

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

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Raymond L. Betzner
Mr. Wallace Davis, Jr.
Mr. Martin Garrett
Ms. Victoria Gussman
Mr. Donald C. Hunt
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. Donald E. Davis, Principal Planner
Mr. Allen J. Murphy, Jr., Principal Planner
Mr. R. Patrick Friel, Senior Planner
Mr. Larry M. Foster, General Manager, James City Service Authority
Mr. Wayland N. Bass, County Engineer

2. MINUTES - The Minutes of the April 9, 1991 Planning Commission meeting were accepted as presented.

3. PRESENTATION OF AWARD OF EXCELLENCE

Mr. Kuras presented the framed resolution for this award to Mr. Woodrow W. Sirois in recognition of the excellent development of the Norge Medical Center.

4. COMMITTEE REPORTS

a. Development Review Committee Report - Mr. Garrett stated, in regard to Case No. SP-28-91, Governor's Land Roadside Landscape Plan, that all clearing along Route 5 will be done by hand except as approved by the Division of Code Compliance. Mr. William Apperson, Department of Forestry, will advise the type of equipment to be used.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the report was accepted by unanimous voice vote.

5. COMPREHENSIVE PLAN UPDATE

Mr. Kuras referred the Commission to the staff report (appended) stating that it included three substantive changes which should be made prior to conducting the public hearing on the draft Comprehensive Plan.

Ms. Lowe recommended that #3 regarding the moderate density residential land use description which reads "Suggested land uses include townhouses, apartments, attached cluster housing . . ." be changed to delete the word "attached."

The Commission, by consensus, adopted the changes in the staff report.

Mr. Davis presented the staff report (appended) commenting on the efforts and accomplishments of the citizens of James City County, the Community Participation Team, and the Steering Committee. Mr. Davis further stated that the Comprehensive Plan Development Steering Committee unanimously recommended approval of the update to the Comprehensive Plan. The Steering Committee instructed staff to forward the plan to the Planning Commission with a recommendation of approval to the Board of Supervisors.

Mr. Kuras stated that letters regarding the Croaker Interchange had been received from Mr. James T. Wood, Mr. C. E. Douglas, and Rado L., Bettie S., Thomas R. and Patricia E. Banks. Also a letter had been received from Janice Lee Ingram regarding designation of her property outside the PSA near the proposed bridge across the James River. The Commission discussed these changes and decided not to change the draft Plan.

Ms. Knudson stated her intent to request an amendment to include the Outer Bypass as a greenbelt road.

Mr. Kuras opened the public hearing.

Mr. Jeff Barra, 102 Warrens Pond Road, Toano, stated his involvement with the Community Participation Team and the Comprehensive Plan Development Steering Committee. Mr. Barra stated that there was a great deal of input from citizens who set the tone for the Plan with their vision of the County. Both committees endorsed the adoption of the Plan.

Mr. Stewart Taylor, 8491 Richmond Road, Toano, spoke against the adoption of the Plan as he felt his and neighboring property would be "downzoned" (spoken in context), and its use would be limited preventing his heirs from using the property for other than farming if they chose to do so. Mr. Taylor further stated that he was against greenbelts, there was discrimination against the upper County, and the actions were undemocratic.

Mr. Fred Nelson, 111 Plains View Road, Mirror Lakes Subdivision, opposed the Plan as he felt it would allow the previously proposed concrete plant on Cokes Lane. Mr. Nelson felt the plant would be unsafe because of truck traffic near a school, and would cause property values to drop.

Mr. Hunter Vermillion, 4909 Carlisle Mews, spoke in opposition to the Plan stating opposition to any change that lists his property as other than B-1. The new Plan, he said, has three different designations on his property, commercial, low density residential and mixed use. Mr. Vermillion felt the designations were different than was the intention of the Steering Committee, and questioned if low density was correct.

Ms. Susan McCleary, 129 Mirror Lake Drive, asked that the Plan draft be corrected to reflect that it was not the Norge Civic Association but she believed Nancy Bradshaw and Frances Hamilton who submitted an application to the Virginia National Historic Registers for Norge.

Ms. McCleary expressed concern for the land use designation of the Massie property in the Cokes Lane area. Ms. McCleary said that she agreed with a member of the Steering Committee that the Massie property was a unique piece of property as (1) it is the only parcel in any mixed use area containing general industry as an acceptable use, (2) it is in the only mixed use area which puts a general industry designation on land zoned A-1 and a light industry designation on land zoned M-2, (3) it is one of two parcels outside of Hankin's Industrial Park, Skiffe's Creek and Busch which is designated for general industry, the other being across Richmond Road from Hankins Industrial Park, (4) it is the only parcel designated general industry which is bounded on three sides by low density residential and on the fourth side by, at most, light industry, (5) it is the only property on the entire map that general industry is suggested as a transitional use, and it is the only property on which Gary Massie wants to put a concrete plant. She stated again that the property was unique but questioned whether it was good land use planning.

Ms. McCleary agreed that the railroad should be used but only as long as the neighboring development was not adversely impacted. She felt there were less obtrusive uses than the concrete plant. Ms. McCleary asked that the Commission accept the original staff recommendation for the Cokes Lane property, and if they could not do that then she asked that they delete the phrase "general industry" from the description of mixed use for this property.

Mr. David Otey, representing Busch Properties (Kingsmill) and the developer of Berkeley Commons, questioned if it was possible to expand resort related uses under the low density residential designation and felt that Berkeley Commons should be designated commercial.

Mr. R. M. Hazelwood, 300 Old Stage Road, felt that the low density residential designation "downzoned" (spoken in context) his property. He also stated that the County did not put enough value on the interchange and that he was in favor of a bridge between Surry and the County as it would be a benefit to the County.

Mr. Vernon Geddy spoke on behalf of Janice Lee Ingram who requested the extension of the PSA to her property adjacent to Heritage Landing.

Mr. C. E. Douglas, 4430 Rochambeau, questioned the designation of rural residential of two quadrants at the Route 607 interchange of I-64. Mr. Douglas felt the tax dollars generated by commercial uses would help pay for residential growth. Mr. Douglas asked that the Commission reconsider this "downzoning" (spoken in context).

Mr. Robert Solomon, 5011 Riverview Road, questioned why property adjacent to the Hankins property was designated mixed use from A-1.

Mr. Jim Wood, 129 W. Kingswood Drive, also questioned the Croaker Interchange two quadrant designation to rural residential. Mr. Wood felt all four quadrants should be designated unlimited commercial.

Mr. Michael Sams, 102 Canterbury Place, read a letter from the Chairman of the Citizens Participation Team, Mr. Charlie Martino, encouraging a recommendation of the draft Comprehensive Plan update for approval to the Board of Supervisors.

Mr. Gregory R. Davis stated that his law firm, Anderson, Frank and Davis, represents landowner Hobart Speegle and Powhatan Resorts. On behalf of Mr. Speegle, Mr. Davis stated that the new designation at the Croaker Interchange was not ideal. On behalf of Powhatan Resorts, Mr. Davis asked that the designation on property on Route 5 beside the Chickahominy River allow some latitude to develop this extremely environmentally sensitive site in a responsible manner.

Mr. Douglas L. Johnson, 26 Magruder Lane, opposed the residential designation at Route 607/I-64 stating that it was a major interchange and in fairness to property owners should be commercial. Mr. Johnson said the commercial designation would contribute to the tax base and should not be downzoned.

Mr. R. L. Banks, 161 Sandhill Road, property owner, stated that the Croaker Interchange should be mixed use or commercial and asked the Commission to reconsider the proposed designation.

Ms. Sheila Evans, 104 Mirror Lakes Drive, objected to the mixed use designation between Route 60 and the railroad tracks stating that it was the only one of the ten mixed use areas that included general industrial uses. Ms. Evans further stated that general industrial uses would require site buffering and questioned, "Where's the buffer?" A railroad, she said, was not a buffer. Ms. Evans asked that the general

industrial uses be removed from the mixed use zone at Toano.

Mr. Roger Guernsey, 121 Chanco Road, architect, urged adoption of the plan which he felt encouraged more affordable housing and cluster development.

Mr. John McDonough, 1668 Skiffe's Creek Circle, had concerns regarding the proposed industrial and existing residential uses in the Skiffe's Creek area. Mr. McDonough further stated that he was concerned about Skiffe's Creek becoming an area primarily for affordable housing and subsequent decline in property values.

Mr. Gary Massie, 8644 Merry Oaks Lane, stated that he had studied both the draft Comprehensive Plan update and the map and felt that any development abutting Mirror Lakes would be reviewed for conformance with development standards of the Comp Plan and that would assure adequate protection. Mr. Massie asked that the greenbelt along the Outer Bypass be deferred and that the draft Plan be recommended for approval to the Board of Supervisors.

Mr. Stanley Akins stated that he was representing his father whose land investment was for a second career in a small import business in Toano. Mr. Akins objected to the proposed land use designation.

Mr. Charles Crawford, partner with Mr. Akins, objected to the "downzoning" (spoken in context) of his property near Toano.

Mr. Grant Olson, 105 Holman Road, Vice President of the Citizens for Quality Growth and a member of the Citizens Participation Team stated that most of those speaking tonight did not participate in the numerous opportunities for citizen involvement, and that the detailed comments made at this meeting should have been expressed earlier. He stated that the essence of democracy is yielding to the majority, and the Plan has accomplished that. Mr. Olson further stated that changes could be made to the Plan as warranted and urged the recommendation of the draft Plan to the Board of Supervisors.

Mr. John Rose, Plains View Road, objected to the general industrial designation in the mixed use area.

Mr. Paul Carrithers felt that frontage at the Croaker Interchange should have all the same zoning and should be mixed use. Mr. Carrithers felt more time should be devoted to the Plan at this time in order to prevent errors.

There being no further speakers the public hearing was closed.

Mr. Garrett commended the speakers for the conciseness and clarity of their presentations.

Ms. McKenna made a motion, seconded by Ms. Lowe to recommend approval of the draft update of the Comprehensive Plan to the Board of Supervisors.

Mr. Wallace Davis stated that he had not had time to sufficiently review the Plan and that a workshop should be scheduled to discuss the issues raised.

Ms. Knudson requested an amendment to the motion to add the Outer Bypass to the list of greenbelts.

The motion failed: AYE: Lowe, Knudson, Betzner (3). NAY: Garrett, McKenna, Davis, Gussman, Hunt, Kuras (6).

Mr. Betzner made a motion to remove general industrial from the Toano mixed use designation.

The motion failed: AYE: Lowe, Davis, Knudson, Betzner (4). NAY: Garrett, McKenna, Gussman, Hunt, Kuras (5).

On a roll call vote to recommend approval of the draft Comprehensive Plan to the Board of Supervisors the motion passed: AYE: Garrett, McKenna, Lowe, Gussman, Knudson, Betzner, Hunt, Kuras (8). NAY: Davis (1).

The Planning Commission adjourned for a break at approximately 8:30 and reconvened at 8:45 p.m.

6. Case No. AFD-2-86. Croaker Agricultural and Forestal District (Ballard Addition)

Mr. Friel presented the staff report (appended) for an application to add 57 acres to the previously approved Croaker AFD. Mr. Friel stated that staff recommended approval with the conditions detailed in the staff report.

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

Mr. Betzner made a motion, seconded by Ms. McKenna, to recommend approval. The motion passed: AYE: Martin, McKenna, Lowe, Davis, Gussman, Knudson, Betzner, Hunt, Kuras (9). NAY: (0).

7. Case No. SUP-10-90, Case No. Z-10-89, Case No. AFD-3-86, Case No. SUP-4-91

Case No. SUP-10-90. Stonehouse, Inc. Water Supply Wells

Mr. Friel presented the staff report (appended) for a special use permit to allow the drilling of nine water production wells. These wells were drilled in violation of the County Zoning Ordinance which requires water supply facilities to obtain a special use

permit from the Board of Supervisors. Mr. Friel stated that staff recommended approval of Case No. SUP-10-90 with the conditions detailed in the staff report.

Case No. Z-10-89. Stonehouse, Inc.

Mr. Friel presented the staff report (appended) for a rezoning to allow a large scale planned community to be known as Stonehouse. Mr. Friel stated that staff recommended approval of the portion of the project located north of Interstate 64 because it is generally consistent with the Comprehensive Plan, surrounding development and zoning, and preserves the reservoir as a safe and reliable source of water. Mr. Friel further stated that staff recommended denial of the rezoning of property south of Interstate 64 as rezoning of this property at this time would be inconsistent with the current Comprehensive Plan.

Case No. AFD-3-86. Hill Pleasant Farm Agricultural and Forestal District (Hunt and Stevens Withdrawal)

Mr. Hunt disqualified himself from participation of transaction on this case.

Mr. Friel presented the staff report (appended) for the removal of approximately 2.16 acres from the Hill Pleasant Farm AFD. The purpose of the withdrawal is to provide a 20 foot permanent easement and a 20 foot construction easement in which a sewer main would be constructed. Mr. Friel stated that on March 5, 1991, the Agricultural and Forestal District Advisory Committee concurred with the staff recommendation of approval of the proposed withdrawal.

Case No. SUP-4-91. Stonehouse Sewer Force Main

Mr. Hunt disqualified himself from participation of transaction on this case.

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of a 24 inch sewer force main from Lightfoot to the Stonehouse Planned Community. Mr. Friel stated that staff recommended approval with conditions detailed in the staff report.

Ms. Gussman expressed concern regarding the limited amount of groundwater and that people were experiencing declining water levels in their wells for years.

Ms. Lowe commented on the buffers in the conservation areas and asked if the County intended to become the holder of conservation easements.

Mr. Friel responded that the County wanted that option available.

Mr. Garrett stated that the economic impact statement delivers only a positive impact and does not include negative impact, and that the modeling did not include

some important factors that would have produced a negative conclusion.

Mr. Kuras opened the public hearings for Case No. SUP-10-90, Case No. Z-10-89, Case No. AFD-3-86 and Case No. SUP-4-91.

Mr. Vernon Geddy, representing Stonehouse, Inc., introduced other individuals concerned with the Stonehouse project who were available to answer questions.

Mr. Geddy stated a difference in opinion with staff's comments regarding the fiscal impact statement stating that based on a valid methodology the assumptions were reasonable and that the project would pay its own way. Mr. Geddy further stated concurrence with the staff report based on the Comprehensive Plan but would not object to deferral.

Mr. T. H. Williams, Sr., 10030 Sycamore Landing Road, questioned if ground wells would accelerate water needs met by a reservoir. Mr. Williams requested denial of this project until the proposed Ware Creek Reservoir is built.

Mr. Lewis Cody, 4613 Ware Creek Road, stated that his well level has gone down and asked who would replace his water.

Mr. R. L. Hazelwood, 300 Old Stage Road, did not object to the project but was concerned about well water for himself and his neighbors and asked if the sewer line could be continued down Rochambeau to the interchange.

Mr. Andy Snyder, with AES, and engineer on the project, discussed the drilling and production of the wells.

Mr. Norman Mason of Langley & McDonald stated that the proposed interchange was 20 years or more away from construction but that the Comprehensive Plan recognized the advantage of the interchange to the County.

There were no further speakers. The public hearing was closed but later reopened to be continued at the June 11, 1991 Planning Commission meeting.

A brief discussion followed regarding why Stonehouse is a multi family project and the donation of other than Stonehouse land for affordable housing.

Mr. Garrett stated that the project should be able to produce something economically beneficial and more attractive to the County and should provide least cost housing.

Ms. Gussman stated she needed more time to think about the interchange as she felt as it was not shown on the Comprehensive Plan, it would not happen. She stated that the true density is not accurately portrayed as it includes areas that need

protecting anyway.

Mr. Kuras stated that from an economic standpoint the project would cost the County money and questioned how effectively the project would attract industry.

Mr. Garrett made a motion, seconded by Ms. McKenna, to hold a worksession on Tuesday, May 28, at 4:00 p.m., and continue the public hearing until June 11, 1991.

Ms. Gussman thanked the developer for candidness and cooperation in working with the County.

8. Case No. ZO-1-91. Zoning Ordinance Amendment/Group Homes

Mr. Murphy presented the staff report (appended) for an amendment to the Zoning Ordinance requiring group homes with eight or less residents be treated in the same manner as single family homes. Mr. Murphy stated that staff recommended approval of the amendment as presented.

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

Ms. Gussman made a motion, seconded by Ms. Lowe, to recommend approval of Case No. ZO-1-91 to the Board of Supervisors. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Gussman, Knudson, Betzner, Hunt, Kuras (9). NAY: (0).

9. Planning Director's Report

Mr. Sowers presented this report which was accepted as presented.

10. Setting of Future Meeting Dates

The Planning Commission will meet at worksession on May 28 at 4 p.m. to discuss the Stonehouse project.

11. Adjournment

The May 14, 1991, Planning Commission meeting adjourned at 10:50 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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