

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY HELD ON THE NINTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY FOUR AT 7:00 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. Jay H. Everson  
Mr. Martin Garrett  
Mr. Donald C. Hunt  
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. Mark Bittner, Planner  
Mr. Michael Freda, Senior Planner  
Mr. Trenton Funkhouser, Senior Planner  
Mr. Matt Maxwell, Planner

2. MINUTES

Mr. Kuras stated that on page 10, paragraph 5, it should read "Mr. Horne's comments" not "Mr. Hagee's comments."

Mr. Everson stated that on page 2, paragraph 5, the correct spelling of "Diamondstein" should be "Diamonstein."

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Minutes of the July 12 meeting and the Work Session meeting of July 19, 1994 were approved, with changes, by unanimous voice vote.

2. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report and moved for approval, seconded by Ms. McKenna. The report was unanimously approved by voice vote.

3. INTRODUCTION OF NEW PLANNER, GARY PLESKAC.

Mr. Sowers introduced Mr. Gary Pleskac the newest member of the Planning staff.

4. CASE NO. Z-8-94 AND MP-2-94. FORD'S COLONY (AMENDMENT TO THE MASTER PLAN).

Mr. Bittner presented the staff report for a rezoning and an amendment to the Master Plan of Ford's Colony and stated the staff and applicant had discussed proffers for this site and that a draft proffer agreement had not been submitted. The applicant requested additional time to work out the proffers and requested a one month deferral of this case. The staff recommended that this case be deferred as requested until the September 13, 1994 meeting.

Mr. Kuras opened the public hearing.

There being no speakers, Mr. Kuras stated that the public hearing would be continued to the September meeting. Mr. Kuras asked if the Commission members had any objection to the deferral. There being no objection, the case was deferred.

5. SUP-15-94. SPRINT CELLULAR.

Mr. Funkhouser presented the staff report for a special use permit to allow for a 180-foot communications tower. The applicant requested deferral in order to provide sight line profiles in order for the staff to effectively gauge the impact on properties in the vicinity. Staff recommended that this case be deferred as requested until the September 13, 1994 meeting.

Mr. Kuras opened the public hearing.

There being no speakers, Mr. Kuras stated that the public hearing would be continued to the September meeting. Mr. Kuras asked if the Commission members had any objection to the deferral. There being no objection, the case was deferred.

6. SUP-11-94. STADIUM INC. CONVENIENCE STORE

Mr. Bittner presented the staff report for a special use permit to allow the construction of a 2,250 square foot convenience store and gas station. Mr. Bittner stated that the applicant requested a deferral in order to take this case to the Board of Zoning Appeals to seek variances from the setback requirements. Mr. Bittner stated that staff concurred and recommended that the case be deferred until the October 11, 1994 meeting.

Mr. Kuras opened the public hearing.

There being no speakers, Mr. Kuras stated that the public hearing would be continued to the October meeting. Mr. Kuras asked if the Commission members had any objection to a deferral. There being no objection, the case was deferred.

Mr. Everson asked if the setback requirements were so strict that it would be necessary for the applicant to go before the Board of Zoning Appeals.

Mr. Bittner stated that a B-1 property requires a 50-foot setback from all right-of-ways and on this site there are three such areas. The present layout is in accordance with the ordinance but is not the most profitable layout for the desired business.

Mr. Garrett asked if the Board of Zoning Appeals approved the applicants request was the Commission bound to approve.

Mr. Sowers responded by stating that the request to the Board of Zoning Appeals would be strictly for the setback variances and that the Commission would be dealing with the Special Use Permit and can make their decision independent of the Board's.

Mr. Hunt asked how the staff's and Commission member's architectural suggestions were received by the developer.

Mr. Bittner stated there had been several meetings with the developer and that the architectural suggestions were positively received.

There being no further questions, Mr. Kuras stated that the case would be deferred until the October meeting.

7. CASE NO. SUP-17-94. BRIGHT HORIZONS DAY CARE CENTER

Mr. Maxwell presented the staff report for a special use permit to allow the construction of a 2,500 square foot infant/toddler center adjacent to the existing day care center. He stated that the applicant requested deferral to the September 13, 1994 meeting in order to allow them to give staff and the Commission a more detailed conceptual plan. He stated that staff concurred with this request.

Mr. Kuras opened the public hearing.

There being no speakers, Mr. Kuras stated that the public hearing would be continued to the September meeting. Mr. Kuras asked if the Commission members had any objection to a deferral. There being no objection, the case was deferred.

8. CASE NO. SUP-16-94. CHILD DEVELOPMENT RESOURCES, INC.

Mr. Freda presented the staff report for a special use permit to allow the development of an approximately 17,000-square foot child-care facility on 3.1 acres zoned R-1, Limited Residential. Mr. Freda stated that the staff recommended approval subject to the conditions detailed in the staff report.

Ms. McKenna asked when the prior SUP was approved if it included a 17,000 square foot facility.

Mr. Freda said that he did not know the exact square footage of the previous facility but stated that CDR planned to construct approximately 12,000 square feet with

future development of a 5,000 square foot day care center.

Ms. McKenna recalled that there was some difficulty with the original SUP relating to the entrances, parking and flow of traffic. She asked if what the applicant was now proposing had dealt with these issues.

Mr. Freda stated that the applicant had addressed these issues and that the staff approved of the one entrance design shown on their site plan.

Mr. Kuras opened the public hearing.

There being no speakers, the public hearing was closed.

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

On a roll call vote, the motion passed: AYE: Bradshaw, McKenna, Hunt, Everson, Garrett, Kuras (6). NYE: (0).

9. CASE NOS. Z-4-94 AND Z-5-94. COLONIAL CAPITOL DEVELOPMENT COMPANY

Mr. Bittner presented the staff report stating that this case was deferred from the July 12, 1994 meeting and again at a special work session on July 19, 1994 to allow staff and the applicant time to work out proffers addressing how the applicant would mitigate the traffic impacts of the proposed development. He stated that the applicant had proffered \$1,000 for each additional lot (4 lots) that could be achieved through rezoning. The staff felt that a \$4,000 cash proffer did not adequately mitigate the impact of the proposal and recommended denial of this application.

Mr. Everson asked Mr. Bittner how he would respond to the cash proffer of \$1,000 for the four lots if the argument was made that the money over a ten year period of time would generate more than the \$1,250 that the staff was looking for.

Mr. Kuras asked if the \$1,250 was considered the present day value of the tax district.

Mr. Horne stated that this particular offer had not been made by the applicant and that staff had not evaluated the money value. He stated that the staff only dealt with what was presented as outlined in the staff report.

Mr. Rogers clarified that staff discussed the time value of money with the applicant. Staff offered to the applicant to calculate the value of the home over a ten year period of time plus the value of the cash proffer. At this point both the applicant and staff had been working with 1994 prices.

Mr. Kuras opened up the public hearing.

Mr. Alvin Anderson, of Anderson, Franck and Davis, represented the applicant and stated that he had three points to present. The first being the size of the expansion that yields four lots more than what is available by right. Secondly, the state law requires any addition be contiguous to the district and stated that the parcel was not contiguous to the district and was a distance away. Thirdly, almost all the traffic generated by these four additional lots would not use alternate Route 5.

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

Mr. Garrett stated that the applicant had not taken into account the congestion costs of the development and the County would be subsidizing these lots until the road is improved.

Mr. Garrett recommended approval if the applicant reconsider the contribution of congestion cost for transportation improvements before it goes to the Board of Supervisors otherwise, he recommends denial.

Mr. Rogers stated the Commission needed to address the proposal that had been presented and that the applicant can amend the proposal. Mr. Rogers stated that the Commission could defer this case if no further offer is presented by the applicant by the end of this meeting. Mr. Rogers also stated that, if it were deferred, the Commission must act on this case at the September 13, 1994 meeting.

Mr. Anderson stated that the applicant had reconsidered and proffered \$1,250 per lot for a total of \$5,000.

Mr. Garrett recommended approval with the amended proffers, seconded by Ms. McKenna, of the applicants proposal.

Mr. Everson requested clarification as to what the Commission was voting on.

Mr. Sowers stated that the motion was voting to approve the proposed rezoning including a total cash proffer of \$5,000 as compared to the \$4,000 that was originally presented in the staff report.

On a roll call vote, the motion passed: AYE: Bradshaw, Garrett, McKenna, Hunt, Everson, Kuras (6). NYE: (0).

10. CASE NO. Z-7-94. ST OLAF'S CHURCH

Mr. Bittner presented the staff report to rezone approximately 9 acres from B-1, General Business, and A-1, General Agricultural, to R-8, Rural Residential, for the purpose of constructing a 6,000 square foot fellowship hall for the St. Olaf's congregation. Mr. Bittner stated that the applicant plans to construct a worship center on the site in the future. The staff recommended approval of this application with the voluntary proffers.

Ms. McKenna asked if the Commission was approving the 15,000 foot building mentioned in the proffers and if it included the 6,000 foot fellowship hall.

Mr. Bittner pointed out the building area on the map to clarify the main building of 15,000 square feet and the fellowship hall of 6,000 square feet.

Mr. Hunt asked if the applicant had capacity to expand in the future.

Mr. Bittner pointed out on the map the possible area of expansion.

Mr. Kuras opened the public hearing.

Mr. Jeffrey Barra, of DeYoung Johnson, spoke to the Commission about the architectural structure of the church and their concern to blend in with the existing community.

There being for further speakers, Mr. Kuras closed the public hearing.

Ms. McKenna recommended approval, seconded by Mr. Garrett.

On a roll call vote, the motion passed: AYE: Bradshaw, Garrett, McKenna, Hunt, Everson, Kuras (6). NYE: (0).

11. Planing Director's Report

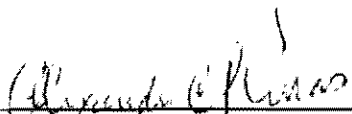
Mr. Sowers stated that it had been determined that there was sufficient money in the budget to send all the Commission members to the Planning Commissioners Institute conference in James City County. He stated that anyone interested in attending the conference should notify Carole Giuliano within the next few days.


12. Adjournment

Mr. Kuras stated that he would not be in attendance at the September 13, 1994 meeting and it will be chaired by Ms. McKenna.

Ms. McKenna stated that the Policy Review Committee will be meeting on Wednesday, August 24 at 4:00 p.m. The topics that will be discussed are access roads and archaeological requirements.

There being no further business, the August 9, 1994 Planning Commission meeting recessed at 8:00 p.m.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary