

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

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Raymond L. Betzner
Mr. A. G. Bradshaw
Mr. Martin Garrett
Ms. Victoria Gussman
Mr. John F. Hagee
Ms. Judith Knudson
Ms. Carolyn Lowe
Mr. Gary M. Massie

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. John T. P. Horne, Manager of Development Management
Mr. Leo P. Rogers, Assistant County Attorney
Mr. Allen J. Murphy, Jr., Principal Planner
Mr. R. Patrick Friel, Senior Planner
Ms. Elizabeth Sullivan, Planner

2. MINUTES

Upon a motion by Mr. Betzner, seconded by Mr. Bradshaw, the Minutes of the November 13, 1990 meeting were approved as presented with the exception that the second regional forum will be held in the Stryker Building rather than the Williamsburg Library on December 14, 1990.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett reported that at the December 5 meeting, there was informal discussion regarding timeshare units and whether timeshares are residential or commercial in nature. The Commission generally agreed to ask the Board of Supervisors to request State enabling legislation to treat timeshares solely as commercial uses. Upon a motion by Mr. Garrett, seconded by Ms. Knudson, the Development Review Committee Report was accepted.

4. CASE NO. SUP-45-90. VIRGINIA NATURAL GAS PIPELINE (public hearing closed at November 13, 1990 meeting).

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of a 16" natural gas transmission main through James City County. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Walter Witt, representing Virginia Natural Gas, and Mr. Art Rainey of Brown and Root were present and stated agreement with all conditions. In response to questions from Mr. Massie, it was stated that future Virginia Power expansion plans and construction operations for the pipeline preclude its location within the existing right-of-way. Also in response to Mr. Massie, it was stated that a cost analysis of different locations for the pipeline have not been done.

Mr. John Joyce, 101 Warrens Pond Road, Lake Toano, stated that following a meeting between VNG and the Lake Toano Homeowners Association, VNG had done all that was requested.

Mr. Kuras stated his objection to condition #12 which restricts use of natural gas outside the Primary Service Area to existing dwellings, noting that the County does not similarly restrict phone and cable service. He stated that the restrictions on utility extensions outside the PSA provided for in the Comprehensive Plan should only apply to water and sewer.

Mr. Kuras made a motion, seconded by Mr. Hagee, to accept the staff's recommendation of approval, with the deletion of condition #12.

Mr. Massie stated that it had not been adequately explained why the pipeline could not be placed within the existing Virginia Power easements. Mr. Massie felt to use the additional land was poor use of County resources.

Ms. Knudson agreed with Mr. Massie but objected to deleting condition #12.

Ms. Gussman and Mr. Betzner concurred with Ms. Knudson.

Mr. Bradshaw stated his opposition to the motion as he felt the proposed use did not benefit James City County.

Mr. Massie made an amendment to Mr. Kuras' motion, seconded by Mr. Garrett, to allow VNG to place the pipeline only within existing Virginia Power easements.

Mr. Rainey stated that pipeline can be placed within Virginia Power easements when possible but safety is a consideration due to the existing electric lines.

Mr. Rainey stated that the location of the existing waterlines within the Virginia Power right-of-way further restricts the utilization of the right-of-way.

Mr. Hagee questioned the availability of gas to James City County.

Mr. Steve Stone, VNG District Manager, stated that the additional gas provided by the proposed pipeline is needed at this time. Mr. Stone further stated that this line could serve the entire County.

On a roll call vote to amend the motion by allowing VNG to place the pipeline only within existing Virginia Power easements, the motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Gussman, Knudson (6). NAY: Hagee, Betzner, Kuras (3).

Mr. Massie made another amendment to Mr. Kuras' motion to add a condition to the special use permit that VNG not object to trails and greenways within their easements.

On a roll call vote to amend the motion, the motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

On a roll call vote on Mr. Kuras' motion, as amended, to accept the staff recommendation of approval, with the exception of condition #12 and the inclusion of the condition that VNG not object to trails and greenways within their easements, the motion passed: Bradshaw, Garrett, Massie, Lowe, Hagee, Kuras (6). NAY: Gussman, Knudson, Betzner (3).

5. CASE NO. SUP-38-90. HANKINS MINING (CONTINUED PUBLIC HEARING).

Mr. Sowers presented the staff report (appended) stating that the applicant requested indefinite deferral of this project. Mr. Kuras opened the public hearing which will be continued indefinitely.

6. CASE NO. Z-12-90/SUP-48-90. OLD DOMINION FRENCH WINERY (CONTINUED PUBLIC HEARING).

Mr. Sowers presented the staff report (appended) stating that the applicant requested deferral of these applications. Mr. Kuras opened the public hearing which will be continued at the January 8, 1991 meeting.

7. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING (CONTINUED PUBLIC HEARING).

Mr. Sowers presented the staff report (appended) stating that the applicant had requested deferral of this project. Mr. Kuras opened the public hearing which will be continued at the January 8, 1991 meeting.

8. CASE NO. SUP-46-90. WILLIAMSBURG FARMS, INC. (CONTINUED PUBLIC HEARING).

Mr. Friel presented the staff report (appended) for a special use permit to allow an inn and restaurant on property located at 2638 Lake Powell Road. Mr. Friel stated that staff recommended approval of this project to include all conditions detailed in the report.

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

Ms. Gussman made a motion, seconded by Mr. Bradshaw, to accept the staff recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

9. CASE NO. SUP-54-90. STEVEN E. BAILEY. PUBLIC HEARING.

Mr. Kuras stated that a request for withdrawal was received from the applicant and no further action by the Planning Commission was needed.

10. CASE NO. Z-14-90. JAMES CITY COUNTY/JAMES CITY SERVICE AUTHORITY OPERATIONS CENTER EXPANSION

Mr. Friel presented the staff report (appended) for a rezoning of approximately 1.17 acres from R-8, Rural Residential, to M-1, Limited Industrial, adjacent to the existing JCC/JCSA operations center, located at 105 Tewning Road. Mr. Friel stated that staff recommended approval of Case No. Z-14-90.

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

Ms. Knudson made a motion, seconded by Mr. Betzner, to accept the staff recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

11. CASE NO. Z-15-90/SUP-53-90. CECIL L. LINDSEY, SR.

Ms. Sullivan presented the staff report (appended) for a rezoning and special use permit. The property to be rezoned consists of approximately 6.62 acres from R-3, General Residential, to R-5, Multi-family Residential, and is located on the west side of Pocahontas Trail at the southwest intersection of Pocohontas Trail and Magruder Avenue. The purpose of the special use permit is for a facility for the residence of the aged. Ms. Sullivan stated that staff recommended approval of the rezoning with its associated proffers. Staff also recommended approval of the special use permit with the stated conditions except to change Condition #1 from 18 months to 36 months for commencement of this project.

The Commission was informed that final proffers had not yet been received.

Mr. Kuras opened the public hearing.

Mr. John Johnson with Beacon Construction Company was present and introduced Mr. Brundage, the architect. Mr. Johnson reviewed the proposed project. He stated that monthly rents would vary from \$350 to \$550 depending upon whether meals were provided.

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

Mr. Massie submitted a disclosure statement (appended).

Mr. Garrett made a motion, seconded by Ms. Gussman, to recommend approval of Case No. Z-15-90 and SUP-53-90.

Mr. Betzner expressed concern regarding voting prior to receiving final proffers.

Mr. Abram Frink, 148 Magruder Avenue, stated that he would like to see final proffers.

Ms. Knudson asked that all adjacent property owners receive a copy of the final proffers.

Mr. Murphy stated that if the final proffers significantly varied from what had been discussed with staff, staff would recommend that the Board return the case to the Planning Commission.

The motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

12. CASE NO. SUP-51-90. OUTDOOR WORLD

Ms. Sullivan presented the staff report (appended) for a special use permit for a campground located at 4301 Rochambeau Drive. Ms. Sullivan stated that staff recommended approval with conditions detailed in the report.

Ms. Gussman expressed concern regarding the density of this project being on septic systems.

Ms. Lowe expressed concern that the project was located in the RPOD.

Mr. Massie commented that the Health Department indicated no current problems or problems with the additional campsites.

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

Ms. Gussman made a motion, seconded by Mr. Betzner, to accept the staff recommendation of approval, with the addition of a condition to require connection to public sewer, if available, should the septic system fail.

The motion passed: AYE: Bradshaw, Garrett, Massie, Hagee, Gussman, Knudson, Betzner, Kuras(8). NAY: Lowe (1).

13. CASE NO. SUP-52-90. W. H. SPARRER, INC. (JOHN'S USED AUTO PARTS).

Mr. Friel presented the staff report (appended) for a special use permit for an expansion of an automobile graveyard in the A-1, General Agricultural District, located at 8952 Richmond Road. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Kuras opened the public hearing. Mr. Wendell Sparrer, the applicant, spoke briefly. There being no further speakers, the public hearing was closed.

Mr. Bradshaw made a motion, seconded by Mr. Hagee, to accept the staff recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, Massie, lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

14. CASE NO. AFD-13-86. GOSPEL SPREADING CHURCH FARM AGRICULTURAL AND FORESTAL DISTRICT (GILLEY ADDITION).

Mr. Friel presented the staff report (appended) stating that Mr. & Mrs. Gilley had applied to add 65.44 acres to the previously approved Gospel Spreading Church Farm Agricultural and Forestal District. Mr. Friel stated that the AFD Advisory Committee unanimously recommended approval of this case with conditions.

Mr. Kuras opened the public hearing.

Ms. Diane Dudley of Smokehouse Road asked what the advantage would be in turning this land into wetlands.

Mr. Kuras responded that the use of the land was not under consideration at this time, and further stated that VDOT could obtain title of the property but the request must go to the Board of Supervisors.

Mr. Horne explained the AFD process and purpose, and steps necessary should VDOT wish to use the land for wetlands mitigation.

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

Mr. Garrett made a motion, seconded by Mr. Bradshaw, to accept the AFD Advisory Committee recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

15. CASE NO. SO-1-90. SUBDIVISION ORDINANCE AMENDMENT

Mr. Murphy presented the staff report (appended) stating that staff developed some criteria to evaluate requests for extensions of preliminary subdivision approval. Mr. Murphy stated that persons from the development community were provided copies and requested some changes, including allowing more than one extension and changing the wording in #1 from ...the subdivider has satisfied... to the subdivider has substantially satisfied... Mr. Murphy further stated that staff recommended approval of the amendment with the changes noted.

Mr. Kuras opened the public hearing.

There being no speakers, the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. Gussman, to accept the staff recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, Massie, Lowe, Hagee, Gussman, Knudson, Betzner, Kuras (9). NAY: (0).

16. AMENDMENT TO COMPREHENSIVE PLAN DEVELOPMENT METHODOLOGY

Mr. Sowers presented the staff report (appended) stating that the Comprehensive Plan Development Steering Committee voted unanimously to request a one month extension to the Comprehensive Plan Update Methodology, increasing the process from 18 to 19 months.

The Planning Commission approved unanimously by voice vote a one month extension to the Comprehensive Plan Update Methodology.

17. 1991 PLANNING COMMISSION MEETING SCHEDULE

Upon a motion by Mr. Kuras, seconded by Mr. Betzner, the Commission approved unanimously by voice vote the 1991 Planning Commission meeting schedule.

18. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Director's Report (appended).

19. SETTING OF FUTURE MEETING DATES

Mr. Sowers reminded the Commission of a site visit on January 4, 1991 to view the site proposed for the Branscome Concrete Plant in Toano. Members will meet at 3 p.m. at the Sheldon Lumber Company retail parking lot.

Mr. Sowers also reminded the Commission of William and Mary's offer to present a program on remote sensing. The Commission requested that the program be scheduled in the spring.

Mr. Sowers announced dates for upcoming Comprehensive Plan Steering Committee meetings on January 9, January 15, January 22 and January 27 at 4:00 in the boardroom.

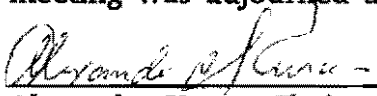
20. MATTERS OF SPECIAL PRIVILEGE

Ms. Gussman stated that the Commission had agreed to defer cases for an indefinite period of time and asked the Commission to consider limiting deferral periods of cases to six months.


In response to Ms. Gussman's inquiry about a refresher course on Roberts Rules of Order, Mr. Rogers responded that he would prepare a memorandum, and a worksession, if necessary.

21. ADJOURNMENT

There being no further business, the December 11, 1990 Planning Commission meeting was adjourned at 10:00 p.m.



Alexander Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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