

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF OCTOBER, NINETEEN HUNDRED AND NINETY-FIVE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Jay H. Everson  
Mr. Martin Garrett  
Mr. Donald C. Hunt  
Ms. Willafay McKenna  
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Development Management Manager  
Mr. Michael A. Freda, Sr. Planner  
Mr. Mark J. Bittner, Planner  
Mr. Gary A. Pleskac, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the minutes of the September 12, 1995 Planning Commission meeting were approved as presented by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett informed the Commission that the developer of Carter Hill, Inc. (First Settler's Campground) would maintain ownership of all properties that have wetlands between them and the channel. The few parcels that abut the main channel would be permitted to construct a dock by right while all the other parcels could not go through the marsh with a dock or boat ramp.

Upon a motion by Ms. McKenna, seconded by Mr. Everson, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. Z-12-95. CARTER HILL, INC.

Mr. Pleskac stated that staff concurs with the applicant's request to defer this case to the November meeting in order to work with the applicant in submitting a subdivision application under the existing proffers.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued to the November meeting.

5. CASE NO. SUP-25-95. VIRGINIA NATURAL GAS M&R STATION

Mr. Bittner presented the staff report (appended) stating that staff had withdrawn this application from consideration as the owners of the property objected to the proposal and preferred that the M&R station be constructed on another site or within the existing Virginia Power easement.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed. No further action was required by the Planning Commission.

6. CASE NO. SUP-26-95. WJCC PUBLIC SCHOOL (CDR BUILDING)

Mr. Bittner presented the staff report (appended) for a special use permit to operate a school in the existing building owned by Child Development Resources (CDR). Mr. Bittner stated that staff recommended approval with the condition detailed in the staff report.

In response to Mr. Poole's inquiry, Mr. Bittner stated that no expansion of the parking area was planned as there would be fewer students with the proposed use.

Mr. Kuras opened the public hearing. There being speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Poole, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, McKenna, Hunt, Everson, Poole, Kuras (6). NAY: (0).

7. CASE NO. Z-13-95. HANKINS GOLF CLUBHOUSE (OLD DOMINION FRENCH WINERY PROJECT)

Mr. Freda presented the staff report (appended) to rezone approximately 10 acres from R-5, Multi-family Residential, with proffers, to R-8, Rural Residential, with proffers, in order to construct a golf course clubhouse and related facilities. Mr. Freda stated that staff recommended approval of the rezoning, with proffers.

In response to Ms. McKenna's inquiry regarding the proposal in the event the timeshares are not built, Mr. Freda responded that the golf course could be built as a stand alone use; however, since a contractor is interested in building the golf course perhaps this will encourage development of the industrial/commercial sections and the timeshares. There is no firm commitment to construct the timeshares at this time. Also, the golf course could stay on a private well and septic in the event the rest of the property is not developed and public water and sewer brought to the site. The golf course irrigation will be from a lake on the property and not ground water.

Mr. Sowers pointed out that there is a binding master plan on this site that specifies other uses (golf course) and any further changes would be submitted to the Commission.

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

Ms. McKenna made a motion, seconded by Mr. Poole, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, McKenna, Hunt, Everson, Poole, Kuras (6). NAY: (0).

8. CASE NO. Z-14-95. JAMES RIVER COMMERCE CENTER

Mr. Pleskac presented the staff report (appended) to rezone approximately 10.9 acres from MU, Mixed Use District, with proffers, to M-2, General Industrial District, and approximately 208.14 acres from Mixed Use District, with proffers, to M-1, Limited Business/Industrial District, with proffers. Mr. Pleskac stated that staff recommended approval of the 10.9 acres for expanded warehousing for Ball Manufacturing and the 208.14 acres, as the proposed development for this site, as the James River Commerce Center, conforms with the Land Use and Economic Strategies, Land Use Standards and Mixed use designation of the Comprehensive Plan.

Mr. Sowers, in addressing the issue of Route 60, its level of service and expansion stated that under State allocations the County has a funding commitment for environmental and preliminary engineering studies for Route 60 which will take 1-2 years. The County will approach VDOT and the Transportation Board for future construction funds. Once the environmental documents are completed it is hoped VDOT will move rapidly to begin construction since such documents have a limited shelf life.

Mr. Poole stated that he would abstain from any participation on this case because of a conflict of interest.

Mr. Kuras opened the public hearing.

Mr. Alvin Anderson, representing Williamsburg Development, Inc., and for the purpose of the application, the Industrial Development Authority, concurred with staff's recommendation. Mr. Anderson introduced other interested parties in attendance who were available to answer questions.

Mr. John Rogers, who owns the Spray King car wash property across from Ball Metal, claimed that he had not been notified of this proposal. Mr. Rogers felt that the parking area on his property would be taken by a right hand turn lane.

Mr. Sowers stated that the turn lanes will be made at some point regardless of this rezoning either with the BASF access as that property is developed or as part of this rezoning.

Mr. Pleskac stated that a letter was sent to Mr. Rogers regarding this public hearing.

Mr. Rogers stated that until he knows what will happen to his property this project should not be approved.

Following a discussion and review of the plan among the Commissioners, Mr. Horne stated that the impact of turn lanes that Mr. Rogers is concerned about is not part of the initial road improvements and not necessary in order to start the development and that the development can go up to 500,000 sq. ft. before installing these turn lanes; and, secondly, if we want to go above that and have to build the subsequent road improvements and cannot acquire the right-of-way then we cannot develop as there is no right of condemnation. Mr.

Horne further stated that Mr. Rogers' property cannot be acquired unless a fair market price is negotiated and accepted by Mr. Rogers, and that there is no ability for anyone to abridge any of his property rights as is the case with any private development.

Mr. Sowers assured Mr. Rogers that before final site plan approval is granted the right-of-way would have to be acquired and if there is not an agreement between the parties the project will not proceed.

In response to Ms. Marie St. Clair, who was not a property owner but expressed concern regarding the impact of the development, Mr. Horne stated that outside of very limited widening to the BASF entrance road itself (1 or 2 feet), or if in the future we go above a certain threshold, we would have to widen and add turn lanes to Route 60 some of which may get down as far as Ms. St. Clair's property, but outside of that her property would not adjoin any of the development of the proposed project. However, if larger improvements were made in the future some of that road work may come across her property's frontage.

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

In response to Mr. Everson's inquiry as to whether IDA had condemnation authority, Mr. Horne responded that the County is a 30% partner and would not exercise condemnation powers on this project. Staff indicated that they would look further into the matter.

Ms. McKenna stated that she was happy that this development was anticipated in that area particularly because it offers the possibility for the area to be used to its fullest capacity.

Mr. Kuras also spoke in favor of the development with his only concern being Route 60.

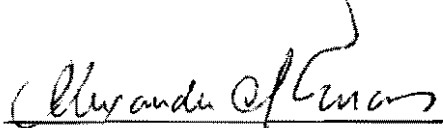
Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, McKenna, Hunt, Everson, Kuras (5). ABSTENTION: Poole (1). NAY: (0).


9. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the report (appended) and briefly discussed the Update of the Comprehensive Plan and the Community Participation Team's first round of public meetings which will be published in FYI and other media.

10. ADJOURNMENT

There being no further business, the October 10, 1995 Planning Commission meeting adjourned at 8:25 p.m.

  
\_\_\_\_\_  
Alexander C. Kuras, Chairman

  
\_\_\_\_\_  
O. Marvin Sowers, Jr., Secretary