

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF OCTOBER, NINETEEN HUNDRED AND NINETY-SEVEN AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett
Jay Everson
Donald Hunt
A. Joe Poole, III
Willafay McKenna*

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John T.P. Horne, Development Manager
Marvin Sowers, Planning Director
Matt Maxwell, Senior Planner
Gary Pleskac, Senior Planner
Jill Schmidle, Planner
Paul Holt, Planner

*Willafay McKenna was present for Case No. Z-12-97. Hidden Property and ZO-2-97. Ordinance Amendment.

ABSENT

John Hagee
Alexander Kuras

2. MINUTES

Upon a motion by Joe Poole, seconded by Don Hunt, the minutes of the September 3, 1997 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Martin Garrett presented the DRC report and commented on the consideration of the proposed timeshares for Ford's Colony. He stated that the DRC did not believe that the basic concept of the master plan was varied by the proposed timeshares and therefore, did not require a change in the master plan. He also brought to the attention of the Commission Cromwell Ridge at Powhatan Secondary. The DRC requested they see the landscape plan before final approval. Joe Poole stated that the submitted drawings did not clearly indicate sufficient landscape buffer and topographic information. The Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-23-97. WILLIAMSBURG-JAMESTOWN AIRPORT.

Matt Maxwell presented the staff report for this case which was deferred at the meeting of September 3, 1997. He stated that Talbot and Bright, the applicant's consultant, had responded to the questions posed in the previous staff report, which was available to the public. He added that the County had hired an independent consulting firm, Campbell and Paris, to evaluate the information submitted by the applicant. He stated that they had reviewed the information and had provided a report of their findings, which was also available to the public. He concluded by stating that the Campbell and Paris report was still under review by the County and should not be interpreted to represent the County's official position on this application. Staff recommended that the Commission defer this case until the November 3, 1997 meeting.

There being no questions from the Commission, Martin Garrett informed the audience that this case would be deferred and suggested if anyone had comments, they defer them until next month. He suggested that there be one or two spokespersons representing the homeowners who could speak for ten minutes, rather than having a large number of speakers. He then opened the public hearing.

Judy Gibson asked if the reports on the questions and answers were available to the public.

Matt Maxwell stated there were two reports available to the public, one from the applicant's consultant and one from the County's consultant and that copies were available at the meeting.

Peggy Abbott Miller, of 105 Dogwood Drive, spoke in opposition of this application with her main concern being the safety of the children at the Rawls Byrd Elementary School.

Jim Livingston, of 105 Cove Point, stated he glanced through the report by the County's consultants and felt this was not an unbiased report.

Matt Maxwell asked to clarify that neither of the two reports provided to the public were written by staff. They were submitted by the respective consultants and staff has not taken a position on this case.

There being no further speakers, the public hearing was continued to the November 3, 1997 meeting. Martin Garrett recessed for a short break.

5. CASE NO. SUP-26-97. TEXACO CONVENIENCE STORE.

Paul Holt presented the staff report to amend the special use permit stating the applicant requested a one month deferral.

Jay Everson inquired as to why an amendment was necessary, if the applicant received site plan approval.

Paul Holt stated staff felt the applicant did not build what was originally shown on the plans.

There being no further questions, the Commission deferred this case.

6. CASE NO. AFD-3-86. HILL PLEASANT FARM / PETTIT ADDITION.

Gary Pleskac presented the staff report to add approximately 12 acres to the existing Hill Pleasant Farm AFD. He stated staff recommended approval and noted the AFD Advisory Committee concurred with staff's recommendation by a 7-0 vote for approval.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

By unanimous voice vote, this case was approved.

7. CASE NO. MP-5-97. FORD'S COLONY MASTER PLAN AMENDMENT.

Jill Schmidle presented the staff report stating that it was determined by the DRC at their October 1, 1997 meeting that allowing timeshare units on a portion of the area designated did not vary the basic concept of the overall Ford's Colony development. She concluded by stating that upon the DRC's recommendation, the applicant had withdrawn the application and staff concurred with this request.

There being no questions, the public hearing was opened. There being no speakers, the public hearing was closed.

The Commission unanimously concurred with staff recommendation.

8. CASE NO. SUP-25-97. NANCE AUTO REPAIR.

Jill Schmidle presented the staff report for a special use permit to conduct general auto repair and service in an existing two-bay garage located on Jolly Pond Road and zoned A-1. She stated staff recommended denial of this application for reasons listed in the staff report.

Jay Everson asked about the commercial entrance needed and what significant changes would be made.

Jill Schmidle stated that the VDOT representative stated all businesses required a commercial entrance which meant upgrading the pavement and possible widening of the entrance and clearing to allow for better sight distance. In this case, upgrading would be in the apron area of the driveway.

Martin Garrett opened the public hearing.

Virginia Nance, of 1307 Stillwater Court, Newport News, spoke on behalf of her son Allen Nance. She stated the buildings were erected through all the proper permits and when her son applied for a business license, he was informed he needed a special use permit. It was her understanding that approval had been given to three other auto repair businesses in the rural area so this case would not be setting a precedence. She felt this business would not generate traffic volume since it was a one-man operation. She said, if this application were approved, there were two conditions she would asked for an exception. First, all the work be done prior to his starting the business and second, a permanent fence be installed.

Gabby Galbreath, unable to speak at the meeting, wrote to the Chairman of the Commission in favor of this application and Martin Garrett, acting Chairman, presented his letter.

Juel Duke, of 109 Deerwood Drive, spoke in support of this special use permit.

Grant Olson, of 105 Holman Road, asked if there had been an environmental impact study done since this was outside the PSA and expressed concerns regarding runoff.

Ronald Harrell, an adjacent property owner, also spoke in favor for this special use permit.

Nanson Howe, an adjacent property owner, was concerned about the screening from noise and other activities since his home was in direct line with the garage and requested a fence be provided.

There being no further speakers, Martin Garrett closed the public hearing.

Joe Poole stated he was not opposed to small business but felt that the Comprehensive Plan was clear as to what was permitted. He was hesitant to approve this application because he felt it might set a precedence, the commercial use did not fit with the rural lands designation, the nature of the business could change, and buffers were a problem.

Martin Garrett spoke in support of the Comprehensive Plan and the comments of Joe Poole.

Jay Everson felt the use was very limited and, knowing the applicant was willing to accept eight of the ten requirements of staff and offered alternatives for the other two, he supported this application.

Don Hunt, stating he supported small business, was also in favor of this application.

Jay Everson made a motion, seconded by Don Hunt, for approval of this special use permit with the deletion of the required fence unless it was determined by the Planning Director that the vegetation screening was inadequate.

By a roll call vote, motion failed. AYE: Hunt, Everson (2). NAY: Garrett, Poole (2).

9. CASE NO. SUP-27-97. OLD CAPITOL LODGE.

Gary Pleskac presented the staff report to renew an expired special use permit to allow for the expansion of the existing Lodge. Staff recommended the Commission approve this request with conditions as stated in the staff report.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Don Hunt made a motion, seconded by Jay Everson, to approve this application. By a roll call vote, motion passed. AYE: Garrett, Hunt, Everson, Poole (4). NAY: (0).

10. CASE NO. Z-12-97. MARJORIE GRAY OFFICE AND WAREHOUSE BUILDINGS.

Paul Holt presented the staff report for the rezoning of approximately 5.67 acres from R-8 to B-1 with proffers for the purpose of constructing 12,000 s.f. of office space and 40,000-50,000 s.f. for a mini-warehouse storage facility. Since this application was consistent with the surrounding area and the Comprehensive Plan, staff recommended approval of this rezoning request.

Vernon Geddy, representing the applicant, stated this was an excellent use for the site. He added that it will create a good transition between the more intense commercial use at Five Forks, will be well buffered, and will be a low intensity use.

Martin Garrett opened the public hearing.

Chris Sandridge, of 3312 Lancaster Lane, spoke in opposition of this application and requested that there be a 100' buffer between residential and commercial properties given the 75-100 foot buffers recently provided between the Woodbury and Hiden properties.

Sasha Digges, of 3612 Ironbound Road, and Gerald Johnson, of 4513 Wimbledon Way, also spoke in opposition of this application given the residential nature of the road and adjoining of residential uses.

Don Milkavich, of 4707 Wood Violet Lane, felt this application was inconsistent with the Comprehensive Plan which recommends offices and multi-family residential and the traffic study needed to be completed before the Commission made a recommendation. He requested deferral.

Sarah Kadec, of 3504 Hunters Ridge, stated her main concern was traffic and asked for deferral to give the citizens time to respond to this application.

Vernon Geddy stated this was a mini-storage facility for individuals and not a heavy industrial type of warehouse. He also said this application would be eliminating an entrance on Ironbound Road and stated there would be an adequate buffer between the residential and business development.

Martin Garrett recommended deferral and continued the public hearing until the November 3, 1997 meeting. The Commission concurred.

11. CASE NO. Z-2-97 and MP-6-97. POWHATAN CROSSING/HIDEN.

Paul Holt presented the staff report to rezone approximately 399 acres from R-8, Rural Residential to PUD-R, Residential Planned Unit Development with proffers for the development of 150 single family units and 350 timeshare units. Staff recommended that the Commission approve this application as outlined in the staff report.

Vernon Geddy briefly spoke, on behalf of the applicant, stating that the developer met numerous times with the homeowners of Powhatan Crossing and had addressed each of their concerns. He stated the developer had worked closely with staff and spoke about the major changes between this application and the previous one.

Martin Garrett opened the public hearing.

Bob Maulk, of 4481 Powhatan Crossing, stated he was originally opposed to this project but, with the meetings held between the homeowners and developer, he felt that a good compromise had been reached and supported this new proposal.

Keith Nowadly, of 4702 Wood Violet Lane, spoke on behalf of the Historic Route 5 Association which requested the Commission deny this application stating that significant issues needed to be addressed, such as water, traffic, and environmental impact.

J. D. Wright, of 4484 Powhatan Crossing, representing the homeowners of Powhatan Crossing, spoke of several issues that they still had some concern over. One issue was the assurance that an adequate buffer would be provided between the two communities. Without this assurance and their other concerns reviewed, they requested the Commission deny this application.

Donald Milkavich, of 4707 Wood Violet Lane, asked what the daily water usage would be at the time of build out.

The public hearing was closed.

Willafay McKenna made a motion, seconded by Jay Everson, to recommend approval. By a roll call vote, motion passed. AYE: Garrett, Hunt, McKenna, Everson, Poole (5). NAY: (0).

12. CASE NO. Z0-2-97. BUFFER. GREENBELT AND SETBACK REQUIREMENTS FOR TIMBERING ACTIVITIES.

Marvin Sowers presented the staff report stating the Board of Supervisors requested staff prepare amendments to the timbering activities pertaining to tree replacement in required buffers and, violation and penalties. Staff recommended the Commission approve these amendments as outlined in the staff report.

After some discussion, Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.


By a voice vote of 4-1 (AYE: Garrett, Poole, Hunt, McKenna; NAY: Everson), the Commission recommended approval.

13. ADJOURNMENT.

The October 6, 1997 Planning Commission meeting adjourned at approximately 9:30 p.m.



Martin Garrett, Acting Chairman



O. Marvin Sowers, Secretary