

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA ON THE TWENTY-SEVENTH DAY OF JULY, NINETEEN HUNDRED AND SEVENTY-SIX, AT 7:30 P.M.

1. ROLL CALL

- Mr. W. J. Scruggs, Chairman
- Mr. M. W. Bryant
- Mr. Stephen Turner
- Mr. Harry B. Wright
- Mr. Gerald H. Mephram
- Mr. Henderson Minkins
- Mr. Albert L. White
- Mr. John E. Donaldson

OTHERS

- Mr. William F. Brown, Secretary
- Mr. Henry H. Stephens
- Mr. Craig G. Covey
- Mr. Frank M. Morton, III

2. MINUTES

Upon a motion by Mr. Donaldson, seconded by Mr. White, the minutes of March 16, 1976 and June 22, 1976 were unanimously approved.

3. REPORT OF THE SITE PLAN REVIEW COMMITTEE

Upon a motion by Mr. White, seconded by Mr. Mephram, the Committee report was approved and is appended hereto.

4. REPORT OF THE SUBDIVISION REVIEW COMMITTEE

Upon motion by Mr. Minkins, seconded by Mr. Mephram, the Committee report was approved and is appended hereto.

5. CASE S-35-76. CONSIDERATION OF AN APPLICATION BY William R. Bland on behalf of Charles Kent Wallace for preliminary approval of a subdivision of 7.0 acres into 2 lots. The subdivision is to be known and recorded as subdivision of Charles Kent Wallace

property. Subject property is located on Route 611 one-half mile more or less west of the intersection with Route 614, and is further identified as part of parcel 63 on James City County Real Estate Tax Map 15. An exception is requested from the requirement for road frontage.

Mr. Bland, the applicant's attorney spoke in defense of his client's request for an exception from the ordinance. He outlined the financial considerations which necessitated the request.

Following a discussion, Mr. White entered a motion which was seconded by Mr. Bryant to table consideration of Case No. S-35-76 until the regular August meeting of the Commission. A roll call vote was taken on the motion.

Mr. Bryant	Yea
Mr. Donaldson	Nay
Mr. Mepham	Nay
Mr. Minkins	Yea
Mr. Scruggs	Nay
Mr. Turner	Nay
Mr. White	Yea
Mr. Wright	Yea

The 4 to 4 vote was decided in favor of the motion to table by Mr. Scruggs.

6. CONSIDERATION OF A DATE FOR PUBLIC HEARING ON Case No. Z-11-76. An application by Alvin P. Anderson on behalf of Elizabeth N. Vaiden for rezoning a parcel from Agricultural Limited (A-2) to Residential Agriculture (R-6). Subject property is located on Route 615 and is further identified as parcel 78 on James City County Tax Map 25.

Upon a motion by Mr. White, seconded by Mr. Mepham, a public hearing for Case No. Z-11-76 was set for August 24, 1976 at 7:30 P.M.

7. CASE NO. Z-8-76. PUBLIC HEARING ON AN APPLICATION BY Rae Ann Necessary on behalf of Pearle B. Miller for rezoning of a lot from Industrial General (M-2) to Limited Industrial (M-1). Subject property is located on Route 60, one mile east of the Williamsburg Pottery and further identified as the property of Pernille G. Benson Estate designated on the James City County Real Estate Tax Map 15 as parcel 88.

Mr. Scruggs opened the public hearing of Case No.

Z-8-76, however, no one spoke. The public hearing was closed, and upon a motion by Mr. Donaldson, seconded by Mr. Mephram, action on Case No. Z-8-76 was deferred until the regular August meeting of the Commission.

8. CASE NO. Z-9-76. PUBLIC HEARING ON AN APPLICATION by Norco, Inc. for rezoning of two parcels from Agricultural Limited (A-2) and Residential Limited (R-2) to Multifamily Residential (R-5). Subject property is located on the northwest side of Neck O' Land Road (Route 682) approximately .8 of a mile from the intersection of Route 31. The property is further identified as parcels 26C and 26F of the James City County Real Estate Tax Map 31.

Mr. Scruggs opened the public hearing of Case No. Z-9-76. The following people spoke:

Mr. Joseph A. Abdelnour, the applicant's attorney spoke in behalf of his client. Mr. Abdelnour stated that his client based his request for rezoning on the fact that multifamily uses were allowed on the property when it was purchased. Mr. Abdelnour said that it had been his client's intention to build apartments when he invested in the property. When the text of the Zoning Ordinance was amended in the spring of 1976 multifamily uses were no longer included in the R-2 district which the property is now zoned. Mr. Abdelnour contends that his client's property should be rezoned to place him in substantially the same position as before the Zoning Ordinance was amended.

Mr. Ralph Gill, a resident of Neck O' Land Road spoke in opposition to the rezoning. Mr. Gill cited an earlier attempt in the area to rezone for apartments which was rejected. Mr. Gill feels that apartments would be out of character with the semi-rural environment of Neck O' Land Road. Mr. Gill also pointed out that prior to the amendments to the Zoning Ordinance, apartments in the R-2 district required a conditional use permit. He felt that the conditional use permit requirement largely negated the applicant's claim that his right to build apartments was taken away by the amendments to the Zoning Ordinance.

Mr. Mulligan, one of the owners of Norco, Inc. spoke in support of the rezoning. Mr. Mulligan emphasized that Norco, Inc. had purchased the property as an investment with the intention of constructing apartments.

Mr. Jack Kirtland, a resident of Neck O' Land Road spoke in opposition to the rezoning. Mr. Kirtland expressed concern about the potential effects of the filling in the flood plain which would be necessary to construct apartments. Mr. Kirtland was afraid that construction and filling on the subject property may damage a cypress swamp which bordered the rear of the property.

Ms. Jane Tyler, a resident of Neck O' Land Road spoke in opposition to the rezoning. She was concerned about the effects of the increased traffic on the road which would be generated by the apartments.

Mr. John Bowers, a resident of Neck O' Land Road spoke in opposition to the rezoning. Mr. Bowers pointed out that most of the residents on Neck O' Land Road owned large lots and that apartments would be out of character.

After all interested persons had spoken, Mr. Scruggs closed the public hearing.

Upon a motion by Mr. Mephram, seconded by Mr. Donaldson, the Commission voted 7 to 1 to recommend denial of the rezoning to the Board of Supervisors. Mr. Bryant cast the lone vote in favor of rezoning.

9. CASE NO. Z-10-76. PUBLIC HEARING ON AN APPLICATION by Joseph S. Terrell for rezoning of two lots from Residential Limited (R-2) to Residential General (R-3). Subject property is located on Albermarle Drive in Raleigh Square Subdivision. The property is further identified as parcels 14 and 15 on the James City County Real Estate Tax Map 31A.

Mr. Scruggs opened the public hearing on Case No. Z-10-76.

Ms. Doris Waltrip, a resident of Raleigh Square Subdivision spoke in opposition to the rezoning.

When no other person expressed a desire to speak, Mr. Scruggs closed the public hearing.

Upon a motion by Mr. Turner, seconded by Mr. Minkins, the Commission voted 7 to 1 to recommend approval of the rezoning to the Board of Supervisors. Mr. Wright cast the lone negative vote.

10. MR. PAUL SMALL OF DEWARD M. MARTIN, INC. BRIEFED THE Commission on the Toano sewer system. Mr. Small informed the Commission that his firm expects to open bids on the Toano Water Project next month. A public hearing has been scheduled on the Toano sewer system for August 2, 1976.

11. CRAIG G. COVEY, SPECIAL PROJECTS COORDINATOR FOR THE County, explained the Williamsburg bike plan to the Commission. Mr. Covey expects the County's financial

contribution to the bike system to be about three thousand dollars (\$3,000).


Upon motion by Mr. White, seconded by Mr. Turner, the Commission voted unanimously to recommend approval of the bike plan in concept to the Board of Supervisors.

12. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned.



William F. Brown
Secretary



W. J. Scruggs
Chairman

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SITE PLAN REVIEW COMMITTEE REPORT

JULY 1976

A. PENDING PRELIMINARY APPROVAL

1. SP-29-76 Conceptual Preliminary Site Layout/Plan -
E. H. Saunders (Rt. 5)
2. SP-30-76 Toano Amoco/Market - Hornsby Oil Co. (Rt. 60W)
3. SP-33-76 7-11 Store - Southland Corporation

B. PENDING FINAL APPROVAL

1. SP-3-76 Motel - Williamsburg Investors, Ltd. (Rt. 60E)
(2-17-76)
2. SP-10-76 Camp Lightfoot - Gospel Spreading Association
(Rt. 617) (4-13-76)
3. SP-11-76 Five Forks Business and Professional Center -
William H. Phillips, Jr. (Rt. 5) (4-13-76)
4. SP-15-76 Conference/Meeting Room Addition - Fort Magruder
Quality Inn (Rt. 60E) (4-13-76)
5. SP-16-76 Wiener King and Shop - G Square, Inc. (Rt. 60E)
(4-13-76)
6. SP-18-76 Addition to Five Forks Body Shop - George Woodson
(Rt. 5) (4-13-76)
7. SP-20- 6 Kingsmill Substantion Addition VEPCO (Rt. 60E)
(5-11-76)
8. SP-21-76 Peanut Processing Plant - Philip Richardson (Rt. 615)
(5-11-76)
9. SP-24-76 Kingsmill H & I Quarterpath Trace Busch Properties,
Inc. (5-11-76)
10. SP-31-76 Raleigh Square Apartments - Joseph Terrell (Rt. 5)
(7-13-76)

C. FINAL APPROVAL

1. SP-32-76 Ramada Camp Inn Addition - James Carter (Rt. 31)
(7-20-76)

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7-27-76

SUBDIVISION REVIEW COMMITTEE REPORT

JULY 1976

A. PENDING PRELIMINARY APPROVAL

1. Case No. S-35-76. Consideration of an application by William R. Bland on behalf of Charles Kent Wallace for preliminary approval of a subdivision of 7.0 acres into 2 lots. The subdivision is to be known and recorded as subdivision of Charles Kent Wallace property. Subject property is located on Route 611 one-half mile more or less west of the intersection with Route 614, and is further identified as part of parcel 63 on James City County Real Estate Tax Map 15. An exception is requested from the requirement for road frontage.
2. Case No. S-15-76. Claude R. Nelson

B. PRELIMINARY APPROVAL

1. Case No. S-33-76. Consideration of an application by William R. Bland on behalf of Hezekiah B. Frazier, Jr. for preliminary approval of a subdivision of 5.58 acres into 2 lots. The subdivision is to be known and recorded as subdivision of the property of Hezekiah B. Frazier, Jr., et al. Subject property is located on Mooretown Rd. (Rt. 603), and is further identified as parcel 2A on James City County Real Estate Tax Map 21. (7-22-76)
2. Case No. S-34-76. Consideration of an application by W.G. Kirtley on behalf of Heritage Development Co. for preliminary approval of a subdivision of several acres into 2 lots. Subdivision is to be known and recorded as Section 2A Windsor Forest. Subject property is located on Route 614, and is further identified as part of parcel 53 (B-1) on James City County Real Estate Tax Map 20. (7-22-76)
3. Case No. S-17-76. The Foxes - Elizabeth N. Vaiden(3-11-76)
4. Case No. S-20-76. Green Swamp - Richard Austin
5. Case No. S-22-76. Heath - Lloyd D. & Joyce N. Larson (4-27-76)
6. Case No. S-32-75. Rosalie Estates - Nicole, Ltd. (6-17-76)
7. Case No. S-30-76. Cooke Subdivision - Larry Cooke(7-22-76)
8. Case No. S-31-76. North Cove - Donald G. Hunter (7-22-76)
9. Case No. S-32-76. Williamsburg Investors, Ltd. (6-17-76)

C. FINAL APPROVAL BY AGENT

1. Case No. S-25-76. Quail Run-Section 2 - Robert L. White (7-23-76)
2. Case No. S-41-75. Old State Manor-Section 3 - SAM of Virginia (7-6-76)