

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF DECEMBER, 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

Alexander C. Kuras, Chairman
Willafay McKenna, Vice Chairman
Raymond L. Betzner
A. G. Bradshaw
Wallace Davis, Jr.
Martin Garrett
Victoria Gussman
John F. Hagee
Donald C. Hunt

ALSO PRESENT

O. Marvin Sowers, Jr., Director of Planning
John T. P. Horne, Manager of Development Management
Leo P. Rogers, Assistant County Attorney
R. Patrick Friel, Senior Planner
Trenton L. Funkhouser, Senior Planner

2. MINUTES

The Minutes of the November 10, 1992 regular meeting were approved as presented by unanimous voice vote.

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the Minutes of the November 10, 1992 meeting were approved as presented by unanimous voice vote.

3. CASE NO. Z-4-92. JAMES RIVER COMMERCE CENTER

Ms. Gussman stated that she had a conflict of interest and would not participate on this case.

This case was opened for public hearing at the November 10, 1992 meeting and continued to the December 8, 1992 meeting.

Mr. Funkhouser presented the staff report (appended) for a request to rezone approximately 219 acres from R-8, Rural Residential and M-2, General Industrial to MU, Mixed Use. The purpose of the rezoning is to permit the development of a business park consisting of light industrial and office development uses as primary uses, and public and commercial development as secondary uses. Mr. Funkhouser stated that staff recommended approval of the application, with proffers. Mr. Funkhouser stated that the proposed development conforms with the Land Use and Economic Strategies, Development Standards, and Mixed Use Designation of the Comprehensive Plan. Mr. Funkhouser further stated that

the provision of open space and substantial setback serves to address transportation and environmental issues and contributes to the project's conformity with the policies of the Comprehensive Plan.

Mr. Davis questioned if school zone warning signals would be located in the vicinity of the Roberts District Elementary School.

Mr. Funkhouser responded that if traffic generation dictates a need for signalization at the intersection, then the applicants would pay to provide that signalization.

Mr. Betzner questioned if the School Board had expressed concern about having this site next to a school site. Mr. Funkhouser responded that no concern had been expressed.

Mr. Hagee questioned why the open space was less than normally required and why not change it on the master plan.

Mr. Funkhouser stated that the open space was not less; the amount on the master plan was incorrect which was noted in the staff report.

In response to Mr. Davis' question, Mr. Funkhouser stated that the setback for the school would be slightly over 150 feet and the project would be 195 feet from the centerline of the right-of-way which would provide adequate right-of-way for transportation improvements and utilities.

In response to Mr. Betzner's question, Mr. Funkhouser stated that there would be a heavily vegetated buffer between the school, the Commerce Center and Carter's Grove. Mr. Funkhouser further stated that the applicant's covenants are more restrictive than the County's regulations.

In response to inquiries by Mr. Hagee regarding the service level of the road, Mr. Funkhouser responded that the present service level was "D," and that 300,000 square feet of development would not lower the level of service.

Mr. Hagee and Mr. Garrett both questioned future development on the Skiffe's Creek site and if proffers from future developers would differ from proffers on this site. Mr. Funkhouser responded that proffers would not differ but that the County would favor a level of service "C."

Mr. Horne stated that the traffic study performed for this project measured the level of service on the road and that there could be up to 300,000 square feet of development without lowering the level of service currently at "D," but ideally would prefer "C" on the entire roadway. Mr. Horne further stated the longrange plan in the Comprehensive Plan is not to widen this roadway but to relocate Route 60 and hoped that the Highway Department could be convinced to elevate it to a project and would be relocating Route 60 and not four laning the existing Route 60.

Mr. Kuras opened the public hearing which was continued at the November 10 meeting.

Mr. Keith Taylor, Secretary of the James City County Industrial Development Authority, spoke on the dual ownership of the property between the James City County Industrial Development Authority and Williamsburg Developments, Inc. Mr. Taylor spoke on the marketing of the property to medium and larger size users who are industrially driven but could contain related research and development and administrative office uses either in single or multi-building projects plus some limited additional ancillary support uses. Mr. Taylor also displayed a plan on which he identified the five development pods and the environmentally sensitive areas. Mr. Taylor stated that the applicant proffered to provide or have in place all required road improvements; to provide a building setback of 170 feet from the present Route 60 right-of-way and 100 feet from the future widened Route 60; and to provide an attractive, safe entrance to the center.

Mr. Taylor further stated that it is the applicant's intent to begin work on the marketing infrastructure as soon as possible following approval of this application, which includes a paved, divided entrance road and a professionally designed, landscaped entry with signage. Mr. Taylor further stated that it is the developer's intent to diversify the community by attracting industrial uses that complement existing business base, to support the community by locating badly needed new industrial tax base, and to enhance the community by locating companies that would provide additional year-round employment opportunities to the citizens. Mr. Taylor asked for a favorable recommendation to the Board of Supervisors.

Mr. William Roberts, Treasurer of Williamsburg Developments, Inc., stated that in working with the County and the Industrial Development Authority, they have produced a plan for a model industrial park. Mr. Roberts stated that respecting the wishes of the parent company, The Colonial Williamsburg Foundation, they have successfully designed the development and implemented restrictions which would protect the Carter's Grove Plantation historical site. Mr. Roberts asked for a favorable recommendation of approval.

There being no further speakers the public hearing was closed.

Mr. Davis again questioned warning signals at the school. Mr. Horne responded that the school would be installing warning signal lights, not a traffic light. Mr. Horne further stated that the County is now negotiating with the Highway Department as to whether a traffic signal can be installed at the school which is intended to be a full scale community recreation facility.

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

Mr. Kuras questioned why under permitted uses certain uses such as taxi or limousine service, vehicle repair, and parts manufacturing were not included.

Mr. Alvin Anderson, who assisted in the preparation of the agreement, responded that an emphasis was put on manufacturing, research and development, warehousing uses, and accessory type commercial uses. Heavy uses, or outdoor uses not under cover, were excluded.

On a roll call vote the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Hagee, Hunt, McKenna, Kuras (8). NAY: (0). ABSTENTION: Gussman (1).

4. CASE NO. ZO-11-92. ZONING ORDINANCE AMENDMENT/GOLF COURSES AND COUNTRY CLUBS

Mr. Friel presented the staff report (appended) for an ordinance amendment to allow golf courses and country clubs in the R-1, Limited Residential District, with a special use permit from the Board of Supervisors. Mr. Friel stated that staff recommended approval of the Zoning Ordinance amendment.

Mr. Kuras opened the public hearing.

Mr. Tom McDermott on behalf of Mr. Philip O. Richardson submitted a letter and also stated that Richardson Investments, Inc. planned to build a golf course on the Miller-Mallory tract located at Olde Towne Road and Longhill Road. Mr. McDermott stated his concern that a golf course would not be permitted on the stated property.

Ms. Gussman asked Mr. Leo Rogers to discuss the County's policy on the vesting of rights when there is an ordinance change.

Mr. Rogers stated that there would be no vesting provision for the project discussed by Mr. McDermott as it has not received any type of County approval.

Mr. Kuras stated that the purpose of the amendment is to assure adequate environment protection and adequate buffering.

Mr. Hagee questioned why a golf course would be different than a large residential community in terms of its impact on the environment and buffering.

Ms. McKenna felt the development of a golf course involved working with the land, changes to the vegetation, the source of the water, the chemicals used to maintain the lawns. Also, how close to the road the golfers will actually be are all of major concern.

Ms. McKenna further stated that she could not recall the denial of an application for a golf course.

Mr. Sowers stated that a major difference is that golf courses tend to locate in more environmentally sensitive areas than residential development. It is because of potentially significant land disturbance impacts on these resources, and it is often necessary to construct special conditions which would be difficult to replace with a general regulation in the Zoning Ordinance.

Mr. Garrett referred to a statement in Mr. Richardson's letter that the change in the Zoning Ordinance was "tantamount of basically down-zoning" and stated that the Commission had not been inconsistent with what had been done in the past but are attempting to be a little more protective with the environment and that landowners ought to be aware of this fact.

Mr. Betzner made a motion, seconded by Ms. Gussman, to recommend approval to the Board of Supervisors. On a roll call vote the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (9). NAY: (0).

5. RECREATION MASTER PLAN UPDATE

Mr. Funkhouser briefly commented on the staff report (attached). A worksession will be held on January 6, 1993 at 3 p.m. in the Board Room.

Mr. Sowers commented that the Recreation Plan was presented in draft form on December 3 to the public and is undergoing internal review with various County offices. Mr. Sowers expected to distribute a copy prior to the work session in order to review the administrative comments.

Mr. Kuras stated that the plan was an ambitious undertaking and encouraged Commissioners to attend the worksession.

Mr. Sowers encouraged those involved with the CIP requests to attend the worksession as it would be a good opportunity for a preview of the plan and to ask some detailed recreational questions.

6. HAMPTON ROADS PLANNING DISTRICT COMMISSION RICHMOND ROAD SUBAREA STUDY

Mr. Sowers presented the staff report (appended) stating that the Board of Supervisors had agreed to participate in a study to evaluate alternatives to the Monticello Avenue Flyover. Mr. Sowers further stated that the Board had appointed Mr. Jack Edwards as the governing body member and Mr. Philip Gieseler as the citizen member to the Citizen Advisory Committee. Mr. Sowers stated that staff recommended that the Planning Commission appoint the Planning Commission representative to the committee.

Mr. Kuras stated that the Commission representative would be Ms. McKenna.

7. OTHER MATTERS

Golf Courses: Mr. Kuras suggested the Policy Committee review and create standards regarding environmental and sensitive items relative to golf courses. Ms. McKenna agreed.

Mr. Bradshaw suggested that the public be made aware of the meeting in order to provide input to the Policy Committee.

8. PLANNING DIRECTOR'S REPORT

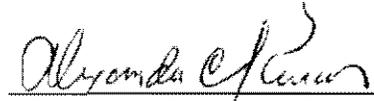
Mr. Sowers presented this report stating that the Planning Commission would also hear a public hearing in January for a special use permit and rezoning by Williamsburg Crossing. This request would allow the additional of 198 dwelling units in lieu of 114,000 square feet of commercial development. Also, Mr. Sowers informed the Commission of the Board's action on amendments to the Comprehensive Plan update: revisions to text referencing access to Route 199; revisions to the Land Use Plan Map addition of six parcels of land located in an area generally bounded by Mooretown Road, Richmond Road and the proposed Route 199 overpass of Richmond Road to the Warhill mixed use area of the Land use Plan Map.

9. SETTING OF FUTURE MEETING DATES

The 1993 Planning Commission calendar was accepted by unanimous voice vote.

10. ADJOURNMENT

There being no further business, the December 8, 1992 Planning Commission meeting was adjourned at approximately 8:30 p. m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary