

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF DECEMBER, 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.

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| 1. <u>ROLL CALL</u>
Alexander Kuras
Jay Everson
Martin Garrett
John Hagee
Donald Hunt
Willafay McKenna
A. Joe Poole, III | <u>ALSO PRESENT</u>
Marvin Sowers, Planning Director
Matthew Maxwell, Senior Planner
Jill Schmidle, Planner
Paul Holt, Planner |
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2. MINUTES

Upon a motion by Willafay McKenna, seconded by Jay Everson, the minutes of the November 3, 1997 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Martin Garrett presented the DRC report which consisted of four cases. He stated he was pleased to see that the applicant for the Monticello Marketplace made the out parcel in conformance with the main shopping center. John Hagee stated he had a conflict of interest with Case No. S-85-97. Sandy's Fort and would abstain from voting. Martin Garrett recommended approval, seconded by Alex Kuras. By unanimous voice vote, the DRC report was approved.

4. REGIONAL BIKEWAY PLAN.

Marvin Sowers stated the County had adopted a Regional Bikeway Plan, along with the City of Williamsburg and York County, in 1993 and this was an update of the document. He stated, that for the past year, the Historic Triangle Bicycle Advisory Committee (HTBAC), the Williamsburg Parks and Recreation Department, the York County Parks and Recreation Advisory Board, and the James City County Parks and Recreation Commission had worked together to update the plan. He stated they held four work sessions and two public hearings on the document. He then introduced Camilla Buchanan, Chairman of the HTBAC, and Mike Matthews, the representative from the James City County Parks and Recreation Commission.

Mike Matthews stated he was not only here to request the Commission endorse the plan, but to applaud the work of the HTBAC. He then turned the hearing over to Camilla Buchanan.

Camilla Buchanan spoke about the basic concept of the plan which provided citizens safe travel from their neighborhoods to schools, libraries, parks, and commercial destinations (government buildings) by bicycle. She stated, when VDOT schedule improvements to roadways, they review the comprehensive plans of the municipalities in order to decide how to improve them.

One example of such an improvement was Centerville Road. She asked if the Commission had any questions about the underlying philosophy or specifics on any road that has been designated.

Marvin Sowers added that, on November 19, both the HTBAC and Parks and Recreation Commission unanimously endorsed this plan. He stated it would be presented to the Williamsburg Planning Commission next week, then to the York County Planning Commission. He added the plan was approved by the Board of Supervisors in 1993 by a unanimously 5-0 vote.

Jay Everson asked for clarity on the intended use of mountain bikes in the utility right-of-ways.

Camilla Buchanan stated it was a concept they would like approval on to go forward to see if mountain bikes could utilize the utility right-of-ways. At the moment, mountain bicyclists informally use the right-of-ways and the committees would like to work with the private sector to make formal facilities.

Jay Everson questioned the verbiage regarding intermodal transfer station. He stated he was not in support of these facilities.

Marvin Sowers stated that all references to the intermodal transfer stations should have been deleted from the new Bikeway Plan text, and that any such remaining references would be deleted.

Jay Everson also questioned the request for funds to have the James City County Transit have bike racks on them.

Camilla Buchanan stated that it was actually very inexpensive and that bus facilities operating during the tourist season voluntarily put bike racks on the front of their busses. She added that it allowed tourists to bring their bikes with them, get off the bus, and bicycle around.

The public hearing was opened and, there being no speakers, the public hearing was closed.

Jay Everson made a motion, seconded by John Hagee, to recommend approval. By a unanimous voice vote, motion passed 7-0.

5. CASE NO. SUP-36-97. JCSA. / NORGE WATER FACILITY.

Paul Holt stated the applicant requested to withdraw this case to allow additional time to address concerns expressed by the Kristiansand Homeowners Association. Staff concurred with this request.

Jay Everson stated that during a meeting of the Kristiansand Homeowners several issues were raised. He said the current water plan, dated 1992, referenced the Ware Creek Reservoir and citizens felt the County was working with an outdated master plan. Also, due to the industrial scope of the water towers, citizens questioned whether a better site would be the Hankins Industrial Park or behind or adjacent to the Norge School rather than at the entrance of a subdivision.

The public hearing was opened and, there being no speakers, the public hearing was closed. No action needed to be taken by the Commission.

6. CASE NO. SUP-32-97. VIRGINIA TRUSSES.

Paul Holt stated that the applicant requested deferral of this case until the January 5, 1998 meeting. Staff concurred with this request.

The public hearing was opened and, there being no speakers, the public hearing was continued.

Mavin Sowers informed the Commission that staff was working to set up a public plan review in December or no later than January. He stated it would be advertised and adjacent property owners would be notified. He said this public review would also include two other cases that are also pending for the same area.

7. CASE NO. SUP-24-97. GREENMOUNT ASSOCIATES BORROW PIT.

Paul Holt presented the staff report for this application stating staff could not adequately assess the impacts of the proposed use for the site or surrounding areas due to the lack of environmental, traffic, and project information. Therefore, staff requested the Commission to defer this case.

The public hearing was opened and, there being no speakers, the public hearing was continued to the next meeting.

Martin Garrett commented that over the years Branscome had done an adequate job in maintaining his adjacent borrow pit because of the 300 plus acres available to move dirt around, but expressed his concern that this 86 acre site was not a sufficient size to have a borrow pit in which you could move the dirt around to keep the land at an acceptable level.

8. CASE NO. SUP-33-97. DAVID HERTZLER / PROFESSIONAL BUILDING.

Jill Schmidle presented the staff report for this application to allow a real estate appraisal office to locate in an existing unoccupied building in an A-1 District on Centerville Road. She stated there would be no additional construction except for the parking area which required four new spaces and one handicapped space in order to comply with the zoning ordinance requirements. She stated, if the Commission found the proposal would set a significant precedent for expansion of commercial zoning or use in the area, staff would recommend denial. But, if the Commission found the proposal would not set a precedent, staff recommended approval with the conditions outlined in the staff report.

Alex Kuras opened the public hearing.

Drew Mulhare, Vice-president for Realtec Inc., spoke on behalf of the Ford's Colony Homeowners Association. He asked the Commission defer this case until the Service Authority

could provide information, pertaining to the water hook-up contracts made between Ford's Colony and the Service Authority, to staff for their evaluation. He stated Ford's Colony built the water system adjacent to Centerville and several years ago the Service Authority requested that they grant an easement to allow the Church to hook up to the public facilities. That easement was granted with strict wording that limited the water and sewer service strictly for the Church's use. Shortly thereafter, C & P Telephone asked to be connected to the limited agreement that was made with the Church in order to construct a switching station for the purpose of development along Centerville Road, which included Ford's Colony. He felt that C & P Telephone and the new property owner were probably unaware of this agreement and requested deferral to allow Ford's Colony to meet with staff, the Service Authority, and the property owners to share with them that agreement.

David Hertzler, the applicant, stated he just wanted to put an office at the location and the existing ½ bath and sink were sufficient for his proposal and no new facilities would be added or required.

Joseph Kelly a resident of Ford's Colony spoke in favor of this application.

Jack McCarthy, of 107 Worthington, was opposed to any changes of use for this location.

Drew Mulhare spoke on behalf of Shirley Shipley, a resident of Ford's Colony, who opposed this application and had concern about the business use across from their home.

Willafay McKenna asked for clarity of the contract granted to C & P Telephone.

Drew Mulhare stated the agreement was specifically written for the purposes of C & P Telephone switching station. They were particularly concerned about the potential, once the lines were extended across Centerville Road, of the proliferation of use or change in use of water and sewer. He stated an extension would not have been granted for the a business or residential use.

Alex Kuras asked who owned the sewer and water lines.

Drew Mulhare stated they were owned and operated by the Service Authority but were built by Realtec, Inc. and Realtec, Inc. had granted the easement.

Willafay McKenna asked what type of easement was granted.

Drew Mulhare said, from a legal aspect he was unable to answer that question.

Martin Garrett asked if Ford's Colony had the right to refuse permission to use the water and sewer lines.

Drew Mulhare responded by stating they believed they wrote an easement for a very particular purpose and application and that a change in the purpose and applicaton could void that easement.

Marvin Sowers stated this matter was brought to staff's attention after the staff report was completed and staff has not had time to respond. He recommended that an option other than deferral would be to make a recommendation of approval with the stipulation that the matter be resolved prior to Board action.

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

Willafay McKenna stated that the alternative, if no use was found for this building, would be to let the building sit there and decay.

Joe Poole made a motion, seconded by Willafay McKenna, to support the application contingent on the resolution of the easement, with the finding that this SUP would not set a precedent.

By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

9. CASE NO. Z-13-97. IRONBOUND ROAD SELF-STORAGE.

Matthew Maxwell presented the staff report for this application to rezone approximately 12 acres from R-2, General Residential to B-1, General Business with proffers in order to allow the construction of 18 self-storage buildings located on Ironbound Road. He stated that the proposal had many positive features but staff was concerned about the negative environmental impacts to the area and therefore, recommended the Commission deny this application.

Jay Everson asked what impact Route 199 had on the Mt. Pleasant Church natural area when it was constructed and what impact would this case have on the remaining 80 acres.

Matthew Maxwell stated he had no information on specific impacts of Route 199 but stated it did have negative impacts on the larger natural area. In terms of the amount or extent he could not address that matter.

Alvin Anderson spoke on behalf of the applicant, Jerry Levey. He stated that members of the Planning staff had taken a site visit to one of the Richmond area facilities. He stated that the design of the storage building would have brick on three sides and in scale with the adjacent residential property. He added that, in addition to the architectural, building material, and buffering proffers there were various proffers relating to lighting fixtures, access off the cul-de-sac road, and limitation of: operating hours, height of lighting fixtures, refuse removal, and setbacks around the perimeter of the facility. He stated that the applicant hired Bill Granger of the Williamsburg Environmental Group to investigate this site. He concluded that, in protecting the natural area, that the state agency had already considered it questionable, the applicant expressed his desire to work with the public, staff, and Planning Commission.

Bill Granger of the Williamsburg Environmental Group spoke about the issues of the environmental impact. He gave a brief description of the work that was done on the property and stated that the just over one-acre of forested wetlands was found, a survey found that there were no signs of small world begonia and they saw no signs of lestrillium or the new jersey rush, although these were not part of their survey. He stated that the way the project was designed it met and even exceeded the required standards.

Charles Glazier of 112 Maxwell Place spoke in favor of the proposal.

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

Martin Garrett requested the Commission visit the site and defer this case until their January 5, 1998 meeting.

Willafay McKenna stated they should focus on the recognition of the site, such as: it would not develop as residential, due to Route 199; it would serve as a buffer area for existing residential areas; and how much of the environment would be actually be affected.

John Hagee felt the design concept and use was good and requested an environmental engineer be at the site to answer questions when the Commission visits the site.

By unanimous voice vote, this case was deferred to the January 5, 1998 meeting.

10. SIX-YEAR SECONDARY ROAD PLAN.

Matthew Maxwell presented the staff report. He stated staff, in cooperation with VDOT, had developed a funding schedule for the most pressing secondary road improvements based on expected annual state funding. The road projects were divided into two categories. Category I projects had substantial amounts of funding already committed and would be completed by the end of 1998. Category II projects had minimal funding and completion dates would occur beyond the year 2001. He explained there would be a public review in early 1998 for the Lake Powell Road Project. If the neighborhoods concurred, the project would remain on the Six-Year Secondary Road Plan. He added, if the neighborhoods felt the improvements were unnecessary, the project would be removed and the allocated funds would go toward other road projects. Staff recommended the Planning Commission recommend approval of this plan. The Commission requested that as part of next years plan, another project category be created that was based on accident analysis.

Joe Poole made a motion, seconded by Willafay McKenna, to support staff's recommendation of approval. By a unanimous voice vote, motion passed 7-0.

11. CONSIDERATION.

After reviewing the 1998 Meeting Schedule, the Planning Commission unanimously voted to approve the meeting dates.

12. PLANNING DIRECTOR'S REPORT.

Marvin Sowers stated there would be a plan review, prior to the January 5 Planning Commission meeting, for residents of the Mirror Lakes Subdivision and surrounding areas for Case No. SUP-35-97. Jack Massie Inc. - Bituminous Concrete Facility. The Commission members would be notified of the review date.

Martin Garrett suggested to the Commission that staff and applicants' presentation be limited to 15 minutes with any exceptions being made in advance of the meeting.

Joe Poole questioned if a meeting could be continued to the following week if it extended past a certain time. He felt, if the meeting was lengthy, the remaining cases might not get the same attention as those presented earlier.

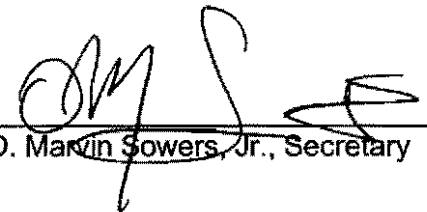
Marvin Sowers stated the Commission had intended to revisit their by laws and that such questions might be discussed at that time.

13. ADJOURNMENT.

There being no further business, the Planning Commission adjourned their December 1, 1997 meeting at approximately 9:30 p.m.



Alexander Kuras, Chairman



O. Marvin Sowers, Jr., Secretary