

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY THREE 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
Mr. John Hagee

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. R. Patrick Friel, Senior Planner
Ms. Elizabeth Friel, Senior Planner
Mr. Trenton F. Funkhouser, Senior Planner
Ms. Sandra E. Barner, Development Management Technician

2. MINUTES

Upon a motion by Mr. Kuras, seconded by Mr. Davis, the Minutes of the July 13, 1993 Planning Commission meeting were approved, as presented, by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Kuras presented the report and stated that on Case No. SP-80-93, Taco Bell, Williamsburg Crossing, the developer had made concessions regarding the color of the roof (to grey slate), the color of the stucco (tan), and the elimination of the colored bands on the building in return for approval of some landscaping modifications. Mr. Kuras thanked the developers for their assistance in the County's attempt to maintain the greenbelt and the historic and natural character of the area.

Upon a motion by Mr. Kuras, seconded by Mr. Betzner, the Development Review Committee Report was accepted as presented.

4. CASE NO. Z-5-93. VINEYARDS AT JOCKEY'S NECK

Mr Friel informed the Commission that Mr. Lewis Waltrip had requested withdrawal of the rezoning application. No further action from the Planning Commission was required.

5. CASE NO. SUP-26-93. RANDALL ESTATE SUBDIVISION

Mr. Friel presented the staff report (appended) for an amendment to a previously approved special use permit condition which was attached to Case No. SUP-10-92. The property is located at 2564 Little Creek Dam Road. Mr Friel stated that staff recommended that Condition #5 be amended and that Condition #1 be changed, as shown in the staff report.

In response to Mr. Davis' inquiries, Mr. Friel stated that there is no Reservoir Protection Overlay designation around the Little Creek Reservoir. The Board added a condition requiring a 200 foot undisturbed buffer; however, septic systems and impervious surfaces such as houses, driveways, sidewalks and roads would all be located outside the buffer. Mr. Friel also responded that the minimum lot size was 40,000 square feet.

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

Mr. Hagee made a motion, seconded by Mr. Kuras, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner Bradshaw, Davis, Hagee (5). NAY: (0).

6. CASE NO. Z-7-93. JABBO KENNER BOXING CLUB/SUSAN SIKICH

Mr. Friel presented the staff report (appended) to rezone approximately one acre from M-2, General Industrial, to M-1, Limited Business/Industrial on property located at 8008 Hankins Industrial Boulevard. The purpose of the rezoning is to allow the Jabbo Kenner Boxing Club to occupy the building. Mr. Friel stated that staff recommended approval for reasons stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. David Otey, Jr., stated that he represented the applicant on behalf of Mrs. Susan Sikich and the Jabbo Kenner Boxing Club. Mr. Otey thanked staff for their time and advice. Mr. Otey introduced Mr. John Sikich, coach and owner of the boxing club; Mr. Dan Campbell, Community Diversion Incentive probation coordinator for the County, and founder, coach, and manager of the club.

Mr. Campbell introduced members of the boxing team and spoke of their accomplishments. Mr. Campbell felt that having this building would provide space for training so that the boxers can go on to greater things, possibly the Olympics or world championships, which would bring great pride to Williamsburg.

Mr. Otey stated that the rezoning would permit quite a bit of industrial uses and its current use could return under the M-1 zoning designation.

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

Mr. Hagee made a motion, seconded by Mr. Davis, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner Bradshaw, Davis, Hagee (5). NAY: (0).

7. CASE NO. Z-6-93 AND MP-1-93. FORD'S COLONY REZONING AND MASTER PLAN AMENDMENT

Ms. Friel presented the staff report (appended) to rezoning approximately 85 acres from R-2, General Residential, to R-4, Residential Planned Community. Ms. Friel stated that staff recommended that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Case No. Z-6-93. Approve the requested rezoning of the parcel from R-2, General Residential, to R-4, Residential Planned Community, finding the proposal consistent with surrounding zoning and development and the Comprehensive Plan. Staff further recommended the acceptance of the voluntary proffers.
2. Case No. MP-1-93. Approve the requested Master Plan amendment to designate this parcel Residential Area A and delete the 3 acre recreation area, concurring with the findings of the Community Impact Statement and recognizing that the recreation area will be relocated elsewhere through a future Master Plan amendment in accordance with the proffers.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing Realtec, Inc., the owner and developer of Ford's Colony, presented a brief history of the property.

Mr. Lawrence Beamer, developer of Powhatan Secondary, stated that in 1987 he requested a master plan amendment for Powhatan Secondary to relocate recreation land around the lake because the County decided to use the school site for a County park and felt there might be some conflict. Mr. Beamer stated that the County presented a list of considerations, specifically a traffic analysis including but not limited to the improvements to News Road and Ironbound Road. Mr. Beamer pointed out that Ford's Colony requested a master plan amendment that allowed an entrance and an exit onto News Road but News Road was not considered for improvement. This year, he said, Powhatan Secondary was forced to join in the Route 5 tax district, to their detriment, but still nothing was done to News Road even though it was agreed that traffic would be increased on News Road. Mr. Beamer further stated that Governor's Land and Greensprings proffers were satisfied but nothing was considered for Powhatan Secondary's considerations. Mr. Beamer said News Road has not been mentioned in the Ford's Colony Master Plan amendment even though traffic will be increased on News Road. Mr. Beamer asked that, as a developer in James City County, he be treated as the other developers and receive assistance regarding News Road.

Mr. Drew Mulhare, Vice President of Ford's Colony, Realtec, Inc., stated that the amendment is considered a housekeeping type of amendment. Mr. Mulhare reviewed the history of the submittal of the master plan in 1986 and the then Planning Director's reluctance to make a positive recommendation on this particular parcel without knowing the future of Route 199. Therefore this parcel was subtracted from the rezoning master plan hearing at that time but this is the appropriate time to move forward. Mr. Mulhare reiterated that the units have not been increased but recognizes the acreage so that they can go to the Development Review Committee and subdivide the remaining part of the parcel.

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

Mr. Kuras stated that he too reviewed this as a housekeeping amendment but felt that Mr. Beamer had a good point and that News Road did need to be considered.

Mr. Betzner made a motion, seconded by Mr. Bradshaw, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner Bradshaw, Davis, Hagee (5). NAY: (0).

8. CASE NO. CP-1-93. COMPREHENSIVE PLAN ANNUAL REVIEW

Mr. Funkhouser presented the staff report (appended) for proposed text amendments for the Second Annual Review of the Comprehensive Plan. Mr. Funkhouser briefly discussed the six areas of amendments which included: Low Density Residential Description, Moderate Density Residential description and Mixed Use description, Recreation Master Plan Summary, Bikeways Plan Summary, Chesapeake Bay Text, and Recycling Center information. Mr. Funkhouser distributed a revision to the staff report regarding the term "attached or detached" (reference to dwelling types) in the Low Density Residential description. Mr. Funkhouser stated that staff recommended approval of Case No. CP-1-93.

Mr. Betzner questioned how the County enforces septic systems being pumped out at least once every five years.

Mr. Funkhouser responded that in response to the Chesapeake Bay Act regarding the pumping out of the septic systems, Real Estate Assessments has a list of all septic systems and the Code Compliance Division is responsible for monitoring those systems.

Mr. Horne clarified that following adoption of the Chesapeake Bay Act the Attorney General determined that the provision would not be enforced until five years after the date of adoption of the act. Therefore, citizens have not yet been notified of this requirement.

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

Mr. Kuras commented on the thorough review performed by the Commission and staff.

Mr. Betzner made a motion, seconded by Mr. Hagee, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner Bradshaw, Davis, Hagee (5). NAY: (0).

9. CASE NO. ZO-5-93. ZONING ORDINANCE AMENDMENT/NON-EMERGENCY MEDICAL TRANSPORT

Ms. Barner presented the staff report (appended) for an amendment to the Zoning Ordinance to add non-emergency medical transport as a use within the County's zoning regulations. Ms. Barner stated that the proposed amendment places the use in the MU District as generally permitted, the B-1 District as specially permitted, and the M-1 District as generally permitted. Ms. Barner further stated that staff recommended approval.

Mr. Davis questioned if individuals would need to pay for emergency ambulance service.

Mr. Russell Lowry, Emergency Services Coordinator, responded that at the present time there is no charge for emergency ambulance service.

Mr. Davis questioned if the County had considered offering non-emergency service on a fee basis instead of arranging for a private company.

Mr. Lowry responded that the load of non-emergency calls had increased greatly (almost 400 per year) and if the one ambulance per station per district was tied up with non-emergency transport an ambulance would not be available for emergency calls. Also, from the financial aspect, it was determined that another ambulance would have to be put in service much sooner than if they did not have to take the non-emergency calls. Mr. Lowry further stated that the commercial ambulance service would charge the insurance companies, medicare and medicaid, which would lessen the financial burden on the user.

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

Mr. Betzner made a motion, seconded by Mr. Davis, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner Bradshaw, Davis, Hagee (5). NAY: (0).

10. OFF PREMISES DIRECTIONAL SIGNS

Mr. Sowers presented the staff report (appended) stating that Mr. Norman Beatty of the Colonial Williamsburg Foundation requested a change to the Zoning Ordinance to allow off-site directional signs outside the scope of those currently allowed under the Zoning Ordinance. Mr. Sowers further stated that while the proposed ordinance language limits the uses that could take advantage of the new provision, staff remained concerned about the possible proliferation of off-site signage and about setting a precedent for similar requests from other various types of tourist attractions. Mr. Sowers asked that the Commission direct staff to bring forward an ordinance only if convinced that the ordinance would not cause such proliferation which would be inconsistent with the Comprehensive Plan.

Mr. Scott Spence, representing the Colonial Williamsburg Foundation, stated that the greatest percentage of their visitors to CW travel east on I-64, and that some exit at the Toano/Williamsburg exit not realizing it is not the Colonial Williamsburg exit and then must stop for directions along Route 60. Although VDOT has put up signs that say Colonial Williamsburg 12 miles, still at the exit it reads Toano/Williamsburg and is confusing for tourists. Mr. Spence said that even though they would prefer a larger sign on their property at Anderson's Corner they would at least like to have a 32 square foot sign to help visitors exiting at Toano understand what the following target signs mean and follow them to the Visitors Center.

In response to the staff suggestion that billboards be used as an alternative method, Mr. Spence stated that CW has been reluctant to follow that method as in the past they have worked with various state agencies for the nonproliferation of billboards and do not use billboards as it would be contrary to their philosophy. Mr. Spence asked that the County pursue the proposal to allow off-site directional signs.

Mr. Kuras expressed concern that this would encourage other tourist attractions to request directional signs and suggested that CW work with VDOT or put a CW sign close to the intersection directing tourists not to use the Toano/Williamsburg exit.

Mr. Betzner commented that the County has requested a VDOT project to remove signs and he felt that this could be working at cross purposes.

Mr. Bradshaw stated that the staff, Planning Commission, and the Board of Supervisors to some extent have attempted to eliminate signs on the corridors entering James City County or at least reduce them in numbers. Mr. Bradshaw felt the signs CW was asking for would go in the areas where reduction was desired; namely, Jamestown Road, Route 5, Route 30, Route 60 and I-64. Mr. Bradshaw praised CW but felt they should not ask for special privileges.

Mr. Spence questioned if the requested 7 sq. ft. target signs are allowed by the code and can be put in the right-of-way.

Mr. Sowers stated that this is a hazy area and the Zoning Administrator would need to make an official opinion. Mr. Sowers asked for a clarification from the Planning Commission regarding the signs so that in the event there is an adverse decision the staff could come back with an amendment if they chose to permit the smaller target signs.

In response to a question from Mr. Betzner, Mr. Spence said that the target signs alone were too small to be noticed at Anderson's Corner due to other larger signs.

Mr. Kuras stated that Mr. Spence should work with the Planning Division to determine if they are permissible, and if they are not then perhaps a case could be made to change the ordinance to allow the smaller target signs. Mr. Kuras suggested that other alternatives would be billboards or talking with VDOT regarding a sign.

Mr. Betzner also praised CW but felt it necessary to look at how this decision would impact others in the community.

Mr. Horne asked if the Commission was generally supportive of some capability to do the series of small target signs.

It was agreed that the Commission was supportive. Mr. Horne stated that in that case staff would review the ordinance and if minor amendments are needed staff would bring them before the Commission.

11. PLANNING DIRECTOR'S REPORT

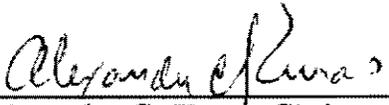
Mr. Sowers reminded the Commission of the Annual James City County Fair on August 14 at Norge Elementary School from 10 a.m. and 4 p.m. The Planning staff will have a booth at the fair and asked the Commission to sign up to work at the booth.

Mr. Sowers announced that Patrick Friel would be leaving the County on August 19 after over 5 years of working for the Planning Division.

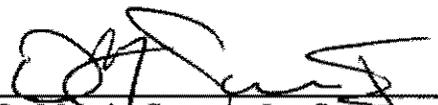
On behalf of the Planning Commission, Mr. Kuras commended Mr. Friel for his outstanding work and professionalism.

12. ADJOURNMENT

There being no further business, the August 10, 1993 Planning Commission meeting adjourned at 8:43 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

pcmin93.aug