

AT A RECONVENED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FOURTH DAY OF JANUARY, NINETEEN HUNDRED AND EIGHTY-NINE, AT 7:30 P. M. AT THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Fred Belden, Chairman  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Jack D. Edwards  
Mr. Martin Garrett  
Mr. John F. Hagee  
Mr. Alexander C. Kuras  
Ms. Carolyn Lowe  
Mr. Robert A. Magoon, Jr.  
Mr. Gary M. massie  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Larry W. Davis, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Planner  
Mr. R. Patrick Friel, Planner

2. ELECTION OF OFFICERS

Mr. Belden turned the chair over to Mr. Sowers who opened the floor for nominations.

Mr. Garrett nominated Mr. Belden for Chairman. The Commission by voice voted unanimously to close the nominations.

Mr. Belden was elected Chairman unanimously by roll call vote.

Mr. Sowers turned the chair over to Mr. Belden who opened the floor for nominations for Vice-chairman.

Mr. Bradshaw nominated Mr. Garrett for Vice-chairman. The Commission by voice voted unanimously to close the nominations.

Mr. Garrett was elected Vice-Chairman unanimously by voice vote.

3. MINUTES

Upon a motion by Ms. McKenna, seconded by Ms. Lowe, the Minutes of the December 20, 1988, worksession and regular meeting, and the December 3, 1988, and November 22, 1988, worksessions were approved as presented.

4. SITE PLAN REVIEW COMMITTEE REPORT

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Site Plan Review Committee Report was approved as presented.

5. SUBDIVISION REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Mr. Kuras, the Subdivision Review Committee Report was approved as presented.

6. CASE NO. SUP-46-88. JAMES H. McCLURE

Mr. Friel presented the staff report (appended) for a special use permit to allow the operation of a motorcycle sales and service shop in the B-1, General Business District, located at 3707 Rochambeau Drive on 1.126 acres. Mr. Friel stated that staff recommended approval, with conditions, of this application.

Mr. Belden opened the public hearing; there being no speakers the public hearing was closed.

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Commission by roll call voted 11-0 to recommend approval of Case No. SUP-46-88, with conditions, to the Board of Supervisors.

7. CASE NO. SUP-49-88. W. H. SPARRER, INC. (JOHN'S USED AUTO PARTS)

Mr. Friel presented the staff report (appended) for a special use permit to allow the expansion of an automobile graveyard in the A-1, General Agricultural District, located at 8952 Richmond Road, on 4.3 acres. Mr. Friel stated that staff recommended approval, with conditions, of this application.

Mr. Belden opened the public hearing; there being no speakers the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Magoon, to recommend approval of this application, with conditions, to the Board of Supervisors.

In discussion on the motion, Mr. Massie requested that the portion of condition #10 that addressed public water and sewer be deleted from the conditions as there is no public water and sewer available at the site.

The Commission by roll call voted 11-0 to recommend approval of Case No. SUP-49-88 to the Board of Supervisors, with all conditions including the alteration of condition #10.

8. CASE NO. SUP-50-88. OUTDOOR WORLD EXPANSION

Mr. Friel presented the staff report (appended) stating that staff recommended deferral until it was determined what portion of the site was in the Ware Creek Reservoir property.

Mr. Belden opened the public hearing which was continued until the extent of the Ware Creek Reservoir property can be identified.

9. CASE NO. Z-1-89 AND CASE NO. CP-6-88. A-1 & A-2 DISTRICTS ZONING ORDINANCE AMENDMENT AND AGRICULTURAL, FORESTAL AND RURAL RESIDENTIAL COMPREHENSIVE PLAN AMENDMENT, RESPECTIVELY.

Mr. Sowers presented the staff report (appended), briefly addressing goals and objectives for maintaining the rural character of the area outside the Primary Service Area, and outlined concerns associated with urban growth which has occurred outside the PSA, including traffic safety, effect on environmental and historic resources and open space, land use conflicts, well and septic failures, groundwater contamination, increased cost of public services, public safety, loss of rural character, and ability to provide public services and facilities to meet demands.

Mr. Sowers introduced Mr. John I. Cofer, consultant, retained by the County to review the proposal. Mr. Cofer stated that his process for determining a recommendation to the County included reviews of the Comprehensive Plan, Legal Guidelines, other Virginia communities' approach to growth pressures, and the existing Zoning Ordinance and its effect on existing conditions in rural areas. Mr. Cofer further stated that land use controls are varied and complex, but he knew of no other county which has zoning in rural areas quite so loose as in James City County.

Mr. Sowers briefly reviewed the proposed changes to the Zoning Ordinance and the Land Use Element which included a proposal by the Commission to increase the minimum lot size in A-1 to 10 acres by right, provide for "cluster" subdivisions with a one dwelling unit per 5 acre density average by special use permit in A-1, removal of most commercial uses and other changes.

Mr. Belden opened the public hearing for Case No. Z-1-89 and Case No. CP-6-88.

Mr. Grant Olson, 105 Holman Road, spoke in favor of the proposal stating that it channeled growth to existing utilities, improved health and sanitation conditions, enhanced forestal and agricultural amenities, highlighted the need for a County housing code, and would assist in holding down taxes.

Mr. Frank G. Tsutras, 204 Richard Brewster Court, opposed the proposal and questioned the increase in setbacks. Mr. Tsutras felt that the County

should not restrict but respond to growth and that the County needed residents to fill jobs rather than import people to fill the need. Mr. Tsutras further stated his feelings that property owners and realtors were not included in the development of the proposal and that this case be deferred or denied until those affected by the change have an opportunity to respond to the proposal.

Mr. Stewart U. Taylor, 8491 Richmond Road, stated that he was opposed to every aspect of the proposed changes, the use of consultants by the County, and his loss of freedom. Mr. Taylor also felt the proposal would lower property values and that it discriminated against landowners in Stonehouse District as well as some in the Powhatan District.

Mr. Robert F. Sherman, 1308 Lightfoot Road, a lifetime resident of the County and a farmer, stated the possibility of retiring and selling or developing part of his land for income. Mr. Sherman further stated that the lower and central portions of the County were allowed to develop but the County would be taking that privilege away from landowners who have not yet had the opportunity to develop their land if the proposed amendment is approved. Mr. Sherman felt use of land should be as the landowner chooses and stated his opposition to the proposal.

Ms. Inez Mehalcoe, 4627 Ware Creek Road, stated opposition to the proposal. Ms. Mehalcoe was distressed that her daughter who has a mobile home on two acres would not be able to sell the property if the proposal is approved. This proposal, she felt, eliminated the possibility of average income housing stating the enormous cost (\$80,000) for simply developing a ten acre tract. Ms. Mehalcoe stated that landowners should have a strong voice in planning.

Ms. Margaret Hill, 118 Thompson Lane, felt the proposed ordinance change was unfair.

Mr. Robert Brake, with Delmarva Properties, P.O. Box 1700, West Point, stated that he was concerned about the impact of the proposal and felt after listening to the speakers that changes needed to be addressed in a different way.

Mr. Myrl Hairfield, Stonehouse, Inc., 108 William Allen, expressed concern regarding the proposal's broad approach to controlling growth which would affect so many landowners and suggested deferral of the proposal.

Mr. L. Bruce Abbott, 4478 Centerville Road, stated that his family has owned the farm next to Ford's Colony for many years and was concerned that future financial necessity could demand that the property be sold but that the proposed restrictions would be a liability in the sale of property. Mr. Abbott asked that the proposal be dissolved.

Mr. David W. Ware, Jr., 6967 Richmond Road, a lifetime resident of Toano, opposed "theft of land and property rights."

Mr. Robert H. Jones, 2983 John Tyler Highway, stated that the rural areas were not responsible for pollution or growth and asked that the proposed changes be denied.

Mr. Richard Wilkinson, 175 Queens Drive West, questioned the downzoning of property and asked if the Commission would consider an alternative to the proposed amendment at this time. Mr. Wilkinson expressed concern that the Commission would approve the staff recommendation in order to present the case at the Board's February 6 meeting, and questioned if the County had considered citizen involvement early in the process to develop a good plan.

Mr. H. D. Tooley, 8908 Hicks Island Road, opposed the proposed changes stating that people should have the freedom to live where they choose. Mr. Tooley also felt that the language of the proposed change invited conflicting interpretation and that it should be written in "plain English."

Ms. Becky Martin, 8666 Diascund Road, Lanexa, stated that she owned 2½ acres which she intended to sell if needed for medical expenses or nursing home care in the future. Ms. Martin was extremely concerned that this right would be denied her through the proposed amendment.

Mr. M. O. Smith preached from passages of the bible expressing concern regarding the poor and removal of landmarks of our forefathers.

Following a short recess the public hearing continued.

Ms. Arthur Kane, Kingsmill resident and representative for the Williamsburg Council of Garden Clubs, expressed concern regarding greenspace and urged the County to be mindful of this need.

Mr. Sam Hazelwood, P.O. Box 27, Toano, stated that citizens and the Commission were not given adequate time to review the proposed changes and felt the changes were bad for the County.

Mr. Stan Brown, 1 Brandon Circle, Chairman of the Williamsburg Area Commission on Growth and member of the Coalition for Quality Growth, announced that he would speak as a private citizen. Mr. Brown congratulated the Commission for looking forward and spoke on the preservation of agricultural lands.

Mr. Gerald Otey, 4079 South Riverside, Chickahominy Haven, felt that the denial to subdivide was stealing from the landowners and felt only those owning 10 acres or more in James City County should vote on the issue.

Mr. Alvin Anderson, in behalf of Mr. and Mrs. Joseph Terrell and Dr. and Mrs. Baxter Bell questioned if an economic study had been performed, and what affect the proposed changes would have on all taxpayers.

Ms. Cheryl Mason, homeowner in the upper county and realtor, stated that parcels will become undevelopable property under the proposed change.

Mr. Jack Scruggs, resident of James City County, felt the county was becoming a place for the selected few who could afford the area. Mr. Scruggs asked that the County "leave it as it is - let people live in harmony."

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

Mr. Massie made a motion, seconded by Mr. Magoon, to recommend denial of Case No. Z-1-89.

Ms. McKenna stated that a deferral would permit time to discuss the concerns of landowners raised at the public hearing; i.e., the proposed lot size.

Mr. Massie expressed concern regarding affordable housing and the protection of the rural community.

Mr. Kuras stated that he did not feel land values would collapse.

Mr. Magoon stated that the proposed changes lacked vision and would vote against the amendment.

Ms. Lowe felt there was some misunderstanding among homeowners regarding decreasing property values.

Mr. Garrett asked the Commission to defer rather than recommend denial.

In a roll call vote to deny approval of Case No. Z-1-89, the Commission voted 6-5.

Mr. Kuras made a motion, seconded by Mr. Garrett, to defer Case No. Z-1-89 and Case No. CP-6-88 for 30 days.

Mr. Edwards urged the Commission to make a decision at the next meeting.

Mr. Sowers requested direction from the Planning Commission and asked about another worksession.

Mr. Massie made an amendment to the motion, seconded by Ms. McKenna, to defer Case No. Z-1-89 and Case No. CP-6-88 until the March 14, 1989, Planning Commission meeting. The Commission approved the amendment to the motion 10-1, with Mr. Edwards voting nay.

By unanimous voice vote, the Commission voted 11-0 to defer Case No. Z-1-89 and Case No. CP-6-88 until the March 14, 1989, Planning Commission meeting.

10. PLANNING DIRECTOR'S REPORT

Upon a motion by Ms. McKenna, seconded by Mr. Garrett, the Commission unanimously approved the Planning Commission's calendar for 1989.


11. SETTING OF FUTURE MEETING DATES AND WORKSESSIONS

A worksession on Case No. Z-1-89 and Case No. CP-6-88 will be held on February 8, 1989, at 2 P.M.

12. RECESSION OF MEETING

The January 24, 1989, meeting was recessed at 11:50 P.M. to reconvene at the February 8, 1989 worksession at 2:00 P.M..

  
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Fred Beiden, Chairman

  
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O. Marvin Sowers, Jr., Secretary