

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF JUNE, NINETEEN HUNDRED AND NINETY TWO 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. A. G. Bradshaw  
Mr. Martin Garrett  
Ms. Willafay McKenna  
Mr. Wallace Davis, Jr.  
Mr. John Hagee  
Ms. Victoria Gussman  
Mr. Raymond Betzner  
Mr. Donald Hunt

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. Donald E. Davis, Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Mr. Trenton L. Funkhouser, Senior Planner  
Mr. Jeffrey J. Mihelich, Planner  
Mr. David N. Fletcher, Planning Technician

2. MINUTES: May 12, 1992

3. COMMENTS BY THE DIRECTOR OF PLANNING

Mr. Sowers stated that the Planning Division has received awards for the Comprehensive Plan update methodology process, including the VAPA award, the NACO Achievement Award which will be awarded in Minneapolis, and the VCPA award.

Mr. Garrett felt the Board should consider sending someone to Minneapolis to accept the award.

4. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented the report and made a motion, seconded by Ms. Gussman, to accept the report. Mr. Hagee abstained on Case No. SP-42-92, Kingsmill Golf Course Reconstruction. The motion passed unanimously with Mr. Hagee abstaining on SP-42-92.

5. AMENDMENT TO THE ZONING ORDINANCE REGARDING HOUSEKEEPING MATTERS

Mr. Kuras made a motion, seconded by Ms. McKenna, that the Commission address certain housekeeping amendments to the zoning districts, such as but not limited to the R-1 and B-1 Districts, to ensure that all section and district references are accurate, certain terms are clearly defined, and generally ensure the Zoning Ordinance is properly revised. The motion passed unanimously by voice vote.

6. CASE NO. SUP-16-92. AUDREY MAE JAY THOMAS

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of a two family dwelling on 1.212 acres located at 177 Railroad Street. Mr. Friel stated that staff recommends approval with the conditions stated in the staff report.

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

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

7. CASE NO. SUP-15-92. NORGE CENTER, INC.

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a shopping center on Norge Lane. Mr. Friel stated that staff recommends approval with the conditions detailed in the staff report.

Mr. Kuras opened the public hearing.

Mr. Kevin McFadden, representative of the Rebkee Company, the contract owner of the property, stated concurrence with the staff recommendation of approval. Mr. McFadden introduced Mr. James Whitehead, the chief engineer.

There being no further speakers the public hearing was closed.

Mr. Bradshaw stated that at a public meeting of Norge area residents, there were many questions regarding the shopping center, but not one criticism of the development.

Ms. Gussman, a resident of the area, stated that the shopping center would reduce shopping trip traffic on Route 60.

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

8. CASE NO. Z-2-92. NORGE LANE AREA REZONING  
CASE NO. SUP-18-92. COUNTRY CONTRACTORS

Mr. Friel presented the staff reports (appended) stating that the Board of Supervisors directed staff to initiate the rezoning of 6 lots located on Norge Lane, and to initiate a special use permit application to allow the construction of a two family dwelling at 116 Norge Lane. Mr. Friel further stated that staff was not in favor of either proposal for reasons stated in the attached correspondence; however, the Board has directed staff to forward this case for their approval.

In response to Mr. Garrett's question regarding the Board's directive, Mr. Rogers stated that the Board instructed staff to initiate the rezoning process for this property. Staff has done so and the Commission can discuss the case and provide comments and make a recommendation.

Mr. Sowers explained the history behind this process by stating that the Commission recently adopted an ordinance amendment for a waiver provision to the sewer requirement in the R-2 District to put a duplex on this street. The Commission and Board approved that amendment.

Mr. Bradshaw raised the question of the previous development of a two family dwelling on Norge Lane. Mr. Friel responded that the restrictive covenants that restricted this land use in the past have expired.

Ms. McKenna questioned why the request initiated with the Board rather than as an individual application.

Mr. Friel explained that prior to the ordinance amendment on March 2, 1992, the applicant was required to connect to water and sewer which they were unable to do. In order to accommodate the applicant, the Board requested staff to come up with a provision for waiver of public utilities under certain conditions. The Board approved the ordinance amendment and has directed staff to process a rezoning application of this property.

Mr. Sowers stated it was best to rezone all the lots and the special use permit instead of rezoning one lot on the street if the desire is to accommodate the duplex.

Ms. McKenna stated that if developed by right the Comprehensive Plan density was exceeded and to approve the application would exceed the density even more.

Mr. Garrett objected to a duplex on half an acre with a septic field.

Ms. Gussman questioned under what circumstances homeowners would be required to connect to a sewer line.

Mr. Friel responded that a homeowner would be required to connect only if construction commenced after the sewer line was constructed or if their system failed.

Ms. Gussman asked if staff recommends R-2 zoning.

Mr. Sowers responded that staff does not favor rezoning, but if the property is rezoned, R-2 would be the most appropriate zone to accommodate the request.

Mr. Kuras opened the public hearing.

Mr. Bruce Wildenberger, 100 Norge Lane, stated opposition to the R-2 rezoning because it would be more restrictive than A-1 and felt A-1 was preferable, or B-1 in conjunction with the rest of the area.

Mr. Wayland Smith, 104-108 Norge Lane, stated that in 1988 when the property across the road was rezoned, it was stated by Mr. Massie that this strip would probably be rezoned to B-1. He said he would also build a duplex on his half acre lot if it's allowed on this half acre lot.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, to recommend denial on Case No. Z-2-92.

Mr. Garrett stated objection to a future rezoning of the land to B-1 because of the areas' residential Comprehensive Plan designation and existing residences and felt the anticipated development of a church on adjacent property would enhance the residential character of the area.

Mr. Betzner felt the church should not be a consideration as it may not be a reality.

Mr. Kuras stated support for the R-2 rezoning because of the existing residential development, but that he also would oppose a future B-1 rezoning.

The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Betzner, Hunt (7). NAY: Kuras, Gussman (2).

Ms. Gussman stated objection to a duplex on such a small lot and expressed concern about use of septic given the large amount of paving that would be nearby.

Ms. Gussman made a motion, seconded by Mr. Garrett, to recommend denial of Case No. SUP-18-92. The motion passed: AYE: Kuras, Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt (9). NAY: (0).

#### 9. CASE NO. ZO-08-92. ZONING ORDINANCE AMENDMENT/BANNERS

Mr. Fletcher presented the staff report (appended) for an amendment to the Zoning Ordinance as directed by the Board of Supervisors. The amendment would allow flexibility for businesses while retaining a level of control over signage that is enforceable. Mr. Fletcher further stated that staff recommends approval of the proposed amendment.

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

Ms. Gussman expressed opposition as she felt it would not benefit the County and that there were other ways to advertise sales and asked why this was being proposed.

Mr. Sowers stated that the Board held several worksessions on the sign ordinance and this amendment was requested by merchants, and that the Board directed staff to forward the amendments to the Planning Commission.

Ms. Gussman stated that this would open Pandora's box, and would be very difficult and time consuming to enforce.

A discussion followed regarding where and how banners would be displayed.

Mr. Hagee made a motion, seconded by Mr. Betzner, to recommend approval.

Ms. McKenna made a motion, seconded by Mr. Kuras, to limit the time period of promotional banners to no longer than 15 days. The motion passed: AYE: Kuras, Garrett, McKenna, Davis, Hagee, Gussman, Betzner (7). NAY: Bradshaw, Hunt (2).

The motion on the original motion passed: AYE: Kuras, Bradshaw, Garrett, McKenna, Davis, Hagee, Betzner, Hunt (8). NAY: Gussman (1).

10. CASE NO. Z-07-92. ZONING ORDINANCE REVIEW/HOUSEKEEPING

Mr. Funkhouser presented the staff report (appended) stating that the amendments reflect changes to insure that language is consistent among districts and that other sections (i.e., definitions, parking and landscaping) properly apply to the amendments. Mr. Funkhouser further stated that staff recommends approval of the proposed amendments.

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

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

The motion passed: AYE: Kuras, Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt (9). NAY: (0).

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report.

12. ADJOURNMENT

There being no further business, the June 9, 1992 Planning Commission meeting adjourned at 8:30 p. m.



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Alexander C. Kuras, Chairman



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O. Marvin Sowers, Jr., Secretary