



MEMORANDUM

Date: July 2, 2015
To: Records Management
From: The Planning Commission
Subject: Planning Commission Minutes: 09/10/1991

The following minutes for the Planning Commission of James City County dated 09/10/1991 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 09/10/1991, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 09/10/1991

Robin Bledsoe
Chair

Paul Holt
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINETY-ONE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 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
Ms. Victoria Gussman
Mr. John F. Hagee
Mr. Donald C. Hunt
Ms. Judith Knudson
Ms. Carolyn Lowe
Ms. Willafay McKenna

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 August 13, 1991 Planning Commission were accepted as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was accepted as presented.

4. CASE NO. SUP-20-91. WILLIAM C. BRANCH (continued public hearing)

Mr. Friel presented the staff report (appended) and stated that the applicant had requested an indefinite deferral of this case in order to allow time to submit information to staff. Mr. Friel stated that staff concurs with this request.

Mr. Kuras opened the public hearing which will be continued at a later date.

Ms. Gussman made a motion, seconded by Ms. McKenna, to accept the staff recommendation for deferral with the exception to defer the case no later than the April 14, 1992 Planning Commission meeting. The motion was passed unanimously by voice vote.

5. CASE NO. SUP-26-91. JACK L. MASSIE CONTRACTOR, INC. (public hearing)

Mr. Friel presented the staff report (appended) and stated that the applicant had requested deferral of this case until the October 8, 1991 meeting in order to allow time to address comments raised during the staff review of the proposal.

Mr. Kuras opened the public hearing which will be continued to the October 8, 1991 Planning Commission meeting.

6. CASE NO. SUP-19-91. GIBSON BROTHERS DEVELOPMENT CORPORATION (continued public hearing from August 13, 1991 meeting)

Ms. Sullivan presented the staff report (appended) for a special use permit to allow the sale of used cars at 8910 Pocahontas Trail in the B-1, General Business District. Ms. Sullivan stated that staff continues to recommend approval with the stated conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Dwight Dansby, representing the applicant, reviewed the history of the property and surrounding area. Mr. Dansby stated that closing the site's entrance on State Route 60 would damage the property rights of Mr. Gibson and lessees, as it would be denying them reasonable access to his business which is also located on the site.

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

Ms. Lowe questioned the landscaping. Mr. Sowers responded that staff felt the recommendation was reasonable considering the amount of changes to take place on the site. Ms. Lowe disagreed.

Mr. Garrett felt the Route 60 entrance was not necessary for maneuvering of trailers or for access due to the sites small size and closeness of the existing entrances.

Mr. Garrett made a motion, seconded by Ms. Knudson, to accept the staff recommendation.

Ms. McKenna felt the Route 60 entrance was necessary as it made turning around on the site easier. Ms. McKenna suggested an additional condition with a time limit in order to allow staff's concerns to be addressed in the future.

Mr. Hagee stated that he entered through Freedom Road and found it difficult to maneuver on the site.

Mr. Horne stated that if we decide whether to eliminate entrances based on measuring individual cases, we would never see a dramatic improvement in level of service. He stated that it is the presence of six entrances that drive level of service down and not one by itself. He stated that approval would make it more difficult to remove others in the future and that it was unusual to have a site with two accesses, with one on a side street, and that this provided a rare opportunity to make some improvements with minimal effect on a site.

On a roll call vote the motion was defeated 7-4. AYE: Garrett, Lowe, Gussman, Knudson (4). NAY: Bradshaw, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (7).

Ms. McKenna made a motion, seconded by Mr. Hagee to recommend approval of the special use permit for a period of four years and the deletion of condition #3 (close Route 60 entrance). The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: Lowe, Gussman, Knudson (3)

7. CASE NO. SUP-16-91. SKIMINO GOLF COURSE (WILLIAM C. COWARDIN, JR.)

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a golf course. Mr. Friel stated that staff recommended approval with the conditions in the staff report.

In response to Ms. Knudson's inquiry, Mr. Rogers stated that only under a rezoning could it be proffered to convert a golf course from public to private; it cannot be conditioned under a special use permit.

Mr. Kuras opened the public hearing.

Mr. Cowardin, the applicant, exhibited a rendering of the proposed golf course and introduced the following people associated with the project: Mr. Marvin M. Giles, III, President, Pros, Inc.; Mr. Thomas C. Broyles, attorney, Kaufman & Canoles; Mr. Leroy T. Canoles, Kaufman & Canoles; Mr. Gary L. Strickfaden, Peat Marwick, Certified Public Accountants; and, Mr. Norman Mason and Ms. Debbie Lenceski of Langley & McDonald. Mr. Cowardin briefly described the project, including its acreage, cost of development, and its economic impact on the community.

Mr. William Whiting, North Cove, stated that he did not object to the golf course but felt that Route 646 was not adequate and that the curves along this road were dangerous. Mr. Whiting also opposed water being drawn from Barlow's Pond and asked that it not drop below 6 inches or that the spillway be raised six inches.

Mr. Dick Guertin spoke in favor of the golf course and also felt the road was inadequate and commented on the impact of water being drawn from Barlow's Pond for the golf course.

There being no further speakers the public hearing was closed.

Ms. Lowe expressed concern regarding the amounts of chemicals to be used on the golf course and about land disturbance on 25% slopes which she felt was counter to the Chesapeake Bay Act.

Briefly discussed was the developer's contribution of \$275,000 for road improvements on Route 646 with a revenue sharing match of the same amount by Virginia Department of Highways.

Mr. Friel stated that revenue sharing funds for the road improvements are not currently part of the proposal.

Ms. McKenna made a motion, seconded by Mr. Bradshaw, to accept the staff's recommendation of approval.

Ms. Gussman made an amendment to the motion, seconded by Ms. Lowe, to require that the Wetlands Board review the plan. The motion failed: NAY: Bradshaw, Garrett, McKenna, Hagee, Hunt, Kuras (6). AYE: Lowe, Davis, Gussman, Knudson, Betzner (5).

Ms. McKenna made an amendment to the motion, seconded by Mr. Betzner, to amend Condition #13 to delete "... or a guarantee for such improvements shall be posted ..." The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11). NAY: (0).

Ms. Gussman made an amendment to the motion, seconded by Mr. Betzner, to add the following language to Condition #1 and #2: ... in the event the owner receives an exception to the Chesapeake Bay Ordinance. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11). NAY: (0).

The original motion, with amendments, passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: Lowe (1).

Mr. Bradshaw left the meeting at approximately 9:30 p.m.

8. CASE NO. SUP-27-91. CHILD DEVELOPMENT RESOURCES CORPORATION - VERNON GEDDY, III

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a 14,000 sq. ft. child care facility on Point-O-Woods Drive. Mr. Friel stated that staff recommended approval of this application with the stated conditions in the staff report.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy who is on the Board of Directors of CDR introduced several people who are involved with CDR: Corinne Garland, Program Director; Charles Crone, Chairman; and, Sandy Wanner and Gary Massie.

Mr. Geddy took exception to Condition #2 as he felt two entrances to the site were needed for leaving off and picking up family members. Mr. Geddy requested that Condition #3 be reduced to a 30 foot buffer in order to permit flexibility in the placement of the building.

There being no further speakers the public hearing was closed.

Ms. Knudson made a motion, seconded by Mr. Wallace, to accept the staff recommendation of approval.

Mr. Kuras made an amendment to the motion, seconded by Mr. Hunt, that the developer be required to hook up to sewer when available. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

Ms. McKenna stated that she felt two entrances were needed to drop off children and handicapped clients.

Mr. Sowers stated that property directly across the road is designated mixed use and will probably be developed by commercial uses also wanting multiple entrances. He stated that level of service should drive the need for the number of entrances rather than on site circulation, and in this case more than one entrance is not needed. He also cited examples of schools and day care centers that have one entrance.

Ms. McKenna made an amendment to the motion, seconded by Mr. Garrett, that Condition #2 be changed to read that no more than two entrances to the site be permitted. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: Knudson (1).

The original motion, with amendments, passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

9. CASE NO. SUP-29-91. CHUCK MARCOTTE ON BEHALF OF DARE PIKE, LTD.

Mr. Friel presented the staff report (appended) for a special use permit to allow the sale of used vehicles at 7294 Merrimac Trail. Mr. Friel stated that staff recommended denial of the application.

Mr. Kuras opened the public hearing.

Mr. Joseph F. Phillips, Jr., representing the applicant, introduced the applicant and his son. Mr. Phillips summarized the history of the property and reviewed the surrounding property.

Mr. Chuck Marcotte stated that this operation would involve an office and showroom for a small number of luxury cars for sale. The property would be improved with landscaping. Traffic generated would be modest. There would be no repairs performed or gasoline sold.

Mr. Alexander Lee, 7292 Merrimac Trail, stated that the site is within eight feet of his door and felt there would be no control over the number of cars on the site. Mr. Lee requested that the application be denied.

Ms. Nancy James, 7254 Merrimac Trail, stated that she spoke on behalf of the citizens of this community of elderly retired people who support the staff recommendation of denial. She stated that the County had said the area would remain residential and that most businesses were of the walk in type but this one was different and would change the character of the area.

Ms. Gussman stated that this is a small B-1 property in a residential area and that the County has special requirements for certain uses to ensure compatibility. This use requires a special use permit and is not appropriate to this location. Ms. Gussman stated that she could not support it.

Mr. Garrett stated that the County previously denied a request for a lumber company for similar reasons and that they ought to be consistent.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of denial. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

10. CASE NO. ZO-5-91. ORDINANCE AMENDMENT/SITE PLAN, OFF-STREET PARKING, EXTERIOR SIGNS.

Mr. Fletcher presented the staff report (appended) for the above referenced zoning ordinance amendments. Mr. Fletcher stated that staff recommended approval of the amendments.

Following a brief discussion, Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of approval. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). Nay: (0).

11. PLANNING DIRECTORS REPORT

Mr. Sowers presented this report (appended).

12. SETTING OF FUTURE MEETINGS

Mr. Sowers announced the following meetings of the Zoning Ordinance update subcommittees:

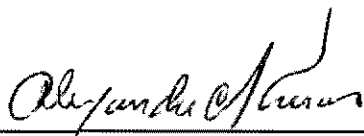
Mixed Use Development, September 25, 1991, Board Room, Building C.

Cluster Development, September 26, 1991, Conference Room E


Residential Development, October 1, 1991, Board Room, Building C.

13. ADJOURNMENT

There being no further business, the September 10, 1991 Planning Commission meeting adjourned at 11:05 P.M.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary