

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIFTH DAY OF JUNE, TWO THOUSAND AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett, Chair
Don Hunt
Wilford Kale
Willafay McKenna
A. Joe Poole III
Peggy Wildman

ALSO PRESENT

Marvin Sowers, Director of Planning
Leo Rogers, Deputy County Attorney
Christopher Johnson, Planner

ABSENT

John Hagee

2. MINUTES

Upon a motion by Joe Poole, seconded by Don Hunt, the minutes of the May 1, 2000, meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Joe Poole presented the report in which the DRC heard three cases at its May 31, 2000, meeting and one case prior to tonight's meeting. He stated the DRC recommended approval for The Pointe at Jamestown which came before the DRC to discuss the drainage structures to assure conformance; Mulberry Place which came before the DRC because there were several issues regarding drainage structures and paths. He stated the DRC was expecting a resubmittal of Mulberry Place. He said the final case was for the Greensprings Plantation RV lot in which a screen fence and landscaping were reviewed. He stated that at tonight's meeting, the DRC reviewed and recommended approval for landscape buffer variances for Powhatan Townhomes.

Peggy Wildman made a motion, seconded by Wilford Kale, to recommend approval of the DRC report. In a unanimous voice vote, motion passed.

4. CASE NO. SUP-7-99. GRIESEN AUER RESIDENTIAL CLUSTER.

Christopher Johnson presented the staff report stating the applicant had requested the deferral of this case to the July 5 meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was continued to the next meeting.

5. CASE NO. SUP-8-00/SUP-9-00. LEE/BICKFORD BORROW PITS.

Christopher Johnson presented the staff report stating the applicant had requested the Commission defer this case until its July 5 meeting.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was continued to the next meeting.

6. CASE NO. SUP-10-00. St. Bede Catholic Church.

Christopher Johnson presented the staff report stating the Commission deferred this case from

its May 1, 2000, meeting in order that the applicant address the concerns raised over the proposed buffer along the adjacent properties in The Meadows subdivision and the traffic impacts caused by the proposed development. He stated staff reviewed the revised master plan and had recommended several changes to the conditions attached to the special use permit as outlined in the staff report. Staff found the proposal, with conditions, consistent with the surrounding zoning and development and Comprehensive Plan. Staff continued to recommend that the Planning Commission approve this proposal as outlined in the staff report.

Martin Garrett opened the public hearing.

Father William Carr, pastor of St. Bede, spoke on the history of Catholicism in Williamsburg and how the church had evolved into the large congregation that exists today and for their need to have such a large church in James City County. He explained the process of the design and landscaping for this site and as good neighbors, informed the adjacent properties owners of their intent. He asked that the Commission support this application by their recommendation of approval. Father Carr then introduced Eliza Eversole.

Eliza Eversole, Co-Chair of the Building Committee and a resident of James City County, stated that the master plan presented to the Commission had taken several years to develop and throughout the process they had made many changes. She said the most significant change was the location due to the generous gift of land by the Diggs family. She said this wonderful property on Ironbound Road had provided St. Bede with tremendous opportunities for its 7,000 members, the thousands of visitors that worship with them each year, and for future generations. She continued by stating that they reviewed many options and central to their all deliberations was the idea to preserve the natural beauty of the land, reflect the area they lived in, and honor the Catholic traditions. She stated at the May meeting there were two major concerns: traffic and side setback and buffers for The Meadows subdivision. She said that the responses to those concerns had given the church the opportunity for a good plan to be even better. She introduced Alvin Anderson who reviewed those modifications.

Alvin Anderson of Kauffman and Canoles stated in the Comprehensive Plan the suggested use for this parcel was for low-density residential which permits, with a special use permit, houses of worship. He stated that, using conservative estimates, a minimum of 75 single-family dwelling lots could be constructed on this parcel which, according to VDOT projections, would generate 750 vehicle trips per day, seven days a week. He noted that the serpentine nature of the parking lot had been straightened since the last meeting and moved approximately 20 feet further inward and the undisturbed buffer minimum was 50 feet adjacent to the rear lot lines of The Meadows. He said that beyond the 50 foot buffer there would be, in addition to landscaping, additional landscaping plus a 60 inch fence or wall where any paved surface in the parking lots was within 70 feet of the rear lot line. He stated St. Bede and its representatives gave considerable attention to the neighbors next door and had worked at length with staff to get the conditions that were acceptable and would permit the development. He concluded by asking that the Commission make a recommendation of approval to the Board of Supervisors.

Martin Garrett asked Alvin Anderson about his mention of the paved surface because Liza Eversole stated that the parking lots would not be paved.

Alvin Anderson clarified his comment by stating that "from the edge of the 'parking surface' to the rear of the lot line.

Gary Besnier of 110 Whistle Walk in The Meadows commented on the traffic study and recalled the huge problems that occurred when the Jamestown Road bridge washed out and felt that on Sundays these problems will occur at intersections around the church. He said his house was the one most affected by this application and asked if they could move the church 20 feet why couldn't they move it another 50 feet. He concluded by saying he wanted to be a good neighbor and asked that St. Bede be a good neighbor to him.

Geri Farrell of 3424 Wexford Run spoke in support of this application.

Alex Kuras of 112 Pasbeheg Road spoke in favor of this application and asked the Commission to recommend approval to the Board.

Jack Carey of 422 Hempstead Road and a member of the St. Bede Building Committee stated they wanted to be good a neighbor but, as a steward of the monies given by the parishioners, they could not always do what everyone wanted.

Robert Morris of 103 Birdie Road and a member of the Building Committee spoke on the issue regarding the parking lots and whether the building could be moved just anywhere. He stated the master plan was designed for future expansion for a youth activities building, social facility, and a parish office and that they were centrally located to the site.

Marie Maloney of 4504 Village Park Drive East and a member of St. Bede spoke in support of this project.

Edward Lull of 100 N. Berwick and Chairman of the Parish Council of St. Bede spoke of the gift of land given to the church and their obligation to use it as the giver had intended. He stated this church will enhance the beauty and status of James City County now and for the next 50 years. He asked that the Commission approve this application.

Bernard Farmer of 14 Tempsford Lane and a member of the parish spoke briefly from an engineering standpoint on how good design occurred and how it evolved from an understanding of the unique characteristics of the land, topography, vegetation, and open areas. He said, with that understanding and a thorough knowledge of the requirements of the design, the two came together to create a concept that satisfied both what was already there and what needed to be put there. He encouraged the Commission to recommend approval of this project.

There being no further speakers, Martin Garrett closed the public hearing.

Martin Garrett made a motion, seconded by Willafay McKenna, to accept staff's proposal. He commented that as opposed to some colleagues at the last meeting, he did not conceive of any transportation problems. He stated that whenever there were recreational, cultural, or religious events there would be a lot of cars congregated into a small space and there would be some congestion. He did not feel that a transportation problem was one that was at issue and if it was, it had been well covered in the staff proposal.

Wilford Kale stated at the last meeting, the Commission did not have a VDOT report nor did they have all of the proposals for the traffic study. He said that he was never opposed to the project but did have several concerns that still were not alleviated. He stated he measured off 70 feet from Gary Besnier's property line and said if there was no berm or fence for that lot, the angles of the far right parking lot would throw light directly onto his home. He said he knew he was trying to solve a problem for one property owner and understood it couldn't always be done but asked when it came to the construction of the project and they saw the homes that would be affected, that they should extend the berm or fence.

Martin Garrett asked Wilford Kale if he wished to recommend that the berm or fence be extended.

Wilford Kale said he would like to see either the fence or berm protect lots 11 and 13 and stated he didn't know which one would be better.

Glenda White of 104 Whistle Walk, lot 10, said that due to the loss of some large trees during

the past several storms, the location of her home sitting down low, and the skylights on the back of her home, there would be an impact on her property. She also had concern regarding the run-off from the property.

Wilford Kale asked Leo Rogers if he could amend the motion to state that either a berm or fence be placed in front of the property.

Leo Rogers said a motion to amend could be made at any time. He suggested an amendment to the motion that stated the Director of Planning, during the construction process, may approve the site plan or amendments to the site plan that would allow for additional screening and contain some objective factors that would denote whether it would be a fence or berm.

Martin Garrett asked if this would go before the DRC. He then asked Wilford Kale if he would defer to the DRC.

Wilford Kale agreed to defer this issue of the buffer area to the DRC.

Joe Poole stated he was impressed with the sensitivities of the design submitted by the applicant and agreed with Wilford Kale that the last piece of the puzzle needed to be fine tuned. He felt it had been done by the applicant from the plan that was presented tonight. He also commented that he did not want to be diswayed by a threat that if it were not a church it could be housing. He said he supported this application with the conditions provided in the staff report.

Willafay McKenna seconded what Joe Poole had stated and added that maybe when this project was built, it might just be a welcomed site that people may not want to close off the view. She said she was pleased that this month they were able to address the issues that met the concerns brought up at the May meeting. She thought it was an appropriate place for this project and fully supported this application.

Peggy Wildman said she was also pleased with the solutions brought back that addressed the major concerns at the last meeting. She supported this application and felt the project would be a beautiful addition to the County.

Don Hunt fully supported the application. He commented that he had to take issue with one thing because he himself was a land owner. He stated that the last person to fill in the puzzle should not be penalized by having additional requirements placed upon them and felt that would be a serious mistake.

Wilford Kale commented on the spirit in which the parish leaders of St. Bede responded to the statements that were made at the Commission meeting last month. He said he received a number of positive calls regarding this plan and was pleased with the plans that were brought back tonight.

In a roll call vote, motion passed 6-0. AYE: McKenna, Hunt, Kale, Poole, Wildman, Garrett (6); NAY: (0).

7. CASE NO. SUP-7-00. HERTZLER CLEARING AND GRADING.

NOTE: The Planning Commission made a field trip to the site on May 12, 2000, for the purpose of viewing the tub grinder and conducting sound tests from adjacent residential properties.

Christopher Johnson presented the staff report stating that Steven Hertzler had applied for a special use permit to allow the construction of a contractor's office and warehouse, storage of heavy equipment, and the manufacture of wood products at 9537 Barnes Road. Staff found the proposal, with conditions, generally consistent with the surrounding zoning and development, and Comprehensive Plan. Staff recommended that the Planning Commission make a recommendation of approval for this

application as outlined in the staff report.

Willafay McKenna asked if, in reading the language in condition #4 which allowed the tub grinder to be operated between the hours of 8 a.m. and 6 p.m., Monday through Saturday, that meant if they wanted to operate the tub grinder they could operate it approximately 300 days a year.

Christopher Johnson stated he believed that the way the condition was drafted the applicant could use it for an unlimited number of days, but due to the scale of the operation, they would not have enough material on the site for a daily operation. He stated the applicant would be renting the equipment and bringing it to the site, so the financial obligation of having the equipment beyond the time of use would be significant.

Willafay McKenna said there was no condition to lease and asked what could happen if they purchased the equipment.

Christopher Johnson said it could be possible but due to the scale of the operation, he did not feel the applicant had any desire or intention to purchase the equipment. He added that if the applicant needed to expand the 2-1/2 acre site for the mulch operation, the condition that limited them to the 2-1/2 acres would necessitate the applicant to look for another site.

Peggy Wildman asked if there was a particular rationale in the designation of 8 a.m. through 6 p.m. of operating hours.

Christopher Johnson stated that, based on discussions with the applicant, it was concluded that the time period gave them enough leeway when they have the equipment that they did not have to use it for more days than necessary. He said it would also give protection to surrounding properties that it would not be used during hours when most people were expected to be home.

Don Hunt asked if the interstate generated a decibel level of 70 and the tub grinder also generated 70 decibels, did that mean that there would be a total of 140 decibels or did it mean that you could not distinguish one noise from the other.

Christopher Johnson said it was not a doubling of the decibel level but you would hear two different sounds of 70 decibels that might produce a total of 73 or 74 decibels. He said the results of testing at the site and at adjacent properties were in the staff report.

Martin Garrett opened the public hearing.

Raymond Steward of 9583 Barnes Road, adjacent to the applicant's property, spoke of his concerns about the noise level, water runoff, truck traffic, and narrow road width. He said the applicant stated he had no more than two or three trucks but at this time a number of trucks, some of them not being the applicants, had been hauling as though the applicant already had approval of this application. He was opposed to this project and asked the Commission to deny this application. He handed out a petition with 50 signatures for the Commission members.

Rosa Mayes of 135 Racefield Drive stated that the neighborhoods on Barnes Road, Racefield Drive, and Belmont Drive firmly opposed this application. She said she moved to the upper part of the County in order to stay away from the downtown areas, major traffic areas, and the impact of massive growth from commercial or industrial permits. She stated that safety was number one in their way of life and felt they should not have to sacrifice their safety for this application. She stated that the roads were not designed for heavy duty equipment and felt, due to the number of trucks already entering the area, about 10 to 15 per day, the applicant was already operating a business on that property without any approval. She expressed concerns about well impacts and presented a petition of 56 signatures of neighbors opposed to this application.

Betty Smith of 9347 Barnes Road said she moved to this area because she was forced out of her home by businesses with the construction of the Coliseum Mall and did not want to be forced out again. She spoke of the mud trails on the road leading out of the applicant's property and also felt that there were activities taking place without any permits. She stated her main concern was the traffic and strongly opposed this application.

There being no further speakers, Martin Garrett closed the public hearing.

Martin Garrett said he could not speak for the Rural Lands Committee which met several times regarding rural lands but felt there were things that this County did not need in the way of growth. He said the rural areas of this County were the only places where certain type of things should be and felt this enterprise was not detrimental but beneficial to the upper County. He said he did not disagree with the traffic concerns that would be created but stated the applicant may be required to improve the entrance with a turn lane. He felt this application was appropriate for the rural area.

Willafay McKenna said she was prepared to recommend approval. She was convinced by the data received that the noise generation of the project was not going to impact the immediate properties. She also referred to the conditions that applied to this application stating there would be no commercial sales and that this operation was a means to get rid of bi-products from development on other sites. She said it was her understanding that because the mulched materials would stay on site that it would improve the land and with the restrictions placed on the property, would be a means of helping the environment by recycling the wood. She emphasized there would be no sales taking place at this site and commented to Betty Smith that with that limitation of sales, her concerns of excessive traffic were met.

Christopher Johnson clarified that there were three uses in the A-1 ordinance that required this application receive a special use permit. One was the manufacture and sale of wood products, the other was the storage and repair of heavy equipment, and last being a contractors office and warehouse. He said those three categories were listed in the public hearing ad and the adjacent property owner letters but the conditions in the staff report eliminated the sale from the site and there are added controls over the location of the disturbed area, limitation on the amount of disturbed area, and on the location of the warehouse and office.

Wilford Kale asked if work had begun at the site.

Christopher Johnson said work had been done on the site to clear for an entrance road so the tub grinder could be placed in an area to best approximate the distance for accurate sound tests that were performed during the site visit. He stated there was already a cleared area on the property for a mobile home where the applicant's father presently resided. He said the actual operation of this business was not occurring on the site at this time.

Raymond Stewart said he was retired and lived next door to the property and stated he had been watching the applicant hauling materials onto the property for the last eight months.

Willafay McKenna noted for the adjacent property owners that the last sentence in condition #3 stated that no retail sales of wood, mulch, or wood materials shall be permitted on the site.

Betty Smith asked the applicant what he would be doing with the wood chips created from the stumps and other debris that would be hauled onto the property.

Tim Fannin representing Hertzler Clearing and Grading stated the materials that would be generated by this operation would be stored on the property, spread out and turned into top soil. He stated they would create berms along the interstate and along the backside of the property. He said they did not anticipate the materials adding up to much due to the low scale of the operation. As for the

run off concerns, he stated the Department of Environmental Quality would require them to address those issues when they applied for permits for the discharges of the stormwater.

Martin Garrett announced that the public hearing had been closed. He again stated that wood products could not be sold and if they were, it would be in violation of the law.

Christopher Johnson stated the residents were responding to the public hearing ad and the adjacent property owner letters given the use categories in the A-1 ordinance.

Martin Garrett again explained to the residents that the condition placed on the applicant by staff stated that there could be no sale of wood products.

Rosa Mayes said she understood that they could not sell retail but questioned if they could sell wholesale.

Martin Garrett asked Leo Rogers if they could add to the condition the word "wholesale."

Leo Rogers said he understood the product would be produced on the property and possibly transported elsewhere for sale so the Commission could restrict any sales operations whatsoever. He added that the way the condition read, wholesale operations were permitted.

Willafay McKenna stated that at this point she felt the Commission was not in a position to vote on this application. She stated that if the operation was going to prepare materials that would be used on other development sites, the Commission needed to look at that since they didn't know how long the process took to make topsoil and how much traffic the 2-1/2 acres would generate for that purpose. She said that questions have arisen tonight that she felt needed to be answered and requested deferral.

There were no objections to the deferral by the Commission members.

Joe Poole said he was supportive of this application. He did, however, have some concern regarding the traffic and asked staff to research if they had ever had a condition elsewhere that limited the number of truck trips at a site.

Don Hunt felt that the traffic on Barnes Road needed to be better addressed.

Wilford Kale stated this type of operation was preferable in rural lands, but questioned if this was the preferable site.

Joe Poole commented that the sound issue was not as critical as the traffic and the ramifications associated with what the product became and how it would be moved in and out.

Martin Garrett asked the Commission what specific information that they would need from the applicant.

Joe Poole stated they needed to know what happens to the mulch when it becomes top soil, how the product would be transported to and from sites, the volume of the product, and the time frame from mulch to top soil.

Wilford Kale also added if this would be a natural or enhanced mulch operation.

Marvin Sowers asked for clarification for direction by stating staff was under the impression that the Commission was definitely against retail and wholesale but, may be interested in some type of limited conditions which would allow material to be removed from the site sometime in the future so that the site could continue to be viable, but had concerns about the volume on the site, how long it took to

accumulate, and how often the trucks had to make the trips.

A citizen asked that the Commission also investigate the odor from the mulch and gave an example of an existing business and the odor that occurred there.

Don Hunt felt it was an unfair comparison since the one operation used sulphur dioxide and other chemicals to digest their wood products. He felt that the odors were not related.

Christopher Johnson asked the Commission if the applicant could address some of these issues, such as, the amounts of the material and his long range look at this operation.

Martin Garrett requested that this be postponed in order to get all the information into one package.

This case was deferred to the meeting of July 5, 2000.

8. PLANNING DIRECTOR'S REPORT.

Marvin Sowers stated there would be a public input meeting on the Rt. 199/Jamestown Road Study on June 15, 2000, at 7 p.m. in the Williamsburg Community Building. He stated the purpose of the meeting was to present additional alternatives that were currently being evaluated and to receive public input.

Marvin Sowers stated that on June 6, 2000, there would be a meeting on the Rt. 60 relocation in Grove at the James River Elementary School at 7 p.m. He stated this meeting was for public input in advance of the VDOT public hearings that would be held this fall.

Marvin Sowers spoke on the special use permit application that will be heard at their July 5, 2000, meeting filed by PrimeCo Communications. He stated they were applying for a 199' tower off of Centerville Road and there would be a balloon test from 8 a.m. to 9 a.m on June 15, 2000 with the alternate date being June 16, 2000.

Joe Poole asked about the Olde Towne Road Timeshares application that would be heard at the July 5, 2000 meeting. He wanted to know if the density the applicant was proposing was the same as the density originally proposed.


Marvin Sowers stated the density was reduced.

9. ADJOURNMENT

There being no further business, the June 5, 2000, Planning Commission adjourned at approximately 9:00 pm.

NOTE: On May 31, 2000, the Planning Commission attended a presentation by Barbara Schuler from Custom Gardens on the design and landscape of BMP's.


Martin A. Garrett, Chair


O. Marvin Sowers, Jr. Secretary