workforce housing, long range development of Riverside, Marquis and Kingsmill areas, transportation, agriculture and fisheries and overall, big picture priorities.

Mr. Basic made a motion to approve the Policy Committee report.

In a unanimous voice vote, the report was approved.

C. Other Commission Reports

Mr. Maddocks stated that there was not a Regional Issues Committee meeting this month.

6. PUBLIC HEARING CASES

A. SUP-0001-2012/Z-0001-2012, Williamsburg Seventh day Adventist Church Expansion

Mr. Jose Ribeiro stated that James Peters of AES has applied on behalf of the Williamsburg Seventh-Day Adventist Church for a Special Use Permit (SUP) to allow the expansion of the existing church building. He stated that concurrent with the SUP application, the applicant is proposing an amendment to existing proffers regarding a scenic easement. He stated that this property is zoned R-1, Limited Residential, and is designated Low Density Residential in the Comprehensive Plan. The Comprehensive Plan also designates Route 5 as a Community Character Corridor.

Mr. Ribeiro stated that the church is located on a nine acre parcel south of Route 5 between Saint George's Hundred subdivision and the Williamsburg Community Chapel. He stated that the existing building is centered on the property. He stated that the perimeter and much of the property is covered by vegetation offering a natural buffer from adjacent properties.

Mr. Ribeiro stated that this property was originally part of a larger 363 acre parcel which was rezoned in 1986. He stated that in 1987 an application to amend approved proffers was granted by the Board of Supervisors (BOS). He stated that the purpose of the amendment was to exempt a 9.2

acre tract of land from approved proffers and to allow for the development of a church and accessory uses.

Mr. Ribeiro stated that one of the proffers associated with the church, retained from the original rezoning, established a scenic easement along the church property's frontage, 145 feet from the centerline of Route 5. He stated that the applicant has indicated a desire to maintain the scenic easement by removing, pruning, and planting vegetation. He stated that, as currently written, the proffer does not allow for this type of activity within the scenic easement. He stated that the purpose of this proffer amendment is to allow the applicant the flexibility to maintain the vegetation within the scenic easement. He stated that given the environmentally sensitive nature of a scenic easement and the importance of Route 5 as Community Character Corridor, the amended proffers would ensure that prior approval from the Planning Director must be granted before any alterations are made inside the easement.

Mr. Ribeiro stated that this proposal also requests an SUP to allow a 5,500 square foot expansion of the existing church building. He stated that according to the applicant, the expansion would not increase the seating capacity of the existing church (currently at 150 seats). He stated that the addition being proposed would contain a multi-purpose area for social gatherings, meetings, and classrooms. He stated that houses of worship are a specially permitted use in R-1. He stated that for specially permitted uses, any expansion or modification also requires an SUP. He stated that the church currently does not have an SUP since it was built at a time when the Zoning Ordinance permitted houses of worship by-right in R-1. He stated that if approved, this SUP would bring the entire site into conformance with the current zoning regulations as well as allow the proposed 5,500 square foot expansion.

Mr. Ribeiro stated that the site is located within the Powhatan Creek watershed and therefore subject to Special Stormwater Criteria requirements. He stated that the site is relatively flat with two onsite stormwater management features treating water runoff. He stated that with the proposed building expansion and additional impervious surface, these two features will be upgraded. He stated that the proposed expansion will not increase the seating capacity of the church. He stated that staff finds that the proposed number of parking spaces (40), to be adequate for the use. He stated that the Virginia Department of Transportation (VDOT) has reviewed this application and has requested that additional information be provided at the site plan review stage for the entrance. He stated that condition number three ensures compliance with VDOT's request.

Mr. Ribeiro stated that Staff finds that the proposed building addition is consistent with the surrounding zoning and development and is compatible with the 2009 Comprehensive Plan. He stated, in addition, Staff finds the amendment to the scenic easement proffer language consistent with the Zoning Ordinance. He stated that Staff recommends the Planning Commission recommend approval of this application to the BOS with the conditions listed in the staff report and acceptance of the amended proffers.

Mr. Maddocks asked for clarification, that the applicant only wants the vegetation more manicured and not reduce it.

Mr. Ribeiro responded affirmatively.

Mr. Maddocks asked if residents in Jamestown Hundred would see the building with the proposed expansion.

Mr. Ribeiro stated that he visited the site with the Senior Landscape Planner to better understand visibility concerns. He stated that he had spoken with a resident from Jamestown Hundred who was concerned with the visibility of the exposed facilities as well. He stated that she was also concerned about the potential noise generated during construction. Mr. Ribeiro provided pictures of the buffer at different distances. He stated that it is possible that one would be able to see portions of the building. He stated that the buffer is dense enough to shield the facilities from view for adjoining properties.

Mr. Basic stated he shares Mr. Maddocks' concerns. He stated that the existing vegetation does appear to be dense enough to obscure the view of the building. He stated that if the buffer was not there he would potentially ask for improvements to the architectural elevations.

Pastor Michael Messervy, 196 Racefield Drive spoke on behalf of Williamsburg Seventh day Adventist Church. He stated that the building was constructed in 1992. He stated that each weekend they have approximately 75 attendees for their services. He stated that worship services are on Saturday at 10 a.m. He stated that the church is involved in a number of community partnerships with FISH, Faith In Action, Housing Partnership in Williamsburg and Hospice House. He stated that this project is seeking to finalize the construction of the support facility. He stated that the original building has sufficient space for worship services but the supportive facilities require more space. He stated that typically, after each service the congregation will have lunch together. He stated that the addition will give them a more appropriate setting for this activity. He stated that they also have several age-appropriate bible study classes but currently only have two classrooms. He stated that the proposed addition would add two new classrooms. He stated that the addition would also include more bathrooms and more kitchen space. He provided images of the aerial view.

Seeing no one else that wanted to comment, Mr. O'Connor closed the public hearing.

Mr. Krapf stated that the proposed language and amendment to the proffers will enhance the landscaping. He stated that he supports the building addition and the amendment to the proffer. He made a motion to approve the application.

In a unanimous roll call vote, the motion was approved (5-0; Woods, absent).

B. SUP-0003-2012, David Nice Building Expansion

Mr. Ribeiro stated that Mr. Brandon Nice has applied for an SUP to allow for an expansion to an existing contractor's office building on a .93 acre parcel located at 4575 Ware Creek Road. He stated that the parcel is zoned A-1, General Agriculture and is shown as Rural Lands on the Comprehensive Plan.

Mr. Ribeiro stated that an existing 4,415 square foot building is located onsite. He stated that the expansion includes an approximately 828 square foot increase to the building footprint. He

stated that the immediate plans for expansion are to include an 828 square foot, first floor conference room. He stated that in order to provide flexibility for potential future expansion, Mr. Nice has requested that a second floor be added to this application. He stated that the proposed expansion will ultimately be two stories, and approximately 1,656 square feet.

Mr. Ribeiro stated that when the building at 4575 Ware Creek Road was first used as an office, in 1988, contractor's offices were a permitted use in the A-1, General Agricultural District. He stated that the Ordinance was amended in 1989 to make all contractors' offices specially permitted uses. He stated that since that time the building has been expanded twice, receiving SUP's in 1999 and 2003. He stated that the conditions for this expansion are the same as the previous applications. He stated, however, one condition was removed that limited the number of employees to 20. He stated that since the size of the building, and associated parking, indirectly limits the amount of space available for employees, staff is comfortable with removing the condition while ensuring minimal additional impacts on the surrounding area due to this expansion.

Mr. Ribeiro stated that the site is identified by the 2009 Comprehensive Plan as Rural Lands. He stated that principal suggested uses include agricultural and forestal activities, together with certain recreational public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. He stated, however, certain commercial uses which require very low intensity settings relative to the site in which it will be located may be considered on a case-by-case basis, provided such uses are compatible with the natural and rural character of the area, in accordance with the Rural Lands Development Standards.

Mr. Ribeiro stated that staff finds the proposal to have minimal additional impacts beyond the existing building and is compatible with the 2009 Comprehensive Plan. He stated that the existing office has the appearance of a single-family residential structure and the expansion will match the materials and colors of the existing structure. He stated that the two story expansion will have minimal additional impacts on the surrounding properties.

Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the BOS.

Mr. Maddocks asked why the change was made to the Zoning Ordinance in 1989 requiring an SUP for a contractor's office in A-1.

Mr. Murphy stated that the A-1 Zoning designation has evolved over the past 30 years. He stated when he began over 30 years ago, many commercial uses were permitted in A-1 along with residential and agricultural uses. He stated that over the years changes were made. He stated ultimately the decision was made to require an SUP for contractors' offices. He stated that this empowers the legislative body to evaluate and determine the appropriateness of this type of business on a case-by-case basis.

Mr. Krapf stated that in the packet of materials there were two renderings provided. He stated that one is of a single story building and the other is of a two story building. He asked which of the two is the applicant proposing.



Mr. Ribeiro stated that the applicant will be building the single-story structure at this time; with intension to add a second story should they need more space several years down the road. He stated that the applicant wanted to eliminate future SUP amendments for a possible addition.

Mr. O'Connor asked if the applicant had discussed the possibility of adding onto the back of the building instead of adding the second story.

Mr. Nice stated that they do not intend on adding to the back of the building after the proposed addition is complete. He stated that if business demands it the only expansion would be the second story addition seen in the rendering provided.

Mr. Maddocks made a motion to approve the application with the conditions listed in the staff report.

In a unanimous voice vote, the motion was approved (5-0; Woods, absent).

7. PLANNING DIRECTOR'S REPORT

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

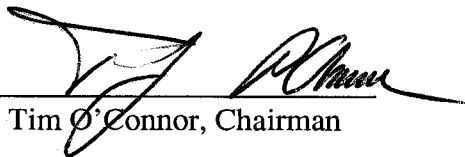
8. COMMISSION DISCUSSIONS AND REQUESTS

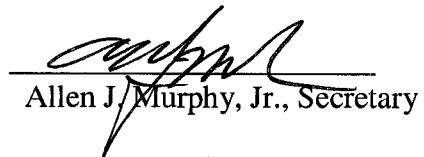
Mr. Basic asked who on staff would be taking the AICP exam in the fall.

Mr. Ribeiro stated that he would be taking the exam though there may be others on staff with the same intention.

9. ADJOURNMENT

The meeting was adjourned at 7:55.

  
Tim O'Connor, Chairman

  
Allen J. Murphy, Jr., Secretary