

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWELFTH DAY OF MARCH, NINETEEN HUNDRED AND NINETY ONE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman  
Mr. Raymond L. Betzner  
Mr. A. G. Bradshaw  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Mr. Donald C. Hunt  
Ms. Judith Knudson  
Ms. Carolyn Lowe  
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. John T. P. Horne, Manager of Development Management  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. R. Patrick Friel, Senior Planner  
Ms. Elizabeth Sullivan, Planner

Mr. Kuras welcomed Jesse Tarleton, Williamsburg City Council member, to the meeting.

2. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Bradshaw, the Minutes of the February 12, 1991 meeting were approved.

3. PRESENTATION

Mr. Kuras presented a Resolution of Appreciation to Gary Massie for his years of service as a member of the Planning Commission.

4. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved.

5. WILLIAMSBURG RESORT TIMESHARES

Mr. Sowers stated that this case had been reviewed previously by the Planning Commission. He stated that the Windsor Forest Homeowners Association had reviewed the revised plans and has no opposition to the proposal.

Ms. Lowe asked for clarification regarding exceptions to the Chesapeake Bay Preservation Ordinance for slopes of 25% or steeper. Mr. Sowers stated that any exceptions would need to be granted at the site plan stage.

Ms. Lowe stated that regardless of the improvements made to the current plan, it is still a timeshare development that will change the character of the area in an unfavorable way.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation. The motion passed: AYE: Bradshaw, Garrett, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (8). NAY: Lowe, Gussman, Knudson (3).

6. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING

Mr. Kuras stated that the applicant requested a one month deferral of this case and continued the public hearing for Case No. SUP-49-90 until April 9, 1991.

7. CASE NO. Z-12-90/SUP-48-90. OLD DOMINION FRENCH WINERY

Mr. Murphy presented the staff report (appended) to rezone 492 acres from A-1, General Agricultural to M-1, Limited Industrial (255 acres), R-5, Multi-family Residential (223 acres), and A-1, General Agricultural (14 acres) with proffers. The rezoning request is accompanied by a special use permit application to allow a chateau/winery complex, 300 room hotel, and commercial uses in excess of 10,000 square feet. Mr. Murphy recommended denial of these applications for the reasons stated in the staff report.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, III, spoke on behalf of the Hankins Land Trust and the Williamsburg Investment Group (contract purchaser). He thanked the planning staff for their help and suggestions for improving the overall plan. He stated the County's need to increase industrial revenue, and the value of the interchange land. He stated there would be a mixed use business park in the M-1 area, and stated the kinds of businesses they hope to attract. He explained the location and design of the chateau. Mr. Geddy stated that the County needs to diversify it's economy, and this proposal is the best use of the land. He stated the project would be a unique asset for the County and a great economic development tool. He stated that the Peninsula Ports Authority of Virginia had acted favorably on their proposal and will issue taxable industrial revenue bonds. Mr. Geddy said that revenues produced by the project will exceed County expenses for the project. He stated that the Winery will have 85% full time permanent jobs. Mr. Geddy agrees that the proposal is not consistent with the Comprehensive Plan or surrounding areas. He pointed out the site's excellent location to I-64, and that the project would be a good marketing tool for the County. He stated the area is an appropriate location for a mixed use development, and he urged the Planning Commission to recommend approval.

Dr. Robert Solomon, 5011 Riverview Road, stated that he represents other concerned citizens of Croaker. He said that he protested the removal of this land from the AFD and circulated a petition at that time. He stated that the project would adversely affect the rural nature of Croaker. Dr. Solomon stated that he is an adjacent landowner and maintains farm animals, and the proposal may conflict with his farm operations and the rural character of Croaker. He further stated that the winery property is outside the PSA and is inconsistent with the Comprehensive Plan.

Mr. Richard Wilkinson stated that he is in favor of the project because a project of this magnitude would increase tax revenue to the County. He recommended that the rezoning and special use permit be approved.

Ms. Virginia Harbow, Stonehouse District, also stated she is in favor of the project because it is high quality and would be beneficial to the County.

There being no further speakers, the public hearing was closed.

Mr. Garrett stated that the Commission could debate the issue for some time, but believed that was unnecessary. He commended staff for their effort.

Ms. Lowe stated it was foolish and premature to approve a project this large before the Comprehensive Plan was adopted. She stated that a winery is risky business and there is tremendous uncertainty about the viability of the project.

Mr. Hagee stated that he agrees with Ms. Lowe. He stated the site is valuable and will attract industry. He stated that the proposal was tourist related, and not industry which the County needs.

Mr. Kuras agreed with Mr. Hagee's concerns.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of denial of Case Nos. Z-12-90 and SUP-48-90. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11).

8. CASE NO. ZO-1-91. ZONING ORDINANCE AMENDMENT/GROUP HOMES

Mr. Murphy presented the staff report (appended) for a zoning ordinance amendment to permit group homes (with eight or less residents) in each zoning district that permits single family homes. This case was deferred from last month's Commission meeting to further examine the legislation to see if there was flexibility in how the County could approach the requirements. Mr. Murphy recommended approval of the amendments as presented in revised form submitted this evening.

Mr. Rogers stated that what is proposed in the amendments is what is now required by the State.

Mr. Garrett stated that the State legislation violates a Supreme Court ruling protecting single family homes.

Mr. Rogers stated that a group home constitutes a single family dwelling and does not preempt homeowners' covenants.

Mr. Garrett suggested that staff disseminate these new amendments to all homeowners' associations.

Mr. Kuras opened the public hearing. There being no further speakers, the public hearing was closed.

Ms. Gussman made a motion, seconded by Mr. Betzner to accept the staff recommendation. The motion passed: AYE: Bradshaw, Lowe, Davis, Gussman, Knudson, Betzner, Hunt, Kuras (8). NAY: Garrett, McKenna, Hagee (3).

9. CASE NO. SUP-1-91. JCSA-NEWS ROAD WATER MAIN

Mr. Friel presented the staff report (appended) to allow the construction of a 12 inch water transmission main. The main would be located along News Road within the Virginia Department of Transportation right-of-way, between Powhatan Secondary and the proposed entrance to Section 7 of Ford's Colony. Mr. Friel stated that staff recommended approval with conditions as detailed in the staff report.

Ms. Gussman asked why an archaeological study was not being required for this water main. Mr. Friel said an archaeological study was not required because the main was being placed within the VDOT right-of-way. He stated there would be much less disturbance than placing the main outside the right-of-way.

Mr. Kuras opened the public hearing. There were no speakers, and the public hearing was closed.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11).

10. CASE NO. SUP-2-91. JCSA-PENNIMAN AND MADISON ROADS WATER MAIN

Mr. Friel presented the staff report (appended) to allow the construction of an 8 inch water main. The main would be located along Penniman Road and Madison Road within the Virginia Department of Transportation right-of-way, and on an easement between the CSX railroad and the intersection of Adams Road and Tyler Drive. Mr. Friel stated that staff recommended approval with conditions as detailed in the report.

Mr. Kuras opened the public hearing.

Ms. Melanie Redfern, 1203 Penniman Road, stated that she owns property at 1205 Penniman Road. She stated the 15 foot easement goes through three crepe myrtle trees in her yard and through the parking lot of the apartments. She wanted to know the extent of damage to her property and if the property will be returned to its original condition.

Mr. Foster stated that his office would be in touch with Ms. Redfern within the week to discuss her concerns.

There being no further speakers, the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff report. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11).

11. CASE NO. SUP-5-91. NEWPORT NEWS NORTHERN ZONE WATER TRANSMISSION MAIN

Mr. Friel presented the staff report (appended) to allow the construction of a 30 inch water transmission main. The main would begin at the City of Newport News/James City County boundary and extend north to Anheuser Busch close to the entrance to Busch Gardens. The main would be located in the 100 foot wide Virginia Power right-of-way. Mr. Friel stated that staff recommended approval with conditions as detailed in the report.

Ms. Lowe asked why a 70 foot temporary construction easement was needed. Mr. Brian Braddish, Engineer for the City of Newport News, said this is a 30 inch pipeline which requires a larger construction area.

Ms. Gussman asked if connection to the water main would be allowed in the Greenmount area. Mr. Braddish said the water main is for future use as necessary.

Ms. Gussman asked if conditions could be placed on the special use permit to assure connections are allowed to the main.

Mr. Braddish said it is sometimes more logical to tap a smaller line than a larger line if one is available. Ms. Gussman said there were no small lines in the area, so connection to this larger line should be allowed.

Mr. Davis asked for clarification of the main's route through a cemetery and where the main crosses Route 60. Mr. Friel indicated the route on the plan.

Mr. Davis asked if a workshop could be set up in order to explain to people exactly where the main is going to be placed.

Mr. Friel stated that the City of Newport News will be talking with people in order to have easements granted.

Ms. Lowe stated her concerns regarding the enormous disturbance of the wetlands areas, and requested that the project have less impact on the wetlands and streams areas.

Mr. Braddish stated that permits will be required from the Army Corps of Engineers and Virginia Marine Resources that state what conditions the City of Newport News will have to abide by and what measures to use. Mr. Friel said a wetlands permit would be required from the James City County Wetlands Board.

Mr. Kuras opened the public hearing.

Mr. James Curtis, of Grove, spoke on behalf of his mother-in-law. He stated that she already has three lines through her property for which she pays taxes and from which others benefit. He stated that he is not against progress, but is tired of utilities coming through the Grove area and taking land. He stated concerns about his mother-in-law being able to afford her property. He asked the Commission to think about their actions and possibly having the line moved.

Mr. Kuras suggested that Mr. Curtis talk over his concerns regarding taxes on the property with the Real Estate Assessments office. Mr. Friel stated that the property is taxed already at a reduced rate because of the three lines going through the property.

There were no further speakers, and the public hearing was closed.

Ms. McKenna said that the easements should be consolidated as much as possible. She stated there was not another route for the main because of the wetlands and railroads.

Ms. Lowe asked for clarification of the differences between this line and the line for Virginia Natural Gas. Mr. Friel explained the differences and stated that the Newport News water line will be on the side of the existing right-of-way.

Mr. Davis requested that the City of Newport News contact Irene Lee.

Ms. Lowe had an addition to Condition #9 "post-construction topsoil conditions shall be reestablished to pre-construction standards utilizing soil amendments as approved by the Soil Conservation Service".

Mr. Kuras stated that Condition #9 should be amended to preserve topsoil in forested areas.

Mr. Friel stated that staff would clarify Condition #9 prior to this case going to the Board of Supervisors.

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff recommendation with the above revisions to Condition #9. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Betzner, Hunt, Kuras (10). NAY: Knudson (1).

12. CASE NO. Z-1-91. TOANO WOODS

Ms. Sullivan presented the staff report (appended) to rezone 2.86 acres from A-1, General Agricultural to R-1, Limited Residential. The property is located on the east side of Bush Springs Road, 800 feet south of the Bush Springs Road and Richmond Road intersection. She stated that staff recommended that the property be rezoned to R-8, Rural Residential rather than the requested category of R-1 due to density and road capacity concerns.

Mr. Bradshaw abstained from voting on this case.

Ms. McKenna asked if the applicant had stated his reaction to the recommendation of R-8 zoning. Ms. Sullivan stated that she had talked informally about the recommendation with the applicant.

Mr. Kuras asked if certain farm animals were permitted in the R-8 zoning category. Mr. Sowers stated that they were, but covenants could preclude farm animals from being permitted.

Mr. Scruggs stated that he did not have a problem with the R-8 zoning request of staff; however, he would like the property rezoned to R-1 for uniformity. He stated that the water and sewer laterals are already in place. He stated he was building affordable housing on the parcels in the \$70s to \$90s range with financing from the VDHA. Mr. Scruggs also stated that he did not want to change the covenants to exclude animals.

Mr. Kuras asked if the proffer process had been explained to the applicant. Mr. Scruggs stated it had been, but he did not wish to offer proffers.

There being no further speakers, the public hearing was closed.

Mr. Hagee stated that the applicant could proffer only four lots; otherwise he agrees with the R-8 zoning.

Mr. Betzner made a motion, seconded by Ms. McKenna to accept the staff recommendation. The motion passed: AYE: Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (10). Mr. Bradshaw abstained from voting on Case No. Z-1-91.



13. SIX YEAR SECONDARY ROAD IMPROVEMENTS

Mr. Horne presented the staff report (appended) indicating the list of priorities for road improvements.

Mr. Kuras stated his concerns about removing Greensprings Road from the Plan because it is a direct link from the Colonial Parkway to Route 5. He stated that widening and realigning of the road would wipe out its intended purpose as a greenway, and that it should stay on the Plan and have a bikeway.

Mr. Horne stated that VDOT had completed improvements to the road and these improvements are all that is possible without removing significant numbers of trees.

Ms. Lowe stated that if Greensprings Road is tampered with, it could lose its historic importance. She stated that the staff recommendations were good.

Ms. McKenna made a motion, seconded by Ms. Lowe, to accept staff recommendation on road improvements. The motion passed: AYE: Bradshaw, Garrett, McKenna, Lowe, Davis, Hagee, Gussman, Knudson, Betzner, Hunt, Kuras (11).

14. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated that Stonehouse will be coming before the Planning Commission in the near future. He stated that another field trip can be arranged for those Commission members who have not participated. Mr. Sowers asked the Commissioners to let him know soon if they want to go on a field trip.

Mr. Sowers stated that updated copies of Job of the Planning Commissioner were available and could be circulated to Commissioners.

15. MATTERS OF SPECIAL PRIVILEGE

Mr. Kuras stated that Robert's Rules of Order were on the back of the agenda. He recommended having sign up sheets for speakers at the next meeting. He stated that if a person has not signed up, he would not be prevented from speaking.

Ms. McKenna reminded the Commission that the Comprehensive Plan Steering Committee meets every Tuesday in March at 4:00 to discuss land use issues.

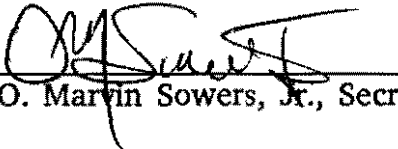
Ms. Lowe stated that the Land Conservancy will conduct a workshop on April 6 from 9:00-3:00 at William and Mary. The cost is \$5.00 for a box lunch.

Mr. Sowers stated that CPDSC meetings would continue on every Tuesday at 4:00 and was currently addressing land use.

16. ADJOURNMENT

There being no further business, the March 12, 1991 Planning Commission meeting adjourned at 9:50 p.m.

  
Alexander C. Kuras, Chairman

  
O. Marvin Sowers, Jr., Secretary

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