



## MEMORANDUM

**Date:** July 2, 2015  
**To:** Records Management  
**From:** The Planning Commission  
**Subject:** Planning Commission Minutes: 06/21/1994

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The following minutes for the Planning Commission of James City County dated 06/21/1994 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 06/21/1994, 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 06/21/1994.

Robin Bledsoe  
Chair

Paul Holt  
Secretary

AT A WORK SESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY HELD ON THE TWENTY-FIRST DAY OF JUNE, NINETEEN HUNDRED AND NINETY FOUR AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER CONFERENCE ROOM, 101D MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

Mr. Kuras reconvened the June meeting of the Planning Commission.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. John Hagee  
Mr. Donald C. Hunt  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T.P. Home, Manager of Development Management  
Mr. Mark J. Bittner, Planner  
Mr. Allen J. Murphy, Principal Planner  
Mr. Leo P. Rogers, Assistant County Attorney

2. Case No. SUP-8-94. Berkeley Commons Outlet Center

Mr. Bittner stated that the staff position concerning the access road and the site lighting remained the same as reported in the staff report.

Mr. Garrett asked that they discuss the reasons why or why not an access road should be put through.

Mr. Bittner stated that the staff's concern was that there would be four commercial curb cut entrances with two being within 100 feet of each other.

Mr. Garrett asked if an additional commercial curb cut could be added to the existing shopping center.

Mr. Sowers stated that the number of curb cuts will not change because Mr. Christian's driveway will be closed and at the moment only serves one residential home.

Further discussion on the driveway entrances continued and then Mr. Kuras opened the public hearing.

Mr. Sheldon Franck, of the law firm of Anderson, Franck and Davis, spoke on behalf of Mr. Anderson and stated that they have been trying to work out an agreement between the applicant, the Church and Mr. Christian.

Mr. Wright, with the Williamsburg Congregation, stated their main concern was what would happen to them. Their property is currently zoned with proffers with the use of an access road. If the applicant does not have to provide an access road what effect will it have on the Church property.

Mr. Kuras stated that if they make an exception they would then have to make some type of consideration for the Church.

Mr. Sowers stated that one option for the Church would be to use the driveway of Mr. Christian.

Mr. Horne stated that the rezoning was redone with a specific representation regarding access that made it acceptable to the County. If proffers could no longer be accomplished, then use of the commercial zoning could no longer be realized.

Mr. Curkin, with the Williamsburg Congregation, stated that in the staff report it stated that it was rezoned "with the intent of being combined with the adjacent site" and further in the report is stated "assumed common access." He felt that a penalty should not have been put on the Church property on the basis of an assumption. He stated that the Church rezoned their property because there was someone interested in purchasing it which later fell through.

Mr. Sowers stated that when the Church requested the rezoning it was more than an assumption that the two properties would be combined. It was a zoning proffer and there was a conceptual plan presented to the Commission.

Mr. Norman Mason of Langley and McDonald stated that the most important question at this time was to determine what could happen to the Church property.

Mr. Betzner asked if they chose to delete the access road how would that affect the appearance of Berkeley Commons.

Mr. Mason's concern was the allowable uses of the Church property and that an access road could be a detriment, not an asset to the shopping center.

Mr. Betzner asked if no access road was in and a pool hall went in would that make a dramatic difference?

Mr. Mason said that from a perception point, yes it would make a difference.

Mr. Everson stated that the applicant had made a business decision which would effect the economy of the County and felt that Item 6 requiring shared access should be deleted from the staff report.

Discussion continued and Mr. Curkin stated that if the property value changes due to the elimination of the access road that the Church may decide to stay. This is one option of the Church.

Mr. Garrett stated that the Commission should look at this strictly as a land use prospective and that if the Board wanted to do something different it would be up to them.

Mr. Curkin stated that if the distance of 100' for two entrances was not important the situation could be resolved.

Mr. Kuras stated that the Church traffic could be very different than another business if the Church decided to sell the property.

Mr. Mason stated that was one of the safety issues and proposed that the Church would have a right turn lane.

Mr. Curkin felt that if the Church sells the property to a business they would require a commercial entrance.

Mr. Hagee wanted to know how far the Church entrance was from Mr. Christian's and asked if they could consolidate them into one.

Mr. Everson restated his opinion as to the reason why he felt that the access road should be deleted.

Mr. Archer of McArthur/Glen summarized his statements that he presented to the Planning Commission meeting on June 14, 1994.

Ms. Deborah Lenceski of Langley McDonald stated that there needs to be a balance between the entrances and the amount of traffic that the new section will generate.

Mr. Hagee asked if there was an immediate need for the Church to have a commercial curb cut.

Mr. Wright stated that the Church and Mr. Christian were willing to abandon their entrances. He stated the proposal of the commercial entrance would be on shared property and the benefit would be immediate.

Mr. Kuras asked if that would increase the distance.

Mr. Bittner stated that it would still be 100 feet apart.

Mr. Kuras asked what was VDOT's position on this matter.

Mr. Bittner stated that VDOT concurred with the staff report.

Mr. Garrett asked the applicant how they intended to screen the two pieces of property.

Mr. Mason stated that with the roadway and access in there it would limit the ability for a great amount of screening. He stated that until an actual design was created he could not answer that question.

Mr. Garrett asked how close the road would be to the Church property.

Mr. Mason said there was a buffer required by an ordinance to leave 25 feet.

Discussion began about the easement having a 30 foot buffer in one area and only a 15 foot in another.

Mr. Garrett did not think 15 feet would make a difference in the screening in order to separate the two problems.

Mr. Mason's main concern was not the physical separation but the perceived connection of the roadway. He felt that the additional vehicles and the possibility of tractor trailers using the parking lot would not be in the best interest of Berkeley Commons.

Mr. Garrett asked where Mr. Mason has seen tractor trailers at fast food restaurants other than those areas that have roads where they can parallel park.

Mr. Mason felt that by having a separate entrance you would have a greater ability to bring in law enforcement. He also stated that more traffic at the entrance may cause the necessity of an additional traffic light on Richmond Road.

Mr. Garrett asked if they were so concerned about the main entrance why are they requesting another. Mr. Mason stated the public would have a sense of confusion on entering the shopping center and felt that would be a traffic hazard.

Mr. Sowers hoped that those concerns could be worked out because the inability to create shared access among properties having different owners would significantly impair the County's ability to manage access.

Mr. Mason disagreed and stated the shopping center had done what the Comprehensive Plan suggested.

Mr. Kuras asked if there would be a right-turn decel lane.

Mr. Mason said there would be a decel and accel right turn lane.

Mr. Kuras asked if anyone else wished to speak.

Ms. Adena Patterson, representing the owners of the property for Berkeley Commons, stated that the properties are not held by the same owners and that they will be imposing a condition on the owner of Berkeley Commons and putting him in a difficult situation.

Mr. Kuras asked how important the lighting was to the applicant.

Mr. Archer clearly felt that the shopping center should maintain its consistency of lighting.

Mr. Hunt agreed since one condition set was to make sure that the design and color of the buildings were alike.

Mr. Kuras stated that the existing shopping center poles were 40 feet.

Mr. Archer again stated that he felt that consistency is very important and that they wished to maintain the 40 foot high poles.

Mr. Sowers stated that the Commission may come across this matter many times in the future since the Zoning Ordinance was amended. He also noted that the Taco Bell in the Williamsburg Crossing Shopping Center has a different type of lighting. Mr. Sowers said that if they plan to make an exception, they would have to go the Board of Zoning Appeals for a final determination.

Mr. Everson felt that, in this case, the new addition should look like the other phases since this is not considered an outparcel to the project.

Mr. Kuras closed the public hearing.

Mr. Everson made a motion to move for approval with the deletion of Item 3 and 6.

Ms. McKenna seconded this motion.

Ms. McKenna stated that when the Church property was rezoned it placed a condition on the adjacent property owner and felt it had more of an impact than was originally considered. She concurred with Mr. Everson and suggested Item 6 regarding shared access be deleted. She also suggested that an amendment be made to Item 3 to allow to keep the same lighting but change the height of the light poles to 30 feet rather than 20 feet.

Further discussion continued on the lighting of the shopping center and Mr. Everson recommended that the wording sodium vapor be deleted from Item 3 and agreed with Ms. McKenna as to the height of the light poles.

Mr. Rogers suggested that the lighting condition be omitted and that the applicant could request a variance from the Board of Zoning Appeals, since this would be necessary anyway.

Mr. Kuras asked that all in favor of the amendment signify by saying "Aye." A unanimous voice vote was heard.

Before voting on this case it was discussed that the applicant come to an agreement with the Church and with Mr. Christian about the deletion of the access road and the fact that a right turn lane would extend to include their driveways. It was requested that an agreement

be presented to the Board which indicates that the parties have come to an agreement.

Mr. Horne asked the Commission if everything that was described here today is considered part of the applicant's proposal and if the Commission expects it to take place, including the continuous right turn extended beyond Mr. Christian's property and Mr. Christian closes his drive and consolidating it with the Church.

The Commission agreed with Mr. Horne by consensus.

Mr. Rogers suggested that before final vote that the Commission delete condition 3 regarding the lighting.

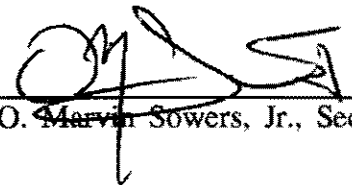
Ms. McKenna withdrew her request for an amendment to condition 3 and it was agreed to delete condition 3 in its entirety.

Mr. Kuras asked for a roll call vote, the motion passed, AYE: Bradshaw, Garrett, McKenna, Hagee, Hunt, Everson (7). NAY: Betzner (1), with the expectations that a written agreement between Mr. Christian and the Church be presented to the Commission prior to the Board of Supervisors meeting and that the right turn lane be extended.

### 3. ADJOURNMENT

There being no further business, the June 21, 1994 Work Session of the Planning Commission adjourned at approximately 5:15 p.m.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary