

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF JANUARY, NINETEEN HUNDRED AND NINETY-FIVE 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 C. Kuras, Chairman  
Ms. Willafay McKenna  
Mr. Martin Garrett  
Mr. John F. Hagee  
Mr. Raymond Betzner  
Mr. Donald Hunt  
Mr. Jay Everson

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. Sanford B. Wanner, Assistant County Administrator  
Mr. Trenton L. Funkhouser, Senior Planner  
Mr. Gary A. Pleskac, Planner  
Mr. Mark J. Bittner, Planner

2. MINUTES

Upon a motion by Mr. Betzner, seconded by Ms. McKenna, the Minutes of the December 13, 1995 Planing Commission meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-33-94. HRSD - BIO-SOLIDS (SEWAGE SLUDGE) COMPOSTING FACILITY

Mr. Funkhouser presented the staff report (appended) for the construction of a bio-solids composting facility. Mr. Funkhouser stated that staff concurs with the request of the applicant, Mr. Vernon M. Geddy, III, on behalf of HRSD, to defer this case until the February 14, 1995 meeting.

Mr. Kuras informed the Commission that on a field trip to Silver Spring, Maryland, to observe a similar facility, he and Mr. Hunt found the operation to be well run with no odor whatsoever outside the property line.

Mr. Kuras opened the public hearing. There being no speakers, with the Commission's concurrence, the public hearing was continued to the February 14, 1995 meeting.

5. CASE NO. AFD-9-86. GORDON CREEK (KANE ADDITION)

Mr. Pleskac presented the staff report (appended) for an application to add approximately 164 acres to the existing Gordon Creek Agriculture and Forestal District. Mr. Pleskac stated that due to the lack of a quorum at a scheduled AFD Advisory Committee meeting, at which this case was to be heard, and the inability to assemble a majority of Advisory Committee members prior to this meeting, staff requests that the Commission defer this case until the February 14, 1995 meeting.

Mr. Kuras opened the public hearing. There being no speakers, with the Commission's concurrence, the public hearing was continued to the February 14, 1995 meeting.

6. CASE NO. SUP-35-94. VIRGINIA PENINSULA REGIONAL JAIL

Mr. Bittner presented the staff report (appended) for an application by Mr. Sanford B. Wanner, on behalf of the Virginia Peninsula Regional Jail Authority, for a special use permit to construct a jail facility to serve the Counties of James City and York, and the Cities of Williamsburg and Poquoson. Mr. Bittner informed the Commission of two recent changes to the application not reflected in their materials, as follows:

- 1) The staff report indicates that acreage to be subdivided for the jail is 35 acres. That figure has been changed to 17 acres as VDOT has decided to retain a portion of the original site.
- 2) The change in the architectural styling (a copy of the building outline was distributed to the Commission).

Mr. Bittner stated that staff recommended approval, with the conditions detailed in the staff report.

In response to Mr. Hagee's inquiry regarding only 25 feet of wooded buffer, Mr. Bittner stated that first they must determine where VDOT's right-of-way on Route 143 ends. If the right-of-way ends at the pavement there will be 25 feet of trees but if it ends at the tree line there will be 50 feet.

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.

Mr. Kuras questioned condition #8 regarding sodium vapor lighting on the site and whether it would be suitable. Also the use of sodium vapor is being reviewed at the request of the Board.

Mr. Bittner stated that the applicant's jail study proposed sodium vapor lighting for the site and the applicant is in agreement.

Briefly discussed was the use of sodium vapor lighting and the need for two entrances. Mr. Wanner stated that in order to accommodate the flow of traffic due to the number of activities one entrance would be used for workers and visitors (public) while the second entrance would be for the delivery of prisoners by various jurisdictions and for supplies and access to the mechanical rooms. Mr. Wanner further stated that VDOT concurs with the two entrances.

Mr. Everson made a motion, seconded by Mr. Kuras, to delete Condition #8 which states: All lighting on the site shall be sodium vapor and shall be subject to approval prior to final site plan approval.

On a roll call vote to delete Condition #8, the motion passed: AYE: Garrett, Hagee, Betzner, Hunt, Everson, Kuras (6). NAY: McKenna (1).

On a roll call vote to accept the staff's recommendation except Condition #8, the motion passed: AYE: Garrett, McKenna, Hagee, Betzner, Hunt, Everson, Kuras (7). NAY (0).

7. CASE NO. SUP-36-94. JOHN MERCER SATELLITE DISH

Mr. Bittner presented the staff report (appended) for a special use permit to allow the continued placement of a 7 foot diameter satellite dish at his residence at 209 Loch Haven Drive in Mirror Lakes Subdivision. Mr. Bittner stated that staff recommended approval with the condition detailed in the staff report.

In response to Mr. Everson's inquiry regarding visibility of the satellite dish to neighbors, Mr. Bittner stated that he had received a letter of approval from a neighbor supporting the application as it caused no undue hardship or visual blight to the neighborhood and felt that no screening was necessary.

Mr. Bittner stated that staff was in the process of amending the satellite dish ordinance and the proposed change would allow any satellite dish 3 feet in diameter or less to be installed without a special use permit.

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: Garrett, McKenna, Hagee, Betzner, Hunt, Everson, Kuras (7). NAY: (0).

8. CASE NO. Z-10-94 AND SUP-34-94. GO-KARTS PLUS

Mr. Pleskac presented the staff report (appended) for the rezoning of approximately 3.84 acres for the purpose of expanding existing outdoor amusement facilities, and special use permit to allow an outdoor center of amusement in the B-1, General Business District. Mr. Pleskac stated that staff recommended approval of the application to rezone and the special use permit with the conditions detailed in the staff report.

In response to Mr. Hunt's inquiry regarding closing the entrance at the crossover, Mr. Pleskac explained: The applicant offered to close the entrance at the crossover if he could keep his existing main entrance. This is not a logical alternative because it would not improve access to or from the site from eastbound Route 60. At present, motorists leaving the existing site must turn right onto westbound Route 60 and then perform a U-turn at a different crossover further west up the road to head into Williamsburg. In addition, motorists travelling on the eastbound lanes of Route 60 have to perform a U-turn if they wish to enter Go-Karts Plus. Putting the main entrance at the crossover, which aligns with the proposed rezoning site, will greatly reduce U-turns and will make the site directly accessible from eastbound Route 60.

Mr. Kuras opened the public hearing.

Mr. Robert Miller, a partner in Action Parks, felt the existing entrance would be adequate to serve the addition. However, at a later date, if the attraction draws many more people, then they would be glad to put in a new entrance. Also, Mr. Miller asked that Condition #5 be changed to read: All statues, monuments and signs *visible from Richmond Road* shall be approved by the Director of Planning.

In response to Mr. Everson's inquiry, Mr. Miller stated that the gravel road could be closed and an alternative access could be accommodated for the adjacent property owner.

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

Mr. Betzner made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval with the amendment to Condition #5 by adding *visible from Richmond Road*. The motion passed: (AYE) Garrett, McKenna, Hagee, Betzner, Everson, Kuras (6). (NAY) Hunt (1).

#### 9. CASE NO. Z-9-94. WHITE FARM

Mr. Pleskac presented the staff report (appended) stating that while some progress had been made on several issues since previously presented to the Planning Commission, some issues remain unresolved, which forms the basis for staff's recommendation to deny the rezoning application. Mr. Pleskac briefly discussed the issues and the three reasons for denial as detailed in the staff report.

Briefly discussed was the inclusion of pedestrian/bikeways within major developments and who should pay for their construction.

Mr. Pleskac pointed out that because there is no master plan for this property complicated issues exist. This rezoning, he stated, is located in the extreme northern part of the White property and had not been farmed because of well known drainage problems. This undesirable area of the farm creates many problems; i.e., internal connections, location of sidewalks, bikeways, etc. Mr. Pleskac also discussed the beaver dam, which acts as a regional BMP for several areas, regarding ownership of the beaver dam and its maintenance.

Mr. Horne stated that because a regional BMP has multiple drainage basins and parties involved, the coordination of maintenance is difficult. Therefore, the County wishes to act as the coordinating agency but does not wish to bear the total expense of maintenance as it is clearly a private benefit to private development.

The Commission also discussed entrances to the property and development impact on Route 5. Mr. Rogers informed the Commission that the applicant petitioned to join the Route 5 Transportation Improvement District, which requires approval from other members of the district and the Board of Supervisors; however, the Board has decided not to amend the district in the future. Mr. Rogers stated that while the district will pay for the two-laning of alternate Route 5, satisfactory mitigation by the applicant has not been proffered for its eventual four-laning.

Mr. Kuras opened the public hearing.

Mr. David Holland, attorney, on behalf of the applicant, stated that the applicant could not react to the Route 5 mitigation until the Board's meeting; Richmond Homes proffered to grant an easement for the bike/pedestrian ways along Greensprings Road and internally, but not to construct any of the bike/pedestrian ways; and, that Richmond Homes would be amenable to keeping the beaver pond and constructing its own BMP ponds.

Mr. George Wright, 148 Cooley Road, President of Historic Route 5 Association, complimented the Commission on its quality discussion of this case, and referred to the property as flat, does not drain, will not perk, has not been useable for anything but cutting timber, and is a natural habitat for water fowl, birds, deer and small mammals. Mr. Wright questioned the ethicality of the County to allow this property to be subdivided into residential lots. Mr. Wright felt there was no reason to allow more homes to be built on such marginal wetlands; therefore the Historic Route 5 Association requested denial of this application.

Ms. Jane Carroll, who resides and owns a business on Route 5, objected to developers from Richmond who have no regard for Route 5. Ms. Carroll felt there was uncertainty as to the kind of houses Richmond Homes builds and what they have done in another area. Ms. Carroll expressed interest in preserving the quality of the Williamsburg area.

There being no further speakers the public hearing was closed.

Discussion ensued regarding the staff's three items for denial. Mr. Rogers suggested that, based on the foregoing discussion, the Commission could do the following: A motion for denial as the project is being proposed; however, if the concerns raised in items 1 & 3 were adequately mitigated, then the Commission would be inclined to recommend approval.

Generally, the Commissioners expressed misgivings regarding the development of this property.

Mr. Martinko stated that they will change the proffers prior to Board consideration to conform with the Board's Route 5 participation policy.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of denial based on the three reasons in the staff report.

Mr. Hagee stated that he would accept staff's recommendation with reasons 1 & 3 but not with reason 2 regarding construction of pedestrian/bikeways, and questioned whether others felt that their construction should not be required by the developer.

Mr. Kuras suggested an amendment to the motion, and the Commissioners generally agreed, that the applicant not be required to construct both the path along Greensprings Road and an internal path linkage between the two sections, but that they construct one or the other.

On a roll call vote to accept the staff's recommendation of denial based on the reasons stated in the staff report with the modifications made to reason 2 suggested by Mr. Kuras, the motion passed: AYE: Garrett, McKenna, Hagee, Betzner, Kuras (5). NAY: Hunt, Everson (2).

Mr. Garrett made a motion that, if the proffers are changed, the case should be sent back to the Planning Commission by the Board.

On a roll call vote the motion failed: AYE: Garrett, McKenna, Kuras (3). NAY: Hagee, Betzner, Hunt, Everson (4).

Mr. Everson questioned the inordinate delays that surrounded the White Farm rezoning application. A spirited discussion ensued. Mr. Hagee suggested that a work session be held to discuss the proffer process in detail.

10. APPOINTMENT OF NOMINATING COMMITTEE FOR 1995 OFFICERS

Mr. Hagee was appointed to serve with Ms. McKenna, Mr. Betzner and Mr. Garrett on a nominating committee for 1995 officers which will be presented to the Commission at the February 14, 1995 meeting.


11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended) and reminded the Commission of the retirement dinner for Mr. Bradshaw.

12. ADJOURNMENT

The January 10, 1995 Planning Commission meeting recessed at 10:15 p.m. to reconvene on January 17, 1995 at 6:30 p.m. at the Williamsburg-Jamestown Airport.

  
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Alexander C. Kuras, Chairman

  
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O. Marvin Sowers, Jr., Secretary