

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF OCTOBER, NINETEEN HUNDRED AND NINETY-FOUR, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

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

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. Mark J. Bittner, Planner
Mr. Gary A. Pleskac, Planner

2. MINUTES

Upon a motion by Mr. Betzner, seconded by Mr. Garrett, the Minutes of the September 13, 1994 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett stated that the committee passed a policy decision to reduce the number of items reviewed by DRC. By reviewing more cases administratively, the overall review time for many projects could be reduced by as many as four weeks.

Staff recommended an amendment to the Zoning Ordinance that would eliminate the requirement for the automatic review of all parking requirements that are not specifically addressed in the ordinance and include only the following to qualify for review by the DRC:

- 1) The site proposed a single building or group of buildings not requiring a special use permit which contains a total floor area that exceeds 30,000 square feet.
- 2) The site plan proposes two entrances on the same road, a shopping center or a fast food restaurant.
- 3) There are unresolved problems between the applicant, adjacent property owners, or any departmental review agency.

After discussion, the Commissioners agreed that the DRC should continue to review cases involving two entrances and fast food restaurants.

Mr. Everson pointed out that fast food restaurants should now be referred to as quick service restaurants (QSR).

Upon a motion by Mr. Garrett, seconded by Mr. Betzner, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-11-94. STADIUM, INC.

Mr. Mark Bittner presented the staff report (appended) for a special use permit to allow the construction of a 2,250 square foot convenience store and gas station at 7877 Richmond Road. Mr. Bittner stated that because this case is scheduled for the October 27 Board of Zoning Appeals meeting, the applicant requested an indefinite deferral. Mr. Bittner further stated that staff concurs with the request.

Mr. Kuras opened the public hearing. There being no speakers, with the Commissioners' concurrence, the public hearing was continued indefinitely.

5. CASE NO. Z-9-94. WHITE FARM

Mr. Gary Pleskac presented the staff report (appended) for a rezoning of approximately 72 acres from R-8, Rural Residential, to R-2, General Residential, for the purpose of constructing 144 single-family detached homes. Mr. Pleskac stated that the applicant requested deferral of this case until the November 8, 1994 meeting in order to address staff concerns. Mr. Pleskac further stated that staff concurs with the request.

Mr. Kuras opened the public hearing. There being no speakers, with the Commissioners' concurrence, the public hearing was continued until the November 8, 1994 meeting.

6. CASE NO. SUP-24-94. THE SHOPPES AT TWO RIVERS

Mr. Mark Bittner presented the staff report (appended) for a special use permit to construct a shopping center, with outparcels, that is approximately 61,000 square feet in size, and located at 3493 John Tyler Highway. Mr. Bittner stated that the applicant requested an indefinite deferral of this case (one to three months) in order to reevaluate the project concept and to determine how to better buffer the adjacent neighborhood. Mr. Bittner further stated that staff concurs with the request.

Mr. Kuras stated that the public hearing had been cancelled. There being no speakers, with the Commissioners' concurrence, the case was continued indefinitely and readvertising would be necessary.

7. CASE NO. SUP-25-94. VIRGINIA NATURAL GAS PIPELINE EXTENSION

Mr. Mark Bittner presented the staff report (appended) for a special use permit to allow the construction of a 16 inch natural gas pipeline. Mr. Bittner stated that the extension route extends from the VNG meter site in Grove, travels southeastward along a corridor that closely parallels the CSX Railroad Line and the existing Virginia Power easement, and enters the City of Newport News. Mr. Bittner distributed revisions (appended) to conditions #3 and #14. Mr. Bittner further stated that staff recommended approval, with the conditions detailed in the staff report with the appended revisions to conditions #3 and #14.

Mr. Kuras opened the public hearing.

Mr. John Matthews, Planning Consultant, and the applicant on behalf of Virginia Natural Gas, introduced representatives from VNG: Messrs. C. Raman, Director of Engineering; Frank Corbet, Manager of the Northern District; Bryan Machamer, Sr. Engineer and Project Manager; F. Korfendafer, Land Manager; Matt Neper, Engineer; and, Mr. Matthews associate, Mr. Mark Rinaldi.

Mr. Matthews briefly discussed the review of this project by a team of engineers, environmental planners, wetlands specialists and archaeologists prior to the commencement of this project in order to mitigate impacts; the route of the pipeline and the efforts to minimize impacts on property owners; and, the economic development implications and the need for this type of energy (natural gas) to entice businesses to the area. Mr. Matthews stated that the entire pipeline would be buried and covered with the minimum of three feet of cover.

In discussion that followed the Commission was informed that the pipeline was not directly under the Virginia Power line but on the same easement; that the applicant would have to meet the erosion and sediment control ordinance requirements; that the applicant had conducted a Threatened and Endangered Species Survey, and a Wetlands Delineation, which the Corps of Engineers would review.

Ms. Phyllis James stated that she represented one of the families who would be impacted by the gas line and asked about future impacts and restrictions on their property.

Mr. Sowers suggested that any property owners with concerns should come to the County Planning Office to discuss their concerns prior to the Board meeting on November 7.

Ms. Gayle Cameron Morton Wright complained that Virginia Power had used "a total lot" which can only be used for a garden and asked how she would be compensated, and who would be responsible for the maintenance of the easement, and any gas leak.

At Mr. Betzner's request, Mr. Matthews discussed the timeframe: 13 property owners have signed easement agreements and been paid; design work is in process; construction will be on line in the fall and winter of next year. Mr. Matthews also briefly discussed the worth of the easement.

Ms. Jill Minor, 185 Railroad Street, expressed concern that her future plans for her property would be prevented if her property were used.

Mr. Matthews stated that he could provide signed copies of the easement documents (Virginia Power) to the property owners which define restrictions.

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

Mr. Betzner made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval, with the conditions detailed in the staff report.

Following the motion Mr. Betzner encouraged citizens to contact the Planning Office with their concerns; expressed concern that Virginia Natural Gas ensure that property owners are given the respect they are due; and stated that when the pipeline was approved down to Grove the County knew that it would be extended.

The motion passed: AYE: Bradshaw, Garrett, Hagee, Betzner, Hunt, Everson, Kuras. NAY (0).

Mr. Sowers assured citizens of assistance from the Planning Office and if requested would provide a copy of the Virginia Power restrictions which currently apply to the easement, or of Virginia Natural Gas' proposed restrictions, as well as a copy of the conditions in the staff report.

8. CASE NO. AFD-1-94. WRIGHT'S ISLAND (FORMERLY AFD-1-86)

Mr. Gary Pleskac presented the staff report (appended) to continue the former case, AFD-1-86, under the new case number of AFD-1-94. Mr. Pleskac stated that no parcels were being added or withdrawn, nor are any significant changes in the use of the land since it was first established as an AFD. Mr. Pleskac further stated that in accordance with the staff recommendation the Agricultural and Forestal Advisory Committee recommended approval of this application and of the revision to condition #3 as detailed in the staff report.

Mr. Carlyle Ford, Commissioner of Revenue, reviewed both the criteria for an AFD, and for withdrawal, as imposed by the Board of Supervisors.

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

There was a brief discussion in which Mr. Sowers stated that AFDs in the Primary Service Area were viewed as a planning tool because of limited resources for infrastructure and the AFD allows the County to postpone development until the infrastructure can catch up.

Mr. Betzner made a motion, seconded by Mr. Bradshaw, to recommend approval of Case No. AFD-1-94 with the revision to conditions #3. The motion passed: AYE: Bradshaw, Garrett, Hagee, Betzner, Hunt, Everson, Kuras (7). NAY: (0).

9. CASE NO. AFD-6-86. CRANSTON'S POND (MARSTON ADDITION)

Mr. Pleskac presented the staff report (appended) to add approximately 32 acres to the existing Cranston's Pond Agricultural and Forestal District. Mr. Pleskac stated that, in accordance with the staff recommendation, the Agricultural and Forestal Advisory Committee recommended approval of the proposed addition to AFD-6-86, with the existing conditions.

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

Mr. Betzner made a motion, seconded by Mr. Garrett, to recommend approval of Case No. AFD-6-86, with the existing conditions. The motion passed: AYE: Bradshaw, Garrett, Hagee, Betzner, Hunt, Everson, Kuras (7). NAY: (0).

10. GROUP 1. CASE NOS. AFD-2-86. CROAKER; AFD-3-85. HILL PLEASANT FARM; AFD-5-86. BARNES SWAMP; AFD-6-86. CRANSTON'S POND; AFD-7-86. MILL CREEK; AFD-8-86. CASEY PROPERTY

GROUP 2. AFD-9-86. GORDON CREEK; AFD-10-86. CRISTENSON'S CORNER; AFD-11-86. YARMOUTH ISLAND; AFD-12-86. GOSPEL SPREADING CHURCH FARM; AFD-13-86. GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)

Mr. Pleskac presented the staff reports for these cases (appended) to continue the AFDs contained in the reports for a period of four years. Mr. Pleskac stated that, in accordance with the staff recommendation, the AFD Advisory Committee recommended approval of the referenced cases for a period of four years as well as the approval of voluntary withdrawals, with the conditions detailed in the staff report.

Mr. Kuras opened the public hearing.

In response to a citizen's question, it was explained that in an AFD a setback from the right-of-ways is a standard practice, and the County or Highway Department cannot take the land, and Virginia Natural Gas cannot go through the land, but if there is a need to widen the road the land is available.

There being no further speakers, Mr. Kuras closed the public hearing.

Mr. Garrett made a motion, seconded by Mr. Betzner, to recommend approval of the referenced cases for a four year period, with the conditions detailed in the staff reports. The motion passed: AYE: Bradshaw, Garrett, Hagee, Betzner, Hunt, Everson, Kuras (7). ABSTENTION: Mr. Hunt abstained on Case No. AFD-3-86. Hill Pleasant Farm. NAY (0).

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report (appended) and stated that at the request of the Hampton Roads Sanitation District a work session will be held at the November meeting on a compost facility for a location in Skiffe's Creek, with the public hearing held in December.

12. MATTERS OF SPECIAL PRIVILEGE

A brief discussion was held regarding changing the time of the Commission meetings from 7:30 to 7:00 p.m. This will be discussed further when the 1995 calendar schedule is submitted for approval in November or December.

Mr. Sowers stated that the Archaeological Study performed by Marley Brown was received.

Mr. Everson expressed concern as to the availability of water for future development.

Mr. Sowers informed the Commission that new constraints on water, traffic funding, and air quality regulations would be a challenge to the County and could be considered when updating the Comprehensive Plan beginning next summer.

Mr. Bradshaw suggested inviting Mr. Larry Foster, General Manager, James City Service Authority, to the November meeting to discuss the water situation in the County.

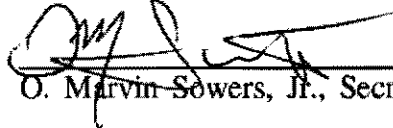
Mr. Bradshaw complimented Mr. Kuras and Mr. Sowers on their participation on the program for the Institute for Planning Commissioners sponsored by the VCPA.

13. ADJOURNMENT

There being no further business, the October 11, 1994 Planning Commission meeting adjourned at 9:05 p.m.



Alexander C. Kuras, Vice Chairman



O. Marvin Sowers, Jr., Secretary

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