

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

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Raymond Betzner
Mr. A. G. Bradshaw
Mr. Wallace Davis, Jr.
Mr. Martin Garrett
Ms. Victoria Gussman
Mr. Donald Hunt
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Planning Director
Mr. John T. P Horne, manager of Development Management
Mr. Leo P. Rogers, Assistant County Attorney
Mr. Trenton L. Funkhouser, Senior Planner
Mr. David N. Fletcher, Planning Technician

2. ELECTION OF OFFICERS

Mr. Kuras turned the Chair seat over to Mr. Sowers who opened the floor for nominations for Chairperson.

Ms. McKenna stated that the Nominating Committee had nominated Mr. Kuras to serve as Chairperson.

Mr. Garrett moved to close the nominations.

Mr. Kuras was elected Chairperson by unanimous voice vote.

Mr. Sowers turned the Chair seat over to Mr. Kuras who thanked the Commission for their vote of confidence.

Mr. Kuras opened the floor for nominations for Vice-chairperson.

Mr. Garrett nominated Ms. McKenna.

Mr. Betzner moved to close the nominations.

Ms. McKenna was elected Vice-chairperson by unanimous voice vote.

3. MINUTES

Upon a motion by Ms. McKenna, seconded by Mr. Davis, the Minutes of the January 12, 1993 regular meeting, and the January 6, 1993 work session were unanimously approved by voice vote.

4. COMMITTEE REPORTS

a. Development Review Committee Report - Following a brief report by Mr. Garrett, upon a motion by Ms. McKenna, seconded by Mr. Betzner the Development Review Committee Report was approved as presented by unanimous voice vote.

b. Policy Committee - Ms. McKenna stated that the Policy Committee met to consider the Capital Improvement Program as well as the Historical Archaeological Policy, on which a report will be presented when a conclusion has been reached by the Committee.

5. CASE NO. CP-2-92. COMPREHENSIVE PLAN AMENDMENT/WILLIAMSBURG-JAMESTOWN AIRPORT

Mr. Funkhouser presented the staff report (appended) which was referred to the Commission by the Board of Supervisors to formulate a recommendation for its consideration at the Board's February 16, 1993 meeting. Mr. Funkhouser stated that it is staff's recommendation to amend the Comprehensive Plan text referencing the Williamsburg-Jamestown Airport to accommodate the proposed wood recycling/mulching operation.

Mr. Kuras opened the meeting for comment.

Mr. Alvin Anderson stated that the airport facility could not legally grow beyond that which is permitted under the existing special use permit. To grow beyond the facility specified in the existing special use permit would require either an amendment to or the issuance of a new special use permit neither of which has been applied for nor is on the agenda tonight. Also, Mr. Anderson stated that the 20 year airport master plan was not on the agenda for approval.

Mr. Anderson distributed handouts of excerpts from the 1991 Comprehensive Plan (appended) regarding text of the Williamsburg-Jamestown Airport Comprehensive Plan Designation, Economic Goals, Objectives, and Strategies of the Comprehensive Plan, and maps, which Mr. Anderson felt supported the proposed change to increase the range of suggested land uses at the airport.

Mr. Anderson pointed out that if the Planning Commission and Board of Supervisors approved the proposed change in language of the Comprehensive Plan, still no actual change could occur until a zoning or special use request was approved.

Mr. Anderson informed the Commission that Mr. Jay Talbot of Talbot and Bright, and Mr. Clifford Burnett of Virginia Department of Aviation were present to respond to questions.

Mr. Anderson pointed out that the issue before the Planning Commission was not the long range plan of the airport but whether or not all 210 acres designated by the current Comprehensive Plan for airport related uses was realistic. Mr. Anderson felt this was not a realistic designation and that less intense perimeter uses should be made of the property as such would support the vitality of the airport.

Mr. Talbot stated that the airport master plan was well thought out and comprehensive and briefly commented on key economic factors taken into consideration; i.e., increased population and the middle aged group of the area, well educated population, low unemployment, higher than average income as compared to the rest of the state; therefore, a higher than average expendable income and a very diversified economy. Mr. Talbot further stated that the improvements to the airport are safety related in order to assist and to more safely and efficiently operate the aircraft that are currently using the facility. Mr. Talbot stated that the runway could not be increased in length without County approval.

Mr. Talbot further stated that the \$6.4 million improvements anticipated over 20 years, which will occur in three stages of development, and expand the currently over \$1 million tax base now provided to the county, include the following: improvement to some of the safety characteristics such as the paved overrun, security lighting on the apron area, navigational aides, an automated weather observation station, taxi way reconstruction, airport rescue and fire fighting facility, hangars, etc.

Mr. Talbot stated that as federal funds are not available the only funds available to the Waltrips are through the Department of Aviation. The Waltrips will pay for approximately 20% of the improvements. Mr. Talbot further stated that revenues produced at the airport would support growth and expansion which would provide additional tax base for the County.

Mr. Clifford Burnett of the Virginia Department of Aviation stated support of the airport as a vital asset to the total transportation system.

Mr. Monty McCarty, Resident of Rolling Woods, Vice President of the Homeowners Association, stated that when the Comprehensive Plan was adopted there was a feeling of security that the airport issue had been settled. Mr. McCarty's issue was not with the airport but that the Comprehensive Plan stated that the airport would be restricted to airport related uses. Mr. McCarty felt the airport was a private business and should not be subsidized by another business. Mr. McCarty asked that the property remain for airport uses only.

Ms. Jean Miller, 103 Dogwood Drive, Birchwood Subdivision, stated concern regarding truck traffic on Lake Powell Road and the fact that when Greenwood School opens and dismisses only one car at a time can travel on the road and there is not enough room for a truck. Otherwise truck traffic must go by Rawls Byrd School which Ms. Miller said was unacceptable.

In regard to the airport, Ms. Miller stated that she was told by an FAA person that as there was no FAA control, in order to secure clearance the pilots must "look out the window" as the person at the airport was not an FAA individual and it was illegal to give clearance. In regard to the weather observation station she questioned if it was a pole with weather instruments or a tower with someone in it. Ms. Miller also objected to the safety overrun and the proximity of Rawls Byrd School (3500 feet) from the end of the runway.

Mr. R. W. Coakley, 110 Redbud Lane, Chairman of the James City Civic Association, stated that the association had met to discuss this matter as they were unaware there was a consideration to change the nature of the airport. Mr. Coakley stated that on occasion he had been to the Department of Aeronautics, State Corporation Commission, Board of Supervisors, Planning Commission asking for protection of their homes which are under the canopy of this airport. Mr. Coakley expressed concern that the airplanes using this airport are much larger than those originally envisioned when the airport was first licensed and require more space for taking off and impact a greater area. Mr. Coakley asked for protection and safety of their homes and the children at Rawls Byrd School.

At Ms. McKenna's request Mr. Anderson was recalled by the Chairman.

Ms. McKenna stated that it was her understanding that the matter for consideration was to accommodate the use of the mulcher.

Mr. Anderson responded that that was the primary purpose, and that the applicant would be required to file an application for a special use permit for any non airport related uses that would not be supported by the existing Comprehensive Plan.

Ms. McKenna asked for confirmation that the Commission was not considering the airport master plan.

Mr. Anderson responded: the reason for the submission of the master plan was to determine whether or not in the next 20 years it was conceivable that the entire 210 acres would be used for aviation related uses. The plan indicates that is not conceivable. There will be substantial perimeter areas that will not be used for aviation uses but the Comprehensive Plan limits the entire 210 acres at this time.

Ms. McKenna asked if it was Mr. Anderson's contention that the proposed language, which speaks of unrelated purposes having a use similar in intensity to the airport, would permit the use of the mulchers.

Mr. Anderson responded that he thought the language talked about the existing landfill and uses similar to the existing landfill or less intense. The area where the mulching machine will be located is a 19 acre borrow pit in the southeast end of the property. Mr. Anderson stated that the noise level of the mulching machine was comparable to driving down the highway in an automobile.

Ms. McKenna asked if it was less noise than generated by the trucks going in and out of the landfill?

Mr. Anderson responded that it was less noise.

Ms. McKenna asked if it would require an equivalent number of truck trips going in and out when the mulcher was operating.

Mr. Anderson responded that the Waltrips provided statistics to the County that basically said that of the material they currently receive at the existing landfill, practically 50% of that would be candidate for the recycling mulching type operations. If the existing landfill were closed, as projected by state regulations, it would eliminate approximately 50% of the traffic that now exists coming to the location for recycling material.

Ms. McKenna asked Mr. Anderson if he had any objections to the proposed language.

Mr. Anderson responded that he had no objections to the language suggested in the staff report.

Mr. Garrett stated that he felt the noise of the mulcher would be less than the backup beeping of the caterpillar truck at the landfill that can be heard at Kingspoint Subdivision. Also, Mr. Garrett said he thought the grass covered safety strip at the end of the runway had been approved in 1985.

Mr. Anderson responded that that was correct and the reason he was reluctant to get involved in the 20 year master plan tonight was because the airport could not go beyond the 1985 special use permit or get a new special use permit or an amendment to the previously issued special use permit.

Mr. Garrett stated that he wanted to make it clear to the concerned individuals that the runway would not be extended.

Mr. Anderson responded that without the approval of a new special use permit or a revision to the existing permit the runway could not be extended.

Mr. Betzner stated that he would vote against the change to the Comprehensive Plan because he felt the criteria established by the Commission and Board of Supervisors for interim changes had not been met in this case. Mr. Betzner felt to approve this case would encourage other landowners to expect the County to ignore the criteria.

Ms. McKenna stated that she felt the present language does not talk about uses similar in intensity, and that the mulcher in place of the landfill is not a change in intensity. According to Mr. Anderson, she said, the mulcher appears to be a less intense operation with less traffic.

Mr. Garrett stated that he felt the mulcher operation would be a less intense use.

Mr. Funkhouser clarified for the Commission that the original Comprehensive Plan text would not support the landfill or the wood chipper. Mr. Funkhouser commented that staff was under the impression that the landfill would ultimately close and for that reason it was not specifically addressed in the original Comprehensive Plan.

Ms. McKenna questioned if a mistake was made at that time.

Mr. Funkhouser responded that several of the area residents and staff were aware that perhaps the landfill would close some day and that staff and the Commission made a conscious decision not to endorse the landfill as an acceptable land use activity in that area.

Mr. Funkhouser further stated that a significant portion of the property was not associated with the airport. At the time staff drafted the language, neither staff nor the Commission were aware of the Waltrips plans for the property although staff hoped that the expansion would be aviation/airport related industries. Since that time the airport master plan has been completed and the Waltrips have made staff aware that a considerable subsidy is needed to support the operation of the airport. Mr. Funkhouser stated that without state, federal, county, or other source of funding, the Waltrips have stated that the airport is not

necessarily a profitable operation. Given these issues, Mr. Funkhouser further stated that staff developed the best planning recommendation possible for the Planning Commission's consideration.

Mr. Kuras stated that it was his understanding that the Waltrips have permission to operate the mulcher on part of the landfill if it stays at that location.

Mr. Funkhouser responded that there is authorization to operate the mulcher as an accessory use at the landfill, however, the Waltrips propose to operate that facility at a different portion of the property.

Mr. Davis stated that he agreed with Ms. Miller regarding traffic in the Greenwood School area as he had observed the traffic backed up at the corner of Lake Powell Road. Mr. Davis also expressed concern that the pilots were not given good direction on landing the aircraft.

Ms. McKenna made a motion, seconded by Mr. Bradshaw, to adopt the amended text to the Comprehensive Plan referencing the Williamsburg-Jamestown Airport.

Ms. Gussman questioned whether a more practical policy could be developed to benefit the public and the governing advisory bodies during the interim period for review of the Comprehensive Plan. Ms. Gussman asked if the Policy Committee, staff, or some other group could review the wording for making interim changes to the Comprehensive Plan.

Mr. Kuras agreed that some changes could be made in the policy.

Mr. Garrett stated that land use changes are piecemeal and the Commission's job is to do the best they can as the issues arise. Mr. Garrett felt a change was appropriate in this case.

In a roll call vote, the motion passed: AYE: Bradshaw, Garrett, McKenna, Gussman, Hunt, Kuras (6). NAY: Davis, Betzner (2).

Mr. Betzner questioned if the Commission wished to review the policy employed to make interim changes to the Comprehensive Plan

Ms. McKenna agreed it should be done.

Mr. Garrett felt there was a need to develop consistency.

Ms. Gussman felt past Comprehensive Plans were more general and there was more room for interpretation, but as the County has become more specific and more precise there is a need for more room for adjustments.

Mr. Sowers stated that the second annual review of the Comprehensive Plan would begin in several months which would be an opportune time to consider this issue.

6. CASE NO. SUP-30-92. C. LEWIS WALTRIP/ROUTE 5 WATER AND SEWER CONNECTION

Mr. Kuras informed the Commission that the Waltrips requested deferral of this case until the March 9, 1993 meeting.

Mr. Kuras opened the public hear which will be continued at the March 9, 1993 meeting.

7. CASE NO. SUP-31-92. WILLIAMSBURG POTTERY FACTORY MINIATURE GOLF COURSE

Mr. Fletcher presented the staff report (appended) for a special use permit to allow a miniature golf course at 6092 Richmond Road. Mr. Fletcher stated that staff recommended approval of the special use permit with conditions listed in the staff report.

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

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hunt, McKenna, Kuras (8). NAY: (0).

8. CASE NO. SUP-34-92. SOLID WASTE TRANSFER STATION

Mr. Funkhouser presented the staff report (appended) for a special use permit to operate a solid waste transfer station at 1204 Jolly Pond Road. Mr. Funkhouser stated that staff recommended approval with conditions listed in the staff report. Mr. Funkhouser stated the staff further recommended that any motion to recommend approval include language that indicates that such a recommendation is conditioned on a Board of Supervisors decision on solid waste disposal options that requires the operation of a transfer station. Mr. Funkhouser noted that a Planning Commission recommendation on this matter does not necessarily constitute a planning recommendation on solid waste disposal issues and shall not obligate the Board to proceed with construction and operation of the solid waste transfer station.

Ms. Gussman inquired about reclamation of the site following closure of the landfill.

Mr. Sowers stated that if the Board does close the landfill development of a closure plan can be considered during the Capital Improvement Program process.

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

Ms. McKenna made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Betzner, Bradshaw, Davis, Garrett, Gussman, Hunt, McKenna, Kuras (8). NAY: (0).

9. CORRIDOR PROTECTION SLIDE PRESENTATION

Mr. Dave Kleppinger presented a slide presentation showing locations of poor landscaping, maintenance, architectural design, and signs, as well as well designed trails, landscaping, paved roads with green areas, open space, cluster housing, lighting, signs, and architectural design.

Mr. Kleppinger emphasized that in our community planning it is necessary to look at where the important points of vistas are as people drive through the area. We should concentrate on making sure that the points seen for long periods of time receive special treatment. Also that we should be mindful that the future (children) have a community as good as what we have now.

10. INITIATION OF ZONING ORDINANCE AMENDMENTS ZO-1-93 AND ZO-2-93

Mr. Sowers presented the staff report (appended) for a motion to direct staff to prepare amendments to eliminate special use permit requirements for office uses, and a motion to direct staff to prepare amendments to the Industrial and Business Districts permitting private streets in specified industrial and business parks. The amendments will be presented to the Planning Commission at its March 9, 1993 meeting.

Mr. Kuras suggested that the amendment to Section 20-104 should read "to eliminate or reduce special use permit requirements for office uses."

Ms. McKenna made a motion, seconded by Ms. Gussman, to consider Case No. ZO-1-93 and ZO-2-93 at the March 9 meeting. The motion passed by unanimous voice vote.

11. ARBOR DAY AWARDS

Mr. Sowers presented the staff report (appended) for nominations for the Williamsburg Area Council of Garden Clubs Arbor Day Award. Mr. Sowers asked if the Commission had additional nominations for the award.

Ms. McKenna nominated the Massie property on Cokes Lane in Toano stating that the landscaping surrounding the office building has created an attractive site. Mr. Garrett seconded the motion which passed by unanimous voice vote.

12. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the Planning Director's Report pointing out that a public hearing for an outdoor amusement center at Williamsburg Crossing Shopping Center is scheduled for the March 9 meeting.

Mr. Garrett questioned the impact of lighting at the site.

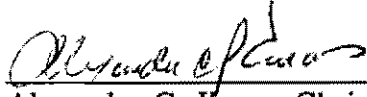
Mr. Sowers stated that the applicant had been asked to provide detail on both the lighting and noise as significant issues.

13. SETTING OF FUTURE DATES

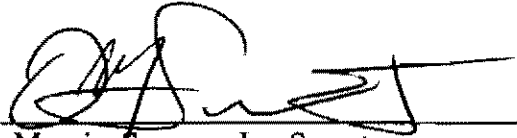
The Trash Town Meetings will be held at 7 p.m. on February 9th at Clara Byrd Baker Elementary School, February 10th at Toano Middle School, and February 11th at Mt. Gilead Baptist Church.

14. ADJOURNMENT

There being no further business, the February 9, 1993 Planning Commission meeting adjourned at 10:05 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

pcmin93.feb