

Minutes of the March 4, 2015 Planning Commission Meeting

A. Z-0005-2014, Peninsula Pentecostals, Kirby Tract

Ms. Ellen Cook, Senior Planner, provided the Commission with a presentation on the proposed rezoning from M-2, General Industrial to MU, Mixed Use for three parcels located on Pocahontas Trail in the GreenMount Industrial Park to allow a 130,000 square foot place of public assembly, a day care center for up to 150 children, and up to 30,000 square feet of commercial uses.

Mr. Krapf opened the floor for questions from the Commissioners.

Mr. Basic inquired whether Newport News Waterworks had seen and responded to the revised proffers related to fuel dispensing.

Ms. Cook responded that Newport News Waterworks had provided some very preliminary comments on the revised proffers and still had reservations about allowing fuel dispensing on the property due to the proximity to the reservoir.

Mr. Basic requested clarification on the discrepancies between the proffered traffic management plan and the plan that staff would prefer.

Ms. Cook stated that the proffers indicate that submission of traffic circulation plan to address circulation and queuing of vehicles to limit the impact along Pocahontas Trail and implementation of the recommendations will be triggered when the certificate of occupancy for Phase 1 is issued. Ms. Cook stated that staff would like to see language included that addresses a means of tracking the measures and ensuring that they are effective in the field over time as additional phases are constructed and as additional vehicle trips are generated and additional parking areas and internal connections are constructed.

Mr. Basic inquired if staff had concerns about the potential for ingress queues to block Pocahontas Trail if conflicting traffic movements on-site slow vehicle entry.

Ms. Cook confirmed.

Ms. Bledsoe inquired about the amount of revenue currently generated by the parcel.

Ms. Cook responded that the information was not immediately available but would be provided.

Mr. Wright inquired about the length of time the property has been actively marketed.

Ms. Cook responded that the property is currently in crop production; however, she is not familiar with the marketing history.

Mr. Krapf suggested that the applicant could speak to that during his presentation.

Mr. O'Connor inquired whether spill prevention had been addresses in the proffers.

Ms. Cook responded that Newport News Waterworks would prefer not to see fuel dispensing on the property; however, if it did go forward, a spill prevention plan would be a high priority.

Ms. Bledsoe inquired if staff's main concern about the traffic circulation plan was to have a way to review the existing conditions as development progresses to ensure that the improvements are adequately addressing issues.

Ms. Cook responded that staff would want to be able to consider traffic flow at each development phase.

Mr. Wright inquired whether staff would be ensuring that development on the parcel is in compliance with the Zoning Ordinance.

Ms. Cook stated that staff would review any proposal against the Zoning Ordinance and any other State or Federal requirements. Ms. Cook further stated that with proffers, staff looks to ensure that any situations not covered by another regulation will be addressed.

Mr. O'Connor inquired whether a fueling station would require an SUP.

Ms. Cook responded that fueling stations are a permitted use in the Mixed Use district.

Mr. O'Connor requested that staff indicate where the proposed Skiffes Creek Connector alignment would fall in relation to the proposed development.

Mr. Krapf inquired about the difference in cost between the two options for the Skiffes Creek Connector.

Mr. Holt responded that Alternate A has a cost estimate of \$72.8 million and Alternate A-1 has a cost estimate of \$53.8 million. Mr. Holt stated that the estimates are for a four-lane cross section; however, staff is working with VDOT to determine if a two-lane cross section would be feasible and less costly. Mr. Holt noted that those figures have not been provided by VDOT.

Ms. Bledsoe inquired if the Skiffe's Creek Connector is in the VDOT Six Year Plan.

Mr. Holt confirmed that the project is included for the study phase; however, VDOT will not proceed past that phase until construction funding is identified.

Mr. Krapf called for disclosure from the Commissioners regarding meetings or discussion with the applicant.

Mr. Wright, Mr. Drummond, Ms. Bledsoe and Mr. Basic each stated that they had spoken with Mr. Trant.

Mr. Krapf opened the public hearing.

Mr. Timothy O. Trant, Kaufman and Canoles, PC, stated that he represents the applicant, Peninsula Pentecostals. Mr. Trant stated that Pastor Jared Arango, the Church Administrator John McSharry, Steve Romeo with VHB and, Mr. Chris Lawrence, with A. E. Comp. are also available to answer any questions.

In response to the question about the length of time the property has been on the market, Mr. Trant stated the property has been marketed for industrial development for approximately 25 years. In response to the question about spill prevention, Mr. Trant stated that those are part of the regulatory requirements for the permitting of a fueling station; however, the applicant is agreeable to providing greater assurance of compliance through any method suitable to the County. Mr. Trant further stated that the applicant intends for the traffic management plan to be a living document which would provide for periodic review.

Mr. Trant provided a history of the applicant's interest in the subject properties and efforts to establish a campus in James City County. Mr. Trant further provided an overview of the proposal and its benefits to the Grove community.

Mr. Krapf inquired if there were any questions for the applicant.

Mr. Richardson inquired about the difference between the design phase and the location study phase for the Skiffes Creek Connector.

Mr. Holt responded that the design phase is to develop a set of engineered plans. Mr. Holt further stated that currently VDOT is doing environmental analysis for the site.

Mr. Richardson inquired if the applicant is aware that the more cost effective alignment for the Skiffes Creek Connector impacts the proposed location of the house of worship.

Mr. Trant responded that while the applicant is aware of the potential alignment, they believe that the alignment shown on their master plan is the only viable option based the existing alignments and connections to existing businesses.

Mr. Steve Romeo stated that Alternate A-1, despite the cost savings, presents too many physical barriers to the smooth movement of vehicular traffic.

Mr. O'Connor inquired why the applicant chose to apply for the Mixed Use zoning district when many of the proposed uses such as places of public assembly and fueling stations are by-right under the M-1 zoning district.

Mr. Trant responded that the applicant chose Mixed Use because it was consistent with the Comprehensive Plan designation for the property.

Mr. Krapf noted that the application covers three parcels and that there is substantial detail provided for parcel 1 where the house of worship will be located regarding the location of the

structures, parking, etc.; however there is far less detail provided for the other two parcels than is customarily provided with rezoning applications and inquired about the reason for the lack of detail. Mr. Krapf further inquired whether the applicant would consider proffering a right-of-way for the Skiffes Creek Connector on the easternmost parcel that would allow VDOT to implement that alignment if necessary.

Mr. Trant responded that the absence of detail for the commercial parcels is to allow the future uses on those parcels to reflect what the County and other stakeholders deem best for the area. Mr. Trant noted that the proposed mix of uses is based on recommendations from the Office of Economic Development as well as adjacent businesses and residents of the Grove community. Mr. Trant noted that the lack of detail also related to the uncertainty over the Skiffes Creek Connector and how it will ultimately affect the development on the parcel. Mr. Trant stated that the proffers provide for submittal of a detailed concept plan and stormwater plan once those impacts are known.

Mr. Trant requested clarification on what is meant by “proffer a right-of-way.”

Mr. Krapf stated that he believed it would be ensuring that VDOT would have the right to construct the roadway on the parcel.

Mr. Trant stated that this has already been done through the notation on the master plan. Mr. Trant further stated that it is customary that a right-of-way established on a master plan provides statutory assurances and that the intent of the applicant is to ensure that the right-of-way is preserved for construction of the roadway.

Mr. O’Connor inquired whether the proposal is considered a high traffic generator.

Mr. Trant responded that the peak hour traffic for this proposal would be on Sunday morning and mid-day. Mr. Trant stated that the traffic study is fairly accurate in analyzing the potential impact on the corridor at peak times. Mr. Trant noted that the impact of the proposal on the corridor between build and no build conditions is 19 seconds.

Mr. Chris Lawrence further explained that the peak hour for the church traffic corresponds with a time when there is little other traffic on Pocahontas Trail which accounts for the minimal impact. Mr. Lawrence further stated that the weekday impacts will be barely noticeable.

Mr. O’Connor inquired whether traffic generation was calculated for the future phases.

Mr. Lawrence stated that traffic generation was considered for both the church and the daycare at both weekday peak hours and the four hours on Sunday covering the church service.

Mr. Richardson inquired about how far out the traffic projections went.

Mr. Lawrence responded that the projections went out 10 years.

Mr. Richardson inquired if staff had LOS projections for Route 60 for 10 to 20 years out.

Ms. Cook responded that the Comprehensive Plan projection for the Pocahontas Trail Corridor was 21,186 average annual daily trips for 2035 and the corridor is listed in the Watch category and is anticipated to need improvement. Ms. Cook further stated that the Regional Traffic Study projects a peak hour LOS of F in 2034. Ms. Cook noted that staff anticipates a more traditional weekday traffic generation from the proposed commercial uses on the property and that, while currently unquantified by the study submitted for the application, a use such as the fueling station could potentially be considered as a high traffic generator. Ms. Cook further noted that a traffic study would be submitted for the future uses.

Mr. Basic asked what assurances are in place to prevent development of the property that varies greatly from what is currently being discussed if there is no binding master plan.

Mr. Trant stated that nothing can happen on the site that is not a permitted use under the zoning district. Mr. Trant further stated the proffered requirement for approval of a concept plan prior to site plan development would provide further assurances.

Mr. Basic inquired about what would happen if the property were subdivided.

Mr. Trant stated that before any development can occur, even on a portion of the property, a master plan would be required and be reviewed and approved by staff for consistency with current ordinances; there would not be piecemeal development that would be in conflict with that master plan.

Ms. Bledsoe inquired about the number of church services each week.

Pastor Jarred Arango stated that the services would be on Sunday morning at 10:00 a.m. for Sunday School with the main worship service at 11:15 a.m. and an additional service Sunday evening at 6:30 p.m.

Ms. Bledsoe asked for a show of hands how many of the members live in James City County.

Based on the response, Ms. Bledsoe noted that it appeared that the majority of members might live in other jurisdictions.

Ms. Bledsoe asked Mr. Drummond, as Roberts District representative, to comment on the availability of restaurants and shops in the Grove community.

Mr. Drummond noted that there are some limited shops and few restaurants. Those that exist are primarily fast food.

Ms. Bledsoe inquired if they were places where people might choose to stop and eat.

Mr. Drummond responded that the choices are limited.

Ms. Bledsoe noted that she would like to see more traffic in the Grove area to generate additional business in the community.

Mr. O'Connor inquired if there was any condition to limit residential development.

Mr. Trant stated that the proffers limit residential development to a single accessory apartment for pastoral care or temporary uses.

Mr. Krapf opened the floor for comments from the public.

Ms. Marjorie Daniel, Ball Corporation, 8935 Pocahontas Trail, Williamsburg, spoke in support of the application. Ms. Daniel stated that the proposed development of the property would be a benefit to the residents of Grove as well as employees of the businesses along that portion of the corridor. Ms. Daniel further stated that the Ball Corporation is interested in partnering with the Church on community outreach efforts.

Mr. David Green, 206 Carters Neck Road, Williamsburg, requested that the Commission recommend approval of the application so that the Church would be able to make a difference in the community for those who are seeking spiritual fulfillment.

Rev. Jared Arango, 901 Waystone Court, Newport News, addressed the Commission on the history of the Church and its mission to make a positive impact on individuals, families and the community. Rev. Arango noted that healthy people make a healthy community. Rev. Arango requested that the Commission recommend approval of the application.

Mr. Douglas Beck, 9915 Swallow Ridge, Toano, stated that the development proposal for the property was designed to provide benefits to the County's tax base as well as services to the community. Mr. Beck requested that the Commission recommend approval of the application.

Mr. John McSharry, 818 Enos Court, Newport News, stated that the proposal for the property would be a fitting bridge between the existing residential neighborhood and the GreenMount Industrial Park. Mr. McSharry stated that the Church desires to develop the parcel in keeping with the County's recommendations and be a benefit to the community. Mr. McSharry requested that the Commission recommend approval of the application.

Mr. Dedric Sanford, 4917 Court House Street, Williamsburg, stated that he has recently opened a business in James City County. Mr. Sanford noted that while the four employees he is hiring is a drop in the bucket, the proposed development would bring new businesses to Grove and that if those businesses each hired four employees there would be a tremendous impact on the economy. Mr. Sanford addressed the Commission on the positive impact that the Church has on its members and stated that the Church hopes to improve the lives of individuals throughout Hampton Roads.

Ms. Sherry Horton, 8209 Bridlington Way, Williamsburg, addressed the Commission on the importance and benefit of membership in the Peninsula Pentecostal Church.

Ms. Diana Peters, 9 Saybrooke Court, Newport News, addressed the Commission on the impact of Christian education in the lives of children.

Ms. Michelle Rocheleau, 103 Indian Circle, Williamsburg, addressed the Commission on the impact of membership in the Peninsula Pentecostal Church on her family and the community. Ms. Rocheleau stated that the Church would provide the revitalization needed in the Grove community.

A speaker who did not provide her name addressed the Commission on the blessings of contributing to the building fund for the new building.

Mr. B.J. Anderson, 1002 80th Street, Newport News, stated his family centers their life around the Church and that he would be moving back to James City County when the Church opens its new building.

Mr. Ben Farmer, 8386 Mohawk Lane, Gloucester, addressed the Commission on the unique character of the Church and the impact of the Church on the lives of its youth. Mr. Farmer requested that the Commission recommend approval of the application so that the Church could be a beneficial influence on the children in the community.

As no one wished to speak, Mr. Krapf closed the public hearing.

Mr. Krapf opened the floor for Commission discussion.

Mr. Drummond stated that he represents and lives in Grove. Mr. Drummond stated that he believes the proposed development would be well suited to the site and the community. Mr. Drummond commented on the disparity between some of the uses that would be allowed by-right on the site such as a gun shop, and those that would require a special use permit. Mr. Drummond stated that he would prefer to see a church on the property. Mr. Drummond further stated that the traffic generated by a church would have less impact than the commercial truck traffic currently using the corridor. Mr. Drummond stated that there is nothing about the proposal that would deter him from voting in favor of the application.

Mr. Richardson stated that the Grove area is one of the major industrial areas in the County and is well suited for industrial operations. Mr. Richardson further stated that even though the property has been on the market for a significant amount of time, he believes an economic turnaround will occur and that any proposal to remove land from industrial use should be weighed carefully. Mr. Richardson stated that he believes the master plan does not have sufficient detail to move forward. Mr. Richardson further stated that the traffic impacts could be significant and should be considered in conjunction with the future traffic demands along Route 60. Mr. Richardson stated that, for those reasons, he would not be inclined to support the application.

Mr. Basic stated that the issue being reviewed by the Commission is a land use issue and that the decision of the Commission should not be viewed as a reflection on the Church and its mission. Mr. Basic further stated that he supports the development of a church on Parcel 1, but does not feel that the plans for Parcels 2 and 3 are up to standard and are inconsistent with sound community planning and land use practices. Mr. Basic stated that approving what is essentially a

blank master plan could set a somewhat dangerous precedent in that the details of the master plan will be reviewed and approved administratively. Mr. Basic stated that he believed that application was heading in the right direction; however, it needed additional work to reach a point where it could be approved.

Mr. Wright stated that considering the surrounding land uses and environmental features of the property, the proposal would have equal or less impact than a purely industrial use. Mr. Wright further noted that a viable proposal for the property has not been brought forward in 25 years and no other proposal appears to be forthcoming. Mr. Wright noted that the only other use for a portion of the property would be the Skiffes Creek Connector which did not appear to be imminent due to funding issues. Mr. Wright stated that the land owner and applicant have been delayed long enough and the Church should be allowed to proceed with its primary mission in the community. Mr. Wright stated that he would support the application.

Ms. Bledsoe stated that while she has some concerns about the application, she also has full confidence in Planning staff and the established processes. Ms. Bledsoe stated that she concurred that the construction of the Skiffes Creek Connector would not occur in the foreseeable future. Ms. Bledsoe stated that despite the talk about reserving the property for industrial use which is believed to be the higher and better use, there is no one seeking to establish industrial uses on the property. Ms. Bledsoe stated that she believes the applicant's proposal will bring something very unique to the community. Ms. Bledsoe stated that she believes that both the applicant and staff have met the needs that were required to be met with this application and that staff would continue with an excellent job of follow through. Ms. Bledsoe stated that she supports the application.

Mr. Basic stated that he has been outspoken about the removal of industrial designated land when its removal would allow the property to become retail, commercial or resort property that is still surrounded by industrial zoned land. Mr. Basic stated that such use would be inconsistent. Mr. Basic further stated that he could potentially support the application in the future because a church campus is the perfect neighbor for the two adjacent residential neighborhoods.

Mr. O'Connor stated that he believes that M-1 would be a better designation for the parcels in keeping with the surrounding zoning and the proposed uses. Mr. O'Connor noted that he does have reservations about allowing a fueling station because of the proximity to the reservoir. Mr. O'Connor further stated that he does not feel that the application is sufficiently complete to be approved as it is. Mr. O'Connor stated that he could support the proposed development of the church on the one parcel but he would prefer to see M-1 as the underlying zoning because the permitted uses would be better suited to the environmental features of the area. Mr. O'Connor stated he also believed that the application was heading in the right direction; however, it needed additional work.

Mr. Krapf stated that as a Planning Commissioner, he has to review land use cases from the standpoint of whether the proposal is consistent with the Comprehensive Plan and an appropriate use for the property based on anticipated growth. Mr. Krapf stated that he believes that the application is not consistent with the Comprehensive Plan. Mr. Krapf stated that the Comprehensive Plan language for the Mixed Use portion of this tract states that the predominant

use should be industrial which is not found in the application. Mr. Krapf stated that he also has concerns about the potential impact of locating a church on the property on the existing industrial tenants in the GreenMount Industrial Park should they plan to expand. Mr. Krapf further stated that he is concerned about taking a substantial amount of M-2 zoned property which is part of the Enterprise Zone off the books. Mr. Krapf stated that he would not support the application.

Mr. Drummond stated that when he considers a land use issue, he takes into account the support from the neighborhood. Mr. Drummond stated that there is substantial support for the project. Mr. Drummond stated that he believes the project is compatible with the surrounding uses and that it would be an asset to the Grove community and to the County. Mr. Drummond further stated that he felt it was his duty as a resident and representative of Grove to support the application.

Ms. Bledsoe moved to recommend approval of the application.

Mr. Basic stated that it appeared that the project could have significant support if certain issues were addressed with respect to the proposed commercial uses. Mr. Basic inquired whether the applicant is clear on where the application stands and where it might be headed.

The applicant confirmed.

On a roll call vote the motion to approve failed by a vote of 3-4.

Mr. Holt noted that the application would still move forward for review by the Board of Supervisors. Mr. Holt noted that the Board would consider the Planning Commission recommendation; however, it would hold its own public hearing and take its own vote.