

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELFTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY-THREE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Alexander Kuras, Chairman
Raymond Betzner
A. G. Bradshaw
Wallace Davis, Jr.
Martin Garrett
Victoria Gussman
John Hagee
Donald Hunt
Willafay McKenna

ALSO PRESENT

John T. P. Horne, Manager of Development Management
O. Marvin Sowers, Jr., Director of Planning
Needham S. Cheely, Director of Parks and Recreation
Leo P. Rogers, Assistant County Attorney
Allen J. Murphy, Jr., Principal Planner
R. Patrick Friel, Senior Planner
Elizabeth R. Friel, Senior Planner
Jeffrey J. Mihelich, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Betzner, the Minutes of the December 8, 1992 Planning Commission meeting were approved as presented.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Following a brief report, upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved as presented.

4. AMENDMENT TO ZONING ORDINANCE

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 to permit solid waste transfer stations by Special Use Permit in the following districts: MU, B-1, M-2, M-3 and A-1. Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Commission by unanimous voice vote agreed to initiate amendments to the aforementioned districts.

5. CASE NO. SUP-30-92. C. LEWIS WALTRIP

Mr. Sowers informed the Commission that the applicant had requested a deferral until the February meeting.

Mr. Kuras opened the public hearing. The public hearing was continued to the February 9, 1993 meeting.

6. CASE NO. Z-5-92. DONALD E. NEWSOM

Mr. Friel presented the staff report (appended) for a rezoning of approximately 2.00 acres from R-2, General Residential to L-B, Limited Business. The property is located at 7242 Merrimac Trail. The applicant intends to develop the site into a landscaping and nursery operation. Mr. Friel stated that the staff recommends approval as it is generally consistent with the Comprehensive Plan designation for this area and is consistent with surrounding development and zoning.

Mr. Wallace Davis asked if the railroad tracks were in use. He also stated that there was a gas station across the highway. Mr. Friel responded that the tracks did not appear to be in use and that it was a propane gas company, not a gas station across the highway.

Mr. Kuras opened the public hearing.

Ms. Nancy James, 7254 Merrimac Trail, representing the areas' residents and property owners, expressed concern and opposition to the rezoning of this property. She stated that 10 - 12 years ago it was decreed that this property would remain residential. The citizens do not want commercial development. The land is to remain residential and it was so stated in minutes of the Board approximately 12 years ago. She gave a history of the people in this area and stated it was not an area substantial enough for business. She again stated that this question was moot as it had already been resolved in about 1980-1981 that this area would remain residential. At Ms. James' request a group of residents (approximately 20) from the area stood in her support.

Mrs. James presented a "Petition In Opposition to Mr. Donald Newsom's Rezoning Request" (signed by 44 residents and property owners) to the Commission. She also presented letters signed by 15 residents and property owners opposing any business development in their community.

Mr. Hagee asked if a nursery wouldn't be a more desirable business than something else. Mrs. James responded that business was business and they wanted "no business" in their neighborhood.

Mr. James Hudson, whose aunt lives adjacent to the property, stated that they would all share the same driveway as the business and that would not be acceptable. He recommended on his aunt's behalf that the area be kept residential.

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

Mr. Davis stated that a few years ago an application for a used car lot in this neighborhood had been denied. Mr. Davis felt this application should be denied.

Mr. Garrett stated that this was transitional property. That it could go commercial through the private sector, but that it should not be piecemeal.

Mr. Friel stated that the applicant was drafting proffers to limit the site to one entrance and a privacy fence six feet from the back of the property.

Mr. Kuras stated that there was no proffer to keep this a nursery and not be used for other commercial uses.

Mr. Garrett made a motion, seconded by Ms. McKenna, to recommend denial to the Board of Supervisors.

Ms. McKenna stated that the past minutes regarding the rezoning of this property should be reviewed.

Mr. Garrett addressed the neighborhood group and told them that they must realize that this property would go commercial someday. He stated that it should go as a whole, not piecemeal.

On a roll call vote for denial of Case No. Z-5-92, the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (9). NAY: (0).

7. CASE NO. Z-6-92. RENICK PROPERTY

Mrs. Friel presented the staff report (appended) to rezone approximately 30 acres from R-8, Rural Residential, to R-2, General Residential. The property is located on the east side of Ironbound Road, just northwest of Ironbound Road's intersection with News Road. The site is proposed to be developed as a 59 lot residential subdivision with a density of approximately 2 units per acre and 30% reserved as open space. It is located within the Primary Service Area.

Mrs. Friel stated that proffers submitted with the application offer a Greenbelt along the property's Ironbound frontage and that a Phase I archaeology survey with necessary Phase II and site treatment plans was also offered. The proffers also specify that access to the development will be limited to a single entrance opposite the News Road/Ironbound Road intersection.

Mrs. Friel stated that an exception from the James City County Subdivision Ordinance would be required to allow the primary cul-de-sac to exceed 1000 feet in length. Staff has encouraged the applicant to provide a connection to the adjacent property to the west which is undeveloped at present.

Mrs. Friel stated that the staff recommends approval of the proposed rezoning, with proffers. The staff finds the proposal consistent with surrounding zoning and development and generally consistent with the Comprehensive Plan.

Mr. Hagee asked if the Phase I archaeological study had been completed.

Mrs. Friel stated that it had not.

Mr. Kuras asked if there were provisions for recreation.

Mrs. Friel stated that none were required, but that there was a pedestrian trail shown in the open space area.

Mr. Hagee stated that there could be significant impact as a result of the archaeological study.

Mr. Hagee then asked if the Archaeological Policy had been before the Policy Committee.

Mr. Sowers stated that it had not been before the Policy Committee.

Mr. Hagee stated that they needed to discuss the policy before imposing it on a property owner.

Mrs. Friel stated that the Phase I archaeology survey was a voluntary proffer offered by the property owner.

Mr. Kuras opened the public hearing.

Mr. Kniest, the applicant, stated that he concurred with the staff recommendation and that he would answer questions. He stated he wanted to know in the beginning of the development process the results of a Phase I study and that may determine if the development would be feasible.

Mr. David Tobler, an adjacent property owner, questioned if this development was compatible to the Meadows subdivision.

Mr. Kniest stated that he considers it a continuation of the Meadows.

Mr. Tobler stated that as long as it was compatible to the Meadows he had no problem with the plan.

Mr. Kuras closed the public hearing.

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

Mr. Kuras stated that an exception was being made to the regulation regarding the length of the cul-de-sac. He stated that it not be necessary if a connection was made adjacent property.

Mr. Kuras made a motion, seconded by Ms. McKenna, to recommend that the developer provide an interconnection to the adjacent property the south. On a roll call vote the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (9). NAY: (0).

On a roll call vote the main motion for approval of Z-6-92 passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (9). NAY: (0).

Ms. Gussman then stated that she felt one or two members of the Historic Commission should attend the Policy Committee meeting when they meet on the Archaeological Policy.

8. CASE NO. Z-7-92. WILLIAMSBURG CROSSING
CASE NO. SUP-32-92. WILLIAMSBURG CROSSING

Mr. Friel presented the staff report (appended) for a special use permit to amend a previously approved special use permit and the accompanying Williamsburg Crossing Master Plan. The applicant has further applied to rezone approximately 13.3 acres from B-1, General Business to MU, Mixed Use. The property is located immediately southwest of the intersection of Route 5 and Route 199.

Mr. Friel stated that staff recommended approval of the special use permit and the rezoning for reasons stated in the staff report.

Mr. Friel distributed copies of additional proffers.

Mr. Davis questioned if there were wetlands behind the Law Enforcement Building.

Mr. Friel stated that there could be some undevelopable property but not more than 35%, so the whole site would be developable for density purposes.

Ms. Gussman questioned the differing buffers. Mr. Friel responded that a 65 foot buffer was required by condition and if enhanced landscaping was used, that it could be reduced to 50 feet.

Mr. Betzner asked what C & D structures were? Mr. Friel stated that "C" structures are multifamily units up to two stories in height and contain four or more units. "C" structures are permitted up to 12 units per acre. "D" structures are multifamily structures that are three or more stories in height and contain four or more units. "D" structures are permitted up to 18 units per acre. Mr. Friel stated that it had been proffered that they meet the mix that is stipulated in the ordinance.

Mr. Kuras questioned the parking requirement. Mr. Friel stated the ordinance requires the developer to provide adequate parking, the present ratio required being 1.5 parking spaces per unit.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing Michael's Mews Associates, stated that Gary Werner, one of the principals of Michael's Mews and Norman Mason from Langley and McDonald were also present to answer any questions. He stated that the project would be a mix of two and three story units. He said the decision on the mix of condominium ownership and rental property had not been made at this time. He stated that he felt this project would provide an attractive transitional buffer between Route 5 and single family homes, and the more intensive commercial development. He further stated that this project would reduce traffic about 6% from the original commercial development proposal and that no road improvements would be required beyond what is currently to be provided.

Mr. Gary Werner stated that the project was in the early planning stage and that if there were parking problems that they would be addressed early on in the project and be corrected.

Mr. David Mullaney, 131 Ferncliff Drive, spoke against the addition of apartments to this area. He had serious concerns about the parking. He indicated that there would be a strain on the water supply in the area. He felt that there would be more people and more traffic during peak hours, especially at Ferncliff Drive.

Mr. George F. Wright, representing the Historic Route 5 Association, stated concern regarding approximately 1500 additional trips per day on Route 5 and location of the main entrance on a curve. Mr. Wright also stated that 150 feet of greenbelt would be destroyed as the project is developed. Mr. Wright requested further study.

Mr. Gene Sears, 118 Ferncliff Drive, stated that the development was not compatible with the surrounding area and felt a bad precedent was being set for James City County and that it would adversely impact property values. Mr. Sears felt that this plan needed further study.

Mr. Geddy offered a proffer to be included with the site plan submittal, regarding a parking study to be reviewed by the Development Review Committee. He further stated that this plan reduces the traffic from what it would be if the previous commercial plan was developed.

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

Ms. Gussman made a motion, seconded by Mr. Hagee, to recommend approval, with the oral proffers regarding the parking study to be approved by the Development Review Committee.

Mr. Bradshaw stated that he had concerns regarding the traffic, parking and downzoning from business to residential zoning.

Mr. Davis was also concerned regarding parking.

Mr. Hagee stated that it was a mixed use area which encouraged residential use.

Mr. Bradshaw stated that business was more appropriate and he felt this was a bad move.

Ms. McKenna stated that she was unclear as to the type of housing and wanted a definite plan. Ms. McKenna was also concerned with the traffic and road improvements in the area and felt the plans should provide a transition from the houses across Route 5 and Winston Terrace.

Mr. Kuras stated that being mixed use sets a precedent to zone this way. It would provide additional moderate priced housing in the area. Mr. Kuras preferred that business property not be used in this way. He stated that the area had already been approved for more people and more traffic.

Mr. Hagee stated that mixed use means transitional use and apartments. He questioned where future apartments would be located in the county. Mr. Hagee felt there was plenty of area for commercial development and indicated he supported the proposal.

Mr. Betzner stated that he envisioned the mixed use designation to have some percentage of residential use on the property and felt an obligation to consider mixed use.

Mr. Bradshaw stated that the Comprehensive Plan was a guideline, not a Bible. Is this transitional use -- houses to apartments?

Ms. McKenna stated that she would prefer an area with ownership interest.

On a roll call vote for approval, including the parking study proffered by Mr. Geddy, the motion passed: AYE: Betzner, Gussman, Hagee, Hunt, Kuras (5). NAY: Bradshaw, Davis, Garrett, McKenna (4).

9. CASE NO. ZO-12-92. SOLID WASTE TRANSFER STATIONS

Mr. Mihelich presented the staff report (appended) regarding a Zoning Ordinance amendment to define a solid waste transfer station and add solid waste transfer stations as a land use permitted by special use permit only in the following districts: A-1, General Agricultural; MU, Mixed Use; B-1, General Business; M-1, Limited Business-Industrial; M-2, General Industrial; and M-3, Limited Industrial. Mr. Mihelich stated that the staff recommended approval of the Zoning Ordinance amendments.

Mr. Bradshaw asked if surrounding areas could use the facility or only James City County and James City Service Authority.

Mr. Mihelich stated that it was not for sole use of James City County.

Mr. Sowers stated that there would be a work session prior to the next Board of Supervisors meeting regarding the operational issues. He stated that this was a request to change the ordinance.

Mr. Betzner asked for an explanation of the difference between a Convenience Center and a Transfer Station. Mr. Clark from the James City County Service Authority provided a definition for each facility.

Mr. Hagee questioned solid waste transfer stations in these districts.

Mr. Mihelich stated that the Special Use Permit and Site Plan process will allow the Planning Commission to more thoroughly review a site at that time. Mr. Sowers stated that the intent was to give the Commission flexibility to look at different sites.

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

Ms. McKenna questioned the wording ("such as") in Section 20-2. Definitions. Solid Waste Transfer Station.

Mr. Mihelich stated that it gave leeway to recycle other items in the future and not be limited to those listed in the ordinance.

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff recommendation for approval of the Zoning Ordinance amendment.

Ms. Gussman stated that Solid Waste Transfer Stations should not be located in B-1 areas.

Mr. Hagee also stated that the B-1 location should be removed.

Mr. Sowers stated that staff has no objection to the removal of the B-1 district.

Mr. Hagee made a motion, seconded by Ms. McKenna, to remove the B-1 district from the Zoning Ordinance amendment. On a roll call vote the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (9). NAY (0).

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

10. SIX YEAR PLAN FOR SECONDARY ROAD IMPROVEMENTS

Mr. John Horne presented the staff report (appended) for the Annual Review of the Six-Year Plan for Secondary Road Improvements - 1993. He stated that significant progress had been made in fully funding the projects on the existing priority list, due to the use of Revenue Sharing Program funds. With the completion of the existing list of projects, a basic framework of improved two lane roadways would be in place in the Primary Service Area. This year's recommended priority list, therefore, included a wider variety of project types including: intersection improvements, bikeways, four lane roadway design, and design of new future roads. Mr. Horne referenced the attached project list and offered to answer any questions.

Mr. Horne stated that staff recommends approval of the priority list of secondary road improvements projects.

Ms. Gussman asked what type of bikeways would be built.

Mr. Sowers explained that there would be Class I separated bikeways and Class II paved shoulder bikeways along the pilot project route.

Mr. Kuras commented that reserving the right of way for four lanes was good long range planning. He also stated that he felt safety should carry more weight and should be reviewed.

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

11. PARKS AND RECREATION MASTER PLAN

Mr. Ned Cheely, Parks and Recreation Director, presented to the Planning Commission the Draft Parks and Recreation Master Plan. He noted that the Commission had previously reviewed this Plan in a joint work session with the Parks and Recreation and Planning Commissions on January 6, 1993. Mr. Cheely briefly described the contents of the Plan and asked the Commission if there were additional comments and concerns. Mr. Cheely noted that endorsement of the Plan at this evening's meeting would not require a formal public hearing because the draft Recreation text (to be added to the Comprehensive Plan) would be forwarded to the Commission and the Board of Supervisors for action as part of the Second Annual Comprehensive Plan Review Process. Commission members discussed various aspects of the Plan.

Mr. Kuras made a motion, seconded by Ms. McKenna, to change page 5-4 to include the wording "other than a nominal homeowner's fee". On a roll call vote the motion passed: AYE: Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna, Kuras (8). NAY: Betzner (1).

The Commission also agreed to include a change in the Plan to eliminate any specific location reference for a bikeway in the Lower County. It was stated that they should change the wording to, "to be determined at a future date", instead of a specific location and to show the location on the plan map as a corridor rather than a specific line.

Mr. Bradshaw stated that he felt the Plan was overly ambitious, but that he endorses the Plan concept. He stated that it was a well written Plan, with lots of merit.

A motion was made by Mr. Garrett and seconded by Ms. McKenna to accept the staff recommendation to generally endorse the Plan, with amendments, and forward it to the Board of Supervisors with the recommended changes. The motion passed by unanimous voice vote.

12. ARBOR DAY AWARDS

Mr. Mihelich presented the nominees for Arbor Day Awards and asked for any further nominations for business or individuals. The potential nominees are Williamsburg Honda, Greystone, Clara Byrd Baker Elementary School, Toano Middle School, Trevillian Furniture (Ironbound Road) and the Citizen's and Farmers Bank (Longhill Road).

The Commission unanimously agreed to the nominees.

13. NOMINATION PROCESS FOR CHAIRMAN AND VICE CHAIRMAN

Mr. Kuras presented the nomination process for Chairman and Vice Chairman. He stated that they needed to elect one Planning Commission member at large to serve on the nominating committee.

Mr. Hunt nominated Mr. A. G. Bradshaw as the fourth member of the nominating committee. It was unanimously agreed that Mr. Bradshaw be elected as a member of the nominating committee. The commission then set Thursday, January 21, 1993 at 4 p.m., Conference Room E, as the meeting time and place.

14. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated that the Board of Supervisors would now meet at 7:00 p.m. for both of its monthly meetings. Any work session would be held prior to the second meeting at 5 p.m. A work session will be held on the Revised Parks and Recreation Master Plan on January 19, 1993.

Mr. Sowers brought to the attention of the Commission several items in the Reading File. He stated that the Virginia Innovations Newsletter mentioned the County's Comprehensive Plan.

Mr. Sowers informed the Commission of the Divisions new Customer Survey. He stated that this would be an ongoing project.

Ms. Gussman stated that she had heard a presentation by Mr. David Kleppinger on Planning for Entrance Corridors and suggested they get him to do a presentation for the Commission at a future date. A lot of his examples were from this area. Mr. Sowers volunteered to follow up on this and to set up a time for a presentation.

15. ADJOURNMENT

There being no further business, the January 12, 1993 Planning Commission meeting was adjourned at approximately 10:05 p.m.



Alexander C. Kuras, Chairman


O. Marvin Sowers, Secretary