

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF JULY, 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  
John Hagee  
Donald Hunt  
Wilford Kale  
Alexander Kuras  
Willafay McKenna\*  
A. Joe Poole, III

ALSO PRESENT

O. Marvin Sowers, Planning Director  
Jill Schmidle, Planner

\*Ms McKenna arrived at the meeting prior to the first public hearing case.

2. MINUTES

Upon a motion by Alex Kuras, seconded by Joe Poole, the minutes of the June 1, 1998 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Alex Kuras stated the committee reviewed seven cases during the last meeting and noteworthy was the 88 proposed units at Kingmills. He stated the request did not change the character of the Kingsmill Master Plan and moved for approval of the recommendations.

Joe Poole commented on the role of the DRC and stated that two of the cases reviewed had been brought back to the committee and he was satisfied with the end results.

John Hagee stated he had a conflict of interest on Case No. CP-10-98 and would abstain from voting on that matter.

By voice vote, the Planning Commission recommended approval of the DRC report.

4. CASE NO. SUP-37.97. EXXON.

Jill Schmidle presented the report on behalf of Gary Pleskac stating the applicant requested deferral until the August 3 meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was continued to the August meeting.

5. CASE NO. SUP-12-98. J. W. CAUGHRON BOARDING KENNEL.

Jill Schmidle presented the staff report stating the applicant had requested deferral until the August 3 meeting.

Martin Garrett opened the public hearing.

Ray DePasquale of 8714 Merry Oaks Lane spoke on behalf of himself and several other citizens regarding the proposed kennel. He stated the main concern was one of noise and asked if he could

get additional information on the proposal. He suggested that possibly in some cases that more than just adjacent property owners be notified.

Marvin Sowers informed Mr. DePasquale he could contact staff for more information. He also stated there were times when the applicant had been requested to meet with neighbors to inform them of the application and that staff has held public review meetings in other instances when applications were submitted, and that this could be done for this case if there was enough interest.

There being no further speakers, the public hearing was continued to the next meeting.

6. CASE NO. ZO-1-98. ZONING ORDINANCE AMENDMENT/M-1 AND M-2.

Jill Schmidle introduced Jack Fraley, Chair of the Business/Industrial Zoning Ordinance Committee, who would be making the presentation.

Jack Fraley introduced Peggy Wildman, Joe McCleary, Alex Kuras, and Don Hunt committee members who were in attendance. He stated the goal of the committee was to review the districts and insure the zoning ordinance was consistent and compatible with the 1997 Comprehensive Plan. They sought to promote desirable and quality economic development while having concern for compatibility with the character and livability of the community. He said they strived to make the listings in the ordinance clear and consistent throughout to facilitate ease of understanding. He stated the considerations of the committee were reviewed by County staff, County Economic Development, and the Industrial Development Authority. After reviewing the M-1 district, he asked if the Commission had any questions or suggestions regarding the additions, by-right uses, and deletions.

Joe Poole asked what the committee's reasoning was to have the indoor shooting ranges moved to a by-right use. He stated he had some concern with this as a by-right use.

Jack Fraley stated there were discussions by the committee regarding that particular use. They felt there were adequate regulations mandated for the use and permit of firearms in facilitating indoor shooting ranges and concluded there were no major issues. He stated if the Commission felt this item should be further addressed, the committee would be willing to review it.

John Hagee asked what the front setback requirements were for M-1.

Jill Schmidle stated the front setbacks were unchanged and were currently 50 or 75 feet.

Martin Garrett asked John Hagee if that was consistent with the residential setback requirements.

John Hagee stated the present residential setbacks were 35 and 50 feet, but, the residential committee had been discussing a minimum setback of 75 feet.

There was some discussion regarding setbacks among the Commission members and Jack Fraley stated that his committee was presently involved in the discussion of setbacks, and that they would consider this issue further.

Martin Garrett asked Jack Fraley to contact someone with respect to what the residential committee was doing and what the business/industrial committee was doing in terms of the setback regulations.

Jack Fraley concluded his presentation on the M-1 requirements and since there were no further questions, he continued to review the M-2 requirements.

Wilford Kale asked what the rationale of the committee was in eliminating the manufacture and storage of explosives from the M-2 district but allow an indoor shooting range by-right in the M-1 district.

Jack Fraley stated that ammunition was not considered an explosive by the committee.

Wilford Kale asked that the committee review their decision of a by-right use for the shooting range in the M-1 district. He stated he would be willing to vote on the entire proposal with the exclusion of the one item which he had great concern over.

Jack Fraley stated he was aware of the Commissions concerns and felt the committee could review them and come back with additional information.

Willafay McKenna agreed with the concerns of both Joe Poole and Wilford Kale and felt that a special use permit should be required for an indoor shooting range.

Jack Fraley concluded his presentation on the M-2 District and stated the committee had great support from the staff facilitator, Jill Schmidle, and that they sought the input from various people and committees before making their decisions and recommendations. He recapped the Commissions concerns and said the committee would reconsider their recommendation on indoor shooting ranges.

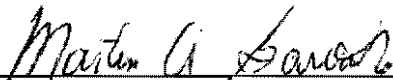
Martin Garrett opened the public hearing. There being no speakers, the public hearing was continued to the August meeting.


## 7. PLANNING DIRECTOR'S REPORT

Marvin Sowers reviewed the I-64 Major Investment Study stating he would be making a presentation to the Board at their July 14 meeting and suggested the Commission either attend or watch the meeting.

Marvin Sowers also told the Commission of the new regulations set forth by the Governor regarding the by-right use of Amateur Radio Antennas and that a revised zoning ordinance would be coming before the Commission at a future date.

There being no further business, the July 6, 1998 Planning Commission meeting was adjourned at approximately 8:00 pm.

  
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Martin A. Garrett, Jr., Chair

  
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O. Marvin Sowers, Jr., Secretary