

THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, RECONVENED THEIR REGULAR MEETING OF OCTOBER FOURTH, NINETEEN HUNDRED AND NINETY-NINE ON THE TWENTY EIGHTH DAY OF OCTOBER, NINETEEN HUNDRED AND NINETY-NINE AT 3:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett, Chair  
Alexander Kuras  
Willafay McKenna  
A. Joe Poole III

ALSO PRESENT

Marvin Sowers, Director of Planning  
Leo Rogers, Deputy County Attorney  
Paul Holt, Senior Planner

ABSENT

John Hagee  
Donald Hunt  
Wilford Kale

2. CASE NO. SO-1-99 COMPREHENSIVE REVISION TO THE SUBDIVISION ORDINANCE.

Staff Report -Section One (Subdivision Ordinance, Sections 19-2 - 19-40)

Martin Garrett stated that at the October 4 meeting the Commission took a straw vote on Section One of the Subdivision Ordinance and the changes that were received by the Commission had been incorporated and asked if anyone had anything else to add.

Joe Poole felt that the concerns of the Commission were covered appropriately.

No further action needed to be taken by the Commission for Section One.

Staff Report - Section Two (Subdivision Ordinance, Sections 19-20 - 19-29)

Martin Garrett stated Section Two included items discussed by the Commission on October 4 and the Commission requested staff to do some rewording. He asked if the Commission had any comments on the changes for Section Two.

Alex Kuras said in Sec. 19-33. (c) it stated "All utilities shall be placed within easements or street rights-of-way ...." and commented that utilities also ran from the poles to the house which were part of the utilities and asked if poles were intended to be in the easements.

Paul Holt stated that these were only for service mains and not the lateral connections.

Martin Garrett suggested the deletion of the word "All" to "Service Main." He asked if there were any other changes. There being no further changes to Section Two, they proceeded to the next section.

Staff Report - Section Three (Subdivision Ordinance, Sections 19-42 - 19-72)

Martin Garrett asked if the Commission wanted to continue going through the section one page at a time or would it be amenable to the Commission to just discuss those items of concern.

Willafay McKenna said they should take them up and address them as needed because they had already gone over these several times.

Paul Holt stated he would go through starting with Sec. 19-42 of the ordinance and said he would stop at each section where to date there had been comments or questions or where issues had come up. He said the first issue was Sec. 19-48. Street alignment and layout and asked if the Commission had any questions or needed anything clarified.

Willafay McKenna said she had given a lot of thought to item #4 and felt a sign that was 24" x 36" in size was just too large. She wondered if there might be a provision that the sign be placed at ground level but raised up at a slight angle so that it would be viewable by someone who came and approached the area but would not be an eyesore for the residents in the neighborhood.

Paul Holt handed out a visual of what he felt would help in the discussion. He said he received this from one of Virginia's more progressive communities and that's where the ordinance language came from.

Martin Garrett felt that Willafay's suggestion was better than the example shown.

Marvin Sowers stated there was no reason why the sign couldn't be placed on a much lower pole, as long as it was high enough for the VDOT mowers to see it.

Joe Poole continued to want to strike item #4 altogether. He was comfortable with the language on the plat and did not advocate or support any more signs. He did not feel there was a need for additional signage in residential subdivisions.

Willafay McKenna stated that would be her preference as well and felt the buyer had the responsibility of knowing what the restrictions were in a subdivision.

Marvin Sowers stated there had been public hearings where property owners spoke stating they had no knowledge of a connector street between one subdivision and another. He said the Commission was the one who would have to be comfortable with this situation.

Martin Garrett also stated he did not like of idea of a sign and felt they could deal with the residents as needed during the public hearings. He moved to strike item #4. In a unanimous voice vote, motion passed.

The next Sec. 19-50 (c) referred to the drainage pipes where the invert had to be at least a half foot higher than where the water falls out of the pipe.

Marvin Sowers mentioned that one of the changes that had been made was in response to the comments from Langley and McDonald was the decrease in slope from 0.5% to 0.3%

Paul Holt added that staff included in the end of that section the requirements of the slopes do not no exceed 3:1 when they are not inside the right-of-way.

In a unanimous voice vote, the Commission concurred with the changes in Sec 19-50 (c).

Paul Holt stated he wanted to have a separate dedicated conversation regarding the sidewalks and multi-use pedestrian connections so he asked if they could go through the other issues before covering this one.

Willafay McKenna stated that one thing they discussed was the possibility of standardizing the sizes of street signs so they would be of a large print, similar to the ones used in the City of Williamsburg. She asked if Sec. 19-55 would address that issue.

Paul Holt stated that would not be addressed under that section but it could be addressed. He stated the Grab Bag Committee chose not to get any more detailed because there was a recognition that several subdivisions had unique signage systems. They did suggest that the letters be made of some type of reflective material. He stated if the Commission wanted to set a minimum size requirement that could be done.

Martin Garrett stated he did not want to put a minimum requirement upon someone who didn't want it especially inside subdivisions.

Paul Holt stated that one thing they might have to do first would be to check with VDOT because a lot of the city signs were maintained by them.

Alex Kuras stated VDOT would not maintain the signs unless they were standard.

Marvin Sowers stated he did not think that the signs in the City of Williamsburg were VDOT standard signs.

The Commission was in agreement regarding street signs.

Paul Holt continued with Sec. 19-60 stating that a provision was provided that didn't allow for different types of septic tanks but did allow for the flexibility of using two additional septic tanks where a conventional system wouldn't work. He stated that these happened very infrequently over the past ten years.

Alex Kuras stated he still had a problem with this especially since the Rural Lands Committee was meeting and didn't think they should open up additional land outside the PSA. He felt this could turn a lot of non-perking land into perking land and suggested that the Commission wait until the Rural Lands Committee finished their work and let them make a recommendation. He recommended that certainly this be the case inside the PSA and suggested rewording paragraph (2) to say "inside the PSA where conventional septic tank systems are not feasible or as a remedial upgrade to any existing system, and ..." By doing this, it would not permit them outside the PSA until the Rural Lands Committee finished their work.

Martin Garrett commented that there were subdivisions, particularly Kingspoint, where sewer was available but many chose not to connect. He asked if they would permit someone who could hook up to sewer, to go to another type of design septic system.

Alex Kuras stated that Kingspoint had an agreement that if they needed to upgrade their system they would have to hook up to the sewer lines.

Paul Holt suggested that they might want to add "for lots inside the PSA" to amend it to say "where they otherwise wouldn't be required to hook up by JCSA."

The Commission concurred.

Alex Kuras had one more issue regarding the sentence under item (3). He suggested added the wording at the end of the sentence "..... or identified as open space."

Martin Garrett stated if it were open space it didn't belong to the property owner and therefore he would not be permitted to use it. He did not think that someone who had a failing system be allowed to put an alternate field in what was classified as open space.

Alex Kuras stated it read "any proposed lots not suitable for the installation of septic tank systems shall be combined with lots that are suitable." He said that didn't mean the other lot could have the septic tank system. It only meant that if there was a section where, due to wetlands it was not suitable for a septic tank system, that when they plat it out as a lot they couldn't put the alternative septic field there, it could only be designated as open space.

Paul Holt commented that he if understood Alex Kuras correctly, he was saying a developer would have two choices where a lot wouldn't be suitable for a septic tank, he could either join it in with a new lot or he could make it into open space.

The Commission concurred with the changes.

Paul Holt continued with Sec. 19-67 which was questioned regarding the language in paragraph (2). He stated this was the same language that was taken out of the zoning ordinance that had been used before for Rt. 199 extended and Alternate Rt. 5. He believed that it was never envisioned that plans for roadways had to get to the engineering stage and approved as a site plan before they started to set back properties for additional rights-of-way.

Marvin Sowers stated the comment reflected the concern about lack of clarity as to when a road was formal enough to require the dedication. He said that over the years, the County practices evolved through discussions with the legal department as to what that meant adding that staff understood that these roads were on the Primary Road Plan, Secondary Road Plan, and Comprehensive Plan.

Leo Rogers stated he did not know if there was another plan the Commission could identify, but there was a Road Map Plan in the Comprehensive Plan that identified roads that the County wanted to see expanded that might already be on the Six-Year or Secondary Road Plans and if that were done, then the code would allow the County to request the dedication for reservation of that right-of-way.

Paul Holt then reviewed Sec. 19-71 for shared driveway requirements for minor subdivisions. He said there were two separate issues. One was applying some sort of maximum lot size to which this would apply, adding if there were ten or twenty acre lots there would be a loss of open space due to the long driveways that would have to be put in. He stated that the way the ordinance was now worded it would apply to any minor subdivision of three to five lots and that it had been suggested that it be reduced to apply to all minor subdivisions. He said staff could support that but it would require anyone who wanted to divide off one lot the additional responsibility of setting up long term maintenance for the shared driveway.

Alex Kuras recommended support of two or more lots and adding the wording at the end of the first sentence "limited to one shared driveway, except that lots of 5 acres or more may have individual driveways."

Willafay McKenna asked if this would apply to a family subdivision.

Paul Holt stated that a family subdivision had very specific requirements and that these requirements do not apply.

The Commission was in concurrence with the changes of this section.

Paul Holt continued with Sec. 19-72 Performance Assurances. He stated the only thing done to the section was updating the procedural changes. The next issue was where the service mains were to be located, whether under the pavement or within the front half of the ditch depending on which cross section it is. He then followed with the GIS Submittal Policy and stated the language proposed, in Sec. 19-29, was changed due to some concerns. The change was to protect surveyors who weren't using a Cad System to draft plans.

Regarding under pavement utilities, Marvin Sowers stated that VDOT, in some localities, was permitting it and he urged the Commission to vote for approval. He felt the Commission should go forward with this recommendation. He stated that the design standards in the subdivision street manual for VDOT actually stated that if the locality adopted it, it would supersede what the residency required and they must abide by the localities adopted standards.

Alex Kuras asked what the position was of the Service Authority.

Paul Holt stated they were strongly in favor of this change.

There being no objections, the Commission approved these changes.

Norm Mason of Langley and McDonald stated he realized the public hearing was closed but did ask if he could make a comment. He stated he completely agreed with the theory. The problem was that VDOT had informed them on two occasions that they would not allow it. He stated it was a pilot program in York County only. He requested that the Commission not put them in a position of having to submit plans, which they know VDOT would reject, and then have to redo them at a cost of many thousands of dollars. He stated they completely agreed with the idea of putting them under the pavement.

Joe Poole stated he hoped they would be able to secure an approval from the Board of Supervisors and resolve that issue.

Alex Kuras had a comment on the exceptions that were requested by the owner for his advantage and suggested that there might be an exception that would be for the advantage of the County for environmental, historic, or aesthetic reasons.

Willafay McKenna stated his comment might already be covered in Sec 19-18 (b). She felt if it were to be too defined developers would come in and look to the exception. She did not want to be in a position of always inviting one to use the exception. She preferred that they comply with what the plan was supposed to be.

#### Staff Report - Section Four (Zoning Ordinance, Section 24-35)

Paul Holt presented the report and stated that in some of the correspondence received earlier there was concern about what problems they were trying to fix with this ordinance. He said this specific section was a reflection of the goals, strategies, and objectives of the Comprehensive Plan and in the very first staff report done in September, he listed the five or six strategies and goals in the Comprehensive Plan implementing inner joining pedestrian connections. During the Comprehensive Plan Update there was full recognition that vehicular inner connections weren't necessarily desired at that time. He stated there was even a provision in the transportation element that there be such a design and that they be used for emergency thoroughfares. He felt if the

Commission disagreed in concept they might want to spend sometime on that before getting into some of the details. He stated the Grab Bag Committee did spend a lot of time talking about the specifics and also considered a lot of "what ifs" during their discussions. He felt what was reflected in the ordinance was what his committee thought was the best in terms of providing the public benefit of pedestrian connections and getting them to a point where they would be most accepted to those living in the subdivisions. He said he would answer any questions the Commission might have.

Willafay McKenna stated she had no questions but felt this was a very good continuation of what the Commission had been trying to do over the last couple of years, particularly the use of placing them at the end of cul-de-sacs and having them serve a dual purpose of a pedestrian walkway and use for emergency vehicles. The other item she mentioned was the sidewalk being placed along Rt. 5 near the shopping center and how useful and necessary they were becoming.

Paul Holt stated the committee knew they couldn't write the perfect standard to best suit each individual future subdivision and stated that with the flexibility provided the Commission could modify any of these requirements. He added that due to the requirement of a conceptual plan the developer would be able to know, based on topography, where the pedestrian connections would or would not work when submitting these plans to the department.

Alex Kuras felt the wording was too specific in Sec 24-35 (c) and suggested some flexibility.

Marvin Sowers stated that this was a different exception item than what was previously discussed. He stated this item did give more leeway and stated there was flexibility that the Commission, through the DRC, could address.

Paul Holt stated that was one reason why staff amended item (d) to be more user friendly and more flexible than the generic exception language which appeared in Sec. 19-18. He added that for item (c) it spoke of cul-de-sac streets and said it was not intended that the pedestrian connection be placed at the cul-de-sac bulb. It was for all streets that ended in a cul-de-sac should have a connection and if the Commission wanted it clarified, staff would reword that item.

Willafay McKenna suggested that verbiage from paragraph (d) be placed in paragraph (b) so it would say "multi-use pedestrian connections to schools.... or upon a favorable recommendation...." That way the developer would clearly see that he could provide either what was stated or come up with something equivalent. It would not change any thing but it would change the emphasis.

Alex Kuras felt that this requirement should not state "all" cul-de-sacs and suggested the word "suitable."

Joe Poole felt that Willfay's suggestion to move the verbiage did indeed suggest flexibility which was the intent and he felt comfortable with that change.

The Commission agreed to drop the word "all," move the verbiage, and change the length of the cul-de-sac from 500' to 1,000'.

Willafay McKenna asked for clarity on item (4).

Paul Holt stated that where there were private streets, that pedestrian connections need to connect to the nearest public road right-of-way. He stated the way he envisioned that happening

was where a pedestrian connection was located on one side of the development and another one on the other side of the development, there needed to be some type of pedestrian easement to cross. However, the requirement was not intended for planned communities with private streets, such as Ford's Colony or Kingsmill.

Willafay McKenna asked specifically what portion of it would be accessible to the general public at all times.

Paul Holt stated all portions of the 30' pedestrian connection right-of-way where it connected and not interior to any private streets.

There being no further discussion, Willafay McKenna recommended approval with the changes made by the Commission.

Skip Morris of 107 Edward Wyatt asked the Commission if he could comment on two items in Section Four. He said had been involved with two particular subdivisions stating he had come before the DRC to request a number of streets be converted to cul-de-sacs because people liked to live on cul-de-sacs. He said he supported these pedestrian connections and the idea of the emergency access ways as a good way to extend cul-de-sacs. He commented there were two things in the section that he had a problem with. The first was the idea of making these connections accessible to the public where there were private streets and the second was the width of the pedestrian connections. He urged the Commission to consider flexibility on the width of the pedestrian connections and the aspects of whether they should be public.

Martin Garrett agreed with Skip Morris regarding his comment on public access but felt that the width of the pedestrian connections needed to be greater than the 3' suggested.

Alex Kuas felt the wording "shall be accessible to the general public" might be changed because these connections were owned by civic associations for subdivision use and suggested the wording "shall be accessible to the association members and guests."

Paul Holt stated the Comprehensive Plan's intent was to connect one residential subdivision to another and to provide for flexibility. In several instances it would be coming off of a public street and connect to another public street and he did not believe that they could enforce a situation where they have these connections and then subdivisions start to limit who used them. He said they were then getting into a private pedestrian connection.

Willafay McKenna stated that it was her understanding that they were not talking about the internal portions of a subdivisions but only the network that connects one public area to another. She added that the planning of the location of these connector streets would be up to the developer.

Mark Rinaldi of 10022 Sycamore Landing Road added to what Skip Morris had commented on stating he saw an entire evolution of thought come full circle on this very issue in a five year period. He stated the Fairfax County Environmental Quality Corridor Program began linking stream valley corridors and linking neighborhoods through those corridors. He stated it was very successful in terms of preserving open space and providing linkages but then there were problems of crime. They then required lighting for these facilities which caused some problems from the homeowners nearby. He stated the real problem was the false sense of security for people. He said when they were connected between two cul-da-sacs that were only one lot depth apart perhaps that wouldn't be a problem, but the wording of the language in this section stated that the connector could be on cul-de-sac that is a thousand feet long. He also brought up the issue of liability and who would be

responsible if something happened, the HOA, the developer who put it in place, or the County because they directed the developer to put it in.

Alex Kuras felt the ordinance was indicating that the County wanted more pedestrian connectors than there really should be. He felt under controlled conditions they were very good.

Norman Mason of Langely and McDonald stated he was thoroughly confused regarding the pedestrian connectors especially when speaking of internal versus external. He said he had a master plan of a development that showed a lot of cul-de-sacs and asked if they might discuss where, on such a plan, these pedestrian connectors would be placed.

Martin Garrett asked the Commission members if they were willing to let the DRC discuss Section Four.

The Commission concurred.

Willafay McKenna made a motion, seconded by Joe Poole, to approve the Subdivision Ordinance and recommended to send the Zoning Ordinance change relating to Pedestrian Connections to the Development Review Committee (DRC) for further discussion. In a roll call vote, motion passed (4-0). AYE: McKenna, Poole, Kuras, Garrett. (4); NAY: (0).

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Martin A. Garrett, Chair



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Marvin Sowers, Secretary