

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF APRIL, 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. Allen J. Murphy, Jr., Principal Planner
Mr. R. Patrick Friel, Senior Planner
Mr. Michael A. Freda, Planner
Mr. Donald E. Davis, Principal Planner
Mr. Jeffrey J. Mihelich, Planner
Mr. Wayland N. Bass, County Engineer

Mr. Davis introduced Jeff Mihelich as the new long range planner in the Comprehensive Planning Section.

2. MINUTES

Mr. Kuras stated that item 13, Six Year Secondary Road Improvements, second paragraph, should read: "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 some improvement will be needed in order to safely handle the increased traffic and a bikeway, and to reduce maintenance problems with the shoulders. This need not wipe out its intended purpose as a greenway, and recommended it stay in the plan."

Upon a motion by Mr. Betzner, seconded by Mr. Hunt, the March 13, 1991 Minutes were accepted with the stated amendment.

3. COMMITTEE REPORTS

a. Development Review Committee - No meeting was held.

b. Policy Committee - Ms. McKenna reported that the committee met only to consider the nominations for the Award for Excellence. Among the nominees were Norge Medical Center, Powhatan Plantation and the Woodside Drive area. The committee selected Norge Medical Center as the recipient of the award with letters of commendation to the others.

Upon a motion by Ms. McKenna, seconded by Ms. Lowe, the report was accepted by unanimous voice vote.

4. CASE NO. SUP-49-90. WILLIAMSBURG CROSSING (Mr. Vernon Geddy, III, on behalf of University Square Associates).

Mr. Friel presented the staff report (appended) for a special use permit to allow the construction of approximately 446,213 square feet of commercial/office development located at the intersection of Route 5 and Route 199. Mr. Friel stated that staff recommended approval of Case No. SUP-49-90 with the conditions detailed in the staff report.

Ms. Knudson questioned the 50' buffer along the border of Winston Terrace and the 50' greenbelt along Rt. 199. Mr. Friel responded that the landscape ordinance required only a 35' buffer. Ms. Knudson felt that while a smaller commercial property could be harmed by a deeper buffer and greenbelt, a large commercial property such as Williamsburg Crossing would not be harmed by a deeper buffer or greenbelt.

Ms. Lowe agreed with Ms. Knudson and further stated that this property was located in the midst of a primarily residential area.

Mr. Sowers stated that because this was an SUP the Commission could recommend a required width for the buffer or greenbelt.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing University Square Associates, stated that Mr. Calvin Davis, the developer, and Mr. Bill Cashman, traffic engineer with Langley & McDonald, were present to respond to questions. Mr. Geddy made a brief presentation stating the project's commercial benefits, its continued growth, tax benefits, etc., and that the Winston Terrace adjacent property owners had no objections to the proposal. Mr. Geddy further stated agreement with the staff recommendation and the conditions and requested approval of the proposal.

In response to Ms. Lowe's inquiry, Mr. Geddy responded that a fiscal impact study had not been performed.

In response to Ms. Gussman's inquiry, Mr. Geddy responded that an archaeological study had been performed.

Mr. George Wright, President of the Historic Route 5 Association, thanked staff and Mr. Calvin Davis for their cooperation. Mr. Wright voiced concerns regarding the proposed road improvements to King's Way and the effect of the construction of the relocation of Route 199 on area 10 on the conceptual plan. He recommended that alternative access locations be considered. Mr. Wright stated that 27 large trees would be in the portion taken for construction and asked that fringe trees along Route 199 be protected. He also stated that a 50' greenbelt was inadequate.

Mr. Grant Olson, 105 Holman Road, representing the Board of Directors of the Coalition for Quality Growth, stated that at a recent meeting of the CQG it was questioned whether this expansion was needed. Mr. Olson reported on vacant commercial buildings in 1990-1991 and asked that this request be denied or deferred based on the absence of demonstrated need for additional commercial property, the impending adoption of the update of the Comprehensive Plan, citizens concerns regarding traffic, archaeology, aesthetics, etc. The CQG suggested the developer be required to submit a financial impact analysis.

Mr. Wallace Davis reminded the Commission that Ewell Station Shopping Center had a 25' buffer which he felt caused some residents to move away. Mr. Davis also questioned the type of traffic study performed and how long the study was conducted.

Mr. Cashman, Langley & McDonald, responded that there were two traffic counts performed, one by Langley & McDonald (hourly turning movements) and the other by the Highway Department.

Mr. Calvin Davis stated that adjacent property owners had informed him that they did not want footpaths because they could become thoroughfares. He further stated that Phase I of the shopping center is 85% occupied and 95% leased with five new merchants moving in.

There being no further speakers the public hearing was closed.

Mr. Hagee asked about saving the trees in the greenbelt. Mr. Sowers responded that the trees would be protected by the Landscape Ordinance if they fell within the required 35' average width front landscape area. He also explained the difference between the landscape ordinance requirements and the greenbelt policy, and stated that commercial greenbelts had varied between 35' and 50'.

Ms. Gussman felt the shopping center was in a good location for commercial use and that it was possible to resolve the problems such as traffic conditions and buffer areas.

Mr. Garrett stated it was unfair to change the rules of the game in midstream in regard to the greenbelt.

Mr. Bradshaw made a motion, seconded by Ms. Gussman, to accept the staff recommendation.

Mr. Kuras made an amendment to the motion, seconded by Mr. Betzner, to amend condition #3 to read ..."along Route 199 and the future right-of-way of Route 199 ..." The amendment passed by unanimous voice vote.

Ms. Gussman made an amendment to the motion, seconded by Mr. Garrett, to amend condition #3 to state that a minimum 65 foot (instead of 50 foot buffer) shall be provided along the southern and western boundaries of the site, that utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee, and that this buffer may be reduced to a width of 50 feet (instead of 35) if enhanced landscaping approved by the Development Review Committee is provided. The amendment passed by unanimous voice vote.

Ms. Lowe stated that she planned to vote against the proposal because of the traffic and because there was no economic impact analysis.

The motion to accept the staff recommendation passed: AYE: Bradshaw, Garrett, Gussman, McKenna, Davis, Hagee, Betzner, Hunt, Kuras (9). NAY: Knudson, Lowe (2).

5. CASE NO. SUP-6-91. WESSEX HUNDRED DEVELOPMENT, INC.

Mr. Friel presented the staff report (appended) for a special use permit for development of a residential cluster subdivision consisting of 46 single family residential units on 24 acres on Lake Powell Road. Mr. Friel stated that staff recommended approval of Case No. SUP-6-91 with the conditions detailed in the staff report.

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

Ms. McKenna made a motion, seconded by Mr. Hagee, to accept the staff recommendation. The motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, Knudson, Lowe, McKenna, Kuras (11). NAY: (0).

6. CASE NO. SUP-7-91. C&P HUT AT LAFAYETTE HIGH SCHOOL
CASE NO. SUP-8-91. C&P HUT AT CENTERVILLE & LONGHILL ROADS
CASE NO. SUP-9-91. C&P HUT AT WARE CREEK ROAD
CASE NO. SUP-10-91. C&P HUT AT 101 MAXTON LANE

Mr. Friel presented the staff report (appended) for special use permits to allow four fiber optics enclosures. Mr. Friel stated that staff recommended approval with conditions detailed in the staff report.

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

Ms. Lowe made a motion, seconded by Ms. McKenna, that the driveways be gravel rather than asphalt. The motion passed unanimously by voice vote.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation, as amended, and with the conditions detailed in the staff report. The motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, Knudson, Lowe, McKenna, Kuras (11). NAY: (0).

7. CASE NO. Z-2-91. ROBERT V. PIGGOTT

Mr. Freda presented the staff report (appended) to rezone 2.75 acres from A-1, General Agricultural, to B-1, General Business, located at 108 Bush Springs Road. Mr. Freda stated that staff recommended denial of this case based on reasons detailed in the staff report.

Mr. Bradshaw stated that he would abstain from participation on this case.

Mr. Kuras opened the public hearing.

Mr. William J. Chambers, the applicant on behalf of Mr. Piggott, reviewed for the Commission the proffers he had submitted and spoke in support of the application.

Mr. R. M. (Sam) Hazelwood of Toano felt this application was a good facility for

the area, that it would be partially screened from Route 60 by Basketville, and that a storage facility would not encourage much traffic. Mr. Hazelwood asked that the application be approved.

There being no further speakers the public hearing was closed.

Ms. McKenna stated that the area is primarily residential and that the proposed uses were too broad.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of denial. The motion passed: AYE: Betzner, Davis, Garrett, Gussman, Hagee, Hunt, Knudson, Lowe, McKenna, Kuras (10). NAY: (0). ABSTENTION: Bradshaw (1).

8. CASE NO. SO-2-91. SURVEYING CONTROL MONUMENTS

Mr. Bass presented the staff report (appended) for a proposed amendment to the Subdivision Ordinance which would require use of the County surveying control monument network for all new subdivisions within one mile of an existing County monument. Mr. Bass stated that staff recommended approval of this amendment.

Mr. Kuras opened the public hearing.

Mr. Paul Small of AES stated that he fully supported the use of monuments but felt the fee should be a per lot assessment rather than per acre.

Mr. Norman Mason of Langley & McDonald supported the monumentation program.

Mr. Lawrence Beamer, contractor, felt the fee schedule would only benefit the County and asked why it wasn't a free service paid for by tax dollars. He explained that he had been paying taxes on undeveloped property for many years but when it was finally developed he would incur many additional expenses which makes affordable housing difficult to develop.

There being no further speakers the public hearing was closed.

Mr. Sowers explained that the proposed fee was not part of this amendment, but would be considered in the next case on the Commission's agenda.

Ms. McKenna made a motion seconded by Ms. Gussman to accept the staff recommendation. The motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, Knudson, Lowe, McKenna, Kuras (11). NAY: (0).

9. CASE NO. SO-1-91. SUBDIVISION ORDINANCE AMENDMENT/FEEES
CASE NO. ZO-4-91. ZONING ORDINANCE AMENDMENT/FEEES

Mr. Sowers presented the staff reports (appended) for proposed fee changes and their inclusion in a single section of the Subdivision and Zoning Ordinances for ease of administration. He stated that the fees in SO-1-91 are for subdivisions, water and sewer inspections, and survey control monument maintenance, and the fees in ZO-4-91 are for rezonings, SUPs, master plans, site plans, sign permits, and BZA appeals. Mr. Sowers stated that staff recommended approval of the proposed changes in the Subdivision and Zoning Ordinances.

In response to an inquiry on the previous case, Mr. Bass stated that other jurisdictions charged monument fees on a per acre basis.

Mr. Kuras opened the public hearing.

Mr. Lawrence Beamer stated that owners of vacant land pay taxes, yet when an application is submitted more fees are required. He questioned what the landowner receives for the taxes paid. Mr. Beamer complained about the length of time required to process an application.

There being no further speakers the public hearing was closed.

Ms. McKenna made a motion seconded by Ms. Lowe to accept the staff recommendation on Case No. SO-1-91.

Ms. Gussman made an amendment to the motion to defer #5 (monument fee) of the proposed subdivision fees.

Ms. Gussman also expressed concern regarding zoning fees. Ms. Gussman wondered if applicants could help lower administrative costs by assuming responsibility for more of the processing requirements such as the installation of the zoning and special use permit signs at the site and mailing notification letters to the adjacent property owners.

Mr. Betzner suggested staff examine ways to make the planning process as cost efficient as possible.

Mr. Sowers stated that most of the zoning fees recover less than 50% of the cost of processing the application, and the current fee structure recovers even substantially less. He stated that the fees are similar to other jurisdictions and urged the Commission to act favorably on the proposed fees in order for the County to catch up and to partially recover its costs.

On the motion to accept the staff recommendation of approval for Case No. SO-1-91 with the amendment to defer #5 (monument fee) the motion passed: AYE: Betzner, Davis, Garrett, Hagee, Knudson, Lowe, McKenna, Kuras (8). NAY: Bradshaw, Gussman, Hunt (3).

Mr. Hagee pointed out that the proposed inspection fee increase from \$.50 to \$.62 per foot for water and sewer was a 24% increase.

Ms. McKenna made a motion seconded by Ms. Lowe to accept the staff recommendation of approval on Case No. ZO-4-91. The motion passed: AYE: Betzner, Davis, Garrett, Hagee, Knudson, Lowe, McKenna, Kuras (8). NAY: Bradshaw, Gussman, Hunt (3).

10. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report.

11. MATTERS OF SPECIAL PRIVILEGE


Ms. Lowe announced that the April workshop sponsored by the Historic Rivers Land Conservancy, of which she is president, was very successful.

12. SETTING OF FUTURE MEETING DATES


Mr. Sowers announced that the Comprehensive Plan Steering Committee will meet on April 16 and 23 at 4:00 p.m. in the Boardroom. Mr. Kuras announced that both meetings would include the full Planning Commission.

13. ADJOURNMENT

There being no further business the April 9, 1991 Planning Commission meeting was adjourned at 10:15 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary