

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF AUGUST, NINETEEN HUNDRED AND NINETY-TWO AT 7:30 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 Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John Hagee  
Mr. Donald Hunt  
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. Donald E. Davis, Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Mr. Trenton L. Funkhouser, Senior Planner  
Mr. Jeffrey J. Mihelich, Planner

2. MINUTES

Upon a motion by Mr. Betzner, seconded by Ms. McKenna, the Minutes of the July 14, 1992 Planning Commission meeting were approved as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Hagee abstained from voting on Case No. SP-62-92, Kingsmill Golf Course, due to a conflict of interest.

Upon a motion by Mr. Garrett, seconded by Mr. Kuras, the DRC Report was approved as presented.

4. CASE NO. SUP-21-92. HILDA H. HOLLINGER

Mr. Friel presented the staff report (appended) for a special use permit to allow the manufacture and sale of wood products (cabinet shop) on 2.53 acres zoned A-1, General Agricultural. Mr. Friel stated that staff recommends approval with the conditions detailed in the staff report.

Mr. Wallace Davis asked for clarification of what types of hazardous materials would be stored on the site. Mr. Friel stated that paint, varnish and solvents were a few of the materials that will be stored on the site.

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

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

5. CASE NO. SUP-23-92. BUSCH PROPERTIES, INC., GOLF COURSE NO. 3

Mr. Friel stated that the applicant had requested deferral of this case for one month, and that staff agreed with the request.

Mr. Hagee stated that he will abstain from voting on this case due to a conflict of interest.

Mr. Kuras stated that this case will be deferred for one month and that the public hearing will remain open.

6. CASE NO. C-1-92. COMPREHENSIVE PLAN UPDATE

Mr. Donald Davis presented the staff report (appended) of proposed amendments to the Comprehensive Plan. He stated that the amendments are part of the 1992 Comprehensive Plan annual review process.

Mr. Kuras stated that the first public hearing will be on the text amendments, followed by an additional public hearing to consider the land use plan map changes.

Mr. Kuras opened the public hearing.

A. Text Amendments

Mr. George Wright, representative of the Historic Route Five Association, stated that Rt. 5 has changed dramatically over the years. He stated that progress cannot be stopped; it can only be shaped by long range planning. He stated capacity improvements are needed to accommodate growth and that the Rt. 5 alternate is the best choice for the long term. Mr. Wright asked the Commission to recommend the Rt. 5 alternate as an amendment to the Comprehensive Plan. He also asked the Commission to take great effort to see that the beauty of the area is preserved.

Mr. Jerry Moore, of Governor's Land Associates, stated the reasons for which the alternate Rt. 5 was proposed. He stated that extensive traffic studies were conducted to see if the alternate road would eliminate the need to widen Rt. 5. He stated that the studies had identified benefits resulting from the alternate road, such as preserving the character of Rt. 5, it avoids directly impacting 80 residents, that no residents would be displaced, and it defers improving Ironbound Road and the Rt. 5/199 interchange. Mr. Moore stated that preliminary environmental studies indicated that impacts from the alternate roadway would be similar to the impacts resulting from the widening of Rt. 5.

Ms. Janice Spitale, 120 Greenbrier in Shellbank Woods, expressed support of the alternate Rt. 5 amendment. She stated that the design, construction and financing are being presented to the County on a silver platter. She requested that the alternate roadway be accepted as part of the Comprehensive Plan.

Ms. June Henderson, 3328 Running Cedar Way and a representative of the Westray Downs Board of Directors, stated that the concept of an alternate Rt. 5 has the support of their community. She stated that the approval of alternate Rt. 5 is considered the highest priority by the Westray Downs community.

Mr. Bill Holcombe, 4705 Lady Slipper Path and President of the Graylin Woods Community Association, stated that in order to provide the most good for the most citizens, the Commission should pursue with all diligence the alternate Rt. 5.

Ms. Jane Yerkes, 3037 Heritage Landing Road, spoke on behalf of the Preservation Alliance of Virginia. She presented information on this group and stated it's purpose and past actions. She urged the protection of Rt. 5 as a two lane roadway without any change to the present configuration. She stated it is the Alliance's job to protect the road and it's rich heritage.

Mr. Mark Wenger, 409 Hempstead Road, stated he makes his living in the tourist industry and that Rt. 5 is an economic asset in that it brings many tourists to the area, is of tremendous importance economically, and it should be preserved.

Ms. Jan Gehrki, 105 Old Carriage Way in Powhatan Secondary, stated that there will be severe environmental and ecological effects if this proposed road is allowed including erosion, sedimentation of the lake, runoff, and noise. She stated that the initial cut of the road will produce silt and erosion that will affect wildlife and migrating birds. She stated her concern for the wetlands and rare plants in the area.

Mr. Dave Mains, resident of Powhatan Secondary, stated his concerns about the bypass and its affect on the lake and the recreational area and their use by children and the neighborhood for civic events. He stated his concerns for the numerous wildlife in the area and how the proposed road will effect them. He stated that the plans for the proposed road are too close to the recreation areas. Mr. Mains stated that the residents will loose useful access to the lake. He stated that the Commission will be doing the County and the residents of Powhatan Secondary a great disservice by approving the proposed bypass and will disrupt neighborhood serenity.

Mr. John Santa Maria, Jr., 217 Old Court Road in Powhatan Secondary, stated that he is adamantly opposed to the proposed bypass. He stated that the bypass would have a detrimental affect on Powhatan Secondary Road. He stated that the traffic will increase tremendously on this road, and stated this is the area of the proposed Powhatan Secondary recreational site. He stated that the bypass will change the character of the road by making it dangerous and encourage cut through traffic from Ford's Colony. Mr. Santa Maria also stated that the bypass could impact a road that goes over a private dam that would require provisions for strengthening and that the area would no longer be suited for pedestrian use.

Mr. Reginald Gray, 117 Old Carriage Way in Powhatan Secondary, presented a petition of approximately 80 signatures (90% of Powhatan Secondary) to the Planning Commission which requests that certain issues be resolved. He read from a newspaper article which projected the funding costs for the road. He discussed the funding aspects of the proposed road. He stated that any shortfall would be paid by the special taxing district and by County secondary road funds, and therefore be a public expense. He stated that the funding plan is extremely open ended and the public should have ample time to review.

Mr. Horne stated that the funding plan is not before the Planning Commission at this meeting. He stated that funding will be a separate discussion if the Board of Supervisors accepts the concept. He stated that Commission endorsement of the Comp Plan amendment does not guarantee construction of the road.

Mr. Gil Bartlett, 211 Southpoint Drive, spoke on behalf of Norman and Hazel Sawyer of Powhatan Secondary. He expressed their opposition to the proposed bypass, and explained their decision to select Powhatan Secondary as their residence. He stated that the Sawyers had looked for an area whose future was established and selected Powhatan Secondary after reviewing the Comprehensive Plan, acting on what the County promised. He stated that the Comprehensive Plan which is mandated by the State as a local planning tool to prevent haphazard development is an instrument of prediction and a covenant between the County and citizens. Mr. Bartlett stated that there are no free roads; the costs are passed on to future residents in special tax districts and raises the cost of lots in Powhatan Secondary. He stated that the proposed road plan was "traffic control on the cheap." Mr. Bartlett stated that the bypass does not address the traffic problems, it merely moves the problem somewhere else and is inconsistent with maintaining the balance between residences and economic development. He stated that approval of the bypass will hurt the credibility of the Comprehensive Plan. He stated that the County is transferring the traffic burden of Rt. 5 to Powhatan Secondary. He urged the Commission to reject this proposal.

Mr. Lawrence Beamer, owner of Powhatan Secondary, stated that he remained an adversary, and it was a dangerous precedent to allow private developers to pass the burden of road improvements onto future residents of other developments.

He stated that the Powhatan Secondary residents are bearing the impact for something they do not want. He asked why the residents should be placed in a special taxing district to fund a road for other subdivisions. He asked why the County is taking up the cause of funding roads for Governor's Land and Greensprings. He stated that the County will make it more difficult for Powhatan Secondary to compete against other subdivisions outside the taxing district. He stated that the people benefiting from and needing the road should pay for it.

Mr. Grant Olson, a member of the Coalition for Quality Growth, stated that group's support for the proposed bypass. He stated that the Planning Commission and Board of Supervisors should be able to mitigate any problems associated with relocating the bypass. Mr. Olson talked about Ken Kinser and his efforts to propose a bypass of Rt. 5 to alleviate future traffic problems.

Ms. Jane Carroll, 2895 John Tyler Highway and owner of Orange Crest Kennels, stated that she is one of the founders of the Historic Rt. 5 Association. She stated that she has spoken in opposition to Governor's Land many times. She stated that the bypass affects her greatly because she will be between both roads. She stated that she has met with County staff, VDOT and the developers. She stated that the bypass should be supported for the sake of Rt. 5 and it's historic importance.

Ms. Susan Wolfe, 104 Oak Ridge Court, stated that the bypass will have a huge impact on Powhatan Creek, the wetlands and marshes. She stated that the construction, traffic and runoff will cause many environmental problems as well as loss of natural resources.

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

Mr. Garrett asked how Powhatan Secondary was placed in the special tax district. Mr. Horne stated that an undeveloped portion of the subdivision would be placed in the taxing district. He stated that owners of 51% of the assessed value of land or land area in the entire district must ask to be placed in the district.

Ms. Gussman asked about the comparative environmental impacts of widening Rt. 5 versus the proposed bypass. Mr. Horne stated that these impacts have not been examined in detail so it cannot be verified if one route is equal to the other. Mr. Friel stated that alternate Rt. 5 would be 600-800 feet from the nearest existing single family lot and 50-60 feet from Steeplechase Apartments.

Ms. Gussman asked about straightening a portion of News Road as suggested by a citizen. Mr. Horne stated that there could be a possibility of realigning and straightening News Road to tie into the connector. However, traffic studies analyzing this suggestion are pending.

Mr. Betzner asked staff if there was a private dam that the bypass road would go over. Mr. Horne stated that the road would not go over a private dam.

Ms. McKenna made a motion to adopt the language as presented in the staff report.

Mr. Kuras stated that the Planning Commission must see 10-20 years into the future. He stated that widening Rt. 5 would have a greater impact on more individuals because some homes would have to be taken to acquire additional right-of-way. He stated that the Commission must ask what is the degree of hurt. Mr. Kuras stated that he particularly supports the part of the funding package that would include the straightening of News Road as a prime consideration. He doubts the proximity of the bypass to homes would be a detriment to homeowners during the sale of the homes. Mr. Kuras stated this is a logical extension of Monticello Avenue, and that he supports the proposed bypass with a bikeway.

Mr. Garrett stated that the County needs to protect Rt. 5, and that the County has been consistent with this policy.

Mr. Betzner asked if the bypass is constructed, will Rt. 5 need to be widened in the future. Mr. Horne stated that the ability to forecast what traffic will be like in more than 10 years is difficult. Mr. Horne stated that the County should be able to live with only two lanes on Rt. 5 if more intensive land uses are not added.

Mr. Bradshaw stated that he does not feel he can make a decision tonight because of questions concerning the environment and safety. He stated that more thought is needed on what was said this evening.

Mr. Kuras stated that the Commission is only voting on the concept of a bypass.

Mr. Wallace Davis stated that because the idea of an alternate was discussed briefly and the concerns expressed by Mr. Bradshaw, he also believed more time is needed.

Ms. McKenna stated that the proposal is so broad that the Commission can vote tonight because they are only making a recommendation on this concept.

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the recommendations for the Comp Plan text changes as outlined in the staff report.

Ms. Gussman stated she would like to see information concerning the environmental impact and number of property owners impacted, but she stated her support for Ms. McKenna's motion; however the implication is that the bypass is represented by the map on the wall.

Mr. Kuras stated that there will be discussions in the future concerning the environmental impacts of the bypass.

Mr. Bradshaw stated that it troubles him greatly to vote no on the bypass when he agrees with the rest of the staff report.

Ms. McKenna's motion passed: AYE: Garrett, McKenna, Davis, Hagee, Gussman, Hunt, Kuras (7). NAY: Bradshaw, Betzner (2).

B. Land Use Map Change Applications

Mr. Friel presented the staff report (appended) in which three applicants requested a land use map amendment for their property. Mr. Friel stated that staff recommends denial of the three applications for reasons as stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. Stanley Akins, applicant in Case No. CPA-1-92, stated his desire to develop the property as a business park, and his intentions for future use of the property. Mr. Akins expressed his desire to provide services to the surrounding community. He also listed the types of proposed businesses for the parcel.

Mr. Akins continued his remarks by stating that his intent this evening was to gain an understanding of what the Commission intends to do. This understanding will allow he and Mr. Crawford an opportunity to know which course they should take in their future planning efforts for gaining a designation which will allow the land use they seek. He noted that it might be a bit premature to seek approval now given that he does not intend to start development for a couple of years.

Mr. Akins concluded his remarks by complimenting the Commission on the manner in which tonight's public hearing was conducted.

Mr. Kuras stated that the County has been fighting community sprawl, and this change would contribute to the sprawl, not contain it.

Mr. Grant Olson, speaking on behalf of the Coalition for Quality Growth, stated that this application would impact negatively on the adjacent property owners and would generate additional traffic on Richmond Road. He also stated that currently there is sufficient zoning for this type of business.

Mr. Olson, in referring to the Terrell request, stated that the PSA should not be extended. This would overturn the stated preferences of the majority, and exacerbate Rt. 5 traffic, and there was no pressing need for more timeshare development.

Mr. Olson, in referring to the Vermillion request, stated that the existing designation does not eliminate appropriate commercial and that the present designation addresses citizen concerns for historic protection and greenbelts.

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

Mr. Garrett stated that he would like to request that the Commission have a worksession to discuss the three applications. He stated that he is not ready to vote on these applications tonight. Mr. Garrett stated that he wanted time to consider the applications.

Ms. McKenna stated that the Commission and Board put in a mechanism whereby property owners could request a change in their property designation. She stated that she supports Mr. Garrett's request for a worksession.

Mr. Donald Davis asked what kind of specific new information the Commission



wanted.

Mr. Garrett stated that he felt there was a need to discuss the issues, and was not comfortable acting on the applications tonight.

Mr. Sowers stated that staff would like the Commission to consider recessing this meeting for one week, have a worksession and make a recommendation before the September 8 Board meeting.

Ms. McKenna stated that she felt a worksession was needed because the applications were the first ones to come before the Commission under the new process.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Commission agreed to recess the meeting until Tuesday, August 18, 1992 at 4:00 p.m.

7. PLANNING DIRECTOR'S REPORT

The report was accepted as presented.

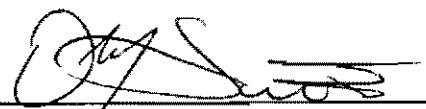
8. SETTING OF FUTURE MEETING DATES

Mr. Sowers informed the Commission that due to a conflict with the School Board, the September Planning Commission meeting will be Monday, September 14 at 7:30 p.m.

9. RECESS

The August 11, 1992 Planning Commission meeting was recessed at 10:00 p.m. until August 18 at 4:00 p.m. in Conference Room E.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary

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