

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF APRIL, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III
John Hagee
Donald Hunt
Peggy Wildman
Joseph McCleary
George Billups
Wilford Kale

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Michael Drewry, Assistant County Attorney
O. Marvin Sowers, Jr., Planning Director
Cynthia Grom, Administrative Services Coordinator
Karen Drake, Senior Planner
Matthew Arcieri, Planner

2. MINUTES

The Commission approved the minutes of the March 3, 2003 meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were two cases that were heard at the last meeting, one for Wexford Hills subdivision for alternative septic systems for four lots and one for the Tewning Road office building for two entrances. Both were recommended for approval by the DRC.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee (SC) was in their review process. He commented that the April Planning Commission reading file included the latest minutes of the March SC meetings. He explained the format that was going to be used for the next section of Land Use. He gave a run down on the itinerary of the next four SC meetings, the tour of the Land Use change properties, possible joint work sessions with the Board of Supervisors in June, and final Planning Commission consideration occurring during the July 14th Planning Commission meeting. If completed at that meeting, the Plan would then be forwarded to the Board of Supervisors. He also mentioned the Virginia Gazette had included a pull out Land Use Map in Saturday's paper (April 5th). He asked his fellow Planning Commission members if they are amicable to the two work sessions with the Board of Supervisors members.

Mr. Joe Poole expressed his appreciation for the itinerary, and endorsed the proposal for the work sessions, and asked the other Planning Commission members if they concurred.

All members of the Planning Commission concurred.

4. PUBLIC HEARINGS

A. CASE NO. Z-2-03/MP-1-03 Hiden Property Proffers Amendment.

Mr. Matthew Arcieri presented the staff report. The applicant requested deferral until the next Planning Commission meeting in May.

Mr. Joe Poole, III, opened up the public hearing and continued it until May 5th.

B. CASE NO. SUP- 2-03 Hankins Industrial Park Ready Mixed Concrete Plant.

Ms. Karen Drake presented the staff report. She stated that Mr. Vernon Geddy has applied on behalf of the Southern Equipment Company, Inc. for a Special Use Permit (SUP) to allow the construction and operation of a Ready Mixed Concrete plant at 190 Industrial Boulevard in the Hankins Industrial Park, Toano, VA. The property is zoned M-2, General Industrial with the manufacture of cement, bricks and stone products, a specially permitted use in the M-2 Zoning District. Currently, the property is ±145.34 acres in size and the proposed SUP would apply to only ±16.22 acres that would be subdivided upon approval of this SUP. The property can be further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (12-4). Proposed operational details of the Ready Mixed Concrete Plant are as follows: The facility will start with 5 employees, 4 drivers and 1 plant manager; Normal working hours will be 7:00am until 5:00pm; Equipment on site will include a concrete batch plant, 4 concrete mixer trucks and one wheel loader; Buildings on site include one metal building serving as an office, driver's room and a small warehouse for storage; Facility estimates for the first year are 12,000 to 15,000 cubic yards, (8 to 9 truck trips per day). The proposed Ready Mixed Concrete plant in the Hankins Industrial Park is consistent with the surrounding zoning, development and the 1997 Comprehensive Plan. Given the applicants stated intent to subdivide and create the ±16.22 acre site, the project will be buffered on all but one side by land within the Hankins Industrial Park. Staff recommended the Planning Commission approve this Special Use Permit application with conditions.

Mr. Wilford Kale asked for clarification on the two driveways.

Mr. Joe Poole, III invited the applicant, Mr. Vernon Geddy, Esq., to approach the podium.

Mr. Vernon Geddy, representing Southern Equipment, discussed their application for a special use permit. He stated the property the plant would be on is a well buffered site and would be a small operation with only 5 employees and 4 concrete trucks. He explained the dust collection equipment to be used is 99.8% effective and is regulated by the VA Dept. of Environmental Quality, and an erosion and settlement plan as well as a spill and prevention plan that would be in place. He also described the truck wash down area where the water would be collected, recycled and reused.

Mr. Joe McCleary asked for clarification on the size of the operation, wondering if it would be equal to the Jack Massie, Inc., operation.

Mr. Vernon Geddy replied it would be smaller.

Mr. Joe Poole, III, asked if the 15 conditions attached to the special use permit were acceptable.

Mr. Vernon Geddy replied yes, they were.

Mr. Joe Poole, III, opened the public hearing.

Mr. Tony Dion, resident of 102 Fairmont Drive, in the Mirror Lakes subdivision, stated his reasons for opposition to the special use permit and strongly recommended the Planning Commission not approve the permit.

Ms. Teresa Hudgins of 111 Knollwood Drive, representing the Stonehouse District Citizen's Association, also stated her concerns regarding the special use permit and recommended the Planning Commission not approve the permit.

Hearing no other request to speak, Mr. Joe Poole, III, closed the public hearing. He questioned Mr. Geddy regarding the distance the plant would be from the Mirror Lakes subdivision, truck traffic and environmental issues.

Mr. Vernon Geddy replied the shortest distance the plant would be to the subdivision would be 1500 feet, that the truck traffic was based on the capacity of the plant and average loads the trucks could carry, and the environmental issues were highly regulated by the DEQ and James City County. He mentioned that the sand and gravel would be stored in outdoor storage bins, and that all aggregates would arrive via trailer trucks.

Mr. Wilford Kale asked if the James City Service Authority was concerned about contamination to the well facilities that would be next door.

Ms. Karen Drake explained that the well facilities were raw water and were sent to a treatment plant from that location. Also, she didn't receive any comments from JCSA expressing such concerns.

Mr. Vernon Geddy was asked if the VEDQ permit had been applied for, and he stated it has not.

Mr. Wilford Kale asked if there would be a chance of surface or ground water contamination.

Mr. Vernon Geddy stated it would be surface water but there would be a containment system.

Mr. John Hagee made a motion to approve.

Mr. Joe McCleary seconded the motion.

Mr. John Hagee, Mr. Joe McCleary, Mrs. Peggy Wildman and Mr. Joe Poole, III, all stated their support for the special use permit. They felt it was an appropriate use for the property, located in a heavy industrial area and supported by the Comprehensive Plan.

In a roll call vote, motion passed (6-1). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: Kale (1).

C. CASE NO. ZO-2-03/SO-1-03 Zoning and Subdivision Ordinance Fee Changes .

Mr. Matthew Arcieri presented the staff report. He stated that on March 11, 2003, the Board of Supervisors adopted an initiating resolution to consider making fee changes to the zoning and subdivision ordinances. Fees were last reviewed in 1998. At that time, a detailed study of actual costs was prepared. While most fees were increased, they still fell short of recovering all actual costs. Since then there has been a steady increase in costs and staff time associated with review of all case types. In addition, fees have not kept pace with inflation, the costs of advertising public hearing cases through the newspapers, and direct mailings to adjacent property owners. In preparing this proposal staff surveyed eleven local governments: Albemarle, Chesterfield, Fauquier, Hampton, Hanover, Henrico, Newport News, Richmond, Stafford, Williamsburg & York. Staff's recommended increases are based on a general comparison with these jurisdictions and will bring fees in line with some of the high-growth communities in the Commonwealth. Even with these proposed increases, the Division will still recoup less than 50% of the County's actual costs.

Mr. Donald Hunt asked when the fee schedule was last reviewed.

Mr. Matthew Arcieri replied in 1998.

Mr. Donald Hunt asked if the fees go into the general fund for the County.

Mr. O. Marvin Sowers, Jr. replied yes, they did. He explained that staff was asked to bring this forward by the Board of Supervisors as part of the budget process.

Mr. Joe Poole, III, opened the public hearing. Hearing no other requests to speak, he closed the public hearing.

Mr. Joe Poole, III, and Mr. John Hagee voiced their support for the fee changes.

Mr. John Hagee made a motion to approve.

Mr. Joe McCleary seconded the motion.

Mr. George Billups and Mrs. Peggy Wildman also stated their support for the ordinance changes.

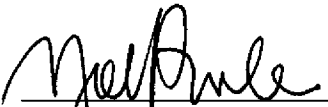
In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

5. PLANNING DIRECTOR'S REPORT


Mr. Marvin Sowers discussed the upcoming Steering Committee meetings on Land Use starting Monday, April 14th. He encouraged everyone to attend the meetings or watch on TV. He also mentioned the Comprehensive Plan section of the website that included all land use applications and links to leave comments.

6. ADJOURNMENT

There being no further business, the April 7, 2003, meeting of the Planning Commission was adjourned at 7:58 p.m.



A. Joe Poole, III, Chairman



O. Marvin Sowers, Jr., Secretary