



MEMORANDUM

Date: July 2, 2015
To: Records Management
From: The Planning Commission
Subject: Planning Commission Minutes: 12/12/1995

The following minutes for the Planning Commission of James City County dated 12/12/1995 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the 12/12/1995, Planning Commission meeting.

They were APPROVED by the current Planning Commission at the July 1, 2015 meeting.

Please accept these minutes as the official record for 12/12/1995.

Robin Bledsoe
Chair

Paul Holt
Secretary

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

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Jay H. Everson
Mr. Martin Garrett
Mr. John F. Hagee
Mr. Donald C. Hunt
Ms. Willafay McKenna
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Planning Director
Mr. John T.P. Horne, Manager of Development Management
Mr. Michael A. Freda, Senior Planner
Mr. Gary A. Pleskac, Planner

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Poole, the Minutes of the November 14, 1995 Planning Commission meeting were approved as presented by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett briefly reviewed the report and stated that the Committee recommended that Case No. MP-3-95, Longhill Road Subdivision, be deferred until the applicant submits a revised Master Plan as a PUD.

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-30-95. GOVERNOR'S SHOPPES

Mr. Sowers presented this report (appended) and stated that staff concurs with the applicant's request to defer this case until the January 9, 1996 meeting to allow time for VDOT comments to be received and reviewed.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued until the January 9, 1996 meeting.

5. CASE NO. SUP-2-95. WARHILL MASTER PLAN

Mr. Sowers presented this report (appended) and stated that staff concurs with the applicant's request to defer this case until the January 9, 1996 meeting to allow time for the applicant to work with staff in developing proffers and addressing other issues.

Mr. Kuras opened the public hearing. There being no speakers, and with the Commission's concurrence, the public hearing was continued until the January 9, 1996 meeting.

6. CASE NO. Z-15-95, Z-16-95, Z-17-95. SPRINGHILL REZONING & ADDITION

Mr. Sowers presented this report (appended) and stated that because the majority of the property to be rezoned was currently part of the Casey Agricultural and Forestal District (AFD), the applicant has requested, and staff concurs, that the case be withdrawn. The applicant's attorney has indicated that he wishes to apply to remove the parcels to be rezoned from the Casey AFD.

Mr. Kuras opened the public hearing. There being no speakers the case was withdrawn with no further action required by the Planning Commission.

7. CASE NO. SUP-29-95. REGIONAL JAIL COMMUNICATION TOWER

Mr. Michael Freda presented the staff report (appended) for a special use permit to allow the expansion of a tower currently approved for 150 feet in height at the regional jail now under construction off Route 143. Mr. Freda stated that this proposal would extend the tower to 185 feet in height with antenna(s) extending 15 feet above the tower for a total of 200 feet. Mr. Freda further stated that staff recommended approval subject to the conditions outlined in the staff report.

In response to Mr. Everson's inquiry, Mr. Freda explained that there was a Contel tower approximately one mile to the south. He indicated that the tower could not be used and that a tower needed to be placed on the jail property to insure that if the phones became inoperable the tower could be used for backup communication. He further stated that the tower and maintenance building at its base need to be easily accessible in case repairs are needed at the tower.

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

Mr. Kuras stated that he felt a multi-use tower was an advantage and that the County could expect to see many requests for towers with about six cellular systems that will probably be applying to compete against each other. Mr. Kuras felt that multi-use towers should be stressed as companies will be competing for the best tower site.

Mr. Hagee made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

8. Case No. Z-14-95. James River Commerce Center (M-1 Portion)

Mr. Gary Pleskac presented the staff report (appended) to rezone approximately 209.54 acres from Mixed Use District with proffers to M-1, Limited Business/Industrial District with proffers. Mr. Pleskac stated that staff recommended approval to rezone with the attached proffers.

Mr. Poole stated that he would abstain from any participation on this case because of a conflict of interest.

In response to Ms. McKenna's inquiry, Mr. Pleskac confirmed that a single commercial entrance on U.S. Route 60 would be allowed only with the prior review and approval of the Director of Planning and VDOT. Mr. Sowers stated that this condition was in the previous application approved by the Commission.

Mr. Kuras opened the public hearing.

Mr. Alvin Anderson, the applicant, stated that he was available to answer questions.

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

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Kuras (6). NAY: (0). ABSTAIN: Poole (1).

9. Case No. Z-19-95. Associated Developers (Mainland Farm)

Mr. Gary Pleskac presented the staff report (appended) to rezone approximately 109 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers, for the purpose of developing single-family residential homes.

Mr. Pleskac distributed copies of a letter from Albert M. White, III, and Frances M. White, to be considered part of the staff report. Also, Mr. Pleskac distributed a map which illustrated the two Mainland Farm zoning cases being presented at this meeting. Further, he stated that Mr. Henry Stephens distributed two letters, one from himself and the other from Mr. and Mrs. White requesting deferral of this case.

Mr. Pleskac stated that in a late development on this day Mr. Stephens indicated that Mr. and Mrs. White wished to meet with staff to discuss master plan issues. Mr. Pleskac further stated that staff concurs with this request and the deferral of this case.

Mr. Kuras opened the public hearing.

Ms. Kathryn Marshall Arnold, a nine year resident of Jamestown 1607 who has served as a member of its Board as President, Vice President and Treasurer, and an adjacent property owner to the Mainland Farm spoke on behalf of her neighbors. Ms. Arnold spoke of the severe drainage problems that have occurred from the planted or unplanted fields of the

Whites' farm. Ms. Arnold stated that they are not opposed to development in the area but ask that the Planning Commission and the developers assure that every measure possible will be taken not to create further drainage problems.

Mr. Henry Stephens, on behalf of the developer, stated that he was available to answer questions, and requested deferral of the case.

There being no further speakers, and with the Commission's concurrence, the public hearing was continued until master plan issues are resolved.

In response to Mr. Everson's inquiry regarding drainage problems that could occur, Mr. Stephens responded that his engineers have studied the site and feel that in the case of Jamestown 1607 the natural drainage areas of the site will guide the water away from 1607.

Mr. Stephens pointed out that today there is more intense review by staff, engineers, and Chesapeake Bay analysis.

In response to Mr. Everson's inquiry regarding intent to proffer or post a bond to guarantee that the drainage is not "goofed," Mr. Stephens responded that he would discuss the matter with his engineers and inform the Commission.

Mr. Kuras commended the developer and the Whites for proposing a master plan for the entire piece of property which will be a benefit to them as much as to the County.

Mr. Kuras stated that the proposed master plan of the entire site should cover drainage, off-site traffic, the protection of internal residents, and also ensure that problems are not dumped off on the County.

In response to a citizen of Drummond's Field regarding compilation and implementation (enforceability) of the master plan, Mr. Sowers stated that discussion will be held with the applicants as to what the master plan will address, and its enforcement.

Mr. George Francis, 104 Halstead Lane, stated that the dry sediment pond with a dam across a creek located behind his property was designed with adequate drainage but the drainage does not work which has created a significant drainage problem. Mr. Francis requested that it be seriously addressed.

Mr. Sowers asked both speakers contact Mr. Pleskac with their concerns.

10. Case No. Z-20-95. Greensprings LLC (Mainland Farm)

Mr. Gary Pleskac presented the staff report (appended) for an application to rezone approximately 17 acres from R-8, Rural Residential, to R-2, General Residential, with proffers, to develop 34 single-family residential homes. Mr. Pleskac stated that staff recommends denial of this application for the reasons stated in the staff report; however, if the reasons for denial are resolved to the satisfaction of staff, staff may reconsider this application and make a favorable recommendation to the Board. The Planning Commission may, however, elect to

hear this case again once the issues for denial, or others that may arise, are addressed to its satisfaction.

Mr. Kuras asked if the right-of-way width of Greensprings Drive was wide enough to bring it up to future state standards.

Mr. Pleskac responded that the way the proffers are written road improvements would be exclusive of the greenbelt buffer. If any additional right-of-way is needed, VDOT requires that some clearing would be necessary and we try to keep it to a minimum.

Mr. Kuras said that whether the County clears now or later we should have sufficient right-of-way to bring the road up to standards, otherwise we would have to buy the right-of-way later.

Mr. Hagee questioned where the future road right-of-way is located.

Mr. Horne stated that there is no provision in the current case to require the dedication of the right-of-way.

Mr. Sowers stated that in order to address Mr. Kuras' concern a proffer could be made at this stage to give us the right-of-way when and if the road needs widening.

Mr. Kuras felt now was the time to acquire the right-of-way in order to avoid problems in the future.

Mr. Hagee asked: if the applicant was willing to proffer a 150' greenbelt from the edge of the future right-of-way, how would we determine where the greenbelt starts and ends.

Mr. Sowers stated that would be determined at the development stage based on survey information and future right-of-way.

In discussion regarding the greenbelt it was determined that 175 feet from the centerline was adequate.

Mr. Kuras opened the public hearing.

Mr. Marshall Findley who represents Greensprings LLC briefly discussed the additional right-of-way to bring Greensprings Road up to minimum State standards, improvements necessary to increase the pavement cross section to minimum State standards, the wetlands study regarding environmental issues raised regarding the Richmond Homes application, investigation of the drainage issues by the County's consulting engineer as well as the developer's engineer, the Whites donation of a significant conservation area which will be owned by the County and be the location of the 12 foot pedestrian/bikeway, the developers' disagreement with the cash proffer for the Route 5 Improvement Proffer Policy, and intent to work with the County on the entrance, and limiting all clearing in the greenbelts to a 60 foot wide area.

Mr. Hagee questioned what the applicant proposed to base the cost of the cash proffer on if not the price of the house.

Mr. Findley responded that the intent of the proffer is to base the cost on the actual value of the house but that he was not the builder and did not know what this would be.

In response to Mr. Everson's inquiry regarding assurance or guarantee that the proposed drainage would work, Mr. Findley responded that he was not an engineer but would rely on professional advice which includes: the developers engineer to prepare the development plans for the subdivision, engineers the County hired to prepare the drainage study, and the County engineering staff.

In response to Mr. Everson's question regarding a performance bond to assure the drainage work, Mr. Findley again commented that there are three sets of engineers involved in the design. He stated that the applicant is required by the County Subdivision Ordinance to post a performance bond covering what has been planned, approved, and actually built. That bond, he said, would not be released until the as-built drawings have been verified by the County.

In response to Mr. Garrett's inquiry regarding 50% of the homeowners use of Route 5, Mr. Findley responded that the other 50% would use Jamestown Road, which Mr. Garrett felt would be as much of a problem as the use of Route 5; and, for this reason did not agree with the proffered cash contribution of 50% times 1% of the value of each home constructed within the project, in accordance with the Route 5 Improvement Proffer Policy. Mr. Garrett questioned if it shouldn't be for 1% for all houses no matter where they go.

Mr. Home stated that Mr. Findley was doing what was required by the Board of Supervisors (Route 5 only) but the Board may wish to consider Mr. Garrett's suggestion.

Mr. Garrett stated that unless the applicant revised the proffer he would vote against the proposal.

Mr. Hagee questioned why staff was concerned with the proffer if it was consistent with the Board's recommendation.

Mr. Pleskac responded that the problem is because there is no verification of the selling price of the homes or when the payment would be collected.

A discussion followed regarding the appropriate time to collect the payment.

Mr. Findley stated that he would amend the proffer to reflect that payment would be collected at the building permit stage.

In response to Mr. Hagee's inquiry regarding historic resources, Mr. Pleskac stated that the problem involved the historical character of Greensprings Road and allowing an entrance where the tree canopy is on the northern end of Greensprings Road. However, Mr. Pleskac stated that he felt this could be resolved.

Mrs. Frances White of Mainland Farm stated her family's awareness of problems in the Jamestown 1607 area and have used bales of straw to prevent some of the drainage problems discussed. Mrs. White also stated that her family would work with the County to achieve a plan acceptable by all parties. Mrs. White felt that reference to the previous Richmond Homes project should be avoided and that this project should be approached as a separate case as they have worked hard to alleviate the previous problems of two entrances and drainage.

Ms. White asked that this case be considered on its own merits and that they would work with Mr. Stephens and the County staff to present an acceptable master plan for the balance of Mainland Farm.

Mr. Howard McDermott, 2792 John Tyler Highway, did not agree with the 100 year flood plan or the engineers on this project and was concerned that no one had addressed the drainage under Route 5 and the fact that a high school is being built that will drain into the ditch that the beaver pond drains into. Mr. McDermott felt that if development is continued in the Route 5 area, there is major concern regarding flooding and especially cited the Fieldcrest Subdivision.

Mr. George F. Wright, President of the Historic Route 5 Association, stated opposition to piece meal development and rezoning of such a large and prime piece of property without an overall plan for its development. Mr. Wright stated that a master plan should be produced for this project.

Mr. John Hewitt, a Director of the Greater First Colony Civic Association, stated that Mr. Wright's comments also reflect the position of residents of Greater First Colony, and encouraged the Commissioners to look at the benefits of a master plan rather than piece meal development of the property.

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

In response to Mr. Garrett's inquiry, Mr. Pleskac stated that outstanding issues to be resolved include a mechanism for the collection of the cash proffer, legal separation of the conservation area, and master plan.

Mr. Sowers stated that the absence of a master plan is a major concern to staff because without one there are no assurances we will not continue to receive requests to piecemeal development similar to this proposal.

Mr. Horne stated that while there is discussion among staff and the developer about a master plan, there is nothing whatsoever, in place, that is binding, nothing that would guarantee that we would not receive another rezoning request for 500 yards down the road, in the tree canopy, for another entrance.

Mr. Garrett made a motion, seconded by Ms. McKenna, to defer this case to the January meeting, stating concern with additional piecemeal development

Following further discussion regarding Mr. Everson's concern for accountability of proper drainage, staff reiterated the importance of correct engineering by the outside engineer, and rigorous review by the County Engineer, followed by thorough County inspections.

In response to a question regarding a possible drainage related proffer, Mr. Horne stated that he could conceive of a proffer that would call for a higher level of field inspection and verification to the County and of a performance bond held for a longer period of time after the County had released the other construction bond.

Mr. Horne felt that with three levels of engineering and our history we will do a much better job than in the past.

Ms. McKenna stated that she supported the motion for deferral based on staff and applicant meeting to resolve issues and language in the proffers, and because she is satisfied that the drainage is okay, architectural requirements have been met, and that trees will be maintained as much as possible.

On a roll call vote the motion passed: AYE: Garrett, McKenna, Everson, Poole, Kuras (5). NAY: Hagee, Hunt (2).

11. PLANNING COMMISSION MEETING CALENDAR

Because of the conflict due to the Board of Supervisors changing the date the its meetings to the 2nd and 4th Tuesday of each month, the Leadership Committee recommends, and staff concurs, that the Commission schedule its meeting for the 1st Monday of each month. By voice vote, the Commission unanimously approved the Planning Commission meeting schedule for 1996.

12. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended) and reminded the Commission that the last Community Conversation will be held on Thursday, the 14th, at the Recreation Center from 9 a.m. to 11:30 a.m.

Mr. Sowers stated that if there is a heavy meeting schedule in January he will inform the Commission if it is necessary to begin the meeting at 7 p.m. On the agenda will be the Board's referral to the Commission of the timbering ordinance and the steeples ordinance

13. OTHER MATTERS

In regard to Board of Zoning Appeals Case No. ZA-25-95, Fernbrook Associates, for a variance to allow a second subdivision sign, Mr. Kuras asked that the Planning Commission request that the Board of Zoning Appeals deny the request. Mr. Kuras requested that the following statement be sent to the Board of Zoning Appeals:

"The Fernbrook Associates has applied for a variance to allow a second subdivision sign for the property at 2850 Greensprings Road. The Planning Commission recommends that this request be denied for the following reasons: there appears to be no hardship or significant advantage for the second sign. The current sign is more noticeable than all other subdivision signs along Greensprings Road. Greensprings Road is a Greenbelt Road that the Planning Commission feels should be preserved with its rural character as much as possible. Adding a second sign will increase a garish look not in keeping with the character of the road. The Planning Commission places a great importance on the integrity of the current sign ordinance. Also a number of citizens have voiced a negative opinion of the second sign for the above reasons."

Mr. Kuras made a motion, seconded by Mr. Garrett, that the statement be sent to the Board of Zoning Appeals for consideration at its December 21, 1995 meeting. The motion passed by unanimous voice vote.

Ms. McKenna distributed to the Commissioners copies of the survey which the Citizens Participation Team is contemplating sending to 5000 residents.

In response to Mr. Everson request, Ms. McKenna will acquire a copy of the Reed's Landing Corporation vs The Powhatan Board of Supervisors.


Mr. Horne briefly reviewed the Courthouse/Town Plan Design Competitions which is now in the second phase in which the actual winner will be determined by the end of January.

13. ADJOURNMENT

There being no further business, the December 12, 1995 Planning Commission meeting adjourned at 9:45 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary