

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF OCTOBER, 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 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. Donald E. Davis, Principal Planner
Mr. R. Patrick Friel, Senior Planner
Mr. Trenton L. Funkhouser, Senior Planner
Mr. Wayland Bass, Civil Engineer, Development Management
Mr. Darryl Cook, Civil Engineer, Code Compliance
Mr. Mark Eversole, Engineering Inspector, Code Compliance

2. MINUTES

Mr. Sowers informed the Commission that the minutes had been changed to reflect that Mr. Bradshaw had departed the meeting at approximately 9:30 P. M. and Mr. Kuras' prior comments on the votes on cases SUP-16-91, SUP--27-91, SUP-29-91 and ZO-5-91. Ms. Lowe asked that the minutes reflect her concern in regard to the Skimino Golf Course (Case No. SUP-16-91) that land disturbance on 25% slopes was counter to the Chesapeake Bay Act. The amended minutes passed unanimously by voice vote.

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-26-91. JACK L. MASSIE CONTRACTOR, INC. (GARY M. MASSIE).

Mr. Friel presented the staff report (appended) and stated that the applicant requested another deferral in order to allow additional time to address comments raised during staff review of the proposal.

Mr. Kuras opened the public hearing. There were no speakers. The hearing was continued until the November 12, 1991 meeting.

5. CASE NO. SUP-27-91. CHILD DEVELOPMENT RESOURCES, INC. (VERNON GEDDY, III).

Mr. Friel presented the staff report (appended) and stated that this case was remanded to the Planning Commission by the Board of Supervisors at the request of Mr. Garrett (Planning Commission representative to the Board meeting) to permit this body to receive the same staff presentation received by the Board concerning the entrance configuration.

Mr. Friel stated that staff recommended approval of Case No. SUP-27-91 with the stated conditions in the October 1, 1991 Board of Supervisors memorandum (appended).

Letters indicating support of two entrances were received from the following individuals and were distributed to the Commissioners: Jane C. Wright of Hanburg Evans Newill Viattas & Company, architects; Paul C. Small of AES; Susan McCleary, President of Mirror Lake Association.

Mr. Hagee stated that he felt two entrances for this project was not overwhelming and questioned if the number of entrances was related to the amount of traffic using the facility.

In discussion regarding the necessity for more than one entrance, the Commission was informed that up to 70 children, some with disabilities requiring special equipment, and approximately 40 staff members, plus visitors, were expected to use the building each day

Ms. McKenna disagreed with the need for only one entrance.

Mr. Vernon Geddy informed the Commission that the proposed facility had not yet been designed but the best professional advice received called for two entrances. Mr. Geddy stated that his client would not object if it was the pleasure of the Commission to word a condition to permit two entrances based upon the approval of the Development Review Committee. Mr. Geddy further stated that letters received from Ms. Jane Wright and Mr. Paul Small stated reasons why it was critical at this point to preserve options to have two entrances.

Mr. Sowers stated that of concern to staff is that the area will be under pressure for new commercial entrances; that the adjacent mixed use area is approximately twice the size of the mixed use area of Williamsburg Crossing, and this site is part of another large piece of property that is in between Mirror Lakes and that mixed use area, and that the remainder of the site will in all likelihood have a number of other transitional uses similar the one proposed. Mr. Sowers pointed out that the Comprehensive Plan and Zoning Ordinance try to limit a site to one entrance, and the staff has consistently recommended that in applications like Williamsburg Crossing, etc., unless rather detailed documentation is provided that justifies clearly why it is needed. In this particular instance that kind of documentation has not been provided and the arguments presented are the same for any organization or business that primarily targets children as their clients. Mr. Sowers further pointed out that the site is part of a larger tract, and it is the site's proposed size that appears to be constraining the ability to adequately accommodate traffic on site. He noted that other private developers come to staff with similar arguments and if we make an exception in this case then perhaps another use will want to go on a parcel next to this and be entitled to a similar design. Mr. Sowers stated that if the entire parcel came in as a special use permit it would be restricted to one entrance on Point-O-Woods Road and would be required to submit detailed traffic documentation to clearly justify why more than one entrance is needed.

Mr. Geddy suggested a clause which would permit the Planning Commission or staff to determine if the site is safe and adequate for children.

Ms. McKenna stressed the necessity to focus on the special nature and the needs of the children who will be using this facility.

Mr. Davis agreed with Ms. McKenna and stated that with the disability equipment needed by some children that two entrances would be needed for better flow of traffic.

Ms. McKenna made a motion, seconded by Mr. Bradshaw, to amend the staff recommendation to include a provision for two entrances if necessary for design as determined by the Development Review Committee. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Knudson, Betzner, Hunt, Kuras (10). NAY: (10).

Mr. Garrett requested that the proceedings of this meeting be relayed to the Board.

Mr. Geddy asked, in regard to the 35 foot landscape buffer, permission to use the modification provision in the landscape ordinance with the approval of the Planning Director.

Mr. Friel responded that the buffer requirement should remain as presented in the staff report. Mr. Friel felt there was no undue hardship in providing a buffer within the 35 foot setback which would give maximum buffer protection to residents of Mirror Lakes.

Ms. McKenna made a motion, seconded by Mr. Bradshaw, to accept the staff recommendation of approval as stated in the October, 1, 1991 Board memorandum, with the above amendment regarding the number of entrances. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Knudson, Betzner, Hunt, Kuras (10). NAY: (0).

6. CASE NO. ZO-8-91. ZONING ORDINANCE AMENDMENTS/TIMBERING

Mr. Bass presented the staff report (appended) for a proposed amendment which would regulate timbering activities in excess of 2500 square feet by requiring a special use permit from the Board of Supervisors. Mr. Bass stated that staff recommended approval of the amendment.

Ms. Lowe questioned why A-1 was excluded from special use permit requirements for timbering.

Mr. Sowers responded that via the Comprehensive Plan there are several specific activities the County wishes to promote in the A-1 district, one being forestry, and requiring a special use permit would be inconsistent with the Plan in staff's opinion.

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

Mr. Kuras expressed his concern in regard to Agricultural and Forestal Districts (AFD) in the R-8 district as he felt many parcels in the AFDs were not for development purposes (farms) and felt it was inconsistent to have property in an AFD which the owners were not permitted to timber.

Mr. Sowers responded that the R-8 district (previously A-2) represents a large portion of the County's developable area within the PSA, an area where most of the problems that this ordinance is directed to addressing are expected to occur. The special use permit gives the ability to timber where appropriate but in a cautious way that could maintain buffers and protect greenbelts, environmentally sensitive areas, and adjacent urban land uses.

Mr. Garrett stated that the ordinance should apply to all R-8 districts, that this only requires a special use permit and does not prohibit timbering.

Ms. McKenna inquired if it would be possible to be notified when clearing an area as large as 2500 square feet in the A-1 district.

Mr. Rogers responded that the reason for the 2500 square foot exemption is that it is consistent with the Chesapeake Bay Preservation Ordinance and Erosion and Sedimentation Control Ordinance.

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

7. WORKSESSION ON GOLF COURSES

Mr. Bass conducted a worksession in which he discussed golf course design, construction and environmental concerns. Mr. Cook and Mr. Eversole were also present.

Following a brief discussion, Mr. Betzner asked to receive more information regarding irrigation and water needs of golf courses. He questioned if a limited supply of water exists in James City County, what demand is put on that supply by golf courses, and asked about the feasibility of using recycled waste water.

8. CASE NO. ZO-6-91. ZONING ORDINANCE AMENDMENT/TAXI SERVICE

Mr. Murphy presented the staff report (appended) for a proposed amendment which would introduce a taxi service as a use within the County's zoning regulations. Mr. Murphy stated that staff recommended approval of the amendment.

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

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

9. CASE NO. ZO-7-91. AMENDMENT TO COUNTY ZONING MAP/ADJUSTMENT OF PRIMARY SERVICE AREA BOUNDARIES

Mr. Funkhouser presented the staff report (appended) to revise the County Zoning Map to reflect the revised Primary Service Area boundaries which include the proposed Stonehouse development, a portion of the eastern quadrant of the Croaker Interchange and the exclusion of the Gospel Spreading Church Farm. Mr. Funkhouser stated that staff recommended approval of the amendments to the map.

Mr. Funkhouser presented a Resolution entitled "Comprehensive Plan Work Program" requesting the Development Management staff to prepare for Planning Commission review and consideration additions, revisions and amendments to the County Zoning Ordinance and official maps to assure conformance with the updated Comprehensive Plan.

Ms. McKenna made a motion, seconded by Mr. Garrett, to adopt the Resolution. The motion passed by unanimous voice vote.

Mr. Kuras opened the public hearing.

Mr. Gary Massie stated that he owns a 14-1/2 acre parcel on Croaker Road served by public water and having the potential to be served by gravity sewer. Mr. Massie stated that he was uncertain whether the parcel was within the Primary Service Area, but asked the Planning Commission and staff to review the location of the site.

There being no further speakers the public hearing was closed.

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

10. BY-LAW AMENDMENT: ELECTION OF OFFICERS

Mr. Sowers presented this report (attached) to change the election of officers and appointments to committees from January to February. Mr. Sowers stated that staff recommended that the Commission approve the proposed change at their November meeting.

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended).

Mr. Sowers announced that three additional subcommittees for the Zoning Ordinance update have been formed as followed:

Industrial Districts Subcommittee:

Staff: Mike Freda

Committee: Ray Betzner, Wallace Davis, Tory Gussman

Commercial Districts Subcommittee:

Staff: Liz Sullivan

Committee: Martin Garrett, Alex Kuras, Willafay McKenna

12. SETTING OF FUTURE MEETING DATES

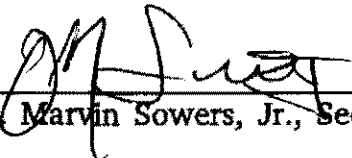
Ms. Lowe announced a Growth Issues Forum to be held on October 16, 1991 at 7:30 P.M. in the board room by the Virginia Commission on Population and Development.

13. ADJOURNMENT

There being no further business, the October 8, 1991 Planning Commission meeting adjourned at 9 P. M.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary