

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELFTH DAY OF DECEMBER, NINETEEN HUNDRED AND EIGHTY-NINE, AT 7:30 P. M., 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Martin Garrett, Vice Chairman
Mr. A. G. Bradshaw
Mr. Wallace Davis, Jr.
Mr. Jack Edwards
Mr. Alexander C. Kuras
Ms. Carolyn Lowe
Mr. Robert A. Magoon, Jr.
Mr. Gary M. Massie
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. Frank M. Morton, III, County Attorney
Mr. John T. P. Horne, Director of Development Management
Mr. Allen J. Murphy, Jr., Principal Planner
Mr. Donald E. Davis, Principal Planner
Mr. R. Patrick Friel, Planner

2. MINUTES

The November 14, 1989 Planning Commission Minutes were accepted as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report and stated that action was deferred on the Williamsburg Honda case (Case No. SP-131-89) until an improved landscape plan was submitted. The report was accepted as presented.

4. POLICY REVIEW COMMITTEE REPORT

Ms. McKenna presented this report regarding amended criteria for the "Planning Awards for Excellence," and a report on criteria utilized by other Virginia governmental bodies when considering requests for withdrawal from Agricultural and Forestal Districts. This latter report will be presented to the Board of Supervisors. The report was accepted as presented.

5. PUBLIC HEARINGS

a. CASE NO. Z-22-89. CHICKAHOMINY ROAD AREA REZONING

Mr. Donald Davis presented the staff report (appended) to rezone approximately 546 acres and over 200 parcels from A-1, General Agricultural, to A-2, Limited Agricultural, on property located along both sides of Chickahominy Road for most of its length, and portions of Little Creek Dam Road, Turner's Neck Road and Cranston's Mill Road. Mr. Davis stated that staff recommended approval of Case No. Z-22-89.

Mr. Garrett opened the public hearing. There being no speakers the public hearing was closed.

Following a brief discussion, upon a motion by Ms. McKenna, seconded by Ms. Lowe, the Commission by roll call, voted 9-0 to recommended approval of Case No. Z-22-89 to the Board of Supervisors.

b. CASE NO. Z-17-89 AND CASE NO. SUP-46-89. JACK L. MASSIE CONTRACTOR, INC.

Mr. Gary Massie submitted a Conflict of Interest statement regarding this case and disqualified himself from participating as a member of the Commission.

Mr. Friel presented the staff report (appended) to rezone approximately 34.43 acres from A-1, General Agricultural, to M-1, Limited Industrial, and 17.06 acres from A-1, to M-2, General Industrial, on property extending from Cokes Lane along the CSX railroad line a distance of approximately 3500 feet. Mr. Friel further stated that the applicant applied for a special use permit to construct a ready-mix concrete plant, manufacturing and storage of precast concrete products, a cement stabilized aggregate base plant and storage and distribution of stone and concrete products on the 17.06 acres to be rezoned to M-2. Mr. Friel stated that staff recommended denial of this case for reasons stated in the report.

Mr. Garrett opened the public hearing.

Mr. Gary Clower of Clower and Associates, Inc., the applicant on behalf of Jack L. Massie Contractor, Inc., stated that the name of the proposed project would be Massie Industrial Park. Mr. Clower informed the Commission that Mr. Raimy Kemp of Frank Coleman & Associates, Inc., traffic analyst, was present to respond to questions. Mr. Clower stated that he had met with neighbors and neighborhood groups. Mr. Clower explained that this rezoning and special use permit were needed to permit his client to remain competitive in a changing market. Mr. Clower reviewed the reasons for denial and the applicant's intent to fulfil the requirements for approval of the rezoning and special use permit.

In discussion regarding the number of entrances and traffic light, Mr. Kemp stated that dividing the traffic between two entrances could eliminate a concentration of traffic at one intersection and eliminate the need for one signal.

Mr. Charles Martino, President of Norge Civic Association, commended the County for working with the Norge area in their efforts to promote the village concept in Norge, and stated his belief that this project was not good planning and asked for protection of the existing neighborhood in the consideration of this project.

Ms. Cheryl Ferrera, Mirror Lakes, spoke on the adverse affects produced by this project; i.e., noise, dust, truck traffic, toxic chemicals, fuels, land use, and the impact on Norge and Toano as a village. Ms. Ferrera asked for denial of the request.

Ms. Susan McCleary, Vice President of the Mirror Lakes Homeowners Association, thanked Mr. Sowers and Mr. Friel for their cooperation. Ms. McCleary submitted a petition in opposition to the proposed project, stating pollution and decline of property values as reasons for this opposition. She stated that they did not oppose an office park.

A letter was submitted from Thomas D. Bennett, Jr., President of the Board of Directors of the Mirror Lakes Homeowners Associate, in opposition to the request.

Dr. Robert Solloman, representing Dr. Van Driem, stated that the proposed project would encroach on Dr. Van Driem's residence and medical practice and questioned the need for a ready-mix concrete plant in the area.

Ms. Debbie Engbersen, Hunters Creek in Toano, read an article pertaining to a county being fined for illegal discharges of cement particles and dust, and questioned what James City what was in store for James City County.

Mr. Barry Dugan, Mirror Lakes, stated that he was informed by the applicant that night work could be required if the state requested materials late at night. Mr. Dugan was concerned about the noise that would be produced.

Mr. Andre Charest questioned the traffic study's estimated 5% increase per year and also was concerned about the tower height.

Mr. Brent Williams, 214 Loch Haven Drive, stated his concern regarding increased noise in an already noisy area, especially late at night and early morning, and stated that he is quite a distance from the railroad tracks. He stated that although there is a forested area, lights and trailers are highly visible.

Mr. Clower stated that the site has the potential to add a railroad spur and has good access to the primary highway, and that it is the only straight piece of track. Mr. Clower stated that the pollution would be monitored by the State and that a dust collector is proposed for the facility.

Mr. Steve Massie, Jack Massie Contractor, Inc., stated that the proposed site is the only site available with access to the railroad which is a necessity to the business.

There being no further speakers the public hearing was closed.

Mr. Sowers provided a brief history of development of the area stating that the Planning Commission reviewed a development plan for the Mirror Lakes Subdivision prior to granting of the original special use permit.

Mr. Bill Riggs, an industrial noise expert hired by Mr. Massie, stated that when fully operating, the project would produce noise levels at 56 decibels from 300 feet away. Mr. Riggs further stated that 40 decibels was considered urban quiet.

Ms. Lowe stated that she had a problem with the proposed location for what is a heavy industrial use and felt the lower part of the County, near Newport News, would be more appropriate. Ms. Lowe felt approval would set a bad precedent, and that noise, pollution, and traffic were a threat to an environmentally sensitive site.

Ms. McKenna stated that she found a lack of dust at the site and felt the proposed use was an appropriate use of the site.

Mr. Garrett made a motion to defer. The motion was approved by unanimous voice vote.

c. CASE NO. Z-20-89. AMERICAN RETIREMENT CORPORATION

Mr. Friel presented the staff report (appended) to rezone approximately 63.5 acres from A-2, Limited Agricultural, to B-1, General Business, on property located between Lake Powell Road and Route 199. Mr. Friel stated that staff recommended denial for reasons stated in the report.

Mr. Garrett opened the public hearing.

Mr. Larry Cooke, the applicant, stated that a history of the property would be presented and he introduced Mr. John Knibb of Divaris Realty, Mr. Ben Burton, Vice President with Talbot & Associates, Ltd., and Mr. Jim Knicely, Attorney.

Mr. Knibb presented a brief history of the property and referred to it as a "world class location."

Mr. Ben Burton stated that uses have been proffered and discussed buffers, water and sewer system, drainage system and traffic.

Mr. Knicely spoke on the proffers and stated the proposed development of a medical complex was a "planner's dream."

Ms. Jean Miller, 103 Dogwood, opposed the rezoning because the area is primarily a residential area with increasing traffic, it has a single access point to Route 199, and much of the tree cover would be eliminated.

Mr. Paul Long, 101 Rogers Court, questioned building on a high pressure gasoline pipeline, and a sign posted "zoned to suit."

There being no further speakers the public hearing was closed.

Mr. Sowers stated that this project was in conflict with the Comprehensive Plan. He stated that staff had requested a traffic study, and since it was not provided, staff used available information to estimate traffic impact. Mr. Sowers pointed out the proposal would accelerate the need for improvements to Route 199 and add traffic which is not planned for under the current Land Use Plan or County traffic studies, and that without a study the feasibility of accommodating this traffic could not be determined. Mr. Sowers also stated that approval of projects not in compliance with the Land Use Plan can result in a piecemeal development pattern with various land use and transportation problems.

Mr. Garrett questioned what the applicant was asking for as he referred to a medical center in his presentation while proffers referred to "uses permitted under B-1 zoning or any combination thereof." Ms. Lowe and Ms. McKenna stated that the proposal should be more specific, and a conceptual plan should be prepared.

Upon a motion by Ms. McKenna, seconded by Ms. Lowe, the Commission by roll call, voted 6-3 to accept the staff recommendation of denial. (Messrs. Bradshaw, Massie and Davis voted nay.)

d. CASE NO. SUP-44-89 AND CASE NO. SUP-47-89. JAMES CITY SERVICE AUTHORITY NEW QUARTER DRIVE WATER LINE AND FORCE MAIN

Mr. Murphy presented the staff report (appended) for special use permits to allow the construction of an 8 water line and a 4 inch sewer force main along New Quarter Drive. Mr. Murphy stated that staff recommended approval of these cases based on conditions stated in the report.

r. Garrett opened the public hearing. There being no speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Kuras, the Commission by roll call voted 9-0 to recommended approval of Case No. SUP-44-89 and SUP-47-89, with conditions, to the Board of Supervisors.

e. CASE NO. SUP-49-89. WILLIAM AND MARGIE FISHER

Mr. Sowers stated that this case had been withdrawn at the request of the applicant. The Commission by voice vote accepted the applicant's request for withdrawal.

f. CASE NO. SUP-41-89. GREENSPRINGS PLANTATION WATER MAIN

Mr. Murphy presented the staff report (appended) for a special use permit to allow the construction of a 12 inch water main along John Tyler Highway. Mr. Murphy stated that staff recommended approval based upon conditions stated in the staff report.

Mr. Garrett opened the public hearing. There being no speakers the public hearing was closed.

Following a brief discussion, the Commission by roll call, voted 9-0 to amend condition #6 to read as follows: The water main shall be located and placed at a depth acceptable to the James City Service Authority so that it is not disturbed by future road improvements.

Upon a motion by Mr. Massie, seconded by Ms. McKenna, the Commission by roll call, voted 9-0 to recommend approval of Case No. SUP-41-89, with amended conditions, to the Board of Supervisors.

g. CASE NO. SUP-42-89 AND CASE NO. SUP-43-89. GOVERNOR'S LAND WATER MAIN AND FORCE MAIN

Mr. Murphy presented the staff report (appended) for special use permits to allow the construction of a 12 inch water main and a 12 inch force main along Route 5. Mr. Murphy stated that staff recommended approval based upon conditions stated in the staff report in which condition #6 was amended to read as follows: The water main and force main shall be located and placed at a depth acceptable to the James City Service Authority and VDOT so as not to be disturbed by future road improvements.

Mr. Garrett opened the public hearing. There being no speakers the public hearing was closed.

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Commission by roll call, voted 9-0 to recommend approval of Case No. SUP-42-89 and Case No. SUP-43-89 to the Board of Supervisors.

h. CASE NO. CP-2-89. AMENDMENT TO THE PUBLIC FACILITIES PLAN

Mr. Davis presented the staff report (appended) for an amendment to the Public Facilities Plan. Mr. Davis stated that staff recommended adding two new schools to the Proposed Facilities Map of the Public Facilities Element of the Comprehensive Plan for construction within the next five years. Mr. Davis further discussed the recommended location of the two schools and text to be added to the Public Facilities Plan as stated in the staff report.

Mr. Garrett opened the public hearing.

Mr. Richard Bradshaw, representing the St. George's Hundred Homeowners Association, distributed a handout defining proposals, including a substantial buffer, to preserve the quiet serenity of the St. George's Hundred family oriented neighborhood; protect students; eliminate potential problems that close proximity to a high school present, and to preserve property values of their homes. Mr. Bradshaw was especially emphatic in proposing that all students be bussed and that no foot paths or roads access the high school from any street in St. George's Hundred.

Following a brief discussion the Commission agreed that all of Mr. Bradshaw's comments be included with other school information to be addressed at a later stage.

There being no further speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the Commission by roll call, voted 9-0 to recommended approval of Case No. CP-2-89 to the Board of Supervisors.

i. CASE NO. Z-21-89 AND CASE NO. S-106-89. ZONING ORDINANCE AND SUBDIVISION ORDINANCE AMENDMENTS/SIDEWALKS

Mr. Murphy presented the staff report (appended) for amendments to the Zoning and Subdivision Ordinances. Mr. Murphy stated that staff recommended approval of the amendments as presented. It was stated that the proposed code changes were virtually the same as the policy recommendations contained in the adopted Sidewalk Plan.

Following a brief discussion, the Commission agreed that Case No. Z-21-89 and S-106-89 should be deferred to the Policy Committee to resolve concerns of some Commission members regarding impact of the proposal.

6. COMMISSION CONSIDERATIONS

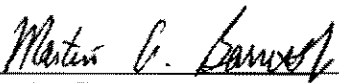
a. FY91 Goals - The Commission by consensus agreed to accept the proposed Planning Division Goals for FY91 presented by Mr. Sowers.

b. The Commission accepted the 1990 meeting schedule as presented by Mr. Sowers.


c. Annual Report and Prospectus: The 1989 Planning Commission and Planning Division Annual Report was distributed.

7. ADJOURNMENT

There being no further business, the December 12, 1989 Planning Commission meeting was adjourned at 11:20 p.m.



Martin Garrett
Vice Chairman



O. Martin Sowers
Secretary

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