

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELFTH DAY OF SEPTEMBER, NINETEEN HUNDRED AND EIGHTY-NINE, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Fred Belden  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Jack Edwards  
Mr. Martin Garrett  
Mr. John F. Hagee  
Mr. Alexander C. Kuras  
Ms. Carolyn Lowe  
Mr. Robert A. Magoon, Jr.  
Mr. Gary M. Massie (late arrival)

ALSO PRESENT

Mr. O. Marvin Sowers, Director of Planning  
Mr. John T.P. Horne, Manager of Development Management  
Mr. Larry W. Davis, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Donald E. Davis, Principal Planner  
Mr. R. Patrick Friel, Planner

2. MINUTES

The Minutes of the August 8, 1989 regular meeting, and the August 22, 1989, July 11, 1989 and February 25, 1989 worksessions were approved.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Mr. Davis, the Development Review Committee Report was approved. Mr. Massie was not present.

4. CASE NO. Z-13-89. FIVE FORKS ASSOCIATES (deferred - public hearing continued)

Mr. Friel presented the staff report (appended) for a request to rezone 5.56 acres from A-2, Limited Agricultural, to

B-1, General Business, with proffers; 3.13 acres from B-1, General Business, to B-1, General Business, with proffers; and 26.27 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers, on property located on Ironbound Road. The purpose of this application is to allow a neighborhood shopping center of no more than 70,000 square feet and a 53 lot single-family dwelling subdivision.

Mr. Friel distributed a memorandum (attached) received from VDOT after the original staff report was prepared stating that VDOT had no objections to this rezoning application, but that revisions to the traffic study were needed that could be addressed at the site plan stage. Also listed in the memo are specific issues remaining to be addressed, including a capacity analysis of the proposed entrances and the left turn movement on westbound Route 5 onto Ironbound Road; the proffered left turn lane for the entrance into the residential area which does not meet VDOT requirements, and the right-of-way dedication which was not proffered along the site frontage.

Mr. Friel stated that additional issues to be addressed include: expansion of the conservation area according to the County Environmental Engineer; stormwater detention basin drainage area, as proffered, shown on the conceptual plan; and, further field study in May to June of 1990 to determine the existence of small whorled begonias on the site.

Mr. Friel further stated that staff recommended deferral of this rezoning application in order to resolve these issues.

Mr. Belden reopened the public hearing.

Mr. Vernon Geddy, III, distributed a letter from Mr. Hall, VDOT, dated September 8, 1989, stating that VDOT did not object to this rezoning application and that the revised traffic impact study may be submitted with the site plan. Mr. Hall also attached a letter to the County dated February 23, 1989, regarding six items to be addressed on the traffic study, of which Mr. Hall states in his September 8 letter, items 2 through 6 remain to be addressed.

Mr. Geddy spoke on the proffering of erosion and sediment control and environmental protection devices, and the possibility of proffering porous pavement on the parking lot. In reference to the Chesapeake Bay Preservation Act, Mr. Geddy stated that the site would not be considered a resource protection area, but would be a resource management area.

Mr. Geddy urged the Committee to recommend approval of this application stating that it was consistent with the Comprehensive Plan and that all of the improvements requested had been

proffered. The applicants would agree to deferral to work with staff, if necessary, but urged approval at this time.

There being no further speakers the public hearing was closed.

Mr. Garrett stated surprise that the applicant made this submission, not as much regarding traffic as environmental concerns. Mr. Garrett alerted the Commission that now was the time to resolve problems as the DRC would be powerless to resolve them at the site plan stage.

Mr. Kuras made a motion to defer this application.

Mr. Murphy stated that staff and the applicant's representatives had worked together to resolve issues, but because there was not enough time, there are remaining issues to be addressed.

Mr. Massie seconded Mr. Kuras' motion for deferral.

Mr. Massie stated his belief that the Commission was bogged down with detail at the rezoning stage which he felt should be addressed at the site plan stage, the issue for rezoning at this time being land use.

Mr. Garrett referred to the issue raised regarding a traffic light and felt that now was the time to resolve who would bear the expense if a light was required in the future.

Ms. Lowe stated that environmental areas lacked specificity.

By roll call vote, the Commission voted 10-0 to defer Case No. Z-13-89 for an indefinite period of time.

5. CASE NO. Z-14-89. RAM BACHAN RAM AND MANORMA RAM (deferred public hearing continued)

Mr. Friel presented the staff report (appended) for a request to rezone approximately 20.35 acres from A-2, Limited Agricultural, to R-2, Limited Residential, on property located at 3970 John Tyler Highway. A conceptual plan submitted with the application shows development of 37 residential lots on the site. Mr. Friel stated that staff recommended denial for reasons stated in the staff report. Mr. Friel distributed a revised conceptual plan.

Mr. Belden reopened the public hearing.

Mr. John Hickey, representing the applicant, stated that Dr. Ram and Mr. Roger Spearman, the engineer, were also present. Mr.

Hickey stated that numerous meetings occurred with staff and that the applicant in submitting the revised conceptual plan had tried to comply with staff concerns.

Mr. Hickey disagreed with the staff's report that over 40% of the site was located within the 100 year floodplain, and that approximately 40% of the site was considered swamp by the Development Engineer. Mr. Hickey pointed out that the topographic map was not accurate with the actual property line being further to the right. Mr. Hickey stated that he had walked the site and there was no water.

Mr. Hickey felt that the intent of the Chesapeake Bay Preservation Act was not clearly defined and requested that the developer not be detained at the rezoning stage for this reason.

Mr. Hickey stated that care would be taken not to disturb wetlands and that he agreed with a Phase I archaeological study.

Mr. Hickey felt that dedication of right-of-way was premature at this time. He stated that 35 feet had been reserved for future (10-20 years) right-of-way. Turn lanes were discussed at meetings and he understood they would not be needed.

Mr. Hickey stated that he and Mr. Spearman meet with County staff and determined that no extension of the 12" water main would be needed as an 8" water main under Route 5 would suffice.

Mr. Hickey stated that no portion of the site was within the conservation area and that 135 feet of heavily landscaped buffer would more than meet the requirement for environmentally sensitive areas.

Mr. Hickey asked that the Commission defer this case.

In discussion that followed regarding wetlands, Mr. Spearman stated that Mr. Christopher Dawson, County Environmental Engineer, had toured the site with him and removed the possibility of an inspection by a soil scientist, which he said the applicant was prepared to proffer.

Mr. Bill Wilson, member of the Route 5 Historical Association, felt the Commission should be fully aware of the consumption of water required for this property and the impact on schools.

There being no further speakers the public hearing was closed.

Mr. Kuras stated that a left turn lane would be needed, and expressed concern regarding the adequacy of the greenbelt. Ms.

Lowe stated that a 150 foot greenbelt should be provided. Mr. Garrett agreed.

Mr. Magoon made a motion, seconded by Mr. Bradshaw, to recommend deferral of this application.

Mr. Edwards stated that if the Commission continues to defer cases that are substantially short of desired amenities, it might encourage applicants to "shoot low" by submitting plans that barely meet County criteria.

Mr. Magoon stated that he saw a glaring inconsistency in the maps which needed to be resolved.

Mr. Edwards responded that regardless of this issue, there were many defects.

Mr. Garrett suggested innovative design would have eliminated some of the issues.

In a roll call vote, the motion was defeated 6-4 with Messrs. Edwards, Garrett, Massie, Davis, Belden, and Ms. Lowe voting nay.

Mr. Kuras made a motion, seconded by Mr. Davis, to recommend denial to the Board of Supervisors, as recommended in the staff report. By roll call vote, the motion passed 7-3 with Messrs. Bradshaw, Magoon and Hagee voting nay.

#### 6. DISCUSSION OF RESEARCH SURVEYS

Ms. Carol Capo of Marketing Research, Inc. made a presentation on the need for a professional research survey in updating the Comprehensive Plan. Ms. Capo stated that research should be based on what citizens want and what the area needs. This would involve communication with community leaders, those who have a major stake in the plan, and citizens. An effective method is town meetings, focus group interviews (10-13 people) moderated by an outside professional with a formal agenda. The members should be recruited (not volunteers) based upon income, area, newcomers and oldtimers. For methods of surveying she suggested mail and phone surveys, and that areas of research include issues, priorities, and perspectives.

#### 7. CASE NO. Z-15-89. WILLIAMSBURG CONGREGATION OF JEHOVAH'S WITNESS

Mr. Friel presented the staff report (appended) to rezone approximately 1.26 acres from R-3, General Residential, to B-1, General Business, on property located at 5731 Richmond Road. Mr.

Friel stated that staff recommended denial for reasons stated in the staff report.

Mr. Belden opened the public hearing.

Mr. Alvin Anderson, representing the applicant, gave a brief history of the property and argued that although this application was not consistent with the Comprehensive Plan, neither was the surrounding property.

Mr. Ralph Brown, Minister of the Williamsburg Congregation of Jehovah's Witness, stated that more space was needed in both the church and parking. The rezoning would allow the church to relocate to achieve the extra space needed.

There being no further speakers the public hearing was closed.

Mr. Kuras cited a need for business property.

Mr. Magoon questioned the commercial potential of properties to the north.

Mr. Sowers stated that placing commercial uses adjacent to the side of residential properties creates pressure for future commercial rezonings, particularly for smaller scale business uses, and that different zoning lines are best located along rear property lines.

Following a brief discussion, upon a motion by Mr. Massie, seconded by Mr. Magoon, the Commission voted 8-1, with Ms. Lowe voting nay, to recommended approval of Case No. Z-15-89 to the Board of Supervisors.

8. CASE NO. SUP-27-89. JCSA/CHICKAHOMINY ROAD WATERWORKS FACILITY

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a well and waterworks facility located at 2889 Chickahominy Road. Mr. Friel stated that staff recommended approval of this application.

Following a brief discussion, upon a motion by Mr. Garrett, seconded by Mr. Bradshaw, the Commission by roll call voted unanimously to recommend approval of Case No. SUP-27-89 to the Board of Supervisors.

9. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report and reminded the Commission that the Stonehouse case had been deferred.

10. CITIZENS PARTICIPATION TEAM FOR COMPREHENSIVE PLAN UPDATE

Following a brief discussion, upon a motion by Mr. Kuras, seconded by Mr. Davis, the Commission by unanimous voice vote, agreed to submit the names of fifteen citizens to the Board of Supervisors for consideration to serve on the Citizens Participation Team. The Commission agreed that there would be 7 citizens on the committee, and the names of 15 nominees would be sent to the Board.

11. ADJOURNMENT TO EXECUTIVE SESSION

Upon a motion by Ms. Lowe, pursuant to Section 2.1-344(1) of the Code of Virginia, and seconded by Mr. Garrett, the Commission adjourned to executive session at approximately 10:45 p.m. to discuss nominations to the Citizens Participation Team.

Upon a motion by Mr. Garrett, seconded by Mr. Bradshaw, the following Resolution of Certification of Executive Session was adopted.

WHEREAS, the Planning Commission of James City County, Virginia (Commission) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344(1) of the Code of Virginia requires a certification by the Commission that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applied, and (ii) only such public business matters as were identified in the motion convening the executive meeting were

heard, discussed or considered by the  
Commission.


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Fred Belden, Chairman  
Planning Commission

VOTE:

AYES: 9  
NAYS: 0

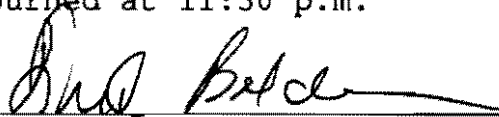
(For each nay vote, the substance of the departure from the  
requirements of the Act should be described.)

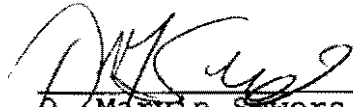
ATTEST:

  
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O. Marvin Sowers, Jr.  
Secretary to the Commission

12. ADJOURNMENT

The September 12, 1989 Planning Commission meeting was  
adjourned at 11:30 p.m.

  
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Fred Belden  
Chairman

  
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O. Marvin Sowers, Jr.  
Secretary

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