

AT A RECONVENED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF MARCH, NINETEEN HUNDRED AND EIGHTY-NINE, AT 7:30 P. M. AT THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Fred Belden, Chairman
Mr. A. G. Bradshaw
Mr. Wallace Davis, Jr.
Mr. Jack D. Edwards
Mr. Martin Garrett
Mr. John F. Hagee
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. Larry W. Davis, Assistant County Attorney
Mr. Allen J. Murphy, Jr., Planner
Mr. R. Patrick Friel, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the regular meetings of the January 24 and February 14, and the worksession meeting of the February 14, 1989 Planning Commission were approved as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Mr. Kuras, the Development Review Committee Report was approved as presented.

4. POLICY REVIEW COMMITTEE REPORT

Upon a motion by Mr. McKenna, seconded by Mr. Garrett, the Policy Review Committee Report was approved as presented.

5. CASE NO. Z-1-89 and CASE NO. CP-6-88. NON PSA DEVELOPMENT POLICY, A-1 AND A-2 ZONING ORDINANCE AMENDMENT.

Mr. Sowers presented the staff report (appended) stating that Case No. Z-1-89 and Case No. CP-6-88 would be heard jointly.

Mr. Sowers further stated that a series of meetings had been held, including individual meetings with Board members, a presentation to the Growth Commission, Chamber of Commerce and the Norge Civic Association, and a public forum at the Norge Primary School, as well as Commission worksessions. Mr. Sowers reviewed major changes the Commission reached by consensus at their March 8, 1989 worksession, as stated in the staff report. It was reported that the Commission agreed to reduce their earlier proposal of a 10 acre minimum lot size to 3 acres, and increase the density of subdivisions permitted by special use permit from 1 dwelling unit per 5 acres to 1 dwelling unit per 2 acres. He also summarized changes regarding family subdivisions, subdivisions of parcels less than 6 acres, and permitted uses. Mr. Sowers further stated that staff recommended approval of the ordinance amendments to the A-1 and A-2 Districts.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff report as presented.

Mr. Massie stated that he felt the proposed changes (1) would not satisfy those individuals complaining about growth, (2) would concentrate growth within the PSA, (3) would not control growth, (4) would be a downzoning. Mr. Massie further stated that he felt the Real Estate Assessment economic impact statement was not adequate and that a study was needed to inform landowners of the impact on their property.

Ms. Lowe stated that she would vote in favor of the proposal because she felt it was a small step in the right direction toward more responsible growth management though not bold enough. Ms. Lowe also commented on the need to achieve a balance between growth driven by market demand and growth guided by design and vision, a balance between economic development and environmental protection, and a balance between personal property rights and stewardship of land and water resources for the benefit of the entire community. Ms. Lowe also hoped that the Board of Supervisors would hear the views of citizens throughout James City County prior to acting on this matter. Ms. Lowe commended the staff and Commission regarding their professionalism while under fire from the public and the press during recent weeks.

Mr. Wallace Davis stated that he felt that under Section 20-112. Area Requirements, (c)(3), the lot size should be amended to read two rather than one acre if on an individual septic tank.

Mr. Kuras commented that property owners would have more equitable use because the balance of the property could be developed in the future. He expressed concern about the traffic impact of two acre lots but stated that he would support the proposal.

Ms. McKenna commented that the changes permitted the County to retain its rural flavor and tended to control growth.

Mr. Bradshaw stated that he was concerned about devaluation of the 55,000 acres involved in the proposal and would like to see an analysis by a recognized appraiser. Mr. Bradshaw further stated his feelings that the proposal was unfair to the landowners whose taxes subsidized the Primary Service Area, that the approved proposal would split the County, that in the best interest of the County he could not support the proposal, and that rezonings would be difficult. He also stated that the staff had been unnecessarily abused during the study process.

In discussion on the amendment to the acreage by Mr. Davis, Mr. Kuras and Mr. Garrett both stated that two acres would reduce flexibility and available land for development. In a voice vote, the amendment was defeated.

On a roll call vote on the motion, the Commission voted 9-2 (Messrs. Bradshaw and Massie voting nay) to recommend approval of Case No. Z-1-88 and Case No. CP-6-89 to the Board of Supervisors.

6. CASE NO. Z-2-89. ROBERT A BRADY AND HOWARD W. BRADY, JR.

Mr. Friel presented the staff report (appended) for an application to rezone approximately 8.029 acres from A-1, General Agricultural, to R-1, Limited Residential. A sketch plan for an 18 lot subdivision accompanied the application. Mr. Friel stated that staff recommended the property be rezoned to R-6, Residential Agricultural, rather than R-1, for reasons stated in the staff report.

Mr. Belden opened the public hearing.

Mr. Roger Spearman, the applicant, felt the site was being penalized for having good topography, and stated that Toano Woods and Hunters Creek had lower densities due to physical limitations of the site. Mr. Spearman pointed out that the subject lots were the same size as some lots in Toano Woods and Hunters Creek. He stated that the combined density of this proposal with other projects met the Land Use Plan. Mr. Spearman further stated that the subject 8 acre parcel would not contribute greatly to traffic and requested that R-6 zoning not be approved. He also mentioned a previous petition by the residents to rezone the area to R-1.

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

Ms. McKenna, being concerned about adding more problems to Richmond Road, was opposed to the applicant's request for R-1 zoning.

Mr. Garrett stated that different projects should not be combined to determine density.

Mr. Murphy pointed out that Hunters Creek does not have access to Bush Springs Road, that R-6 was consistent with the Land Use Plan, that the 1985 Comprehensive Plan addressed the petition mentioned by Mr. Spearman, that Toano Woods had an ultimate density of 0.34 dwelling units per acre due to topography, and that the level of service for left turns at Route 60 is E.

Ms. McKenna made a motion, seconded by Mr. Garrett, to recommend approval of the staff's recommendation to R-6, Residential Agricultural, rather than R-1, Limited Residential, requested by the applicant. In a roll call vote, the Commission voted 7-3, with Messrs. Bradshaw, Magoon and Hagee voting nay, and Mr. Massie abstaining because of a conflict of interest.

7. CASE NO. Z-3-89. FERRELL GENERAL CONSTRUCTION COMPANY/FOX RIDGE

Mr. Murphy presented the staff report (appended) for an application to amend the proffers attached to approximately 50 acres zoned R-3, General Residential, on property located at 6000 Centerville Road, being developed as a cluster subdivision. The amendment allows for one street connection to adjacent undeveloped properties to the south through a 25 foot open space strip. Mr. Murphy stated that staff recommended approval of the amended proffers.

Mr. Belden opened the public hearing.

Mr. Alvin Anderson, the applicant, displayed a concept plan of Fox Ridge and spoke briefly on the proffers.

There being no further speakers the public hearing was closed.

Upon a motion by Mr. Bradshaw, seconded by Mr. McKenna, the Commission by roll call voted 11-0 to recommend approval of Case No. Z-3-89 to the Board of Supervisors.

8. CASE NO. Z-4-89. NECK-0-LAND PARTNERSHIP

Mr. Friel presented the staff report (appended) to rezone approximately 1.9 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property located at 506 and 508 Neck-0-Land Road. Mr. Friel stated that staff recommended approval of the rezoning, the stated purpose being to create four residential lots from the two existing lots, provide an attractive entrance, and construct homes which are consistent with the Neck-0-Land Subdivision.

Mr. Belden opened the public hearing.

Mr. Henry Stephens, the applicant, 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. Kuras, the Commission by roll call voted 11-0 to recommend approval of Case No. Z-4-89 to the Board of Supervisors.

9. CASE NO. Z-5-89. L.A.&G. ASSOCIATES

Mr. Friel presented the staff report (appended) to rezone approximately 17 acres from A-1, General Agricultural, and 2 acres from B-1, General Business, to R-5, Multi-family Residential, with proffers. Mr. Friel stated that staff concurs with the applicant's request for deferral until the April 11, 1989 Planning Commission meeting.

Mr. Belden opened the public hearing, which was continued until the April 11, 1989 meeting.

The Commission approved deferral of Case No. Z-5-89 until the April Commission meeting.

10. CASE NO. Z-6-89. ZONING ORDINANCE AMENDMENT

Mr. Murphy presented the staff report (appended) for ordinance amendments forwarded to the Commission as "housekeeping" items and are identified in the staff report. He stated that the amendments address the definition for "dwelling" and the density provisions in the PUDR and R-4 sections of the ordinance. Mr. Murphy stated that staff recommended approval of the proposed ordinance changes.

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

Upon a motion by Mr. Garrett, seconded by Mr. Kuras, the Commission by roll call voted 11-0 to recommended approval of Case No. Z-6-89 to the Board of Supervisors.

11. CASE NO. SUP-6-89. LINWOOD P. SLAYTON

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of an automobile repair shop in the A-1, General Agricultural District, located at 9424 Diascund Reservoir Road on approximately 4.5 acres. Mr. Friel stated that the applicant proposes to operate an automobile repair shop in his existing two bay garage specializing in light repair, such as tune-ups and brake repair. The applicant proposes a one bay addition to the existing garage. Mr. Friel further stated that staff recommended denial for reasons stated in the staff report.

Mr. Belden opened the public hearing.

Mr. Linwood Slayton, the applicant, stated that the closest residence to his property was 100 yards away and separated by a stream. Within one-half mile of his property are several businesses, including a boat rental and a transmission shop. Mr. Slayton further stated that his business would increase by no more than 4 or 5 cars on the road, that he had a

petition from neighbors supporting the application, and that he objected to being denied this permit based upon complaints lodged against operators of similar repair garages in the County. He stated that he did not intend to store automobiles and that work would be done inside, and he needed the additional bay to do State inspections.

Mr. John Filichko of Toano stated that a repair shop was needed in the area and supports the application for a special use permit.

Mr. John Mancini, Richmond Road, Lanexa, a resident of the area for 10 years and also supports the application.

Mr. Stewart Taylor, Richmond Road, Toano, member of the Board of Supervisors, Stonehouse District, stated that Mr. Slayton was a constituent of his district and has a very good reputation. Mr. Taylor further stated that he favors family businesses and supports the application.

Ms. Angela Slayton, wife of the applicant, stated that she does not hear noise from the garage inside her house.

Mr. & Mrs. B. S. Bowmer, Toano, informed the Commission that they do not hear noise from the existing garage.

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

Upon a motion by Mr. Edwards, seconded by Ms. McKenna, the Commission by roll call voted 11-0 to recommend approval of Case No. SUP-6-89 to the Board of Supervisors.

12. CASE NO. SUP-7-89. BRIARWOOD MANUFACTURED HOME PARK

Mr. Friel presented the staff report (appended) for a special use permit to develop a manufactured home park in the A-1, General Agricultural District, on 9 acres located at 6395 Centerville Road. Mr. Friel stated that staff recommended approval of the special use permit.

Mr. Belden opened the public hearing. Mr. James Short, attorney on behalf of the applicant, stated his agreement with the staff report. 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 11-0 to recommend approval of Case No. SUP-7-89 to the Board of Supervisors.

13. CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) for a request by Mr. Charles W. Dozier for the withdrawal of 41.124 acres of land he owns in the Mill Creek Agricultural and Forestal District. Mr. Friel stated that on

February 21, 1989, the Agricultural and Forestal District Advisory Committee voted 3-0 to recommend approval of the proposed withdrawal; however, Mr. Friel informed the Commission that staff recommended denial of the withdrawal for reasons stated in the staff report.

Mr. Dozier informed the Commission that this withdrawal and subsequent subdivision and selling of the land was the only way to alleviate his difficult financial situation which included forced bankruptcy and foreclosure unless the land is sold and appealed to the Commission to approve the application for withdrawal.

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Commission by roll call voted 11-0 to accept the applicant's request to withdraw from the above referenced Agricultural and Forestal District.

14. CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) for a request by Mr. Peter L. Smith to withdraw approximately 12 acres from the above referenced district. Mr. Friel stated that on February 21, 1989, the Agricultural and Forestal District Advisory Committee voted 3-1 to recommend denial of the proposed withdrawal, and staff concurs with the recommendation of denial.

Mr. Smith requested that the Commission approve the proposed application stating that it would enable the Gospel Spreading Church to provide a retirement community for senior members.

Following a brief discussion, upon a motion by Mr. Bradshaw, seconded by Ms. McKenna, the Commission by roll call voted 11-0 to recommend denial of the application to withdraw from the Agricultural and Forestal District.

15. AMENDMENT OF PLANNING COMMISSION BYLAWS

Mr. Sowers presented the staff report (appended) stating that the amendment to the Bylaws recognizes the creation of the Development Review and Policy Committees. Mr. Sowers further stated that staff recommended approval of the Bylaws amendments.

The Commission unanimously approved the staff recommendation of approval of the amendments to the Planning Commission Bylaws to the Board of Supervisors.

16. CAPITAL IMPROVEMENT PROGRAM

Ms. McKenna presented the report (see appended Minutes of special meeting of the Policy Committee held on March 8, 1989) and reviewed priority rankings, including public safety, development, landfill/refuse, parks and recreation, general (proposed branch facility of the library), schools and the James City Service Authority.

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

Upon a motion by Mr. Garrett, seconded by Mr. Davis, the Commission unanimously recommended approval of the priority rankings to the Board of Supervisors. Mr. Kuras abstained from voting on the portion regarding schools.

17. PLANNING DIRECTOR'S REPORT

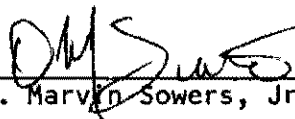
Mr. Sowers presented the Planning Director's Report (appended) and reminded the Commission of the Land Use in Virginia conference to be held in Richmond on March 31, 1989.

18. ADJOURNMENT

There being no further business the March 14, 1989 Planning Commission meeting was adjourned at 9:40 P. M.



Fred Belden, Chairman



O. Marvin Sowers, Jr., Secretary