



MEMORANDUM

Date: July 2, 2015
To: Records Management
From: The Planning Commission
Subject: Planning Commission Minutes: 11/11/1990

The following minutes for the Planning Commission of James City County dated 11/11/1990 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 11/11/1990, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 11/11/1990.

Robin Bledsoe
Chair

Paul Holt
Secretary

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED AND NINETY, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander Kuras, Chairman
Mr. Raymond L. Betzner
Mr. A. G. Bradshaw
Mr. Wallace Davis, Jr.
Mr. Martin Garrett
Mr. John F. Hagee
Ms. Judith Knudson
Ms. Carolyn Lowe
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. John T. P. Horne, Manager of Development Management
Mr. Leo P. Rogers, Assistant County Attorney
Mr. Allen J. Murphy, Jr., Principal Planner
Mr. R. Patrick Friel, Senior Planner

2. MINUTES

The Minutes of October 9, 1990 Planning Commission were approved as presented.

3. AWARDS PRESENTATION

Mr. Kuras presented a Planning Commission Award of Excellence Resolution to Larry T. and Jean T. Waltrip for the new terminal building at the airport.

4. COMMITTEE REPORTS

The Development Review Committee Report was approved as presented.

5. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING

Mr. Friel presented the staff report (appended) stating that staff concurred with the applicant's request for deferral to allow time for staff to receive and review VDOT comments on the traffic analysis.

Mr. Garrett asked if the Commission was still in agreement to maintain Rt. 199 as a limited access highway. The consensus was "aye".

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

6. Case No. Z-12-90 and SUP-48-90. OLD DOMINION FRENCH WINERY COMPLEX

Mr. Murphy presented the staff report (appended) stating that staff concurred with the applicant's request for deferral of these cases in order to address VDOT comments on the traffic analysis for this project.

Mr. Garrett asked Mr. Murphy if time shares are considered a residential use and Mr. Murphy stated they were. Mr. Garrett asked staff to compare our regulations concerning timeshares with the regulations of other jurisdictions. Mr. Kuras agreed with this request.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

7. CASE NO. SUP-38-90. HANKINS MINING

Mr. Friel presented the staff report (appended) stating that the applicant requests further deferral of this project in order to allow time to address staff concerns and environmental impacts of the proposal.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued until the December 11, 1990 meeting.

8. CASE NO. ZO-16-90. ZONING ORDINANCE AMENDMENT/MANUFACTURE OF WINE

Mr. Murphy presented the staff report (appended) for a Zoning Ordinance amendment to add the manufacture of wine to the permitted uses in the M-1 and M-2 industrial districts. Mr. Murphy stated that staff recommends approval of this amendment.

Ms. Knudson asked how the Williamsburg Winery's growth of grapes differs from the Old Dominion Winery. Mr. Sowers stated that the Williamsburg Winery is considered an agricultural use since it is located on a farm and grows a substantial amount of grapes on-site, while the Old Dominion Winery would get most of their grapes off-site and would be an industrial production facility in a business area.

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

Mr. Bradshaw made a motion, seconded by Mr. Hagee, to recommend approval of Case No. ZO-16-90. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Betzner Kuras (9). NAY: Knudson (1).

9. CASE NO. AFD-2-86. CROAKER AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) to add property to the previously approved Croaker AFD. The property is located along Riverview Road and Saddletown Road near the entrance to York River State Park. Mr. Friel stated that staff and the AFD Advisory Committee recommended approval of the proposed addition.

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

Ms. McKenna made a motion, seconded by Ms. Lowe, to recommend approval of Case No. AFD-2-86. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Kuras (10).

10. CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT

Mr. Friel presented the staff report (appended) to remove 4.82 acres from the Mill Creek AFD. The property is located at 2404 Forge Road. Mr. Friel explained that the applicant verbally stated his intent to withdraw his property prior to renewal of the district in October, 1990. However, the applicant did not submit his written request on time as instructed to do so in a letter from the Planning Department. Mr. Friel stated that staff feels that this request met the adopted Board of Supervisors criteria and staff and the AFD Advisory Committee recommended approval of this withdrawal.

Ms. Lowe stated that the written request for withdrawal should have been submitted on time.

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

Mr. Garrett stated that ignorance was no excuse and should not be used when applying the criteria to this case.

Mr. Sowers stated that the Board adopted withdrawal criteria which also allows consideration of other factors the Board deems appropriate. In this case, staff feels verbal notice received from the applicant is a valid consideration.

Ms. McKenna made a motion, seconded by Mr. Hagee, to recommend approval of the request for withdrawal of property in Case No. AFD-7-86. The motion passed: AYE: Bradshaw, McKenna, Hagee, Gussman, Knudson, Betzner, Kuras (7). NAY: Garrett, Lowe, Davis (3).

II. CASE NO. SUP-45-90. VIRGINIA NATURAL GAS PIPELINE

Mr. Friel presented the staff report (appended) for a special use permit to construct a 16 inch natural gas transmission main through the County. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Sowers distributed a letter from Bryan Bradish, Newport News Waterworks, expressing their concern about the proposed pipeline crossing the Little Creek Reservoir. Mr. Sowers also distributed a letter from Kad Raman with Virginia Natural Gas. This letter was in response to a letter to members of the Planning Commission from a group of homeowners in the Lake Toano subdivision.

Mr. Kuras asked Mr. Rogers if it was necessary for VNG to acquire easements and further asked if VNG has the right of condemnation. Mr. Rogers said that VNG has the right of condemnation.

Mr. Hagee asked why VNG is exempt from the Chesapeake Bay Act. Mr. Sowers said there is a State Code provision allowing this.

Mr. Kuras opened the public hearing.

Mr. Walter Witt, attorney for VNG, stated the pipeline is substantially in accordance with the Comprehensive Plan. He stated the name of the parent company of VNG, and gave a brief history of the company. He stated approximately 12.26 miles of the pipeline would be located in James City County. There are currently two natural gas pipelines in the County, but they are at capacity. He stated the pipeline will follow the Virginia Power right-of-way for approximately 10.2 miles. Mr. Witt stated VNG received authorization for the pipeline from the State Corporation Commission, Army Corps of Engineers and V.M.R.C. He stated that VNG conducted a workshop on November 7 with concerned citizens. Mr. Witt said he reviewed the staff report and found the conditions acceptable.

Ms. Lowe asked why an additional 25 foot construction easement is needed. Mr. Art Rainey, Brown and Root consulting engineers, stated that the 25 foot construction easement is necessary to accommodate the equipment utilized in the construction of the pipeline. He stated the 25 foot temporary easement is a construction easement. The permanent easement is 50 foot in width.

Mr. Garrett asked if VNG provided the only natural gas available to James City County. Mr. Kad Raman, Engineering Manager, replied that VNG is the only gas company authorized by the State Corporation Commission to serve James City County.

Mr. Garrett asked the number of people to be served via the pipeline, percent of households that have natural gas now, and future access to natural gas after the construction of the proposed main. Mr. Steve Stolen, VNG Manager, stated that 2,500 James City County customers along the Rt. 60 corridor have natural gas now. He did not have information on the number of homes along the proposed route. Mr. Garrett was concerned that the three pipelines in James City County only serve 2,500 people. Mr. Garrett was concerned that the pipeline runs through James City County and would serve only a few customers. Mr. Garrett felt that the if the proposed main was approved VNG should be able to serve more people in James City County. Mr. Garrett stated that he is in favor of what VNG is proposing to do, but they are not serving James City County.

Mr. Rainey stated that the State Corporation Commission wants VNG to stay as close as possible to the established utility corridor. He stated that the proposed pipe would cross the Lake Toano subdivision in a manner to avoid existing homes. Mr. Betzner expressed concerns about construction across the Little Creek Reservoir and asked how this would be accomplished. Mr. Rainey explained the process of burying the pipeline under the lake. Mr. Betzner asked how VNG would protect against construction breaks in the pipeline. Mr. Rainey replied that during construction the pipeline is hydrostatically tested to make sure it is secure, and constructed in such a manner that maintenance of the pipeline would be completed from above and not under water.

Mr. Rogers stated the Commission has the opportunity to accept or reject this proposal.

Ms. Lowe asked about the line's snake-like configuration and it's bearing on safety and load capacity. Mr. Rainey stated that it was possible to build the pipeline in segments without harming the structural integrity or reliability of the proposed pipeline.

Mr. Kuras asked how the Lake Toano area could acquire natural gas service. Mr. Raman stated that they would need to apply to the district office. Mr. Stolen stated that VNG could place taps along the pipeline to serve the community if a suitable service base is present.

Mr. Kuras asked the source of the natural gas. Mr. Stolen stated that the natural gas will come from existing gas reserves in the north and midwest.

Ms. Lowe asked about condition #4 in the staff report. Mr. Friel stated that the threshold was placed at one acre or less because the removal of trees on larger parcels of property would have less of an impact than trees removed on parcels less than one acre in size.

Mr. Kuras opened the public hearing.

Mr. John Joyce, Lake Toano Civic Association, stated concerns about the Association not being able to utilize the recreation area to build a picnic shelter or swimming pool. He stated they would be prohibited from construction of these amenities within the VNG easement. He stated the pipeline will impact visually and economically on the homeowners. He also stated concerns about trees being removed within the 75 foot along the entire stretch of the pipeline.

Mr. Witt said nothing can grow on the permanent 50 foot easement and trees could be planted in the 25 foot temporary easement.

Mr. Jeffrey Barra, 102 Warren's Pond, stated that his property is next to the pipeline's "dog leg". He stated that he was originally told that 25 feet was needed for the easement, but was presented with an agreement for a 50 foot permanent easement and a 25 foot temporary easement. He stated that he felt the additional space is for future pipelines. He objected to VNG getting construction use of his land and not providing service to the area. He stated the impact of the pipeline would be much more dramatic than VNG has presented. He stated that it is inappropriate for the Commission to approve the SUP.

Mr. William Keith Nunn, of Norge, agreed with Mr. Barra's comments including the statement that VNG will probably put in more than one pipeline. He stated the VNG will take six acres of his land for the pipeline. He stated that he would not be able to utilize the 50 foot easement for agricultural purposes. Mr. Witt stated that within the 50 foot easement crops can be raised, fields plowed, but large trees cannot be planted.

Ms. Cindy Perry, 100 Warren's Pond Road, stated that her property will be destroyed, and she was not contacted about the easement. She stated that VNG should be required to follow the Virginia Power right-of-way.

Ms. Tina Backes states that her property has water and power lines through it and this is a detriment to her property. She stated the removal of trees in such a large easement will cause excessive erosion.

Mr. Ramen explained the location and source of the other two pipelines which serve James City County. Mr. Rainey stated that the pipeline in James City County would carry 360psi, but is designed to carry 1,250psi. He stated that Virginia Power will examine the possibility of locating the pipeline within the Virginia Power right-of-way. He stated that VNG may be able to place the pipeline within this right-of-way for short distances.

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

Mr. Garrett made a motion, seconded by Ms. McKenna to defer action on Case No. SUP-45-90 until the December 11 meeting pending additional information and evaluation from VNG regarding the location of the pipeline in the existing Virginia Power right-of-way so as to minimize tree destruction and additional right-of-way acquisition and additional information from staff regarding County policy on location of utilities outside the PSA.

Ms. Gussman requested that a definitive response come from Newport News Waterworks regarding the pipeline and their conditions on the pipeline in and out of the PSA.

Mr. Kuras stated his concerns on condition #12 contained in the staff report. He stated that natural gas is a low cost utility and every effort should be made to connect households to the pipeline.

12. CASE NO. SUP-46-90. WILLIAMSBURG FARMS, INC.

Mr. Friel presented the staff report (appended) for a special use permit to allow an inn and restaurant on 292.37 acres located at 2638 Lake Powell Road. Previous special use permits for this project have expired. Mr. Friel stated that staff recommended approval with conditions detailed in the report.

Mr. Kuras opened the public hearing.

Mr. John Hopke, applicant, gave a brief history of the project. He stated that he is the new architect for Williamsburg Farms. Mr. Hopke requested a deferral of this

case in order to have a traffic study completed in connection with staff's condition #2 in the staff report.

Upon a motion by Mr. Kuras, seconded by Ms. Knudson, the Commission deferred action and continued the public hearing on Case No. SUP-46-90 until the December 11 meeting.

13. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Director's Report (appended).

14. SETTING OF FUTURE MEETING DATES

Mr. Sowers stated that the Commission may need to hold two meetings in December because of the lengthy agenda. Staff was requested to set a second meeting on December 13 if needed. The regular meeting on December 11 was set for 7:00 p.m. rather than 7:30 p.m.

15. MATTERS OF SPECIAL PRIVILEGE

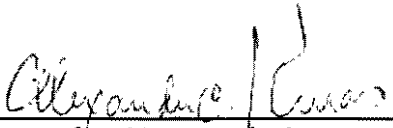
Mr. Sowers announced that the Norge Civic Association will have a meeting on November 27 at 7:30 p.m. in Norge Hall to discuss the proposed Magnolia Mall.

Mr. Sowers notified the Commission that another field trip is scheduled for November 27 at 3:00 to tour the Magnolia Mall site.

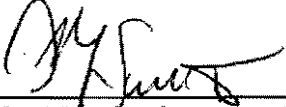
Mr. Sowers announced that a second regional forum meeting with the City of Williamsburg and York County will be held on December 14 at 1:00 in the Williamsburg Library. Both the Planning Commission and Board of Supervisors are invited. Topics of discussion will be land use and traffic issues.

16. ADJOURNMENT

There being no further business, the November 13, 1990 Planning Commission meeting was adjourned at 9:25 p.m.



Alexander Kuras, Chairman



O. Marvin Sowers, Jr., Secretary