

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF MARCH, NINETEEN HUNDRED AND NINETY-EIGHT 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  
Donald Hunt  
Wilford Kale  
Alexander Kuras  
Willafay McKenna  
A. Joe Poole, III

ALSO PRESENT

Marvin Sowers, Jr., Director of Planning  
Gary Pleskac, Senior Planner  
Paul Holt, Planner  
Jill Schmidle, Planner

ABSENT

John Hagee

2. RESOLUTION OF APPRECIATION

Martin Garrett presented Certificates of Appreciation to Jay Everson for his service as a Planning Commissioner and to Alex Kuras for his service as Planning Commission Chairman.

3. MINUTES

Upon a motion by Willafay McKenna, the minutes to the February 2, 1998 meeting were approved by unanimous voice vote.

4. POLICY COMMITTEE CONSIDERATION REPORT

Willafay McKenna stated the committee had considered amending its policy on time limits on speakers, and according to the bylaws, thirty days prior notice needs to be given and a two-thirds vote was needed for any recommended change.

Wilford Kale stated the changes could be done in two ways. Amend the bylaws by stating the Commission could set time limits or, as a standing rule and suspend the rule for a particular situation. He stated he wanted to give the most flexibility the Commission could have while adhering to time limits.

Willafay McKenna gave notice that the Commission intended to change the rules to impose time limits by amending the bylaws.

5. Case No. SUP-3-98. Michael J. Hipple Builders.

Martin Garrett stated the applicant had withdrawn his request and no further action was needed.

6. Case No. SUP-28-97. Colonial Outdoors, Inc.

Gary Pleskac presented the staff report stating the applicant asked for an indefinite deferral.

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

7. Case No. AFD-2-86. Croaker (Alabama Farm Addition).

Gary Pleskac presented the staff report stating the applicant asked for a one-month deferral.

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

8. Case No. SUP-38-98. Williamsburg Merchants.

Gary Pleskac presented the staff report stating the applicant requested deferral. He also stated there may be a public plan review held sometime during the month of March.

Martin Garrett opened the public hearing.

William H. Phillips of 5525 Centerville Road spoke against this proposal stating that his home was adjacent to the recently closed convenience store. He stated when that application was submitted he was reassured that fences would be erected and maintained, and noise levels would be kept at a minimal. He added there was no mention of the sale of wine and beer. He stated what they had was a six foot fence that eventually fell down and was replaced by a four foot link fence. He said he had to endure littering, loitering, loud music, profane language, engines revving, and people relieving themselves in public and on his property. He felt with the addition of a service station and the number of pumps requested, they could add to the list eighteen wheeler semis coming and going at all hours of the night.

Martin Garrett asked, that given William Phillips concerns, if staff could obtain additional information and comments regarding this application.

Gary Pleskac stated the public review plan would help solicit any comments or concerns of the citizens and they would be covered in the next staff report.

Martin Garrett continued the public hearing to the April 6 meeting.

9. Case No. AFD-1-98. Barrett's Ferry.

Gary Pleskac presented the staff report for the creation of a new Agricultural and

Forestral District of approximately 210 acres at 1671 John Tyler Highway for a period of four years. Staff recommended the term of this proposal be eight years because it was consistent with the Rural Lands and the Conservation Area in the Comprehensive Plan and because the property was entirely outside the PSA. He stated that at the February 26 meeting of the AFD Advisory Committee they concurred with staff's recommendation 9-0 with the exception of the proposed eight-year term of the district.

Wilford Kale asked how many AFD's applications were presently in an eight-year term and how did it get into such a long term.

Gary Pleskac stated that Wrights Island was the only AFD in an eight-year term and it was requested by the applicant.

Martin Garrett opened the public hearing.

Baxter Bell stated that at age 72, eight years was a long time and therefore requested a four-year-term limit.

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

Alex Kuras felt the eight-term period was better for the County but also felt it might discourage property owners from renewing their AFD. He suggested the Commission ask the Board to approve this case as requested by the applicant and then review the policy to extend the AFDs to eight years and after four years make it easier for the property owner to withdraw from the district.

Willafay McKenna supported the present policy stating that property owners usually renew after a four year.

Wilford Kale felt the Planning Commission should made a recommendation and discuss changes or extended terms at a later date.

Willafay McKenna made a motion, seconded by Wilford Kale, to recommend approval for four years.

By a roll call vote, motion passed. AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6). NAY: (0).

10. Case No. Z-14-97. Nelsen Funeral Home.

Jill Schmidle presented the staff report for an application to rezone 3.65 acres from LB, Limited Business, with proffers to LB, with proffers for the purpose of constructing a 9500 s.f. funeral home at the intersection of Strawberry Plains Road and Midlands Road. The proposal is generally consistent with the Comprehensive Plan. Staff recommended approval of this application as outlined in the staff report.

Martin Garrett opened the public hearing.

Alvin Anderson, representing the applicant, stated that this application was not to rezone but to amend the proffers placed on this property in 1986. This amendment, while expanding the uses, also places restrictions on the property. He concluded by asking if anyone had any questions.

Willafay McKenna asked if there were any provisions for buffering a long the back of the property by the Midlands.

Alvin Anderson stated that other than the landscape ordinance, there were no enhanced provisions.

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

Alex Kuras made a motion, seconded by Willafay McKenna, for approval of this application.

By a roll call vote, motion passed. AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6). NAY: (0).

11. Case No. SUP-1-98. Peter and Frances Derks Accessory Apartment.

Jill Schmidle presented the staff report for the application of a special use permit for an accessory apartment in the R-1, Limited Residential District. She stated the proposal was consistent with the surrounding residential properties and the Comprehensive Plan, which encouraged accessory apartments. Staff recommended approval of this application as outlined in the staff report.

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

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval of this application.

By a roll call vote, motion passed. AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6). NAY: (0).

12. Case No. SUP-4-98 and Z-1-98. JCC District Park Sports Complex.

Paul Holt presented the staff report to rezone 442 acres from R-4, Residential Planned Community with proffers to R-8, Rural Residential and for a special use permit to operate a community recreation facility. The complex would consist of 12 baseball/softball fields, 9 soccer fields, entry road and control building, maintenance, concession, and viewing facilities. He stated the proposal was consistent with the surrounding properties

and uses and with the Comprehensive Plan. Staff recommended approval of this rezoning and special use permit as outlined in the staff report.

Joe Poole asked why there were no specific permanent buffers proposed even though the closest adjacent residential area would be over 400 feet. He asked why the applicant did not designate 150 foot as required by other applicants.

Wilford Kale asked how the applicant determined the amount of parking needed and would parking be prohibited on the entrance road.

Martin Garrett opened the public hearing.

Bernie Farmer felt a condition for a 150 foot buffer would not be meaningful because it would be in the middle of the marsh, in the RPA, and protected from development but, one could be established. As far as the parking requirements, he stated the County used two nationally known design firms with experience in designing parking spaces within parks.

Joe Poole stated he understood Bernie Farmers explanation and asked if the applicant was comfortable in stating there would be an undisturbed buffer of 400 feet, 350 feet, or 300 feet. He said he was not satisfied that there was no dimensional distance for a buffer.

Bernie Farmer stated, as the applicant, no buffers were proposed and the staff did not ask for any since there was more than adequate buffering existed due to the natural characteristics of the property. He stated, if the Commission felt more comfortable in establishing a buffer, he had no objection.

Stan Scalsky of 4801 Beaver Run East said his concerns were the control gate and the guard house adjacent to his back deck. He requested that Parks and Recreation visit this site to see how close they would be from his property and the impact it would have on his home.

Martin Garrett asked the applicant if he was aware of the situation explained by Stan Scalsky.

Bernie Farmer said he spoke to Mrs. Scalsky about the situation. He stated during the design process they tried to keep the roadway as far from the property as possible, the curvature of the road moved further away so the control building would be situated away from the property, and the pedestrian walkways have been placed on the other side of the road. In addition, enhanced landscaping would be provided at the time of site plan application.

Martin Garrett asked how far the applicant felt they would be from the property in question.

Bernie Farmer stated from the property line to the roadway would be approximately 50-60 feet.

Marvin Sowers stated the DRC would meet to resolve any concerns between the applicant and homeowner when the site plan was submitted.

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

Joe Poole made a motion to recommend approval with the conditions attached to the staff report with the addition of #7 that stated there would be an undisturbed 350 foot permanent buffer adjacent to residential uses.

Bernie Farmer felt it was an excessive amount. He stated he would like the opportunity to work with staff and come back and make a proposal.

Marvin Sowers stated Joe Poole's motion could be modified to have a buffer determined by the DRC, if the Commission wished. He also stated as required by the state code, the Commission needed to make a finding whether the application was consistent with the Comprehensive Plan and incorporate their finding in the motion.

Wilford Kale stated he would like to see the motion with the recommendation of a minimum of 150 foot buffer and the DRC could determine any additional amount.

Bernie Farmer stated he did not want the use of the area to preclude pathways, nature trails, etc. He said there were no plans at this time but felt it was a reasonable use within the park.

Martin Garrett stated there were two additions to the motion. 1) A minimum of 150 foot buffer allowing for bike and walking paths and 2) the DRC would make the determination of the exact buffer area.

Martin Garrett stated they had Morton and asked for a second. Alex Kuras seconded the motion.

By a roll call vote, motion passed. AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6). NAY: (0).

### 13. Capital Improvement Program.

Paul Holt presented the staff report outlining the results of the Policy Committee's recommendations for the Fiscal Years 1999-2003. Staff and the Policy Committee recommended the Commission approve the CIP program rankings as outlined in the staff report.

Don Hunt suggested the Government Center Expansion be changed from High

Priority to Medium Priority.

Willafay McKenna stated that a lot of the projects considered were projects considered in the past and on occasion were moved up the list by the ranking system supplied by the department. She had no problem if the Government Center Expansion was moved to the Medium Priority ranking.

Martin Garrett moved to accept the report as it appeared. Alex Kuras seconded the motion.

By a roll call vote, motion passed. AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6). NAY: (0).

14. Planning Director's Report.

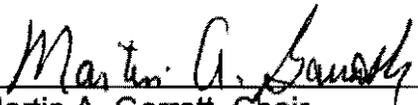
Marvin Sowers stated both John Hagee and Joe Poole were appointed to the Board of Supervisors' Committee for Open Space Acquisitions and that they met in executive session. He said if anyone had questions, to see John, Joe or one of the staff members.

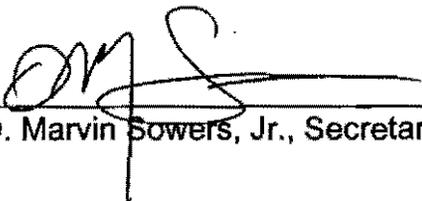
Marvin Sowers stated the Board requested an expedited review process of the new tower ordinance which would include a work session on March 25 at 2 PM in the Board Room. He encouraged all Planning Commission members to attend because the Board had requested the Commission consider and possibly act on the new ordinance at their April 6, 1998 meeting and it would then go to the April 14 Board meeting.

Marvin Sowers also informed the Commission of a field trip to look at some of the ways in which the new tower ordinance and policy would effect the tower situation in the County. It has been tentatively scheduled for March 9 or 10 and the group would leave from the Community Center at 8 am. The Commission would be notified of the exact day.

Marvin Sowers requested the Commission recess until March 9 at 8 am.

There being no further business, the March 2, 1998 Planning Commission recessed until March 9 at 8 am at the Community Center.

  
Martin A. Garrett, Chair

  
O. Marvin Sowers, Jr., Secretary