

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF AUGUST, 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
A. Joe Poole, III

ALSO PRESENT

O. Marvin Sowers, Planning Director
Leo Rogers, Deputy County Attorney
Gary Pleskac, Senior Planner
Paul Holt, Senior Planner
Jill Schmidle, Planner

ABSENT

John Hagee
Alexander Kuras
Willafay McKenna

2. MINUTES

Upon a motion by Joe Poole, seconded by Don Hunt, the minutes of the July 6, 1998 meeting were approved by unanimous voice vote.

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

Jill Schmidle presented the staff report stating the applicant had withdrawn his application and no action needed to be taken by the Commission.

4. CASE NO. SUP-16-98. OUTDOOR CENTER OF AMUSEMENT.

Jill Schmidle presented the staff report stating the applicant requested an indefinite deferral.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed since this case would be advertised for a later public hearing date.

5. CASE NO. SUP-37-97. EXXON.

Gary Pleskac presented the staff report stating the applicant was in the process of acquiring additional property for this project and, therefore, had requested deferral until the September 2 meeting. He said this case would be re-advertised for that meeting.

Joe Poole asked if there would be a public review meeting prior to the public hearing.

Garry Pleskac stated that a public review meeting would be scheduled around the later part of August.

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

6. CASE NO. SUP-15-98. ESQUIRE III SELF-STORAGE: U-HAUL TRAILER RENTAL.

Gary Pleakac presented the staff report stating the applicant proposed to rent a limited number of U-Haul trucks and trailers from the existing self-storage facility. Staff recommended approval of this application as outlined in the conditions within the staff report.

Wilford Kale asked, if the County found that parking of these trucks and trailers were consistently in front of the building, would that be considered a site plan violation and how would it be handled. He also asked if the owners of Peppertree were contacted regarding this application.

Gary Pleskac stated that violations were handled by the Code Compliance officers and that adjacent property owner letters were sent as required.

Martin Garrett opened the public hearing.

Barry Hood, owner of the building occupied by C & F Mortgage, had concern regarding the visibility of the trucks near the parking area of his building. He also asked how large the trucks would be.

Doug Haller, the applicant, said he shared the same concern as his neighbor and stated he has been in business for fourteen years and taken a great deal of pride in maintaining the facilities. He said the average truck would be 14 feet long. He explained that at various times, they do have all types of trucks, including tractor trailers, coming through but they would not be part of the U-Haul business.

Gary Pleaskac stated that Jack Kirkland showed him the computer monitoring system they have for U-Haul and said, once someone checked in a vehicle they must notify the dispatch area. He added that, if the vehicle was too large for storage, they would come within a reasonable amount of time to pick up that vehicle. He stated the applicant was not only capped by the special use permit conditions but, also by requirements of U-Haul.

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

Joe Poole made a motion to approve this application with the three conditions proposed by staff, seconded by Don Hunt. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett, (4); NAY: (0)

7. CASE NO. SUP-18-98. WILLIAMSBURG POTTERY RETAIL GREENHOUSE REPLACEMENT.

Tammy Rosario presented the staff report for this application to replace four of the existing structures with three similarly sized structures. Staff found this proposal consistent with the surrounding properties, the Comprehensive Plan, and previous actions taken by the Board of Supervisors. Staff recommended that the Planning Commission approve this application as outlined in the staff report.

Joe Poole asked how much of the landscaping would be transferred to the front area along Richmond Road and would it tie in with the landscaping required with SUP-6-97.

Tammy Rosario stated that the SUP-6-97 landscaping requirements covered a large area along Richmond Road corridor. Staff felt that there were areas within the parking lot and along the entrance road that could be enhanced.

Don Hunt expressed his concern about landscaping along the entrance road adjacent to the railroad tracks. He felt any landscaping should be low as not to obstruct the vision of the drivers.

Martin Garrett opened the public hearing.

Rich Costello of AES Consulting Engineers spoke on behalf of Scott Hawkins, President of the Pottery Factory, and asked if anyone had any questions he could answer concerning this application.

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

Don Hunt made a motion for approval, seconded by Wilford Kale. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett, (4); NAY: (0)

8. CASE NO. SUP-17-98. GAGNE BED & BREAKFAST.

Paul Holt presented the staff report stating the Board of Supervisors had previously approved a special use permit for this property which expired for reasons outlined in the report. He stated staff found the proposal consistent with the surrounding properties, use, and the Comprehensive Plan. 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.

Wilford Kale asked if it was a requirement that the owners live on site of the bed and breakfast.

Marvin Sowers stated this was the first SUP in which staff had applied a condition to require the owner live on site. After inquiring with other neighboring jurisdictions, staff believed this was a good policy.

Joe Poole made a motion, seconded by Don Hunt, to approve this application. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett, (4); NAY: (0)

9. CASE NO. ZO-6-98. ZONING ORDINANCE AMENDMENT/FLOODPLAIN.

Paul Holt presented this report on behalf of Willafay McKenna, Co-chair of the Grab Bag Zoning Ordinance Committee. He stated the committee found the regulations did not warrant substantive changes at this time. They did, however, recommended moving the definitions found in Section 24-589 to the front of the ordinance with the other definitions and to make two changes reflecting administrative procedure.

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

Wilford Kale made a motion to recommend approval, seconded by Joe Poole. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett, (4); NAY: (0)

10. CASE NO. ZO-2-98. ZONING ORDINANCE AMENDMENT/M1 AND M2 DISTRICTS.

Jill Schmidle presented the staff report for this case that was deferred from the July 6 meeting. She stated the two issues the Planning Commission had expressed concern over were revisited by the committee. She said the committee had withdrawn its recommendation to make indoor shooting ranges a permitted use and the committee recommended no change from the current ordinance. On the second issue of setbacks, the committee concluded that different setbacks for residential and commercial uses were appropriate, therefore, they were not recommending that they be changed.

Joe Poole stated he was pleased with the committee's decision to keep indoor shooting ranges a special use permit requirement.

Martin Garrett continued the public hearing from the July 6 meeting. There being no speakers, the public hearing was closed.

Wilford Kale made a motion to approve the M-1 and M-2 Districts as recommended by staff. Motion was seconded by Joe Poole. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett (4); NAY: (0).

11. CASE NO. ZO-3-98. ZONING ORDINANCE AMENDMENT/M-3 DISTRICT.

Jill Schmidle introduced Joseph McCleary, Co-chair of the Business and Industrial Zoning Ordinance Committee.

Joseph McCleary introduced Meryl Hairfield, Peggy Wildman, and Don Hunt members of the committee who were in attendance. He briefed the Commission on the concept of the new zoning district stating the intent of the district was to be more intensive than M-1 but less intensive than M-2. After a lengthy discussion and much consideration for this district, the committee concluded that M-3 district would be best suited for a Research and Technology District. He asked if the Commission had any questions.

Joe Poole said he was impressed by the committee's decision for the provision of a requirement for ten percent of the developable area to be designated open space. He asked how it compared with other jurisdictions they may have researched.

Joseph McCleary said it was very comparable. He stated that the ten percent could be misleading because the committee calculated the percentage in conjunction with other parts of a parcel that would not be usable because of slope, wetlands, or other restrictions. The committee anticipated that when all these aspects came together it would constitute an open space of 30-40 percent.

Martin Garrett opened the public hearing.

Mark Rinaldi of 103 Leon Drive complimented the committee on their naming of the district because it better described the intent, and also on the uses and concept of the district. He had

concern because of the language used in the report. He said that unless the County was setting aside a parcel of land it controlled, he felt applying a zoning district like this to one piece of property, not at the request of the property owner, was unethical. He further stated that the example sited in the staff report was one that the Comprehensive Plan had designated for mixed use with specific types of uses described.

Joseph McCleary stated the committee did not intend to set aside any parcel for this district but merely included an area in which citizens were familiar with as an area that might be likely for this type of development. In naming other areas within the report, the committee was just citing areas that had been very well planned and developed. He again stated that these areas were just examples and nothing more.

Skip Campana, a member of the Industrial/Business Zoning Ordinance and liaison to the IDA committee stated that areas as the Raleigh Research Triangle isolate restaurants, hotels, etc. to a portion of the property keeping the Research and Technology area separate, which is a requirement set forth by the research companies. He felt the committee had taken its first step towards their goals of the M-3 District. He said that when meeting with staff and the IDA there was concern if there was sufficient technology for this area to support. He handed out an article from the Virginia Business Observer which he felt supported the committee's decision of the M-3 District.

Wilford Kale noted there was no mention of hotels in by right or permitted uses for this district.

Joseph McCleary stated this type of facility would be outside the area of the Research and Technology Parks.

There being no speakers, the public hearing was closed.

Joe Poole made a motion for approval, seconded by Don Hunt. In a roll call vote, motion passed 4-0. AYE: Hunt, Kale, Poole, Garrett (4); NAY: (0).

12. CASE NO. ZO-8-98. ZONING ORDINANCE AMENDMENT/LB AND B-1 DISTRICTS.

Joseph McCleary presented the report stating that in both districts the committee reviewed their present requirements. He stated the committee made three additions and no deletions to the to the LB District. He stated the committee had one addition and added several items to the special use permit requirements and a number of deletions were made to the B-1 District. The committee also did a large amount of editorial work to make both districts more user friendly.

Martin Garrett commended the committee on their recommendations and the process and time manner with which they handled the various districts.

Joe Poole was concerned about the by-right use of museums especially if they were located in a district adjacent to a residential area.

Joseph McCleary stated the committee felt the use did not appear to be a threat.

Mavin Sowers stated the committee would be looking into a Neighborhood Commercial District. He said staff had found over the years that the LB District was rather broad which allowed anything from a small gift shop to a Wal-Mart or a small cafe-restaurant to a fast food restaurant. He added there were a large number of uses that could impact adjoining areas in the LB District and during the Comprehensive Plan process both the Commission and Board of Supervisors recommended that a Neighborhood Commercial District be developed.

Joseph McCleary stated the committee would go back and reconsider museums if it were the desire of the Commission.

Martin Garrett deferred this case until the September 2 meeting.

13. RESIGNATION OF SENIOR PLANNER.

Martin Garrett requested that, before they proceed with the Planning Commission Considerations, he be allowed to make a comment. He said he was sorry that Gary Pleskac had already left this evening's meeting. He stated that Gary was leaving the County to further his career and obtain his certification to teach. Martin Garrett said he had heard very complimentary things about Gary from members of the community with the way in which he worked with them. He said that this was very commendable on his part and that of the County's' and wished that this be related to him.

Marvin Sowers stated staff would make sure Gary was aware of Mr. Garrett's thoughts and stated that he and staff were also sorry to see him leave.

14. ARCHAEOLOGICAL POLICY.

Paul Holt presented this report stating that the Grab Bag Zoning Ordinance Committee discussed this issue over several weeks and made their recommendation as outlined in the staff report. He added that staff and the committee recommended the Planning Commission approve the policy.

Joe Poole asked if the committee met with any archaeologists about the requirements.

Paul Holt stated there were three archaeologists present when this was presented to the Historical Commission and they were enthusiastic about the product.

Joe Poole had a concern, if a developer was required to put up a sign indicating there was an archaeological study under way, that someone might possibly destroy that site. He stated he did not want to potentially damage anything that might be retrieved from a site because the County had a requirement that a site be publicized.

Paul Holt felt there would be no problem with clarifying or leaving the policy flexible enough to require installation of a sign after the work had been done if there were sensitive areas identified by the report that the archaeologist or developer felt might be threatened.

Wilford Kale stated the report allowed the developer to place a sign. He stated the report did not require the placement of signs.

Paul Holt stated there was no obligating language in the report but added there were a number of recommendations on the last page of the policy and staff could add the following language "the timing of such notifications shall be left at the discretion of the developer with consultation with professional archaeological staff and the Director of Planning."

Joe Poole made a motion to approve the revised Archaeological Policy with the added language. Wilford Kale seconded the motion and by unanimous voice vote, motion passed.

15. PLANNING COMMISSION'S ANNUAL REPORT.

Marvin Sowers presented this report stating state law required the Commission prepare or have prepared an annual report of planning activities of the Commission and staff over the last fiscal year. He suggested the Commission review this report and notify staff of any changes. He stated this report would be presented by the Commission Chair to the Board of Supervisors.

Wilford Kale stated he has been attending the Virginia Planning Commission Certification Program and stated that at one of the sessions the item discussed was the Planning Commission Annual Report. He said he was surprised at how many do not do a report, or do it verbally. He stated that staff's report was an outstanding example and he wanted to commend the staff for their meticulous assessments, presentation, and coverage.

Joe Poole stated he was very pleased to read about the master plan prepared by staff for the Route 199 landscape plan. He also said he was pleased with the tenure of staff.

There being no further comments, the meeting was adjourned at approximately 8:35 pm.

Marvin C. Sowers

