A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF MARCH, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL	ALSO PRESENT
A. Joe Poole, III	Leo Rogers, Deputy County Attorney
John Hagee	O. Marvin Sowers, Jr., Planning Director
Donald Hunt	Cynthia Grom, Administrative Services Coordinator
Peggy Wildman	David Anderson, Planner
Joseph McCleary	Christopher Johnson, Senior Planner
George Billups	Karen Drake, Senior Planner
Wilford Kale	

MINUTES

The Commission approved the minutes of the February 3, 2003 meeting with adjustments with a unanimous voice vote.

COMMTTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were two cases that were heard at the last meeting, one for the Corner Pocket restaurant in New Town asking for a parking lot waiver and one for the Colonial Heritage Club House, reviewed by the DRC because of it's size of over 30,000 square feet. Both were recommended for approval by the DRC.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee was in their review process. He commented they were on schedule, and listed the rest of the topics yet to be covered, explaining that Land Use has been extended to take up 4 weeks instead of the original 2 weeks allocated for it. He also mentioned he had given a report to the Board of Supervisors at their February 25th meeting. The BOS were impressed with what had been accomplished so far and liked the idea that the Land Use application analysis was being done by both staff and a consultant. On behalf of the public, Mr. McCleary explained what a Land Use Designation Change is. He also mentioned the BOS suggested that the Steering Committee get more input from local businesses.

Lastly, Mr. McCleary spoke of the Community Participation Team, which was still going strong and being very active in the process. They recently participated at the Neighborhood Conference held on March 1st, at Lafayette High School. He also listed the upcoming Community Conversations dates coming up on March 6th at Mt. Gilead Baptist Church & March 10th at Lafayette High School.

PUBLIC HEARINGS

A. CASE NO. SUP-3-03 JCSA Route 5 Water Main Extension Amendment.

Mr. Christopher Johnson presented the staff report. Following approval of the SUP-22-01 by the Board of Supervisors on June 11, 2002, the JCSA conducted additional engineering analysis which indicated that approximately 350 feet of water main would need to be relocated to the south side of Route 5 within an existing JCSA easement before crossing under Route 5 and extending west to Greensprings Plantation Drive. The adopted Special Use Permit conditions require a 250-foot undisturbed wooded buffer along Route 5 with the exception of the clearing necessary for the entrance driveway to the site and further limit the placement of utilities to within ten feet from the edge of pavement. The JCSA has submitted an application to amend the

conditions of SUP-22-01 to allow an alternative alignment for a portion of the water main. The changes will allow the JCSA to locate a portion of the water main within their existing easement. With the exception of Conditions 11 and 12, there are no other changes proposed to the adopted conditions of SUP-22-01. Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Mr. Joe Poole, III, opened up the public hearing.

Mr. Larry Foster, Director of James City Service Authority and applicant, thanked staff for all of their help in getting this case moved so quickly. When asked by Mr. Joe Poole if the extension affected the wooded buffer on Route 5, he replied "No, it does not."

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joe McCleary made a motion to approve.

Mr. Wilford Kale seconded the motion.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

B. CASE NO. SUP- 23-02 Mt. Gilead Duplexes.

Mr. David Anderson presented the staff report, on behalf of Sarah Weisiger. He explained the applicant had requested the case be indefinitely deferred.

Hearing no questions, Mr. Joe Poole, III opened and closed the public hearing, and stated the case would be deferred indefinitely.

C. CASE NO. SUP-4-03 Hankins Farms Water and Sewer Extension.

Mr. David Anderson presented the staff report. Mr. Vernon Geddy, III has applied on behalf of Howard B. Hankins and Hankins Land Trust for a special use permit to allow for the extension of water and sewer service to the Hankins Farm property. The proposed water and sewer mains would extend from the intersection of Croaker Road and Rochambeau Drive, extend approximately 2,400 feet east along Rochambeau Drive, cross through a residential lot, and cross Cloverleaf Lane, Interstate 64, and Fenton Mill Road to Hankins Farm property. A total of approximately 3, 740 ft. of water main and 3, 490 feet of force main are proposed to be constructed. The proposed water main and force main would be dedicated to and operated by the James City Service Authority and are intended to serve the Hankins Farm Property. The proposed mains could also serve existing development directly abutting the water and sewer main alignment along Rochambeau Drive. Twelve inch water and sewer mains are proposed for this project. The James City Service Authority is currently working at a site plan level to determine the appropriate size of the mains. Therefore, the size of the mains will not be tied to the SUP. Appropriately sized mains will be provided as a condition of site plan approval. Staff finds the proposal to extend public water and public sewer to the Hankins Farm property consistent with the Comprehensive Plan, consistent with the proffered rezoning for the Old Dominion French Winery which encompasses this property, and recommends the Planning Commission approve this special use permit application with conditions.

Mr. Wilford Kale asked Mr. Larry Foster, General Manager of JCSA, how they determined what they can serve and what will be needed in regards to water supply for a project of this size. He wondered what kind of service could be provided if the desalt plant is not up and running.

Mr. Larry Foster said no service will be provided until the water lines are installed. He said it was based on calculations regarding the type of development and the capacities needed.

Mr. Wilford Kale asked Mr. Foster if they knew of any changes in the area regarding land use

designation, since we are in the middle of the revision of the Comprehensive Plan.

Mr. David Anderson stated that there is a land use designation change application in for this property. It is requesting a change from mixed use to change the language to allow for additional residential. He explained that it did not change it significantly, but they are requested revised language. He did not think it would affect the engineering calculations.

Mr. Joe McCleary asked for clarification from Mr. Foster regarding who is paying for this project.

Mr. Larry Foster confirmed that the applicant would be paying for it and then it would be dedicated to JCSA. Extensions of JSCA line driven by development are paid for by the developers.

Mr. Joe Poole, III, opened the public hearing.

Mr. Vernon Geddy, representing the applicant, explained the purpose of the project. He noted that the Hankins family has no specific proposal in the wings at this time. However it would be there for future possibilities if the Hankins family decided to do something.

Mr. Joe McCleary noted that in Mr. Anderson's presentation that one part of the pipeline is going across private property, and asked for clarification.

Mr. Vernon Geddy explained that part of the extension would go through an easement obtained by the applicant by permission of the private owner.

Mr. Wilford Kale asked if this was a business decision made by the trust to enhance the marketability of the property.

Mr. Vernon Geddy answered that he believed that would be entirely accurate.

Mr. Joe Poole, III asked when the approved master plan on the property was granted.

Mr. Vernon Geddy replied it was in 1991.

Mr. George Billups inquired if the line would be available to other residents.

Mr. Larry Foster explained that yes, it would be available for typical connection fees. The connection fees are based on the individual home and number of bathrooms. He said it was $300.00 per bathroom fixture, with a typical bathroom having three fixtures. For example a 2 ½ bath home would be $2,400.00 for water and $2,400.00 for sewer.

Mr. Wilford Kale asked if water restrictions would be placed on the golf course like other ones.

Mr. Larry Foster clarified that the line was only for domestic use. There is a condition that specifies that the club house would have to hook up, but just for domestic use and not for the kind of demands you would have for a golf course. With regulations, the JCSA discourages any use of public water for irrigation of golf courses.

Mr. Joe Poole, III, invited the citizen speakers to come forward to the podium.

Mr. Williams Brantley, resident of 4523 Clover Leaf, and also speaking on behalf of his parent who resides at 4590 Rochambeau Drive, asked whether or not residents would be required to tap in. He also asked what side of the road on Rochambeau that the lines would be extended down.

Mr. Larry Foster answered no; they would not be required to tap in.

Mr. David Anderson explained where the lines were going to be placed.

Mrs. Barbara Abbott, resident of 4470 Rochambeau Drive, asked about the placement of the water and sewer lines and wondered why they were being placed there. She thought it would be easier to place the lines in a different spot.

Mr. David Anderson explained where the lines were going to be placed along Rochambeau Drive and Croaker Road.

Mr. Steve Romeo, Engineer for Landmark Design Group, explained when they prepared the plans for this project, the original master plan showed the lines as running this way. In order to re-route the lines now would require a master plan amendment. He explained that it was less expensive to run the lines as planned, with less traffic interference.

Mr. Joe Poole, III, asked about the lines being buried to an acceptable depth and the land being refilled and tamped, reseeded and restored.

Mr. Steve Romeo answered all work would be done according to JCSA compliance and standards.

Mr. John Hagee commented to Mrs. Abbott that having water and sewer lines would enhance the property values.

When Mrs. Abbott asked about water restrictions and the impact this will have on the current situation, Mr. Donald Hunt answered that if he was one of the people that all live in the residences there, which all have wells, he would welcome the lines and the opportunity to tap in, in case of a well drying up.

Mr. Joe Poole, III, explained the nature of the special use permit application that it was not for an additional number of residences or commercial buildings. They are not approving a new user, just the public facilities potentially to service it.

Mr. Bob Bailey, speaking on behalf of his parent who resides on Fenton Mill Road, was concerned about where the line comes in by the property line.

Mr. Steve Romeo explained that the lines come in to the left of the property by 30 to 40 feet.

Hearing no other questions, Mr. Joe Poole, III, closed the public hearing.

Mr. Joe McCleary asked Mr. Leo Rogers, County Attorney, if the extension of the special use permit condition from 24 to 36 months was a problem.

Mr. Leo Rogers answered that the County had no problem with the time extension. He explained that policy decisions were made on a case by case basis.

Mr. Joe Poole, III, stated his support of approval for this project with the conditions.

Mr. Joe McCleary seconded his comments, and noted his appreciation for Mrs. Abbott's comments as well.

Mr. Joe Poole, III, commented that he especially liked condition no. 6 regarding hours of construction.

Mr. George Billups asked if doing the extension of water and sewer changed the zoning or would be a consideration of future zoning requests.

Mr. David Anderson replied that it doesn't change the zoning.

Mr. Marvin Sowers explained that the property in question by the special use permit is the only property that is actually within the PSA. Under the conditions, other properties would not be eligible for a line extension, so it would not directly affect any future rezoning requests.

Mr. Wilford Kale asked if the north side of Rochambeau would remain outside of the Primary Service Area.

Mr. Marvin Sowers replied yes.

Mrs. Peggy Wildman made a motion to approve.

Mr. Joe McCleary seconded the motion.

In a roll-call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

5. PLANNING COMMISSION CONSIDERATION

A. Capital Improvement Program (CIP)

Mr. Wilford Kale, Chairman of the Policy Committee, started off the presentation by thanking Ms. Karen Drake for all of her hard work and effort to make sure things were prepared and taken care of.

Ms. Karen Drake presented the Policy Committee's CIP Priority Ranking report. She summarized the report that was included in the Planning Commission packet and went through the Capital Improvements Ranking for FY'04.

Mr. Wilford Kale discussed the "No Priority" ranking and the two projects submitted by the Williamsburg/James City County School System, the proposed 3rd High School and the Athletic Sports Complex that fell under that ranking. He explained how the Policy Committee was concerned that by putting a ranking on these projects would result in the Policy Committee and the Planning Commission getting involved in the middle of the political controversy surrounding these projects. Thus, by using the "No Priority" ranking, they hoped to avoid this. He said the committee felt that until the School Board and the Board of Supervisors settled terms in regards to these projects, they didn't feel they should make a priority ranking as no money was going to be spent until an agreement was made. He also commented that the entire process went very smoothly and that all of the county departments were very responsive to the Policy Committee's questions.

Mr. Joe McCleary seconded Mr. Kale's comments. He noted that all members of the Policy Committee as well as members of the Planning Commission are strong supporters of providing the best education they can obtain for the children in the County. He mentioned how Mr. Billups is a life long educator with more than 20 years as a high school principal, and is a great asset when it comes to matters affecting public education. He noted that the Policy Committee and the Planning Commission, over the last few years, have consistently moved up the rankings for school items and public safety items, where habitability and safety were concerned, and that they have a good record concerning those areas. He also noted that the Policy Committee sought the council of Mr. Leo Rogers, County Attorney, on this matter as what was the best course to take, so that they did not appear to be getting into the middle of a controversy, and endorsing something one way or the other when it has yet to be settled by the School Board, the Board of Supervisors and the voters of the community, since the projects are something that would have to go to a referendum.

Mr. Wilford Kale explained that he has been in support of the concept of an Athletic Complex since it was first raised in a Policy Committee meeting years ago. He said he sees the benefit in a combined facility, but they put it under the "No Ranking" priority as to not get into the middle of the controversy surrounding it.

Mr. Joe Poole, III commented that the reasoning behind the decisions made sense to him. He liked the items that fell under the "High Priority" ranking, such as Water Quality Improvement, and PDR (Purchase of Development Rights). He made the suggestion that on page 36 that the italicized statement "The Policy Committee recommended not ranking this project due to unresolved questions of public policy" be moved below the items it was referring to.

Mrs. Peggy Wildman pointed out a typo on page 30 to change the word "Trial" to "Trail".

Mr. Joe Poole, III, asked whether or not the funding and payments for the Operating Contribution projects would continue to go through. He also asked about how the projects that fell under that category did not result in a tangible asset but was for the benefit of the County's citizenry.

Ms. Karen Drake responded that yes, they would go through to the final budget that goes to the Board of Supervisors, and that they fell under the category of Operating Contribution projects since they do not result directly in a County asset. She gave the example of the Underground Utilities request to make it clearer to understand that the project results in a benefit for the County but is not a County owned asset.

Mr. Wilford Kale explained that it was changed about a year ago, as the Policy Committee was asked to do it this way.

Ms. Karen Drake explained that this was the second year the Operating Contributions category was being used and it came about as a result of the change in the accounting systems.

Mr. Joe Poole, III asked if they were still budgeted to go on to support these endeavours.

Ms. Karen Drake replied that was correct.

Mr. Joe Poole, III asked for any other questions, comments or recommendations from the Planning Commission members.

Mr. Wilford Kale made a motion to approve.

Mr. Joe McCleary seconded the motion.

In a unanimous voice vote the Commission approved the CIP report.

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers discussed the upcoming Community Conversations and the different format that was going to be used.

Mr. Joe Poole, III, addressing his remarks to the other Planning Commission members, commented on attendance to Board of Supervisor meetings when no land use cases are being reviewed. He said he would leave it up to their good judgment on whether or not to attend. He felt it was important to go but it was a judgment call on part of the member whose turn it was to attend.

Mr. Joe McCleary reiterated his standing offer to let the PC member call him if they need someone to fill in for them. He said he would be more than happy to go.

Mr. Joe Poole, III, discussed his recent meeting with Paul Fryling, a newly elected Chairman of the City of Williamsburg Planning Commission. Mr. Fryling is also a colleague of Mr. Poole's. They discussed the possibility of having a regional meeting of the Planning Commission membersof the three localities after the Comprehensive Plan is done. He was planning to work on this for the Fall, and welcomed any input on some of the items to be discussed. He also referred to the Regional Issues Committee, made up of the three local government bodies, of which Mr. Billups is a member. He commented on the mailing that Mr. Sheppard, Chairman of the Regional Issues Committee, sent recently that included a very helpful map of the land use designations.

Mr. George Billups commented that Mr. John Horne, James City County Development Manager, and key planners from York County presented the Land Use designation map to the Regional Issues Committee at the last meeting, in January. A key issue is the future development of the Route 199 Corridor. He also mentioned that Mr. Jay Harrison was made Chairman of the committee, replacing Mr. Sheppard.

Mr. Donald Hunt inquired whether or not the Route 199 Corridor plans included an upper river York crossing. At one time they were considering the Lightfoot extension as a possible location for the crossing. He wanted to get the status.

Mr. Marvin Sowers explained that Gloucester County was looking for money to continue the study, but until then it was on hold until funding could be made available. He also mentioned that the Planning Division received a copy of the land use designation map and they were looking at it to as part of the Comprehensive Plan update.

Mr. Joe Poole, III mentioned the Council of Chairs, a meeting of the Chairman of the Board of Supervisors with the Chairmen of the School Board, Industrial Development Authority and Planning Commission. Mr. Jay Harrison will discuss items of mutual concern and facilitate dialog. He said their meeting would be Wednesday, March 5th at 8:30 am at the Ukropt's community meeting room. Mr. John McDonald was expected to do a presentation on the budget.

Mr. John Hagee asked Mr. Marvin Sowers about the Listening Posts at the Community Conversations.

Mr. Marvin Sowers explained the format.

ADJOURNMENT

There being no further business, the March 3, 2003, meeting of the Planning Commission was adjourned approximately at 8:19 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary