

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COURTHOUSE, WILLIAMSBURG, VIRGINIA, ON THE TWENTY-SEVENTH DAY OF JANUARY, NINETEEN HUNDRED AND SEVENTY-SIX.

1. ROLL CALL

Mrs. Ina Friedman, Chairman
Mr. A. G. Bradshaw
Mr. M. W. Bryant
Mr. John E. Donaldson, Board Member also
Mr. Gerald H. Mephram
Mr. Henderson Minkins
Mr. W. J. Scruggs
Mr. Albert L. White, III
Mr. Harry B. Wright

BOARD OF SUPERVISORS

Mr. Abram Frink, Jr., Chairman
Mr. Jack D. Edwards
Mr. Stewart U. Taylor
Mr. David W. Ware, Jr.

OTHERS

Craig G. Covey, Secretary
William F. Brown, Chief Planner
Frank M. Morton, III, County Attorney

2. JOINT PUBLIC HEARING--CASE NO. Z-18-75. AN APPLICATION
of James City County Planning Commission, to amend Chapter 20, Zoning, of the Code of the County of James City by amending the following Divisions of Article IV, Districts: Division 4, Residential, Limited, District R-1; Division 5, Residential, Limited, District R-2; and Division 6, Residential, Limited, District R-3; and to further amend Chapter 20, Zoning, by adding the following new Divisions: Division 7.A, Multifamily, Residential, District R-5 and Division 7.B, Residential-Agricultural, District R-6.

Before opening the public hearing, Mr. Frink, chairing the joint meeting, asked Mr. Brown to briefly outline the proposed changes in the Zoning Ordinance.

Mr. Brown explained that the changes were in legislative format so that it would be easy to see exactly what is proposed. There were three main changes which were outlined by Mr. Brown; which were changes to the minimum lot size, establishment of a multifamily housing district and the removal of multifamily housing as a permitted use in the R-2 and R-3 zones; and third a new residential/agricultural district, R-6, is proposed to be established. Mr. Brown pointed out that the proposed changes did not affect any existing housing in the County and did not in any way affect the zoning requirements in the A-1 district.

Following Mr. Brown's opening remarks, the Chairman opened the joint hearing to receive public comment.

Mr. Ralph Gill spoke stating that he agreed with the creation of the multifamily district.

Mr. Robert Hornsby spoke in favor of the ordinance stating that it appeared to be a good ordinance yet he wanted to be on record indicating that the people who would be affected should be allowed to reserve the right to continue some multifamily development in a coordinated way with their single-family areas. Pointing to the national trend toward higher density with more open space, Mr. Hornsby stated that it is difficult to determine what the market may demand and that flexibility is needed in order to allow development interest to respond to market conditions.

Mr. Wesley Sheldon asked why one acre was required per single-family home.

Mr. Brown responded that the present twenty thousand square feet required per minimum lot has not proven to be adequate in most cases where extended use of septic systems is required due to the remoteness of the lot from available public sewer lines. Mr. Brown further stated that the one acre requirement was a recommendation for consideration but could be reduced some and still not cause a public health or safety problem for individual lot owners.

Mr. Jack Barnett pointed out that most development is occurring in large subdivisions because no provisions have been made by the County for the easy purchase and development of single-family properties in small subdivisions. The need for public sewer prior to the development of subdivisions is according to Mr. Barnett caused by the hysteria of residents of such places as First Colony and Chickahominy Haven. The need for sewer throughout the County may be just a crystal ball guess since technology is changing so rapidly it may out mode the conventional sewer line as a future means of waste disposal.

Mr. Barnett further stated that population growth in the area is coming from in-migration and that people coming in cannot locate housing which is within their price range due to the restrictiveness of County regulations. Mr. Barnett asked that property be reassessed which is affected by the changes in the proposed ordinance.

Mr. Moneymaker spoke favorably about the proposed ordinance indicating that although he did not agree with it one-hundred percent he thought the approach had been very good. Indicating the need for public in-put into such proposals, Mr. Moneymaker requested that two public hearings be held on such subjects as zoning to allow the public time to digest and respond to text amendments.

Mr. Sheldon spoke agreeing with Mr. Moneymaker saying that he did not think many people knew that the proposed ordinance documents were available prior to the meeting.

Mr. Jim Carter likewise agreed with Mr. Sheldon indicating that he had sent one of his associates to the County office building and had gotten the wrong information. He suggested that instead of percolation tests it would be better to have a soil analysis report which would better resolve the developability of property such as some he had in mind which had clay soil and were located right on the James River.

Mr. Joe Terrell stated that the State would be testing the suitability of soil on each piece of property whether or not the County had an engineer test it before plans could be approved. Mr. Terrell also asked if in the R-2 zone four units could be put to the acre.

Mr. Brown responded that Mr. Terrell might have to rezone the property for his proposed multifamily use.

Mrs. Dee Brown commended the County for foreseeing the need for different zones.

Mr. Robert Hornsby speaking again stated that he felt there should be a separation of apartments and town houses and even town houses for sale but that all types of development should be able to be coordinated in close proximity to one another.

The Chairman closed the public hearing and indicated that all comments had been noted and would be considered.

Mr. Taylor asked to speak and stated that he was disappointed because most of the people who he felt were concerned were not present. Specifically, Mr. Taylor indicated

that low income people who could acquire by gift or other means a parcel of one-quarter to one-half acre were going to be left out in the cold because they could not acquire one or two acres. Mr. Taylor indicated that if he had had his way there would not have been a Planning Department and if he could he would fire everyone in it tomorrow.

Mr. Donaldson moved to recess the Board of Supervisors meeting until 3:30 P.M. Thursday, January 29th due to personnel matters that needed attention.

The Chairman by the roll call vote as indicated below recessed the Board's meeting and called for a five minute recess for the Planning Commission to reconvene in the Council Chambers.

<u>MEMBER</u>	<u>VOTE</u>
Abram Frink, Jr.	Yea
John E. Donaldson	Yea
Jack D. Edwards	Yea
Stewart U. Taylor	Yea
David W. Ware, Jr.	Yea

3. MINUTES

Upon motion by Mr. Scruggs, seconded by Mr. Wright and passed unanimously the minutes of the meeting of December 16, 1975 and the special meeting of January 13, 1976 were approved as printed.

4. REPORT OF THE SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee report for January, 1976 was approved as follows:

A. PENDING PRELIMINARY APPROVAL

1. 7-Eleven Store (Rt. 60E)
2. Revised Master Site Plan for Williamsburg Pottery Factory, Inc.

B. PENDING FINAL APPROVAL

1. Conway Gardens Parking Lot Expansion (1/20/76)
2. American Road Motel (Rt. 60E) (10/21/75)

3. Pine Song Apartments (Rt. 614) (8/19/75)
4. E & S Grocery (Larry's Marine Sales) (10/14/75)
5. Five Forks Motel (Rt. 5) (11/18/75)
6. Addition to Building 218 at Dow Badische Company
(Rt. 60E) (11/18/75)
7. Norge Preschool Facility (Rt. 60W) (11/18/75)
8. Murphy Advertising & Printing Addition (Rt. 603)
(11/18/75)
9. Toano Post Office (Rt. 60W) (11/25/75)

C. FINAL APPROVAL

1. Jamestown Square Shopping Center (Rt. 31) (12/18/75)
2. Busch Gardens, Phase 2, Administrative Area Expansion
(12/24/75)
3. Busch Gardens, Phase 2, Oktoberfest (Rt. 60E) (12/15/75)
4. Peanut Shop (Rt. 60W) (1/22/76)
5. Patchwork Orange (Rt. 60W) (12/12/75)

5. SUBDIVISION REVIEW COMMITTEE REPORT

The Subdivision Review Committee Report for January, 1976 was approved as follows:

A. PENDING PRELIMINARY APPROVAL

1. No. S-40-75. An application of Barry I. Epstein on behalf of G.M.B. Corporation for preliminary plat approval of a subdivision of 32 acres into 50 lots. Subdivision is to be known and recorded as: Toano Acres. Subject property is located on Rt. 60 - Toano, Virginia, Stonehouse District and is further identified as parcel 113 on James City Real Estate Tax Map 8.
2. No. S-41-75. An application of Deward M. Martin & Associates, Inc on behalf of SAM of Virginia, Inc., for preliminary plat approval of a subdivision of 3.15 acres into 8 lots. Subdivision is to be known and recorded as: Old Stage Manor-Section 3. Subject property is located on Rt. 603 adjacent to and north of Old Stage Manor - Sections 1 and 2 and is further identified as part of parcel 1 on James City Real Estate Tax Map 21.

B. PRELIMINARY APPROVAL

1. No. S-2-76. An application of V. M. Geddy, Jr., on behalf of Richwood Investors for preliminary plat approval of a subdivision of 3.66 acres into 2 lots from a parcel containing 16.675 acres. Subdivision is to be known and recorded as: Roy E. and Helen M. Mathias property. Subject property is located 500 feet from west side of U.S. Rt. 60 behind Days Inn, and is further identified as part of parcel 66 on James City Real Estate Tax Map 21.
2. No. S-3-76. An application of Thomas T. Atkins, Jr., for preliminary plat approval of a subdivision of 22.7859 acres into 3 parcels with a combining of .5789 acre with an adjacent parcel presently owned by Thomas T. Atkins, Jr. (4.46 acre presently). Subdivision is to be known and recorded as: Standing in the name of Thomas T. Atkins, Jr. Subject property is located on Rt. 608 and is further identified as lot 3 and 4 on James City Real Estate Tax Map 9.
3. No. S-4-76. An application of Howard Clayton on behalf of Hazelwood & Clayton for preliminary sketch approval of a subdivision of 4.68 acres into 7 lots. Subdivision is to be known and recorded as: Sand Hill. Subject property is located west and east side of Rt. 608, approximately 1,000 feet north of intersection with Rt. 168. (Rt. 608 has been renumbered but new number does not appear on maps) and is further identified as part of lot 122 on James City Real Estate Tax Map 8.
4. No. S-5-76. An application of William C. Babcock for preliminary plat approval of a subdivision for 1 building lot from a tract containing 7.447 acres. Subdivision is to be known and recorded as: Property of Rodney and Joan B. Seal. Subject property is located one-half mile south of Rt. 5 on the east side of Rt. 615 and is further as lot 65 on James City Real Estate Map 31.
5. No. S-9-76. An application of Joe Phillips, Esquire, on behalf of Owners, Jockey's Neck Farm, for preliminary plat approval of a subdivision of 177.8 acres for the purpose of Deed of Trust release to Walter C. Cottrell, Purchaser. Subject property is located off Lake Powell Road.

6. No. S-10-76. An application of Howard Clayton on behalf of F. D. Taliaferro for preliminary plat approval of a subdivision of 3.651 acres into 2 lots of 0.887 acres and 2.764 acres. Subdivision is to be known and recorded as: Lightfoot Center. Subject property is located on east side of Rt. 60, approximately 700 feet north of Rt. 646 and is further identified as parcel 87 on James City Real Estate Tax Map 15.

6. SUBDIVISION CASE NO. S-2-76. AN APPLICATION OF V. M. Geddy, Jr. on behalf of Richwood Investors for preliminary plat approval of a subdivision of 3.66 acres into 2 lots from a parcel containing 16.675 acres. Subdivision is to be known and recorded as: Roy E. and Helen M. Mathias property. Subject property is located 500 feet from west side of Rt. 60 behind the Days Inn and is further identified as part of parcel 66 on James City Real Estate Tax Map 21. An exception is requested from the requirements of Section 17-35 of the Subdivision Ordinance in view of the fact that a hard surface road from Rt. 60 now serves this property.

Mr. Covey presented the recommendation of the Subdivision Review Committee as follows from his memorandum of January 22, 1976:

"At its meeting January 21, 1976, the Committee reviewed the application of Mr. Geddy on behalf of Richwood Investors for an exception and subdivision approval of property contained in the old Pitts Farm off Rt. 60W behind Days Inn. The request involves the subdivision of two parcels which would not have frontage along a State approved street. Section 17-22 of the County Code and by reference to the definition of street in Section 17-2 all lots are required to have frontage on a State approved street.

The applicant has requested an exception from the provisions of Section 17-35, Streets - Construction Requirements. The requested exception does not address the question of public streets but rather the construction standards prescribed for public streets. Possibly the applicant meant to refer to Section 17-22 also since the plat makes no provision for dedication of a street right-of-way. The application stated the existing road which serves the property from Rt. 60W was recently paved. Field inspections revealed that the road surface is 20 feet wide with a topping of approximately two inches of asphalt; base material was not determined since no borings were made. The road is approximately centered in a 50-foot wide strip of property extending 500 feet from Rt. 60. Also served by the road are two parcels at the American Road Museum and the parcel the road is on which is approximately twelve acres.

The Committee deliberated over the staff recommendation that the applicant be allowed to subdivide the two parcels in question with the exception being granted subject to an agreement that no further subdividing would be allowed without making the road public and conform therefore to State standards. Two of the members of the Committee, Messrs. Scruggs and Minkins, recalled, however, that when the subdivision for Days Inn was permitted it was a Commission position that there were to be no further subdivisions without construction of a State approved road. The staff had researched the minute book but found that nothing was entered into the record of either of the two meetings at which the Days Inn transfer was discussed.

COMMITTEE'S RECOMMENDATION

After exploring several avenues of possible approval the following recommendation was moved by Mr. Minkins, seconded by Mr. Turner and passed unanimously.

The Committee hereby recommends that:

1. The Commission require the dedication of 50 feet of right-of-way from Rt. 60 extending to the southwest corner of parcel No. 1; and

2. That within the right-of-way a State approved road be constructed or bonds given by the subdivider assuring construction and inclusion into the State system; and

3. The exception not be granted because the exception requested was not justified in the application by the applicant under the procedures for consideration of an exception as prescribed in Section 17-45 of the Code."

Following the report of the Subdivision Review Committee, Mr. Geddy was recognized to speak on behalf of the applicant. Mr. Geddy offered a letter which read as follows:

"January 27, 1976

Planning Commission of James City County
Williamsburg, Virginia 23185

RE: Richwood Investors

Gentlemen:

You have before you for consideration an application by Richwood Investors for an exception to the Subdivision Ordinance in order to permit the sale of two parcels of land behind

Days Inn on the westerly side of U. S. Route 60 in James City County. Access to this property is provided through a 50-foot right-of-way from U. S. Route 60 which has recently been paved by my clients. My clients also own other property served by this right-of-way lying to the west of the two lots which are the subject of the application before you.

My purpose in writing is to give the Planning Commission a firm commitment, in the event this exception is granted, that my clients:

1. Will dedicate the 50-foot right-of-way to the public, and
2. Will construct or cause to be constructed a State approved road from U. S. Route 60 to their remaining property should they (i) construct any new improvements on their remaining property, or (ii) sell any portion of the remaining property.

For the reasons which I have presented to you orally, it would appear that an exception is proper in this case and that such an exception would establish no precedent which might cause future embarrassment to the Planning Commission. I, therefore, respectfully request that such an exception be granted as requested in the application.

Very truly yours,

(Signature)

V. M. Geddy, Jr."

Following the presentation of his letter, Mr. Geddy stated that Mr. Rogers who had made previous representations to the Commission concerning the further development of the property was really in no position to make representations and promise the construction of a road prior to the development of additional property. Mr. Geddy mentioned that Mr. Rogers had, in fact, defaulted on his agreement to purchase property from Richwood Investors. Richwood Investors subsequently foreclosed on the property part of which is in question with the proposed subdivision.

Mr. Scruggs raised concern regarding parcel one of the proposed subdivision indicating that it would be transferred without proper access should Mr. Mathias exercise his option to purchase the 1.08 acres from Richwood Investors. Following discussion by the members of the Commission to this point, Mr. Geddy on behalf of his client agreed that parcel one would not be conveyed to any other party without the dedication and construction of a State approved road should Mr. Mathias not exercise his option to purchase parcel one.

The Chairman requested Mr. Geddy to make this later commitment in writing as a supplement to his January 27th letter and requested Mr. Covey to upon receipt of the letter place it in the subdivision case file for future reference.

Based upon the commitment expressed by Mr. Geddy, Mr. Scruggs moved, seconded by Mr. Minkins and passed unanimously Case No. S-2-76 is hereby approved with the requested exception and the clear understanding that no future subdivision will occur without the construction and dedication of a State approved public road.

7. CONSIDERATION OF A DATE FOR A PUBLIC HEARING OF CASE No. Z-1-76. An application of Eddie Williams on behalf of John W. Halcomb for rezoning of a lot from R-3 to B-1. Subject property is located at the intersection of Rt. 60 and Rt. 648 in Grove and is further identified as parcel 1A double circle 3 on James City Real Estate Tax Map 34B.

Upon motion by Mr. Wright, seconded by Mr. Minkins and passed unanimously Case No. Z-1-76 is hereby set for a public hearing on February 24, 1976.

8. CONSIDERATION OF A DATE FOR A PUBLIC HEARING OF AN Ordinance to amend and reordain Chapter 17, Subdivisions, of the Code of the County of James City.

The Chairman recognized Mr. Brown to speak concerning the proposed changes.

Mr. Brown recommended the deferring of the matter until certain changes can be incorporated and an additional work-session could be held.

Upon motion by Mr. Mepham, seconded by Mr. Scruggs and passed unanimously the date of February 10, 1976 is hereby established as a special worksession for the consideration of subdivision and zoning amendments.

9. MISCELLANEOUS BUSINESS

The Chairman recognized Mr. Covey who presented a request for a special exception from Christian Services Cemeteries for the transfer of property to Hickory Neck Church, Case No. S-22-74.

Mr. Covey presented a letter addressed to the Chairman from George Hankins, President of Christian Services Cemeteries, Inc., requesting on behalf of the Corporation an exception to the Subdivision Ordinance which would allow the retaining of a road frontage of only 55.44 feet on U.S. Rt. 60 for access to the Christian Services Cemeteries property while subdividing adjacent property as a deed of gift for Hickory Neck Church. The frontage for Hickory Neck Church would be 120 feet.

The request was found to be consistent with the Commission's proposal and previous policy concerning entrances, therefore, upon motion by Mr. Scruggs, seconded by Mr. Bryant and passed unanimously Case No. S-22-74 is hereby approved with the requested exception.

10. REQUEST FROM COMMISSION MEMBERS

Mr. Minkins again mentioned the Rt. 60E traffic problems from Windy Hills, approximately three miles west. Mr. Minkins stated that the shoulders of the road were in terrible condition, no lighting facilities are along the road and that children in the area that bike and walk are in danger.

Mr. Mepham stated that the State Highway Department is often working on the shoulders but does not seem to do a sufficient job to be of value to the neighborhood. In addition, he pointed out that peak traffic on the road often coincides with the movement of school buses through the area.

Mr. Wright mentioned again as did Mr. Mepham that the light sequence at Anheuser-Busch's traffic signals are too quick to turn red which may have been the reason for a recent accident.

Mr. Scruggs opened discussion on the subject of adding forest land into the Land Use Assessment Ordinance of the County indicating that 68 percent of the County is in forest land and these people are primarily small interest who need relief.

Mr. Donaldson indicated that if the tax burden were to be lifted from those owning forest lands it would be shifted to those in the urban areas. He indicated strong feelings that wealth in anyplace in the County should be taxed equally.

Mr. Bryant requested the Commission to explore the taxation question because 8,000 to 10,000 acres out of the 96,000 qualified last year for the land use assessment tax.

Mr. Brown indicated that while it is difficult to separate the speculators from the true timber growers it is desirable to give the question consideration possibly in the agricultural zone revisions.

Mr. White suggested consideration be given to the thirty years required for a seedling to become merchantable timber and that the law be drafted as a separate tax law if necessary to provide for purely timber operations.

11. ADJOURNMENT

Upon motion by Mr. Wright, seconded by Mr. Minkins the meeting was recessed to reconvene at 7:30 P.M. in the Courthouse on February 10, 1976.



Craig G. Covey, Secretary



Ina M. Friedman, Chairman

SUBDIVISION REVIEW COMMITTEE REPORT

January 1976

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2. No. S-3-76. An application of Thomas T. Atkins, Jr., for preliminary plat approval of a subdivision of 22.7859 acres into 3 parcels with a combining of .5789 acre with an adjacent parcel presently owned by Thomas T. Atkins, Jr. (4.46 ac presently). Subdivision is to be known and recorded as: Standing in the name of Thomas T. Atkins, Jr. Subject property is located on Rt. 608, Stonehouse District, and is further identified as lot 3 and 4 on James City Real Estate Tax Map 9.

SUBDIVISION REVIEW COMMITTEE REPORT

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B. PRELIMINARY APPROVAL (Continued)

3. No. S-4-76. An application of Howard Clayton on behalf of Hazelwood & Clayton, for preliminary sketch approval of a subdivision of 4.68 acres into 7 lots. Subdivision is to be known and recorded as: Sand Hill. Subject property is located west and east side of Rt. 608, approximately 1,000 ft. north of intersection with Rt. 168 (Rt. 608 has been renumbered but new number does not appear on maps) and is further identified as part of lot 122 on James City Real Estate Tax Map 8.
4. No. S-5-76. An application of William C. Babcock for preliminary plat approval of a subdivision for one building lot from a tract containing 7.447 acres. Subdivision is to be known and recorded as: Property of Rodney and Joan B. Seal. Subject property is located 1/2 mile south of Route 5 on the east side of Route 615 and is further identified as lot 65 on James City Real Estate Map 31.
5. No. S-9-76. An application of Joe Phillips, Esquire, on behalf of Owners, Jockey's Neck Farm, for preliminary plat approval of subdivision of 177.8 acres for the purpose of Deed of Trust release to Walter C. Cottrell, Purchaser. Subject property is located off Lake Powell Road.
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4

1-27-76

SITE PLAN REVIEW COMMITTEE REPORT

January 1976

A. PENDING PRELIMINARY APPROVAL

1. 7-11 Store (Rt. 60E)
2. Revised Master Site Plan for Williamsburg Pottery Factory, Inc.

B. PENDING FINAL APPROVAL

1. Conway Gardens Parking Lot Expansion (1/20/76)
2. American Road Motel (Rt. 60 E) (10/21/75)
3. Pine Song Apartments (Rt. 614) (8/19/75)
4. E & S Grocery (Larry Marine Sales) (10/14/75)
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8. Murphy Advertising & Printing Addition (Rt. 603) (11/18/75)
9. Toano Post Office (Rt. 60 W) (11/25/75)

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1. Jamestown Square Shopping Center (Rt. 31) (12/18/75)
2. Busch Gardens, Phase 2, Administrative Area Expansion (12/24/75)
3. Busch Gardens, Phase 2, Oktoberfest (Rt. 60 E) (12/15/75)
4. Peanut Shop (Rt. 60 W) (1/22/76)
5. Patchwork Orange (Rt. 60 W) (12/12/75)