

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF MARCH, NINETEEN HUNDRED AND NINETY, AT 7:30 P.M., 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Ms. Judith Knudson  
Mr. Alexander Kuras  
Ms. Carolyn Lowe  
Mr. Gary Massie  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Frank M. Morton, III, County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. R. Patrick Friel, Principal Planner

Mr. Kuras welcomed Mr. Betzner as a member of the Planning Commission. Mr. Betzner will serve as a member of the Development Review Committee.

2. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report and stated that Case No. SP-8-90, Branscome Retail/Warehouse Building, was deferred for 30 days to permit staff and the applicant to resolve issues, including legal issues, regarding open space. The report was accepted as presented.

3. POLICY COMMITTEE REPORT

Ms. McKenna presented the staff report and stated that the Policy Committee and Commission discussed Case No. Z-5-90, Zoning Ordinance Amendment/Special Use Permits, at the March 21st meeting.

4. CASE NO. SUP-11-90. AT&T COMMUNICATIONS

Mr. Friel presented the staff report (appended) for a special use permit to allow a fiber optics cable support building at 105 Howard Drive. Mr. Friel stated that staff recommended approval of this case, with the stated conditions.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the Commission by roll call, voted 10-0 to recommend approval of Case No. SUP-11-90 to the Board of Supervisors.

5. CASE NO. SUP-4-90. WILLIAMSBURG/JAMES CITY COUNTY MIDDLE SCHOOL

Mr. Friel presented the staff report (appended) for a special use permit to allow development of a middle school at 7817 Richmond Road. Mr. Friel stated that staff recommended approval of this case, with the stated conditions.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was closed.

In response to Ms. Gussman's question regarding a second entrance in the future, Mr. Sowers responded that it could be addressed in a traffic impact study. Mr. Ogg stated that more detailed planning may indicate a need for a second entrance.

Mr. Massie questioned what would happen if Mr. Sheldon developed an industrial park on his property. Mr. Sowers responded that the County would look at the proposal at that time. Mr. Massie suggested that the desirability of locating the main entrance across from Sheldon Lumber be analyzed as part of that study.

Ms. Lowe questioned whether the 50 foot buffer was adequate. Mr. Friel responded that the school was located 170 feet from the nearest residential area and with the 50 foot buffer it should be sufficient.

Upon a motion by Mr. Garrett, seconded by Mr. Bradshaw, the Commission by roll call, voted 10-0 to recommend approval of Case No. SUP-4-90 to the Board of Supervisors.

6. CASE NO. Z-4-90 AND CASE NO. SUP-12-90. LETHER INVESTMENTS

Mr. Friel presented the staff report (appended) to rezone 50.9 acres located on John Tyler Highway from A-2, Limited Agriculture, to R-1, Limited Residential. Mr. Friel stated that staff recommended approval of this case, with the stated conditions.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, III, the applicant, displayed a rendering of the development which he discussed in detail, and stated that "everything on the plan is binding." Mr. Geddy informed the Commission that Mr. Paul Small and Mr. Arch Marston of AES were present to answer questions.

In response to Ms. Knudson's question, Mr. Marston responded that the price of the homes would be from the \$80s to low \$100,000.

Mr. George Wright, President of the Historic Route Five Association, discussed poor drainage, stating that what drainage is there goes into Powhatan Swamp which feeds Powhatan Creek. Also, Mr. Wright expressed concern that an additional 400 vehicles per day, according to his figures, would be added to the 14,000 expected at buildout of two other developments. Mr. Wright felt the traffic would change the character of the Route 5 scenic by-way and asked that the zoning and special use permit requests be denied.

Mr. Bill Wilson, James City County Route 5 Corridor, felt that the County should "slow down" as there are thousands of lots that have already been approved for construction. Mr. Wilson further stated that he felt there was a need to balance the tax base with light and clean commercial and industrial development and that further study was required on this proposal.

Mr. John Kozel, First Colony, expressed concern regarding the compatibility of the size of the lots and the houses with those in Greensprings and other homes along Route 5. Mr. Kozel questioned what market the developer was endeavoring to reach.

Mr. William Eichhammer stated agreement with previous speakers.

Mr. John Engle, Chairman of Community Relations Committee of First Colony, stated that he was "appalled by the attack on Route 5" and concerned about it becoming a four lane highway.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, to recommend approval of Case No. Z-4-90 and Case No. SUP-12-90, with conditions, to the Board of Supervisors.

Ms. Knudson felt this proposal because of stress on the County infrastructure, and a negative tax base was not in the best interest of the County, and also felt there were too many half built subdivisions in the County.

Ms. Gussman stated there were 3477 approved but as yet undeveloped lots in the Route 5 area providing a housing stock of single family dwellings for 5.9 years for the entire County based on last year's construction data. Ms. Gussman further stated that the Comprehensive Plan should address the need for phasing of development.

Mr. Horne stated that the site has better drainage than many other sites along Route 5, and drainage should be adequately addressed because of proffers regarding curb and gutter and other improvements.

Ms. Lowe stated that the quality of a development is not determined by the size of the homes. She further stated that cluster housing should be encouraged.

Ms. Knudson questioned why the County accepts what it can get instead of asking for the best.

Mr. Kuras stated that the County had a need for this moderate priced housing and that an individual has a right to develop his property.

The Commission approved Case No. Z-4-90 and SUP-12-90, with conditions, 8-2 (nay votes: Mr. Davis, Ms. Knudson).

#### 7. CASE NO. ZO-5-90. ZONING ORDINANCE AMENDMENT/SPECIAL USE PERMITS

Mr. Sowers presented the staff report (appended) and discussed the two alternatives to require special use permits for certain commercial and office uses. Mr. Sowers stated that staff recommended Alternative 2. Mr. Sowers further stated that staff recommended approval for adoption of the resolution urging commercial and industrial applicants to submit a binding master plan.

Mr. Kuras opened the public hearing.

Mr. Alvin Anderson, representing Williamsburg Crossing Shopping Center, stated that it was unfair for the developer to pay front end costs on a project for improvements such as utilities which are based in a master plan and not be able to

continue with the development of the project. He expressed concern regarding nonconforming a number of existing uses.

Mr. Frank Tsutras, 204 Richard Brewster, stated his concern that the business community was not present at this public hearing. For this reason, Mr. Tsutras asked for a delay before sending this case to the Board of Supervisors.

There being no further speakers the public hearing was closed.

Ms. Knudson made a motion, seconded by Ms. Lowe, to recommend approval of Alternate 2 to the Board of Supervisors.

Following a brief discussion, the motion was defeated by a 5-4 vote with Mr. Bradshaw, Mr. Davis, Ms. Gussman, Mr. Kuras and Mr. Massie voting nay. Mr. Bertzner abstained.

The Commission voted to recommend approval of Alternate 1 to the Board of Supervisors. The motion was approved 6-3 with Mr. Bradshaw, Mr. Davis and Mr. Massie voting nay.

Ms. Gussman made a motion, seconded by Ms. Knudson, to recommend to the Board of Supervisors a special use permit for convenience stores, fast food restaurants, and auto sales. The motion was approved 10-0.

Ms. Knudson made a motion, seconded by Mr. Garrett, to delete "industrial" from the resolution encouraging rezoning applicants to submit a master plan and to recommend approval of the resolution to the Board of Supervisors. The motion passed 8-1 (Mr. Bradshaw voted nay).

Ms. Gussman made a motion, seconded by Ms. McKenna, to include similar language in Alternate 1 as appears in Alternate 2 requiring shopping centers, convenience stores, fast food restaurants and auto sales to have no more than one access point on each abutting public street unless specifically approved by the Planning Commission. The motion passed 8-1 (Mr. Massie voted nay).

After a brief discussion, the Commission voted to have the Policy Committee make a recommendation to the Board as to how existing and pending development plans should be affected by these amendments.

8. CUT OFF DATES FOR DEVELOPMENT REVIEWS

Mr. Murphy presented the staff report (appended) stating that staff recommended review time be increased by one week for all development cases, resulting in a six week review period on rezoning and special use permit applications, and a five week review period for site plan and subdivision applications submitted for review by the Development Review Committee. The Commission by unanimous voice vote accepted the staff recommendation. Staff stated that necessary ordinance changes would be forwarded to the Commission next month.

9. PROPOSED CHANGES TO LANDSCAPE REQUIREMENTS

Mr. Sowers presented the staff report (appended) and a slide show illustrating current and proposed landscape requirements.

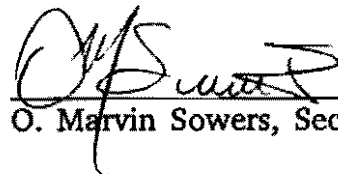
Mr. Massie suggested that screening requirements also apply to all residential uses.

The Commission agreed to have the Policy Committee consider and make a recommendation on the proposed landscape requirements at their March 21, 1990 meeting. All Planning Commission members were invited to attend.

10. ADJOURNMENT

The March 13, 1990 Planning Commission meeting was adjourned at 7:30 p.m.

  
Alexander Kurás, Chairman

  
O. Marvin Sowers, Secretary