



MEMORANDUM

Date: July 2, 2015
To: Records Management
From: The Planning Commission
Subject: Planning Commission Minutes: 01/09/1990

The following minutes for the Planning Commission of James City County dated 01/09/1990 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 01/09/1990, 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 01/09/1990.

Robin Bledsoe
Chair

Paul Holt
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY, AT 7:30 P.M., BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Martin Garrett, Vice Chairman
Mr. A. G. Bradshaw
Mr. Wallace Davis, Jr.
Ms. Victoria Gussman
Mr. John F. Hagee
Ms. Judith Knudson
Mr. Alexander Kuras
Ms. Carolyn Lowe
Mr. Gary 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. R. Patrick Friel, Planner
Mr. Donald E. Davis, Principal Planner

Mr. Garrett welcomed new Planning Commission members, Ms. Gussman and Ms. Knudson.

2. ELECTION OF OFFICERS

Mr. Garrett nominated Mr. Kuras for Chairman of the Commission. Ms. McKenna seconded the nomination and moved that the nominations be closed.

Mr. Kuras was elected Chairman by unanimous voice vote.

Mr. Garrett turned the Chair over to Mr. Kuras who thanked the Commission for the honor of being elected Chairman of the Commission.

Ms. McKenna nominated Mr. Bradshaw for Vice Chairman of the Commission. Mr. Garrett seconded the nomination and moved that the nominations be closed.

Mr. Bradshaw was elected Vice Chairman by unanimous voice vote.

3. SUBCOMMITTEES ASSIGNMENTS

The Commission made the following subcommittee assignments:

Development Review Committee: Martin Garrett, Chairman; A.G. Bradshaw; Wallace Davis and Alex Kuras.

Policy Committee: Willafay McKenna, Chairperson; Victoria Gussman; John Hagee, Carolyn Lowe and Gary Massie.

4. RESOLUTIONS OF APPRECIATION

Mr. Kuras read into the record Resolutions of Appreciation for Mr. Fred Belden and Mr. Robert A. Magoon, Jr. commemorating their years of service on the Planning Commission.

5. MINUTES

Upon a motion by Mr. Massie, seconded by Ms. McKenna, the December 12, 1989 Planning Commission Minutes were accepted as presented.

6. COMMITTEE REPORTS

The Development Review Committee Report and the Policy Committee Report were accepted as presented.

7. CASE NO. SUP-53-89. W. H. SPARRER (JOHN'S AUTO PARTS)

Mr. Friel presented the staff report (appended) stating that this case was approved by the Board of Supervisors in March, 1989, and was being reprocessed because an adjacent property owner was not notified of the application at that time. Mr. Friel stated that staff recommended approval of this case, with conditions, as stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. B. M. Millner, attorney representing Mr. Hans Frank, adjacent property owner who did not receive notice of this application, stated his client's intent to work with the applicant. Mr. Millner stated that his client requested consideration of the following: screen fencing no closer than 50 feet from Route 60 with additional landscaping, professional landscaping plan, realignment of the entrance, parking lot paving, and that an amendment be made to the special use permit for any new crushing equipment the applicant may wish to install. Mr. Millner requested that such amendment come before the Planning Commission and Board of Supervisors. Mr. Millner further requested that the permit expire one year after conditions of this permit are met and that the Board review this permit in the future.

Mr. Hans Frank requested that the special use permit be renewed annually by the Board.

Mr. Wendell Sparrer stated that the fence would be repaired and concealed by tall tree growth and that he would work with the Highway Department to conceal the entrance. Mr. Sparrer felt a one year review by the Board was unreasonable; he stated that in a meeting with Mr. Frank he had volunteered to restrict crushing from 10 a.m. to 4 p.m. Mr. Sparrer further stated that the crushing equipment will be used for "some period of time" but he objected to approval of any new crushing equipment by the Development Review Committee before it could be placed on the site. Mr. Sparrer stated that he should have guidelines so that he would not be at the mercy of DRC prejudice. He also stated that he agreed to enclose the motor of the crusher.

Ms. Jan Dickerson, Route 607, made the following comments: she attended the noise level demo on January 9 and found noise was not a problem on her property; the screening fence was unsightly, old, in need of repair and inadequate for the intended purpose; a year review was like harassment and felt 3 to 5 year review was more appropriate.

Mr. George Bord, crusher operator of W. H. Sparrer, Inc., stated that the crusher made less noise than a 10 wheeler and should not bother neighbors. Mr. Bord also commented that the company had free pick up service of junk.

Mr. Chester Holly who operates a wrecker service stated that W. H. Sparrer, Inc. is the only local business that takes cars; otherwise, he must take them to Newport News.

There being no further speakers the public hearing was closed.

Mr. Garrett made a motion, seconded by Mr. Bradshaw, to recommend approval to the Board of Supervisors.

Ms. Gussman made a motion, seconded by Ms. Knudson, to change condition #10 in the staff report to read that crushing of vehicles shall not take place before 10:00 a.m. or after 4:00 p.m., Monday through Saturday, and that no Sunday crushing shall be permitted.

Ms. Lowe, expressing environmental concerns, made a motion that this operation come before the Planning Commission for review every 5 years.

Mr. Morton, County Attorney, stated that the Commission could request to receive a report from Code Compliance.

Ms. McKenna felt there was County staff (inspectors, etc.) who could observe any change on the property and did not feel it necessary to impose this condition on an individual.

An amendment to the motion to require a review from Code Compliance in one year was defeated 8-2 (nay: Ms. Lowe and Ms. Knudson).

The motion on the floor to recommend approval with the amendment to condition #10 was approved 10-0.

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

Mr. Massie, stating conflict of interest, abstained from participation on this case.

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 abutting the CSX railroad. The applicant also 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 for reasons stated in the staff report.

Although the public hearing was closed at the December meeting Mr. Kuras permitted speakers.

Mr. Gary Clower, speaking for Jack L. Massie Contractor, Inc., made a brief presentation on the Massie Industrial Center and the need for this application, and stated that he had met with interested parties to discuss concerns. Mr. Clower also reviewed submitted proffers and stated that this application was good planning because it would not create a burden on County services, and the more intensive uses would be on the western portion of the site with the stone stockpiling relocated away from Mirror Lake Subdivision. Mr. Clower further stated that the lighting had been changed to address concerns of the neighbors and that a biannual meeting would occur with the neighbors to discuss concerns.

Ms. Susan McCleary, representing Mirror Lakes Subdivision, spoke at length on residents' concerns regarding the noise and air pollution (train and dust), the unpaved roads, the request for a height limit and additional screening, decline in property values by \$10,000 per home and RPOD impact. She questioned if the proposed location was the only site available for this project in the County. Ms. McCleary stated that the Commission rejected the ARC rezoning for similar reasons, and that the Commission should be concerned about citizen input and requested denial of this application. She stated that not following the Comprehensive Plan would undermine the Comprehensive Plan update process and credibility of the Plan and will discourage people from participating in the update.

Mr. Garrett spoke on criteria for managed growth regulation, one of which is fairness to residents, present and future, and fairness to landowners and how they can use their land. Mr. Garrett felt that the Comprehensive Plan, a means of regulating land use, was one way of implementing fairness, but noted that the efficient use of land parcels designated by the Comprehensive Plan is forced to change with growth. Mr. Garrett further stated ... "With respect to this specific case, it appears to me that an expansion of the industrial property is clearly predictable. This is a growing community and hopefully not just in residential households. Simultaneously, a major change in the Comprehensive Plan, on a piecemeal basis, would not be predictable. While I can support the industrial expansion wholeheartedly, I cannot support a major piecemeal change in the Comprehensive Plan. However, it is just as apparent to me that the most efficient use of this whole parcel, and one that would be predictable, does not conform to its existing designated use on the Comprehensive Plan and does not meet good planning criteria. But I am not prepared to view it on a piecemeal basis."

Ms. Lowe felt the expansion was too close to a residential area and that the most intensive uses were being relocated closer to the environmentally sensitive areas.

Ms. Gussman felt it unwise to have an expansion of heavy industrial use in the Reservoir Protection Overlay District.

Mr. Kuras spoke in favor of the needed tax base from industrial development.

Ms. McKenna stated that the citizen input at this and the previous Commission meeting allowed her to look at the proposal in a more faceted way.

Ms. Knudson also favored the needed tax base from industrial development but not by endangering the environment.

Mr. Bradshaw felt this proposal would be of value to the County.

Mr. Garrett made a motion, seconded by Ms. McKenna, to recommend denial of this case to the Board of Supervisors. The motion passed 8-1 with Mr. Bradshaw voting nay (Mr. Massie abstained).

9. CASE NO. SUP-49-89. NATHAN AND BETTY WALKER.

Mr. Friel presented the staff report (appended) for a special use permit to allow an accessory apartment for elderly parents within a single family dwelling at 101 Locust Place in Elmwood Subdivision. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

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

Following a brief discussion, the Commission agreed to delete condition #2 stating that any new entrances to the accessory apartment not be located at the front of the dwelling.

Upon a motion by Mr. Bradshaw, seconded by Ms. McKenna, the Commission by roll call, voted 10-0 to recommend approval, with condition, of this case to the Board of Supervisors.

10. CASE NO. SUP-50-89. BUSCH PROPERTIES GOLF COURSE #3.

Mr. Hagee, stating conflict of interest, abstained from participation on this case.

Mr. Friel presented the staff report (appended) for a special use permit for an 18 hole golf course in M-1, Limited Industrial, located on 214 acres west of Route 60 between Busch Gardens and MacGruder Avenue. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Norman Mason of Langley & McDonald, on behalf of Busch Properties, stated that he had no disagreement with the staff report.

A brief discussion followed during which Mr. Mason indicated road accesses on a drawing, and stated that he would investigate the possibilities of staff's suggestion that effluent from the HRSD plant may provide adequate water for the golf course instead of using the existing water supply and/or drilling new wells.

There being no further speakers the public hearing was closed.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission by roll call, voted 9-0 to recommend approval, with conditions, to the Board of Supervisors (Mr. Hagee abstained).

11. CASE NO. SUP-51-89. C&P TELEPHONE SWITCHING STATION.

Mr. Friel presented the staff report (appended) for a special use permit to allow the placement of a telephone switching station on 23.6 acres zoned A-2, Limited Agricultural, located at 3131 Ironbound Road. Mr. Friel stated that staff recommended approval based upon conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Jeff Stark, representing the applicant, Mr. I. V. Harris, Jr., stated that he was available to answer questions.

There being no further speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Davis, the Commission by roll call, voted 9-0 to recommend approval, with conditions, to the Board of Supervisors and recommended that location of the switching station away from the front of the property be considered.

12. CASE NO. AFD-1-89. R. H. ARMISTEAD.

Mr. Friel presented the staff report (appended) for an application to create an Agricultural and Forestal District on 312.09 acres located between Centerville Road and Longhill Road. Mr. Friel stated that on December 20, 1989, the Agricultural and

Forestral Districts Advisory Committee concurred with staff and unanimously recommended approval of the proposed AFD for a four year term with the stated restrictions and excluded the 25 foot strip adjacent to Centerville Road and Longhill Road. Mr. Friel further stated that, although staff is recommending approval, this is not a commitment for future recommendations of approval for this AFD or others within the PSA and that the policy of allowing AFDs in the PSA will be reviewed as part of the Comprehensive Plan update.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission by roll call, voted 10-0 to recommend approval.

13. CASE NO. Z-23-89. ZONING ORDINANCE AMENDMENT/NONCONFORMITIES.

Mr. Murphy presented the staff report (appended) stating that staff recommended approval of this amendment as presented. The amendment would allow existing development within business or industrial zones which have been made nonconforming with respect to open space, perimeter landscape requirements, or setback requirements as a result of a right-of-way dedication without compensation to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.

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

Upon a motion by Ms. McKenna, seconded by Ms. Knudson, the Commission by roll call, voted 10-0 to recommend approval to the Board of Supervisors.

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

Mr. Murphy presented the staff report (appended) stating that the amendments were basically the same as those recommended in the Comprehensive-Sidewalk Plan approved as part of the Comprehensive Plan by the Board on December 4, 1989. Mr. Murphy further stated that staff recommended approval of this amendment as presented.

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

Mr. Hagee expressed concerns regarding sidewalks along subdivision entrance roads.

Ms. Gussman stated that she would abstain from voting on this case as she had just begun her tenure on the Commission in January and that she had not had adequate time to prepare for a decision on this case.

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Commission by roll call, voted 7-2, with Mr. Hagee and Mr. Massie voting nay, to recommend approval to the Board of Supervisors.

15. PLANNING COMMISSION AWARD FOR EXCELLENCE

Mr. Davis presented the staff report (appended) on proposed criteria and a resolution which, if approved, would create the "Planning Commission Award for Excellence." The Commission unanimously approved the criteria and resolution with an amendment which states "which goes well beyond existing ordinances and reflects pride in ownership."


16. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report (appended).

17. ADJOURNMENT

The Planning Commission meeting of January 9, 1990 adjourned at 11:57 p.m.


Alexander Kuras, Chairman


O. Marvin Sowers, Jr., Secretary