

AT REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY-ONE AT 7:30 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. Wallace Davis, Jr.
Mr. Martin Garrett
Mr. John Hagee
Mr. Donald C. Hunt
Ms. Carolyn Lowe

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
Mr. David Fletcher, Planning Technician

2. MINUTES

The Minutes of the July 9, 1991 Planning Commission meeting and the July 16, 1991 worksession were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

The Development Review Committee meeting of August 7, 1991 was cancelled because there were no cases.

4. CASE NO. SUP-16-91. SKIMINO GOLF COURSE

Mr. Friel presented the staff report (appended) for a special use permit to develop a golf course. Mr. Friel stated that staff concurs with the applicant's request of deferral to allow time to address issues raised by VDOT.

Mr. Kuras opened the public hearing and continued it until the September meeting.

5. CASE NO. SUP-19-91. GIBSON BROTHERS DEVELOPMENT CORPORATION

Ms. Sullivan presented the staff report (appended) for a special use permit to allow the sale of used cars. She stated that staff recommended approval with conditions as specified in the staff report.

Mr. Davis asked for clarification of the reason for closure of an entrance to the site. Ms. Sullivan stated that the entrance should be closed because of the deficient level of service on Route 60 and the need to minimize the disruptions along the corridor.

Mr. Sowers stated the importance of the Route 60 corridor for existing and future economic development, the need to reserve capacity and improve the conditions of this road, and reduce interruptions in order to retain a high level of service as possible, and maintain the corridor's attractiveness for economic development reasons.

In response to questions, Ms. Sullivan identified several code violations which have occurred on the site.

Mr. Kuras opened the public hearing.

Mr. Dwight Dansby, representative for Gus Gibson, explained the history of the site. He stated that Mr. Gibson has tried to address matters raised by Code Compliance. He explained that the Route 60 entrance is used for the business and allows the drivers to maneuver mobile homes onto the lot. This entrance is also expedient for customers entering the site. He stated that Mr. Gibson has volunteered to provide more landscaping. Mr. Dansby stated that Colonial Williamsburg and the County are concerned about traffic flow on Route 60, but there are six entrances to Route 60 between Plantation Road and Skiffe's Boulevard. This particular entrance does not generate more traffic than the other entrances. He suggested a turn lane may help this site, but it will not help the traffic problems created by six other entrances to Route 60. Mr. Dansby stated that traffic to this site is minimal compared to the residential traffic entering and exiting other sites. He stated that it is not appropriate for the County to close an entrance just because they have the chance to do so.

Ms. Sullivan stated that staff understood that mobile homes were brought onto the site via the entrance on Freedom Drive not Route 60.

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

Mr. Garrett stated that Mr. Dansby has presented some compelling arguments and he would like to postpone action on the case for 30 days in order for all Commissioners to view the site.

Ms. Lowe stated that she supports the staff recommendation and efforts to improve conditions on a deteriorating road. She stated that the County needs to protect the community's interests as well as the property owner's.

Mr. Davis stated that he lives in the area and agrees with staff's description of the site. He stated he did not know of any accidents near this site.

Ms. Lowe stated that the owner has had five years to conform to the site plan and has not done so.

Mr. Kuras asked for clarification that the County does not have any areas where taxi services are permitted. He asked if the County could make taxi services permitted uses.

Mr. Sowers stated that the Planning Commission can amend the Zoning Ordinance to permit taxi services in selected areas of the County.

Mr. Betzner said that some provisions for taxi services should be made. He asked if there were any considerations for another time limit on this special use permit. Ms. Sullivan stated that it was not standard procedure to place time limits on special use permits.

Mr. Garrett made a motion, seconded by Mr. Hagee, to defer action on this case until September in order for the Commissioners to view the site. Mr. Kuras stated the public hearing will be continued at the September meeting.

6. CASE NO. SUP-20-91. WILLIAM C. BRANCH

Mr. Friel presented the staff report (appended) for a special use permit for a residential on-site wastewater treatment system with off-site effluent disposal. Mr. Friel stated that staff recommends deferral of this case to allow time for the applicant to submit supplemental information.

Mr. Kuras opened the public hearing and continued it until the September meeting.

7. CASE NO. SUP-21-91. POCAHONTAS TRAIL 7-11 GAS PUMP ADDITION

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of gas pumps and canopy at a 7-11. Mr. Friel stated that staff recommends approval with conditions as stated in the staff report.

Ms. Lowe stated that she has a problem with underground storage tanks in this area. Mr. Friel stated that storage tanks are now fiberglass and must meet State standards.

Mr. Garrett expressed concern about the number of gas stations within a mile and a half of the site.

Mr. Kuras opened the public hearing.

Mr. Randy Coles, construction manager for Southland Corporation, stated he was available to answer questions from the Commission.

Ms. Lowe stated that the 7-11 with gas pumps near her residence is an eyesore and nothing has been done to improve the appearance of that site.

Mr. Betzner wanted clarification of the landscape requirements for this site. Mr. Sowers said staff has added a condition that requires existing landscaped areas to meet the requirements of Section 20-14.

Mr. Fran McRickard, independent dealer, stated that steel storage tanks are still being sold. He stated that Southland was formerly the owner of Citgo, but they still maintain a close relationship. Mr. McRicker wanted the County to provide clarification as to the legal issues surrounding ownership of Southland Corporation and Citgo and whether this SUP was appropriate given that relationship.

Mr. Garrett stated that competition is healthy and that is what capitalism is all about.

Mr. Rogers stated enforcement of restrictions regarding Citgo and 7-11 is the responsibility of the State or through private actions, and that the County's only responsibility is to verify ownership and that has been done.

Mr. Garrett asked if the Commission could require more landscaping. Mr. Sowers said conditions could be added to bring the site more into conformance by requiring more landscap area, but it would adversely impact the site's circulation.

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

Mr. Garrett made a motion, seconded by Mr. Bradshaw, to recommend approval of Case No. SUP-21-91. The motioned passed: AYE: Bradshaw, Garrett, Lowe, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: (0).

8. CASE NO. SUP-22-91. WILLIAMSBURG POTTERY GOLF DRIVING RANGE

Mr. Friel presented the staff report (appended) to allow a golf driving range. Mr. Friel stated that staff recommended approval of this case with conditions as stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. Richard A. Costello, AES, introduced himself and stated that Mike Long of the Pottery was also present to answer any questions from the Commission.

Mr. Kuras asked if the driving range would be lighted in the future. Mr. Costello replied yes.

Mr. Sowers stated that the site would be limited in the height of light poles as outlined in the Zoning Ordinance.

Mr. Garrett made a motion, seconded by Mr. Bradshaw, to recommend approval of Case No. SUP-22-91. The motion passed: AYE: Bradshaw, Garrett, Lowe, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: (0).

9. CASE NO. SUP-23-91. W/JCC SCHOOLS-CLARA BYRD BAKER ADDITION

Mr. Friel presented the staff report (appended) for a special use permit to construct a 10 classroom addition to the school.

Mr. Friel stated that staff recommended approval of this case with conditions as stated in the staff report.

Mr. Davis asked if trailers could be added even with the addition to the school. Mr. Friel stated that trailers would be permitted if a special use permit was granted.

Mr. Kuras opened the public hearing.

Mr. Kevin Kattwinkel of Shriver and Holland Associates offered to answer any questions from the Commission.

Mr. Betzner asked about the construction schedule for the school. Mr. Kattwinkel stated that they hope to award the bid soon and open the addition in September.

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

Mr. Kuras asked for clarification of the landscaping requirements for this site. Mr. Sowers explained the landscaping requirements for the portion of the building facing Ironbound Road and the portion which abuts Ironbound Road.

Mr. Betzner made a motion, seconded by Mr. Hagee, to recommend approval of Case No. SUP-23-91. The motion passed: AYE: Bradshaw, Garrett, Lowe, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: (0).

10. CASE NO. Z-3-91. ROUTE 5 HIGH SCHOOL SITE

Mr. Murphy presented the staff report (appended) to rezone 80 acres from R-1, Limited Residential with proffers, to R-1, Limited Residential with proffers to allow the development of a high school. The purpose of the application is to amend the proffers to allow a high school.

Ms. Lowe wanted clarification of the buffer between the school site and the conservation area. Mr. Murphy explained the buffer areas and pointed out the conservation area on a map. Ms. Lowe stated that the site will have a lot of impervious area with runoff. Mr. Murphy stated that the large wetlands area would be used as a water quality area. A berm would be constructed so that water runoff into the wetlands is reduced and no sediment would leak into the area.

Mr. Hunt asked about mosquito control for this area. Mr. Sowers said the site would become a managed area and any problems would possibly be somewhat reduced.

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

Mr. Betzner made a motion, seconded by Mr. Bradshaw, to recommend approval of Case No. Z-3-91. The motion passed: AYE: Bradshaw, Garrett, Lowe, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: (0).

11. CASE NO. ZO-5-91. Z.O. AMENDMENT/SITE PLAN, OFF-STREET PARKING
EXTERIOR SIGNS

Mr. Fletcher presented the staff report (appended) containing proposed amendments to the Zoning Ordinance.

Mr. Hagee wanted clarification of the landscape ordinance versus the parking ordinance. Mr. Sowers explained that the landscape ordinance deals with the spacing of trees within a parking lot while the parking ordinance specifies island spacing. He stated that the two ordinances relate to each other, not contradict each other.

Mr. Garrett stated that a sentence on page 70 (g) needs to be deleted. The sentence is "On a corner lot, no sign shall be erected within a triangular area inscribed by two ten foot right of way legs". Staff agreed that this sentence should be deleted.

Mr. Hagee asked how the proposed requirements compare to other jurisdictions. Mr. Fletcher stated that information was received and reviewed from Albemarle County, City of Williamsburg and other localities, and JCC's requirements are comparable.

Mr. Kuras opened the public hearing.

Mr. Richard A. Costello, of AES, stated that the monument area of a sign should not be counted. He also suggested waivers for types of lights and heights of poles in parking lots.

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

Mr. Hagee said that he thought the Commissioners were going to discuss this case in depth tonight. He stated that he needed to further review the proposed amendments.

Ms. Lowe stated that there will be much more material to review in the future and it will be more complex and controversial than these amendments. She asked if there was a need to defer action on this case tonight.

Mr. Garrett stated that the Commission has had the material for over one and a half months to review and had conducted a worksession, and should act on the amendments tonight.

Mr. Hagee made a motion, seconded by Mr. Bradshaw, to defer action on Case No. ZO-5-91 until the September meeting. The motion passed: AYE: Bradshaw, Davis, Hagee, Hunt, Kuras (5). NAY: Garrett, Lowe, Betzner (3).

12. COMMISSION CONSIDERATIONS

Mr. Hagee stated that the County should update the landscape areas around County buildings to reflect the ordinance requirements and set an example to the development community.

Mr. Garrett stated that all new construction must meet the landscape requirements. He stated that on additions to sites, the new areas need to conform.

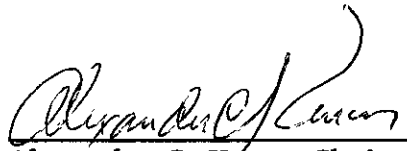
Mr. Betzner suggested that a minimum number of people should attend worksessions on the Zoning Ordinance. He stated that Case No. ZO-5-91 was discussed in detail during the worksession and then again tonight.

Mr. Sowers suggested the Commission tour the Jack L. Massie mineral resource management area on Centerville Road (SUP-26-91) on Tuesday, August 20 at 3:00 p.m. The meeting location was set at the back parking lot at the Williamsburg Outlet Mall at that date and time.

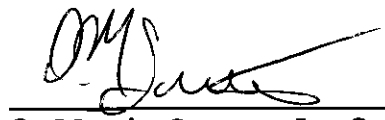
Mr. Garrett suggested that all Commissioners view the Gibson Brothers Development site.

13. ADJOURNMENT

There being no further business, the August 13, 1991 Planning Commission meeting adjourned at 10:00 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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