

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND NINE-FOUR, AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Ms. Willafay McKenna, Vice Chairman  
Mr. A. G. Bradshaw  
Mr. Martin Garrett  
Mr. John Hagee  
Mr. Raymond Betzner  
Mr. Donald Hunt  
Mr. Jay Everson

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Mark Bittner, Planner  
Mr. Trenton Funkhouser, Senior Planner  
Mr. Gary A. Pleskac, Planner  
Mr. Bernard M. Farmer, Director of Code Compliance

2. MINUTES

Upon a motion by Mr. Garrett, seconded by Mr. Bradshaw, the Minutes of the August 9, 1994 meeting were approved.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report and made a motion for approval, seconded by Mr. Betzner, which passed by unanimous voice vote.

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

Mr. Bittner presented the staff report (appended) for a rezoning and an amendment to the master plan of Ford's Colony. Mr. Bittner stated that the applicant had requested a deferral of this case until the February, 1995 Planning Commission meeting. Mr. Bittner further stated that staff concurs with the request.

Ms. McKenna opened the public hearing. There being no speakers, with the Commissioners' concurrence, the public hearing was continued to the February, 1995 meeting.

5. CASE NO. SUP-17-94. BRIGHT HORIZONS LEARNING CENTER

Mr. Sowers presented the staff report (appended) for a special use permit to allow the construction of a 2500 square foot infant/toddler center adjacent to the existing day care center. Mr. Sowers stated that the applicant requested an indefinite deferral in order to prepare a more detailed site plan. Mr. Sowers further stated that staff concurs with the request, and that the case would be readvertised and adjacent property owners notified when the case is rescheduled.

Ms. McKenna opened the public hearing. There being no speakers, with the Commissioners' concurrence, the public hearing was continued indefinitely.

Mr. Garrett suggested that the matter of indefinite deferrals be reviewed by the Policy Committee.

6. CASE NO. SUP-15-94. SPRINT CELLULAR COMPANY

Mr. Funkhouser presented the staff report (appended) for a special use permit to allow a 220 foot tall communications tower at 7901 Pocahontas Trail. Mr. Funkhouser stated that staff recommended approval with the conditions detailed in the staff report.

In response to Mr. Hunt's inquiry regarding one single red beacon light on the tower, Mr. Bob Statman, an engineer with Sprint Cellular, responded that once clearance has been filed for the tower with FAA, it is up to FAA to decide, and usually with a tower of this height only one light is required.

Mr. Garrett questioned why only 20 feet of the tower would be exposed.

Mr. Funkhouser stated that the ground elevation was 90 and that there were rather tall trees in the area. Also, during the balloon test the balloon was barely visible over the top of the trees at the height the applicant desired.

Mr. Sowers stated that the location from where the tower is visible on Carter's Grove Road is from a bridge which drops down to the water's surface so that there are a lot of trees and significant topo as well, which prevent most of the tower from being visible. Mr. Sowers also pointed out that the road is a considerable distance from the tower, about a mile and one half.

Ms. McKenna opened the public hearing.

Ms. Victoria Gussman, with Colonial Williamsburg Foundation, thanked staff and the applicant for including CW in the balloon test of the tower height and location which she said was useful, informative and considerate. Ms. Gussman stated that CW had no objection to the location of the tower, as proposed, but was concerned that while the tower was not visible from any of the Foundation's properties at 200 feet, once it gets to 220 feet it would be visible from a section of the Country Road. Ms. Gussman stated that, if possible, CW would prefer that the tower be located at 200 feet instead of at 220 feet.

Mr. Statman stated that the tower was kept as low as possible, and could be painted forest green to blend into the landscape. This particular site, he said, was not revenue generating, but more of a safety need. Mr. Statman further stated that scatter plots had been run on the different elevations and unless they came up to the 220 foot mark they could not guarantee Busch Gardens and the golf course would be properly covered.

There being no further speakers the public hearing was closed.

Mr. Betzner made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval.

Mr. Betzner stated that he hoped the recommendation for approval would not be a signal that the Commission felt this was a good location for a number of towers to go up, and that they would not see another request for another tower in the area.

Mr. Garrett felt it would be good to have towers in one location, if possible.

Mr. Sowers asked if the Commission wished that the motion for approval be forwarded to the Board with Mr. Betzner's comments. The Commission agreed.

The motion passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt, Everson (7). NAY: (0).

#### 7. CASE NO. SUP-19-94. COUNTY LIBRARY

Mr. Bittner presented the staff report (appended) for a special use permit to construct a library facility at 7770 Croaker Road. Mr. Bittner stated that staff recommended approval with the conditions detailed in the staff report.

Mr. Everson asked Mr. Bittner to address the fact that the Comprehensive Plan indicates that public facilities are not to be outside of the Public Service Area (PSA).

Mr. Bittner responded that the site was chosen because of its convenience to residents in the northern end of the County with good access to I-64 and Route 60, and because of its location directly across the street from the PSA.

Mr. Everson stated that the Comprehensive Plan addresses the cloverleaf interchanges and what is anticipated to be in those areas. Mr. Everson asked Mr. Bittner to address how the library fits in with light industrial and commercial and not necessarily retail on the proposed library site which is next to a cloverleaf on the interstate.

Mr. Bittner responded that the library is public use, not a commercial or industrial use, and not on land designated commercial or industrial. Mr. Bittner responded that the cloverleaf is farther east of the site and the area immediate around it is designated mixed use with industry and business suggested uses for the area. Also, Mr. Bittner stated that the site is about a quarter mile from the interstate and designated rural lands and staff stated in the report that it is in line with the Comprehensive Plan.

Mr. Sowers stated that when the Commission updated the Comprehensive Plan in 1991 a considerable amount of time was spent looking at both of the interchanges and in this particular instance it was the judgement of both the Commission and the Board that certain quadrants of the interchange had excellent qualities for future economic development potential and others did not, particularly in the near term. One of the reasons this particular quadrant was not designated at that time for commercial or industrial use was because it was felt that it was not suited for significant development in the near future, and any immediate use would not allow the full economic potential of the area to be realized.

Mr. Everson asked if there would be a negative impact on the mixed use across the street, with a public facility such as a library, which would generate traffic.

Mr. Sowers responded that he did not expect that it would. He further stated that the adjacent area was designated mixed use because of its close proximity to a rural residential area and a low density residential area (Mirror Lakes) in order to allow compatible industrial, and retail development, and that the presence of these residential areas would help shape the type of development. Mr. Sowers stated that, as applications are received, impacts will be reviewed to adequately mitigate them and allow commercial and industrial development to proceed at an appropriate scale.

Mr. Bradshaw informed the Commission of a burial ground next to the Mennonite Church (across Maxton Lane) and asked that it be investigated.

Mr. Sowers pointed out the condition in the staff report regarding an archaeological study for the site.

Mr. Bernard Farmer, the applicant, presented a brief history of the site selection process and the design of the library. Mr. Farmer discussed the preservation of trees (8 of 11 saved), the movement of the parking lot closer to the building, and the buffering for some of the residential structures along Maxton Lane, which would reduce the amount of disturbed area.

Mr. Farmer stated that Patsy Hansel, the Library Director; Ursula Murden, member of the Library Board; and Mr. Ed Lazon, the architect, were all present and available to answer questions.

Mr. Lazon spoke briefly on the parking, the landscaping, tree preservation, the 30 foot buffer around the property which would remain undisturbed, and the parking lot lighting.

Ms. McKenna opened the public hearing.

Mr. John Barkle, 177 Maxton Lane, complimented the architect, and stated that he felt a privacy fence should be installed to protect his property and to buffer the noise.

At Mr. Betzner's suggestion of a modification to Condition #6 for an extension to the Croaker Road buffer, Mr. Farmer responded that if the Commission felt there should be a modification, he would accept the judgement of the Planning Department regarding requirements for enhanced landscaping. Mr. Farmer also stated that there would be no disturbance immediately behind Mr. Barkle's property.

Mr. Sowers reminded the Commission that because of its size the Development Review Committee would review the site plan, which would afford another opportunity to look at enhanced landscaping.

There being no further speakers the public hearing was closed.

Mr. Betzner made a motion, seconded by Mr. Bradshaw, to accept the staff's recommendation of approval.

Mr. Everson asked why the enhanced landscaping in the front of the building instead of using the funds to provide landscaping that would benefit the property owners behind the building.

Mr. Sowers responded that generally about 50 foot buffers have been maintained along the front of recent County buildings, but in this case because of the nature and configuration of the site it was not practical. Mr. Sowers stated that a 30 foot buffer with some enhanced landscaping in an intermittent fashion would be preferable and would retain as much of the rural character as possible and show off the architecture.

On a roll call vote, the motion passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt (6). NAY: Everson (1).

8. CASE NO. SUP-20-94. VIP/CELEBRITY LIMOUSINE.

Mr. Bittner presented the staff report (appended) for a special use permit to allow the operation of a limousine service at 7346 Merrimac Trail. Mr. Bittner stated that if the Planning Commission wished to review any potential redesign of the project necessitated by VDOT comments, staff would recommend that this case be deferred. If not, staff would recommend approval with the conditions detailed in the staff report.

Ms. McKenna opened the public hearing.

Mr. Tom Tingle, of Guernsey-Tingle, Architects, on behalf of Robert White and VIP and Celebrity Limousines, reviewed the history of the site. Mr. Tingle felt the property zoned B-1 was a good location for a business as the site is a highly traveled route into the James City County/Williamsburg area, and is visible from Route 199, Merrimac Trail, and Route 60.

Mr. Tingle also reviewed the history and operation of VIP and Celebrity Limousines which operates out of Norfolk and Williamsburg with the Williamsburg operation located in the Fort Magruder Inn. Mr. Tingle stated that the anticipated 10% annual growth over the next few years will not affect the number of vehicles stored on this site because (1) the current fleet of vehicles could handle an increase of 250% without adding any vehicles and (2) the potential expansion into the Richmond market. Therefore, he said, they expect anticipated growth to have minimal impact from vehicle trips on this facility. Mr. Tingle showed a revised plan that addressed VDOT's comments and stated that VDOT had verbally agreed with the changes.

Mr. Tingle stated that they are in agreement with enhanced landscaping as required by the County and described their intent of additional trees in various locations. Also they are in agreement with the conditions except for condition #5 stating "There shall be no chain link fencing . . ." Mr. Tingle asked for the option to put in a chain link fence in the future if needed. Mr. Tingle further stated the intent to work with County staff and would plant pyracantha, bayberry, and other bushes and shrubs on either side of the fence so that over a period of time the fence would be enclosed in a green fence as well and be basically invisible from both sides.

Mr. Tingle reiterated that the site was especially suited for this use for reasons previously stated, that the project was approved by the Board of Zoning Appeals, and that it would allow a James City County business to expand and enhance their business, and that it is a project that would enhance what is a deteriorated site on a heavily traveled and visible corridor in the County.

In discussion that followed Mr. Tingle's presentation, Mr. Tingle stated that the existing paved area to the northeast part of the building would be used for washing of the vehicles and storing trash cans which, he said, would require "a lot of buffering" between the adjacent property owners and that area. Also, Mr. Tingle indicated the fence would be installed only if there is a need; i.e, vandalism, theft.

Ms. McKenna closed the public hearing.

Mr. Garrett made a motion, seconded by Mr. Everson, to recommend approval of Case No. SUP-20-94 to the Board of Supervisors.

Discussion followed regarding fencing. The Commission generally agreed they did not want to see fencing with barbed or razor wire on top of the site. After additional discussion on types of fencing, Mr. Garrett made an amendment to the motion, seconded by Mr. Everson, to amend Condition #5. The amended condition would read as follows: Any new fencing installed on the site shall be approved by the Planning Director.

Mr. Robert White assured the Commission that it is the owners' intent to beautify the area.

On a roll call vote, the amendment to the motion passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt, Everson (7). NAY: (0).

On a roll call vote, the original motion passed: AYE: Bradshaw, Garrett, McKenna, hagee, Betzner, Hunt, Everson (7). NAY: (0).

#### 9. CASE NO. SUP-23-94. VIP/CELEBRITY LIMOUSINE TEMPORARY SITE

Mr. Bittner presented the staff report (appended) for a special use permit to allow the operation of a temporary limousine service at 6927 Pocahontas Trail while a permanent site for the business was being constructed at 7346 Merrimac Trail. Mr. Bittner stated that staff recommended approval with the conditions detailed in the staff report.

Ms. McKenna opened the public hearing.

Mr. Tom Tingle, of Guernsey-Tingle, Architects, stated that the applicant had not made a final decision as to whether the restaurant on the subject site would be destroyed after VIP and Celebrity Limousines vacated the site. Also, Mr. Tingle asked that Condition #1 be changed to read that the special use permit shall be valid for a period of 24 months, which would make it consistent with Case No. SUP-20-94 for the new site of the limousine service.

In response to Mr. Hagee's inquiry, Ms. Roxie White, owner of the limousine business and Ted's Restaurant, stated that no long term decision had been made regarding the restaurant. Ms. White stated that she had no problem with the fencing being temporary rather than permanent but that fencing was needed for the security of the vehicles. The fencing she said, would be removed when the limousine facility vacates the site even if the restaurant remains.

Ms. McKenna opened the public hearing.

Ms. Mary Ann Rankiewitsch, owner of the Bassett Motel, which is adjacent to the subject property expressed concern regarding the fence stating the road was a major corridor into the city and that it portrayed to tourists that this was an unsafe area. Also, the fence would prevent any maintenance work to the buildings, gas meters, electric and water lines, and the green space, as well as preventing emergency vehicles from entering the property if the fence was locked. Ms. Rankiewitsch stated that she was not aware that personal cars would be left at the site, that the vehicles included buses and other vehicles besides the limousines and towncars, and that the vehicles would be washed on the site.

Ms. White stated that cars would not be washed at the restaurant site, and that she would meet with Ms. Rankiewitsch to discuss her areas of concern.

Discussion involved the actual location of the fence.

Mr. Tingle stated that the applicant would work with the adjacent property owner and staff on specifics of fencing and where it is located.

Mr. Hagee and Mr. Garrett suggested changing Condition #3 to read: The location of any new fencing installed on the site shall be approved by the Planning Director.

There being no further speakers, Ms. McKenna closed the public hearing.

Following discussion regarding the location of the fence and the safety of the vehicles, Mr. Garrett asked that the DRC review the resolutions to the fence issue.

Mr. Garrett made a motion, seconded by Mr. Hagee, to amend Condition #1 to read: Make the special use permit valid for one year during which time the final site plan approval for the new site must be received, and to extend its validity for one additional year after final site plan approval of that site.

Mr. White informed the Commission of the correct location of the fence stating that it was incorrectly located on the plat. Mr. White stated that if Ms. Rankiewitsch objects to the location of the fence then they would ask permission to build the fence all the way around.

In regard to Mr. Garrett's request for DRC review, Ms. McKenna suggested a condition be added to require DRC review and approval if the fence issue cannot be resolved among the Whites, Ms. Rankiewitsch and staff.

The Commission agreed that any fence installed for this purpose will be removed when the site is vacated.

The Commission agreed to vote on all of the amendments at one time except the amendment regarding DRC review.

On a roll call vote the amendments with the exception of DRC review passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt (6). NAY: Everson (1).

On a roll call vote adding the amendment regarding DRC approval the amendment passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt (6). NAY: Everson (1).

Mr. Everson asked that the minutes reflect that on the vote regarding the amendments, other than DRC review, that he voted incorrectly as he intended to vote aye.

Mr. Garrett made a motion, seconded by Mr. Hagee, to accept the staff's recommendation of approval, with the amendments to the conditions. The motion passed: AYE: Bradshaw, Garrett, McKenna, Hagee, Betzner, Hunt, Everson (7). NAY: (0).

#### 10. ARCHAEOLOGICAL STUDIES AND LAND USE INTERCONNECTIONS

Mr. Funkhouser presented the staff report (appended) stating that the Policy Committee met on August 24, 1994, to discuss the County's policies and to discuss interconnection of residential subdivisions and certain other land uses. Mr. Funkhouser reviewed the Policy Committee's recommendations as noted in the staff report and the following staff recommendations:

Mr. Funkhouser stated that staff recommended the Planning Commission make no change to the present Archaeological Policy which was endorsed by the Planning Commission and adopted by the Board of Supervisors on December 21, 1992.

Mr. Funkhouser stated that staff concurred with the Policy Committee and recommended that the Planning Commission make no change to the present policy of encouraging residential subdivision street connections and, in certain instances, the interconnection of other land uses. Mr. Funkhouser requested that the Planning Commission reiterate its endorsement of the present Comprehensive Plan strategies that recommend these connections for public safety and traffic circulation reasons. Staff also recommended that the above recommendations be forwarded to the Board of Supervisors.

Mr. Hagee stated that when the Archaeological Policy was before the Policy Committee one of the primary issues was to look at historical resources and focus on the exact periods where additional information was needed.

Mr. Funkhouser stated that a draft study of priorities is currently under review by staff and will be presented to the Policy Committee at which time amendment to the policy can be made to reflect findings.



In response to Mr. Hagee's inquiry as to who was performing the draft, Mr. Sowers responded that Mr. Marley Brown had drafted a report that addresses archaeological priorities for James City County, York County and the City of Williamsburg. Mr. Sowers stated that to date staff had reviewed and commented on the draft and Mr. Brown is now making revisions. Following review by staff of the revised draft, a meeting will be held with the archaeological community and development community.

Following a brief discussion on the use of the study, Mr. Sowers stated that staff expects to use the study to more precisely identify where Phase II and Phase III studies are desired.

In response to Mr. Hagee's inquiry regarding the Corps of Engineers, Mr. Funkhouser responded that for projects that require Federal permits (wetlands/designated historic properties, etc.) there are more rigorous standards and generally Phase II and Phase III studies were required.

The Planning Commission felt that more information was needed on the subject of study priorities.

Ms. McKenna suggested deferral of any consideration of changes to the Archaeological Policy action until the "priorities" draft was available to the Planning Commission.

#### Archaeological Studies

The Commission, by general consensus, deferred action on the Archaeological Studies for approximately 60 days.

#### Land Use Interconnections

A brief discussion followed regarding the appropriate location of interconnects and the general desire to not create unsafe thoroughfares.

Mr. Everson specifically referenced the recent Wallace Estates case and questioned staff's position on these types of street connections. Mr. Funkhouser stated that, while he could not comment on that connection in particular, staff would continue to support street connections generally. However, if a street connection was deemed undesirable, staff would recommend a pedestrian connection in that location and attempt to relocate the street connection in a more suitable location.

Mr. Everson asked that on page 38 that the following change be made in the Policy Committee Recommendation: ". . . that the Planning Commission and staff reiterate its support . . ."

Mr. Everson made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. The motion passed without objection.

11. CASE NO. SUP-34-93. HRSD NOTICE OF INTENT.

Mr. Pleskac presented the staff report (appended) stating that a small portion (.6 acres) of an agricultural and forestal district (AFD-3-86) would be effected by the installation of an HRSD force main. Mr. Pleskac further stated that the Board of Supervisors must consult with the Planning Commission as to whether this action would have an adverse effect on the overall district, at which time the Board may choose to delay the project and hold a public hearing. Mr. Pleskac stated that staff felt there were no grounds to delay the HRSD action and recommended that the Planning Commission forward a recommendation to the Board that this action would not have an adverse effect on the overall district.

Following a discussion regarding whether there would be an adverse effect on the land, it was the consensus of the Commission, with Mr. Hunt abstaining, that a recommendation be forwarded to the Board that there would be an adverse impact on the overall district.


12. PLANNING DIRECTOR'S REPORT

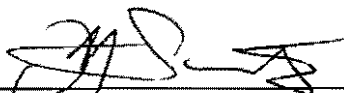
Mr. Sowers presented the report and reminded the Commission of the deadline for registration for the VCPA Conference. Mr. Sowers also stated that the Historic Rivers Land Conservancy asked him to announce that they are sponsoring a Greenways workshop on October 23rd from 2 to 4 p.m. at the James City-Williamsburg Recreation Center.

Ms. McKenna stated that many letters and phone calls had been received regarding the Shoppes at Two Rivers special use permit public hearing scheduled for the October 11th meeting. Due to a strenuous agenda, it was the consensus of the Commission to meet at 7 p.m. on October 11th.

13. ADJOURNMENT

There being no further business, the September 13, 1994 Planning Commission meeting was adjourned at approximately 10:45 p.m.

  
Willafay McKenna, Vice Chairman

  
O. Marvin Sowers, Jr., Secretary