

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

1. ROLL CALL

Ms. Willafay McKenna, Acting Chairperson  
Mr. Raymond L. Betzner  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Mr. Donald C. Hunt

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Leo P. Rogers, Assistant County Attorney  
Mr. Allen J. Murphy, Jr., Principal Planner  
Mr. Donald E. Davis, Jr., Principal Planner  
Mr. R. Patrick Friel, Senior Planner  
Ms. Elizabeth R. Sullivan, Planner  
Mr. Trenton L. Funkhouser, Senior Planner

2. MINUTES

Upon a motion by Ms. Gussman, seconded by mr. Betzner, the February 11, 1992 minutes were unanimously approved by voice vote.

3. COMMITTEE REPORTS

a. Development Review Committee Report: Mr. Garrett stated that he had no report.

b. Policy Committee Report: Ms. McKenna stated that the Capital Improvements Program would be presented later on the agenda.

4. CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL & FORESTAL DISTRICT (MAYNARD ADDITION)

Mr. Friel presented the staff report (appended) for an addition of 33.62 acres to the Mill Creek AFD located at 101 Berkeley Town Road. Mr. Friel stated that the Agricultural and Forestal Districts Advisory Committee concurred with staff's recommendation of approval, with the conditions detailed in the report.

Ms. McKenna opened the public hearing. There being no speakers the public hearing was closed.

Mr. Betzner made a motion, seconded by Mr. Davis, to accept staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt (7). NAY: (0).

5. CASE NO. SUP-38-91. HENRY S. BRANSCOME, INC./LEE BORROW PIT  
CASE NO. SUP-39-91. HENRY S. BRANSCOME, INC./BICKFORD BORROW PIT

Mr. Friel presented the staff report (appended) stating that this case was deferred at the February 11, 1992 meeting. Mr. Friel further stated that contrary to the staff report for recommendation of approval of this case, staff recommends deferral to allow an opportunity to readvertise with the inclusion of the property interest claimed for ingress and egress and to provide an opportunity to resolve other legal issues involving access. Mr. Friel commented that the public hearing was closed at the February meeting.

Ms. McKenna stated that at Mr. Vernon Geddy's request she would allow him to address the Commission regarding this issue.

Mr. Geddy, representing Mr. Branscome, stated that he disagreed with staff regarding the advertising issue.

Mr. Geddy suggested that in order to ease concerns of residents on Blow Flats Road, paving of the first 30 to 40 feet of the private right-of-way and installation of a speed bump at that point would slow trucks to the point where they could not attain a high rate of speed until they reached Route 60. Additionally, the person taking the tickets from the drivers now stationed at the pit could be stationed further along the stretch of road and monitor speeders and take action accordingly.

Mr. Geddy felt the County had not in the past advertised access, utility or other easements in these cases. Mr. Geddy asked that the case not be delayed.

In response to Mr. Hagee's question regarding the purpose for readvertising, Mr. Sowers responded that there is a disagreement between the party representing the applicants and the party owning the access easement regarding the use of the access easement for the borrow pit, particularly the expansion. Mr. Sowers stated that by deferring staff hopes to have the issue clarified to insure adequate access to the property.

Mr. Rogers explained the necessity to indicate all the property that the applicant would be using with respect to this special use permit in the legal advertisement. The ingress and egress to the property would be affected by the SUP by the increased truck traffic. Mr. Rogers said that in this case because there is a private prescriptive easement and is not a public road, there is a need for the public to be notified that it will be part of the property that will be used for the specially permitted use. Mr. Rogers further stated that because there is property that the applicant claims a property right to that hasn't been advertised, that the advertisement is a cautionary measure to make sure that the special use permit is properly enacted.

Mr. Garrett inquired if the County had recourse to require access to Route 60.

Mr. Friel responded that it was the County's understanding that Greenmount had not absolutely prohibited another crossing of their property and that a Greenmount representative had informed him that following full evaluation the County will be informed on this matter.

Mr. Garrett asked, if public funding (industrial park funding) became available for the road into the access, would the County have recourse to permit the applicant to use it?

Mr. Horne responded that a road built with industrial funds would become a public road. Should this property front on that public road and meet VDOT's entrance requirements then access could be obtained. Because this is a commercial entrance there is not an inherent right to an access. Mr. Horne further stated that if an industrial access road was built and became a public road, if it did not go all the way back and actually touch this property, then an easement would be necessary across any adjoining property. Also, if the County built the road, it must meet the commercial entrance requirements onto that roadway for VDOT to allow them to take access to the roadway. Mr. Horne stated that there was no proposal to build such a road.

Mr. Garrett stated that he felt anything that goes there as an industrial park would be worthy of a commercial access.

Mr. Garrett stated that a site visit revealed obvious safety concerns and that he was in favor of doing whatever was necessary for an acceptable ingress and egress outside of Blow Flats Road. Mr. Garrett pointed out that the property is in an industrial zoned area and the developers have a right to get in and out. Mr. Garrett stated that a decision should be viewed from a land use point of view and not a political point of view.

Mr. Garrett moved to accept the staff recommendation of deferral, seconded by Mr. Betzner. The motion passed by unanimous voice vote.

6. CASE NO. Z-11-91. MASTER PLAN AMENDMENT TO CHAMBREL AT WILLIAMSBURG

Mr. Friel presented the staff report (appended) stating that this case was deferred at the February 11, 1992 meeting. Mr. Friel stated that the amendment would allow a 120 bed nursing home and/or non-ambulatory adult care facility to be constructed. Mr. Friel further stated that staff recommends approval with the conditions detailed in the staff report.

Ms. McKenna opened the public hearing.

Mr. Vernon Geddy, representing Chambrel, introduced Mr. Garth Malena, Executive Director, Ms. Sue Moniak, Director of Health Services, both with Chambrel at Williamsburg, and Mr. Arch Marston with AES. Mr. Geddy spoke briefly on the level of care available at the proposed facility which is not available in the existing facility.

There being no further speakers the public hearing was closed.

Mr. Betzner made a motion, seconded by Mr. Davis, to accept the staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Davis, Hagee, Gussman, Betzner, Hunt (7). NAY: (0).

7. CASE NO. SUP-2-92. COLONIAL GOLF DESIGN, INC.

Mr. Friel presented the staff report (appended) for a special use permit for the construction of a golf course and related facilities on property located at 8251 Diascund Road. Mr. Friel stated that staff recommended approval with the conditions stated in the report.

Ms. McKenna opened the public hearing.

Mr. Stuart Tompkins, III, 811 Arlington Island Road, Lanexa, opposed the golf course as he felt cutting of timber would cause displacement of the wildlife.

Mr. Lynn Gilley, property owner in Toano and Chickahominy Haven, stated that this golf course would provide an increase in the tax base with low public services and virtually no pollution. Mr. Gilley stated that this would be the only championship course in town where a golfer could play for under thirty five dollars.

There being no further speakers the public hearing was closed.

Mr. Hunt made a motion, seconded by Mr. Hagee, to accept the staff's recommendation of approval.

Ms. Gussman expressed concern regarding water sources for this project stating that no minimum in stream flow requirements apply when withdrawing from tidal creek water. Ms. Gussman stated that the natural tidal flow defines the habitats in the area. Ms. Gussman further stated that the environment would be better served by having wells as opposed to having withdrawals from the tidal creek itself. Also, Ms. Gussman felt a large portion of the golf course impinged upon the State designated Natural Area.

The motion passed: AYE: Garrett, McKenna, Hagee, Betzner, Hunt (5). NAY: Davis, Gussman (2).

8. CASE NO. Z-10-91. MASTER PLAN AMENDMENT TO GREENSPRINGS PLANTATION

Mr. Friel presented the staff report (appended) stating that the applicant requested deferral of this case in order to resolve issues raised during the staff review.

Mr. Friel further stated that staff felt this case should be presented in its current form, comments should be received from the Commission, and the public hearing should be opened to allow the applicant to make a presentation. Mr. Friel stated that staff concurred with the applicant's request for deferral.

Mr. Hagee asked if an area, with no woods, consisting of manicured lawn would be considered a greenbelt.

Mr. Friel responded that it would not be considered a greenbelt under the adopted Greenbelt Policy, and that the policy promotes preservation of the County's wooded and natural character.

Mr. Hagee stated that 75 feet of forested area and 150 feet of landscaped manicured lawn which is part of a golf course would produce an attractive area which he felt was the purpose of a greenbelt area.

Mr. Horne stated that such was in conflict with the Comprehensive Plan and the Greenbelt Policy but could be determined on a case by case basis.

Mr. Sowers stated that the Greenbelt Policy specifically favors natural vegetation.

Mr. Betzner asked why commercial property was located so close to Route 5 when it's the intent to keep traffic off Route 5 by encouraging what could be the realigned Route 614 and Route 5.

Mr. Friel responded that this will be looked into when the revised traffic study is received.

In response to Mr. Betzner's question regarding new proffers versus current proffers, Mr. Friel responded that it is the staff's intent in discussions with the applicant that the new proffers be equivalent to the current proffers.

Mr. Hagee stated that looking at Route 614 as a through road he prefers the other route but if we go with the by pass he felt it would serve the purpose.

Ms. McKenna opened the public hearing.

Mr. Vernon Geddy representing Greensprings Plantation, Inc. introduced Mr. John Diggs and Mr. Mark Sharp from Bush Construction, Mr. Norman Mason, Mr. Bill Cashman and Ms. Deborah Lenceski from Langley & McDonald, Mr. Mike Kelly from Williamsburg Environmental Group, and Mr. Alan Jordan from CMC Associates (golf course developer).

Mr. Geddy presented background data on Greensprings Plantation, Inc. Mr. Geddy stated that if approval is not received shortly the applicant would likely commence development under the original plan. Mr. Geddy further discussed the proposed amendments to the Greensprings Plantation Master Plan.

Mr. Hagee questioned when the recreational facilities would be developed.

Mr. Geddy responded that the tennis courts and playground would be built up front, but the entire facility would not be built until 250 units or a sufficient number are built to support the facility.

Ms. McKenna asked why two golf courses were being built.

Mr. Alan Jordan responded that Williamsburg could become a golf destination if more golf courses were available. Mr. Jordan stated that sufficient hotel/motel rooms were available to promote the area as a golf destination during the off season in Williamsburg.

Mr. Betzner questioned if this would be a community for year round living or a resort destination with timeshare units.

Mr. Jordan responded that it could be both.

Ms. McKenna asked specifically if it was the plan to put timeshares on the property.

Mr. Geddy responded that they envision both timeshares and year round residents.

Ms. Jan Spitale of Shellbank Woods expressed traffic concerns in the vicinity of John Rolfe Lane and Heritage Landing Roads and opposition to more homes in the area.

Mr. Calvin Davis, partner in University Square Associates, stated that any commercial venture on Route 5 is a deterrent from the existing commercial zoning that has not been developed on Route 5; i.e., Five Forks and the Williamsburg Crossing project. Mr. Davis further stated that he felt that just because Greensprings was a large development that it did not deserve its own commercial as stated in the staff report.

Mr. Davis felt that commercial was not being clustered, kept at major intersections that are easily accessed by four lane roads and away from secondary collectors such as Route 5. If approved, Mr. Davis questioned what his standard would be at Williamsburg Landing.

Mr. Lawrence Beamer, owner of Powhatan Secondary, spoke in support of Greensprings Plantation. Mr. Beamer felt that the proposed road would relieve the increased traffic on Route 5, traffic from Governor's Land and Richmond, but it would not alleviate problems that Route 5 owners now experience. The road, he said, goes through his property and he would look at it to see how it would help. Mr. Beamer stated that he was an adversary of any taxing district.

Ms. Carolyn Lowe stated that Powhatan Creek received the highest ranking (B2) in terms of biodiversity in the Natural Areas Inventory performed by the Division of Natural Heritage who she felt should be consulted for review and a recommendation.

There being no further speakers the public hearing was continued until the April 14, 1992 meeting.

Ms. McKenna stated her support of the Greenbelt Policy and felt the new road if approved should be under the Greenbelt Policy. Ms. McKenna stated that if the greenbelt is a vista, not walked on or driven on, then it would be appropriate. However, she was concerned about greens and tees that are shown in the greenbelt area. Also, Ms. McKenna stated that if timeshares are included in the development, recreation facilities would differ from those provided for residential areas.

Mr. Garrett stated that tees and greens in the greenbelt area are not acceptable. Also, Mr. Garrett wished the developers to be more specific if it was their intent to include timeshares.

Mr. Sowers stated that the Comprehensive Plan has specific policies regarding timeshares and that staff had not reviewed this as a timeshare proposal and would have to do so.

Mr. Betzner stated that he saw some value in allowing less than 150 feet of trees but had some concern about how much activity would be in that area. Regarding timeshares, Mr. Betzner felt that although they tend to change the character of the community he questioned what could be done about them.

Ms. Gussman questioned the increased activity in the conservation area under the new proposal.

Mr. Friel responded that more activity is allowed in the conservation area under the new proffers, including golf cart paths and other uses associated with a golf course. However, Mr. Friel said that the amount of area was not specified in the new proposal.

Mr. Norman Mason of Langley and McDonald asked for clarification relative to discussion on the golf course and the proffer issues. Mr. Mason stated that it was discussed that greens and tees within the buffer area may be found objectionable but in some cases they needed further specific clarification if any of the golf course components could be placed in the greenbelt.

Mr. Garrett said, in his opinion, from an aesthetic point of view, the golf course could serve as a vista but not the heavier used area, and that this would have to be discussed with staff.

Mr. Mason asked if it was safe to say that as long as the tee and green bent grass areas are beyond the 150 ft. buffer area then it would be less objectionable.

Mr. Garrett responded that he had no problem with that.

Ms. Gussman stated that, if the road goes through, it should be considered as a scenic by way.

Mr. Garrett suggested that the developer submit a rough draft to staff before drawing final plans.

Mr. Sowers stated in regard to the scenic by way, if Route 5 were to be four-laned, 120 feet really would not allow adequate room to provide the necessary landscaping.

Mr. Betzner questioned if the proposal could be approved with two roads.

Mr. Friel stated that there would be a contingency in the plan for both roads.

As stated above, the public hearing on Case No. Z-10-91 was continued to the April 14, 1992 Planning Commission meeting.

## 9. CAPITAL IMPROVEMENTS PROGRAM

Mr. Funkhouser presented the staff report (appended) for the ranking of Capital Improvements Program requests which were prepared by the Planning staff and reviewed by the Policy Committee for recommendation to the Planning Commission. Mr. Funkhouser stated that staff recommends that the Planning Commission formulate a recommendation to the Board of Supervisors for consideration at their March 16, 1992 meeting.

Ms. McKenna opened the public hearing.

Mr. Joseph Mastaler, Chairperson, Parks & Recreation Commission, stated that while he understood the FY93 budget constraints he felt the Policy Committee was nonsupportive of Parks & Recreation's needs. Mr. Mastaler stated he did not understand how an updated recreation master plan would guide decision-making on projects which are needed now. Mr. Mastaler reiterated their requests and further stated that the child care facility and other requests would generate funds for the Recreation Center and stated lighting was more important to them than irrigation.

Ms. McKenna stated that the Policy Committee selected what was most crucial given perceived budget constraints, need to protect the County's investment and importance of health and safety related requests, and further stated that without an updated Recreation Plan or needs survey that the Committee lacked guidance for evaluating Recreation's priorities.

Ms. Carolyn Lowe, President of the Historic Rivers Land Conservancy, stated support of the open space and greenways projects in the CIP. She commented on the positive benefits of the preservation of habitats that would be accomplished by these projects. She expressed hope that state funds appropriated for the purchase of state parks and natural areas would compliment CIP projects of this nature. Ms. Lowe expressed concern regarding encroachment on greenbelts by golf courses and related facilities.

There being no further speakers the public hearing was closed.

Mr. Hagee made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval of the FY93-97 Capital Improvements Program. The motion passed by unanimous voice vote.



10. CASE NO. Z-2-92. ZONING ORDINANCE AMENDMENT/BUSINESS DISTRICTS

Ms. Sullivan presented the staff report (appended) stating that the Business District Subcommittee unanimously recommended approval of the amendments to the use sections of the business districts. Ms. Sullivan stated that the subcommittee unanimously recommended that height requirement sections be evaluated by County staff and the Technical Review Committee and any proposed amendments be forward to the full Commission with staff's recommendation. Ms. Sullivan further stated that staff recommended approval of the LB, Limited Business District, and B-1 General Business District.

Ms. McKenna opened the public hearing.

Mr. Richard Costello of AES questioned such uses as lumber yards and plumbing and electrical supply being required to be placed in a fully enclosed building. He suggested that fully screening these uses would be adequate in B-1, General Business District.

Following a brief discussion, Mr. Garrett moved that this case be deferred in order to further discuss this matter.

Ms. Sullivan stated that she would meet with staff and the Technical Review Committee to review this matter and asked that Mr. Costello submit in writing exactly the uses to which he was referring.

Mr. Garrett made a motion, seconded by Mr. Davis, to defer this case until the April 14, 1992 meeting.

Mr. Hagee suggested that when alphabetizing permitted uses the wording be left in regular print and only italicize the new information and cross out the old.

It was agreed that for Commission purposes this would be done.

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented this report (appended).

12. SETTING OF FUTURE MEETING DATES


A Mixed Use District briefing will be held on March 31 at 4 p.m. in the board room.

The Citizens Financial Task Force Town Meeting will be held on March 18 at 7 p.m. at Clara Byrd Baker Elementary School.

13. ADJOURNMENT

There being no further business the March 10, 1992 meeting adjourned at 10:35 p.m.

  
Willafay McKenna, Acting Chair

  
O. Marvin Sowers, Secretary

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AT A SPECIAL PUBLIC MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF MARCH, NINETEEN HUNDRED AND NINETY TWO AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

PRESENT:

Ms. Willafay McKenna, Acting Chairman  
Mr. Raymond L. Betzner  
Mr. Wallace Davis, Jr.  
Mr. Martin Garrett  
Ms. Victoria Gussman  
Mr. John F. Hagee  
Mr. Donald C. Hunt  
Mr. John T. P. Horne, Manager of Development Management  
Mr. O. Marvin Sowers, Jr., Director of Planning  
Mr. Leo P. Rogers, Assistant County Attorney

Mr. John Horne briefed the Commission and approximately 75 citizens on a proposed alternate for Route 5. Mr. Horne explained that the proposed road would divert traffic from Route 5 east of Governor's Land, through Greensprings, across Shellbank Creek, then immediately behind the existing Greensprings Plantation National Historic site, then bisect Greensprings development, cross Powhatan Creek at approximately a 90 degree angle at one of its narrower portions, cross over the Hiden Estate into the back portion of Powhatan Plantation, exit Powhatan Plantation to Powhatan Secondary immediately behind the existing Steeplechase Apartments, merge into the existing entry road into Powhatan Secondary, proceed across an open field in Powhatan Secondary and hook back into the existing Ironbound Road just before the new Route 199/Ironbound Road Interchange to be constructed when Route 199 is extended.

Mr. Horne stated that there were a lot of hurdles to overcome before the County could determine if the proposed route was a viable alternative. Mr. Horne further stated that much effort had been put into a traffic analysis, but if an agreement was not reached among the parties engaged in building the route, particularly VDOT, that in their estimation it does pull enough traffic to forgo the need to put four lanes on the existing Route 5, then one of the primary reasons for building this new road would be eliminated. Substantial resources have gone into developing a new complete traffic analysis of the corridor which has been submitted to VDOT. To date some comments have been received but issues have not been resolved.

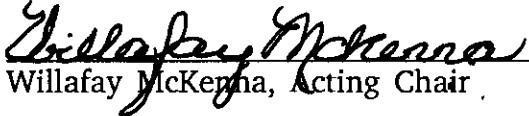
Following an agreement that enough traffic would be diverted from Route 5, then design and location of a route with the least amount of impact on the corridor would be determined. Following acceptable design of the corridor a funding plan would be

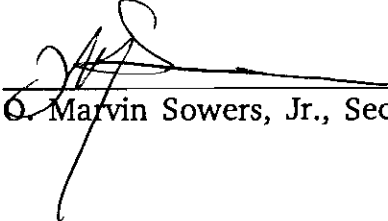
established. Mr. Horne commented on Governor's Land and Greensprings proffers which obligate those developers to contribute substantially toward the cost of the road. Another mechanism for funding is a Transportation Improvement District which Mr. Horne briefly discussed.

Several citizens expressed opposition to the proposed alternate Route 5 and offered the following comments:

- A citizen raised the possibility of creating a choke point at Monticello Avenue. Mr. Horne responded that depending upon the amount of through traffic there could be a choke point at Monticello Avenue and that it is subject to future analysis.
- A citizen objected to a main artery of the road going through Powhatan Secondary.
- A citizen stated concern that in regard to a narrow corridor of land between Steeplechase Apartments and the lake, with a 120 foot right-of-way, all the land would be used.
- A citizen stated that the new route would bleed everything off of Route 5 coming from Richmond and Governor's Land and Greensprings developments into Powhatan Secondary and Steeplechase.
- A citizen stated that the connecting of Ford's Colony would add traffic at News Road.

There being no further business the March 10, 1992 special meeting of the Planning Commission adjourned at approximately 7:30 p. m.

  
Willafay McKenna, Acting Chair

  
Marvin Sowers, Jr., Secretary