

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF APRIL, 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. Brent D. Sheffler, Economic Development Coordinator
Mr. Allen J. Murphy, Jr., Planner
Mr. R. Patrick Friel, Planner
Mr. Wayland N. Bass, County Engineer

2. MINUTES

Upon a motion by Mr. Bradshaw, seconded by Ms. McKenna, the Minutes of the March 14, 1989 regular meeting, and the March 14, 1989 and January 24, 1989 worksessions were accepted as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett informed the Commission that concerns have been raised regarding private roads/streets in multi-family developments and the need for the County to be more restrictive, particularly on collector streets.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission accepted the report by unanimous voice vote.

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

Mr. Sowers distributed letters of support received by the Planning Department from adjacent property owners.

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, located 2200 feet from the northwest intersection of Route 60 and Route 614. Mr. Friel pointed out that the tract is part of a larger tract which contains commercial uses, and stated that staff recommended denial for reasons stated in the staff report and because approval of a residential timesharing development on land designated for commercial use would set a precedent for similar rezonings in the future.

Mr. Sheffler spoke on timeshare development in commercially designated areas, and stressed that areas described for commercial, major commercial or tourist commercial in the County's Comprehensive Plan should be maintained for such uses as they are a limited economic resource in the County. He also explained that commercial uses directly engage in the exchange of goods and services, and that upon sell-out timeshares do not involve such activities. Mr. Sheffler stated that timeshare projects should not be defined as commercially oriented businesses, but rather as special residential projects. Mr. Sheffler further stated that net fiscal benefits to the County from tourism and commercially related businesses including tax revenues, and the creation of new jobs (permanent and part-time) are significantly less for timeshares as compared to office or retail. Mr. Sheffler stated that it was important to note that the County lacks significant land described for commercial uses on the Comprehensive Land Use Plan strategically located to serve commercially oriented purposes, and such land should be protected as an important resource. Mr. Sheffler also stated that many commercial uses do not rely on direct road frontage, such as the Williamsburg Office Park and Busch Corporate Center, as well as other business, office, hotel, and restaurant uses in other jurisdictions.

Mr. Belden reopened the public hearing which was continued from the March 14, 1989 meeting.

Mr. Vernon Geddy, representing L.A.&G. Associates, informed the Commission that the developer, Mr. Tom Thiebold of HMT, was present. Mr. Geddy presented a rendering of the area.

Mr. Norman Mason, engineer on the project, spoke on buffering, setbacks and the severe erosion which he claimed would be stabilized by this development. Mr. Mason also stated his belief that the fiscal impacts of this proposed development would be comparable to any other development on this site except commercial development, which he agreed would not have a comparable tax assessment. However, Mr. Mason felt employment figures would be comparable.

In response to Ms. Lowe's inquiry regarding the responsibility for the storm water retention basin by the homeowners' association, Mr. Mason stated that since the County had no department to cover this function, funds and staff would be available through the homeowners' association, who he felt would not allow the basin to deteriorate.

Mr. Thiebold, developer, spoke of Williamsburg as a destination resort and this property being a 20th Century alternative to hotels/motels for timeshare owners. Mr. Thiebold stated that units would accommodate eight people and an average of \$600 per unit would be spent in the region.

Mr. Geddy reiterated that this project was tourist industry related with many dollars spent in the local economy, that occupancy was not seasonal but "52 weeks a year." Mr. Geddy requested that the rezoning, with proffers, be granted.

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

Ms. Lowe spoke in support of the rezoning because of its consideration of sensitive environmental areas, preservation of open space, and its mixed use approach.

Mr. Magoon made a motion, seconded by Mr. Kuras, to recommend approval of Case No. Z-5-89, with proffers, to the Board of Supervisors.

Mr. Garrett stated that this particular area was designated for commercial use, that the site would eventually be developed for commercial use, that there were other areas available for timeshares, and if timeshares were not permitted on this property, they would go elsewhere, but that commercial development could not as there are fewer locations for commercial development in the County. He also stated that the property has frontage as it is part of a larger commercially developed tract, and that should the timeshares fail, they would become a residential development.

Mr. Kuras stated that property owners desires on how to develop property must be considered.

Mr. Hagee spoke in support of the rezoning stating it was "an ideal location."

Mr. Massie stated that the proposal protects the church through the proffered buffers, and creates a transitional use with surrounding properties.

Mr. Sowers stated that this case is a rezoning, not an amendment to the Comprehensive Plan, and that many of the arguments made in favor of the case pertain more to a plan amendment. He stated that staff feels that the actual issue is whether a timeshare is a tourist commercial use, and that the only difference between this proposal and a residential facility is a legal agreement which is part of the proffers that the site be used as a timeshare. Mr. Sowers stated that there is no guarantee as to how long this proffer would stay in effect, and if the units don't sell and the applicant proposes to amend this proffer, the County would be in a difficult position.

Mr. Magoon raised questions regarding absorption rates for various uses, and the potential for other uses to immediately occupy the site.

Mr. Sowers stated that as the frontage developes, the site will become more valuable for commercial use.

Mr. Kuras stated that there is not currently a shortage of developable commercial space, but there could be in 10 years.

In a roll call vote, with Mr. Edwards, Mr. Garrett, Ms. McKenna, and Mr. Davis voting nay, the Commission voted 7-4 to recommend approval of Case No. Z-5-89, with proffers, to the Board of Supervisors.

5. SIX YEAR PLAN FOR SECONDARY ROAD IMPROVEMENTS - 1989

Mr. Sowers stated that a joint public hearing of the Board of Supervisors and Virginia Department of Highways would be held at a later date. At this time, the plan is submitted to the Commission for review and comment.

Mr. Bass presented the staff report (appended) and discussed the recommended projects and the formula used which included traffic volume, accident rate, and non-tolerable roads.

Following a brief discussion, the Commission unanimously agreed to approve the list, as presented.

5. PLANNING DIRECTOR'S REPORT

Mr. Sower's briefly discussed the report.

6. SETTING OF FUTURE MEETING DATES

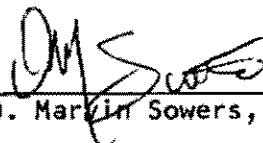
Mr. Sowers reminded the members of the Policy Committee of the April 19th meeting at 4 p.m.

7. ADJOURNMENT

There being no further business, the April 11, 1989 Planning Commission meeting was adjourned at 9:45 p.m.



Fred Belden, Chairman



O. Martin Sowers, Jr., Secretary