

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF APRIL, NINETEEN HUNDRED AND NINETY TWO AT 7:30 P. M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 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  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Mr. Donald C. Hunt  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Donald E. Davis, Jr., Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Ms. Elizabeth R. Sullivan, Senior Planner  
Mr. Trenton L. Funkhouser, Senior Planner

Mr. Kuras announced that the County's Comprehensive Plan had received an award from the American Planning Association. Mr. Kuras congratulated staff, Commission members, and all others who participated in the update of the Comprehensive Plan.

2. RESOLUTION

Mr. Kuras presented a Resolution of Appreciation to Ms. Carolyn Lowe for her outstanding service on the Planning Commission.

3. MINUTES

Mr. Davis asked that his comments regarding the emergency exit used by the Fire Department be included under Case No. Z-11-91, Master Plan Amendment to Chambrel at Williamsburg.

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Minutes of the March 10, 1992 Special and Regular meetings were approved with the above amendment.

4. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Development Review Committee Report was approved.

5. INITIATION OF ZONING ORDINANCE AMENDMENTS (ZO-4-92)

Mr. Sowers stated that when the County wishes to amend the Zoning Ordinance, the Planning Commission, prior to considering the amendment, must formally initiate such action. Mr. Sowers requested that the Planning Commission pass a motion to consider amendments to the Zoning Ordinance in Section 20-173 that provide a definition for "major subdivision." Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Commission by unanimous voice vote agreed to initiate amendments to Section 20-173 providing a definition for "major subdivision."

6. CASE NO. SUP-20-91. WILLIAM C. BRANCH/WASTEWATER TREATMENT SYSTEM

Mr. Friel presented the staff report (appended) stating the applicant's request for deferral to submit review information to staff.

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

The public hearing was continued until such time as the case is brought before the Planning Commission for action or for a period of six months, whichever occurs first.

7. CASE NO. Z-1-92/MP-1-92. MASTER PLAN AMENDMENT/POWHATAN PLANTATION

Ms. Sullivan presented the staff report (appended) to rezone a .57 acre area from PUD-R, Planned Unit Development-Residential, to R-8, Rural Residential, and to allow the transfer of this parcel to the adjacent Greensprings Chapel property. Ms. Sullivan stated that staff recommends approval of the applicant's request.

Mr. Kuras opened the public hearing.

Mr. Ralph Simmons, the applicant on behalf of Marc B. Sharp, made brief comments and stated that he was available to answer questions.

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

Mr. Kuras stated his concern that in the future owners will not be getting what they were promised.

8. CASE NO. SUP-5-92. NEWPORT NEWS WATERWORKS/HARWOOD MILL RAW WATER PIPELINE

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of a 48 inch raw water pipeline and outfall structure. Mr. Friel stated that staff recommends approval with the conditions stated in the report.

Ms. Gussman asked if the land over the pipeline could be cultivated.

Mr. Everett P. Skipper of Gannett Fleming, Inc., the applicant, answered affirmatively. Mr. Skipper further added that construction of this pipeline provided the City of Newport News with increased flexibility in the operations of their water system.

Mr. Kuras opened the public hearing.

Mr. Betzner asked if test wells are active.

Mr. Billy Forbes answered that no test wells are active.

There being no further speakers the public hearing was closed.

Ms. Gussman made a motion, seconded by Ms. McKenna, to find that the proposed raw water pipeline was consistent with the Comprehensive Plan, and to recommend approval of the special use permit with the conditions stated in the report. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0)

9. CASE NO. SUP-38-91. HENRY S. BRANSCOME, INC./LEE BORROW PIT  
CASE NO. SUP-39-91. HENRY S. BRANSCOME, INC./BICKFORD BORROW PIT

Mr. Friel presented the staff report (appended) stating that these cases were deferred at the March 10, 1992 meeting in order to advertise the fact that an access easement will be used to access the site. Mr. Friel stated that staff continues to recommend approval, with conditions, as stated in the March 10, 1992 staff report.

Mr. Kuras opened the public hearing.

Ms. Catherine Baker of Blows Flat Road had concerns regarding the 233 acre expansion, the increased truck traffic, and the danger to pedestrians and children on a narrow two lane road.

Mr. Alvin Anderson, retained by Greenmount Associates, spoke on the dangers of dump trucks on the narrow, 18 foot wide, two lane driveway; detriment to the marketability of the Greenmount property; the elimination of 233 acres from the County's prime industrial land inventory; the impact on taxes; the unsuitability of the site for conventional industrial development once the operation closed, and adverse impact of continuing to bisect the Greenmount site with the access road.

Ms. Inga Ferrell, resident of Blow Flats Road, opposed Blow Flats Road as an access because the road would be dangerous and children would not be able to walk or bike on the road.

Mr. Ray Turman, President, Branscome, Inc., commented that the borrow pit has been in operation on Blow Flats Road for 25 years; Branscome helped build and pave Blow Flats Road; Greenmount was aware of the borrow pit on the Bickford and Lee properties and purchased their land when the site was in full operation; and, Branscome runs a safe operation and deals with complaints as they occur. Mr. Turman asked that the Commission not delay in voting on the application.

Mr. Vernon Geddy stated they were willing to consider alternate access along with Greenmount.

Ms. Baker disputed Mr. Turman's statements that the borrow pit has been in operation for 25 years and that Branscome helped to build and pave Blows Flat Road, and further stated that for eleven of the fifteen years she lived on the road, there had been no truck traffic.

Mr. Wallace Davis stated he felt that both entering and exiting Blows Flat Road was hazardous and also disagreed with the hours of operation.

Mr. Betzner stated he could not support the request because of the road situation.

Ms. McKenna stated that general industrial areas should be used for manufacturing and this did not do that. She also expressed concern about impacts on Greenmount and lack of good access.

Ms. Gussman stated the site was well located but access was a problem.

Mr. Garrett stated that new info had been presented tonight and requested a worksession.

The Commission generally agreed that a worksession would be beneficial and voted 7-2 (Mr. Betzner and Mr. Davis dissenting) to hold a worksession prior to the next meeting.

The public hearing was continued until the May 12, 1992 meeting.

10. CASE NO. Z-10-91. MASTER PLAN AMENDMENT/GREENSPRINGS PLANTATION

Mr. Friel presented the staff report (appended) and discussed the proffer revisions received since the deferral of this case at the March 12, 1992 meeting. Mr. Friel stated that staff recommended approval of the master plan amendment as specified in the report.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing Greensprings Plantation, introduced others associated with this case who were available to respond to questions. Mr. Geddy briefly discussed the project and urged the Commission to approve the staff recommendation of approval of the master plan amendment.

Ms. Carolyn Lowe, Seasons Trace, expressed environmental concerns; i.e., withdrawals from Powhatan Creek for golf course irrigation, damage to wetlands and natural areas, pesticides, and Route 5 traffic.

Mr. Francis J. Smith, Powhatan Secondary, expressed his concerns regarding the Route 5 bypass, including environmental and traffic safety impacts; i.e., impact on Ironbound Road, wetlands and bald eagles. Mr. Smith stated that a petition is being prepared for submission to the County.

Mr. Pete Roberts, 2874 John Tyler Highway, was concerned about the impact on the Shellbank Creek area and submitted a video tape he had prepared and asked the Commission to view it individually.

Mr. Clifford R. Williams, First Colony, also expressed concern regarding impact on Route 5 and the retention of Route 5 as a scenic byway.

Mr. George Wright, Chairman of Route 5 Association, stated support of the diversion of Route 5.

In response to a question, Mr. Sowers responded that the long term plans for Route 5 indicate an eventual need to provide additional capacity, and the current Comprehensive Plan calls for the road to be four laned. He stated that staff's position on the Route 5 diversion will be based on the ability to avoid four laning Route 5, and that preliminary studies indicate that this would be the case.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff recommendation of approval.

Ms. Gussman stated that she felt the Commission shouldn't necessarily support the water withdrawal from Powhatan Creek and made a motion, seconded by Mr. Davis, that the project must receive proper approval from other agencies. The motion failed: AYE: Bradshaw, Davis, Gussman, Betzner (4). NAY: Garrett, McKenna, Hagee, Hunt, Kuras (5).

On the original motion for approval, the motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

11. CASE NO. ZO-2-92. ZONING ORDINANCE AMENDMENT/BUSINESS DISTRICTS

Ms. Sullivan presented the staff report (appended) and added an additional change: add limousine service to the B-1, General Business District, Section 20-330. Uses Permitted by Special Use Permit Only. Ms. Sullivan stated that staff recommended approval of this Zoning Ordinance amendment.

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

Ms. McKenna made a motion, seconded by Mr. Garrett to accept the staff's recommendation of approval with the addition of limousine service to the text. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

12. CASE NO. ZO-1-92. ZONING ORDINANCE AMENDMENT/RESIDENTIAL DISTRICTS

Mr. Friel presented the staff report (appended) and stated that nondevelopable should be struck from the text on pages 87 and 110. Mr. Friel further stated that staff concurs with the Residential Districts Subcommittee recommendation of approval of this Zoning Ordinance amendment.

Mr. Kuras opened the public hearing.

Mr. Norman Mason, Langley & McDonald, suggested that master plan changes which increase density in land bays but decrease overall density should require only Planning Commission approval without having to go back through the entire costly master plan amendment process of receiving both Commission and Board of Supervisors approval.

Mr. Paul Small, AES, agreed with Mr. Mason's suggestion, and further asked that the entire Commission review the open space calculations in the R-4 District so as to not affect existing R-4 developments when they need a master plan amendment. He stated that roads, parking, and the entire golf course should be counted as open space.

There being no further speakers the public hearing was closed.

Ms. Gussman stated that she felt that increases in densities should be handled through a public hearing.

Mr. Garrett stated that the open space calculations were changed to promote more diverse open space accessible to more people.

Mr. Friel stated that the proposed open space requirements disallowed roads and parking to count toward open space. Mr. Friel further stated that the subcommittee did not feel these paved areas were open space.

Ms. Gussman made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

13. CASE NO. Z-3-92. ZONING ORDINANCE AMENDMENT/MIXED USE DISTRICT

Mr. Funkhouser presented the staff report (appended) and delivered a slide presentation demonstrating mixed uses. Mr. Funkhouser stated that staff recommends approval of the Zoning Ordinance amendment.

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

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff's recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

14. CASE NO. ZO-4-92. ZONING ORDINANCE AMENDMENT/MAJOR SUBDIVISION DEFINITIONS

Mr. Friel presented the staff report (appended) and stated that staff recommends approval of the proposed amendment.

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

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (9). NAY: (0).

15. CASE NO. ZO-5-92. ZONING ORDINANCE AMENDMENT/R-2 SEWER WAIVER

Mr. Murphy presented the staff report (appended) for an amendment to allow the Board to grant a waiver from the public sewer connection requirement for duplexes provided certain criteria are met. Mr. Murphy stated that staff was opposed to this amendment but the Board of Supervisors instructed staff to forward this amendment and a subsequent rezoning case and special use permit.

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

Mr. Garrett made a motion, seconded by Ms. McKenna, to recommend approval of this Zoning Ordinance amendment.

Ms. Gussman stated that she would have appreciated the opportunity for more discussion at the Planning Commission level rather than working things out at the Board first.

Mr. Betzner stated he was uncomfortable about how this amendment came about and the fact it affects only one property.

The motion passed: AYE: Bradshaw, Garrett, Davis, Hagee, Hunt (5). NAY: McKenna, Gussman, Betzner, Kuras (4).

16. SIX YEAR PLAN FOR SECONDARY ROAD IMPROVEMENTS - 1992

Mr. Horne presented the staff report (appended) stating that the 1992 plan is the same as the 1991 plan, except for Forge Road which will receive one mile of reconstruction instead of 2.14 miles in FY94 because of VDOT's updated cost estimate. Mr. Horne further stated that staff recommended approval by the Planning Commission.

Mr. Kuras expressed concern regarding Greensprings Road and moved to include it in the 1992 plan.

Mr. Hagee questioned the damage to the historical area of Greensprings Road.

Ms. McKenna stated that this is one of the nation's first road and James City County has tried for years to protect it.

Mr. Betzner suggested reviewing Greensprings Road in two years.



Mr. Kuras' motion died due to the lack of a second.

Ms. McKenna made a motion, seconded by Mr. Betzner, to recommend approval of the Six Year Plan for Secondary Road Improvements - 1992, as presented.

17. PLANNING COMMISSION BYLAW AMENDMENT

Mr. Sowers presented this report (appended) for amendments to the Planning Commission Bylaws. The changes are the establishment of a nominating committee to propose nominations for Chairman and Vice Chairman, and provisions outlining composition and responsibilities of the Leadership Committee. Mr. Sowers requested the Commission to be prepared to act on the changes at the May 12, 1992 meeting.

18. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended).

19. SETTING OF FUTURE MEETING DATES

The Commission discussed a worksession prior to the next meeting to discuss the Branscome Borrow Pit cases and requested staff to contact Planning Commission members when a date is set.

Mr. Sowers informed the Commission that Ms. Patty Jackson of the Lower James River Association would make a presentation prior to the May 12, 1992 Planning Commission meeting at 7 P.M. in the Board Room. The presentation will be a video of the James River Management Plan.

20. ADJOURNMENT

There being no further business the April 14, 1992 Planning Commission meeting adjourned at 10:20 P. M.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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