

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF SEPTEMBER, 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
Mr. Raymond L. Betzner
Mr. Wallace Davis, Jr.
Mr. Martin Garrett
Mr. Donald C. Hunt
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
Ms. Elizabeth Friel, Senior Planner
Mr. Trenton F. Funkhouser, Senior Planner
Mr. Jeffrey J. Mihelich, Senior Planner

2. MINUTES

Upon a motion by Mr. Betzner, seconded by Mr. Davis, the Minutes of the August 10, 1993 Planning Commission meeting were approved, as presented, by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

In regard to Case No. S-62-93, Kensington Woods/Master Plan Development for a Residential Cluster, Mr. Kuras stated concern that this development located north of Lake Powell Road and to the left of runway 31 was a problem to people sensitive to over-flights. Mr. Kuras felt that at the time of sale the purchaser should be informed that legal over-flights of altitudes of 400 to 800 feet would frequently occur. Mr. Kuras stated that he had suggested at the Development Review Committee meeting that a disclosure statement be required but that staff recommended against it. Mr. Kuras emphasized that Kensington Woods would double the density in the area, that the Comprehensive Plan states that the Williamsburg/Jamestown Airport plays an important role in the County's Transportation system, especially in terms of economic development, and the Zoning Ordinance states that Planning Commission must find that the cluster development does not impair the character of the area. Mr. Kuras felt that the traffic pattern was part of the area and, in his opinion, doubling the density without a disclosure statement would be impairing the character of the area, as well as creating an adverse off-site infrastructure impact.

Mr. Kuras recommended that the Policy Committee study the flight patterns to determine areas that are subject to legal over-flights at altitudes of 800 feet or lower to determine areas where a disclosure statement would be required.

Mr. Kuras further stated that he would vote against approval of Case No. S-62-93, Kensington Woods/Master Plan of Development for a Residential Cluster.

Mr. Garrett stated that the Policy Committee has been requested to consider this matter. Mr. Garrett felt the committee's recommendation would require that within some overlay district of the airport disclosure statements would be required.

Mr. Garrett stated that he objected to a disclosure statement in this instance because he felt it was unfair to the developer to "change the rules of the game in midstream." While Mr. Garrett wished that it was already in existence he could not agree to change in midstream.

Mr. Kuras felt this was not the case but rather a case of enlightening home buyers of low flying aircraft in the area so that there will not be future complaints.

Mr. Betzner stated that if he were in the area looking at property he would not only see at least a couple of airport signs but would hear the aircraft in the area. Mr. Betzner stated his willingness to protect the consumer and felt there was not a hidden use but one that was quite visible.

Mr. Kuras stated that he felt a disclosure statement would protect consumers who are sensitive to over-flights, and the County and the airport from complaints.

Mr. Betzner made a motion, seconded by Mr. Garrett, to approve the Development Review Committee Report with the exception of Case No. S-62-93, Kensington Woods. The motion passed by unanimous voice vote. On a separate vote on Case No. S-62-93, the motion passed: AYE: Garrett, Betzner, Hunt (3). NAY: Kuras, Davis (2).

Mr. Kuras submitted a statement and requested it be appended to the minutes.

4. CASE NO. MP-3-93. FORD'S COLONY RECREATION FACILITY MASTER PLAN AMENDMENT.

Ms. Friel stated that because of concerns by Williamsburg West Subdivision residents regarding the proposed recreation area, the developer requested deferral of this case until the October 12, 1993 Planning Commission meeting. In the meantime, the developer has offered to meet with residents to discuss their concerns. Ms. Friel stated that staff concurred with the developer's request for a deferral.

Mr. Garrett asked for an explanation as to why the developer requested to change the location of the 3 acre recreation area.

Mr. Kuras opened the public hearing. The public hearing was continued to the October 12, 1993 meeting.

5. CASE NO. SUP-27-93. LAURA ROSE HYMAN DUPLEX

Mr. Funkhouser presented the staff report (appended) for a special use permit to convert a single family dwelling to a duplex by constructing a single family addition to an existing single family home located at 138 Red Oak Landing Road. Mr. Funkhouser stated that staff recommended approval with the following condition: If construction has not commenced on this project within a period of 18 months from the date of issuance of the special use permit it shall become void.

Mr. Davis asked Mr. Funkhouser how far this project would be from the campground.

Mr. Funkhouser responded that the campground which is currently vacant is across the road from Red Oak Landing Road and further stated that there is both a line of mature hardwoods and a stand of pines between the campground and the project.

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

Mr. Garrett made a motion, seconded by Mr. Betzner, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, Davis, Betzner, Hunt, Kuras (5). NAY: (0).

6. CASE NO. SUP-30-93. RAWLS BYRD ELEMENTARY SCHOOL/SATELLITE RECEIVER.

Mr. Funkhouser presented the staff report (appended) for a special use permit to allow the placement of a satellite dish on the roof of Rawls Byrd Elementary School located at 112 Laurel Lane. Mr. Funkhouser stated that staff recommended approval with the conditions detailed in the staff report.

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

Mr. Betzner made a motion, seconded by Mr. Hunt, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, Davis, Betzner, Hunt, Kuras (5). NAY: (0).

7. CASE NO. MP-2-93. GREENSPRINGS PLANTATION MASTER PLAN AMENDMENT.

Ms. Friel presented the staff report (appended) to amend the master plan to allow 52 additional units and a 120 bed nursing home in Land Bay M-10 as well as redesignate Land Bay M-10 from the designation "D" to add "B" and "C" designations. Ms. Friel further stated that the applicant proposed to amend the proffers for the Greensprings Plantation Planned Community to accommodate this development. The property is located on John Tyler Highway.

Ms. Friel stated that staff recommended approval of this application and further recommended that the Commission recommend that the Board of Supervisors accept the voluntary proffers offered with the application.

Mr. Hunt questioned why it was necessary to have a 50 foot buffer adjoining the National Historic site.

Ms. Friel stated that 50 feet was proffered originally to protect the view shed and is unchanged.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing the applicant, introduced Mr. Mike Martin from Riverside Retirement Systems; General Archie Cannon with the Patriots Colony organization; Mr. Bo Russ, the architect for the project, and Mr. Norman Mason and Mr. Steve Romeo with Langley and McDonald.

Mr. Geddy felt the project would benefit James City County with an improved fiscal impact which generates less traffic and the intangible benefits that the residents will bring to the County through involvement as volunteers, and other roles. Mr. Geddy urged the Commission to accept the staff's recommendation of approval.

Mr. George Wright, President of the Historic Route 5 Association and chairman of the coordinating council which represents property owners, developers, and businesses located along John Tyler Highway spoke in favor of the project. Mr. Wright resides at 148 Cooley Road.

Mr. Wright stated that the association was pleased to support a prospective newcomer to the area who regards Route 5 as highly as the association does. Mr. Wright felt that Patriot's Colony would be a quality addition to the area and spoke of a cooperative relationship with representatives of Patriot's Colony and urged approval of this project.

Mr. Wright stated that a concern is the stretch of Route 5 between Centerville Road and the new Patriot's Colony entrance which he felt was dangerous at peak times due to turning vehicles and fast moving traffic. Mr. Wright asked if the speed limit could be reduced to 45 miles per hour all the way to the Chickahominy as more residents feed into Route 5.

There being no further speakers the public hearing was closed.

Mr. Kuras made a motion, seconded by Mr. Davis, to accept the staff's recommendation of approval. On a roll call vote, the motion passed: AYE: Garrett, McKenna, Davis, Betzner, Hunt, Kuras (6). NAY: (0).

8. CASE NO. CP-2-93. COMPREHENSIVE PLAN ANNUAL REVIEW.

Mr. Funkhouser presented the staff report (appended) which proposed two changes to the Land Use Plan Map of the Comprehensive Plan: 1) a correction to the Land Use Plan Map designation and Primary Service Area (PSA) line for that area bounded by the CSXT Railroad, Richmond Road and parcel (1-24) on JCC Tax (24-3); and 2) a change to the Land Use Plan Map designation of the Southeast quadrant of the Route 5/Ironbound Road intersection from Moderate Density Residential to Low Density Residential.

Mr. Hunt stated that because of a conflict of interest he would abstain from voting on the correction to the Primary Service Area line.

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: Garrett, McKenna, Davis, Betzner, Kuras, Hunt (item 2 only) (6). NAY: (0). ABSTENTION: Mr. Hunt abstained from voting on item 1 identified above.

9. PRESENTATION ON FLIGHT PATTERNS AT WILLIAMSBURG/JAMES CITY AIRPORT.

Col. Carel T. Humme, flight instructor at Williamsburg/James City Airport spoke on flight patterns at uncontrolled airports such as the W/JCC Airport, and distributed material regarding operating procedures.

Ms. Waltrip offered to schedule flights for any members of the Commission or staff who are interested in viewing the flight patterns from the air.

10. PLANNING DIRECTOR'S REPORT

Mr. Sowers stated that the Greenways Committee will hold a meeting on Thursday, September 23 at Berkeley Middle School at 7 p.m. to organize subcommittees for the various tasks that the committee will be working on over the next several months. Mr. Sowers asked anyone interested on serving on the committee to see Mr. Mihelich of the Planning Division.

Mr. Sowers asked for a motion for the Planning Commission to convene an executive session pursuant to Section 2.1-344.1 of the Code of Virginia to consider the acquisition and use of real property for public purposes.

Mr. Garrett made a motion, seconded by Ms. McKenna, to convene an executive session for the above stated purpose.

Ms. McKenna stated that when the tornado struck recently there was a traffic pattern problem which was a reminder that there are residents living in the Lake Powell Road area where there is only one exit. Ms. McKenna suggested that the matter be addressed by the Planning Commission.

Mr. Horne stated that the state had not taken any action but should the road be discontinued the board had requested that it come under County control and the County could decide what amount of access to provide. When it was presented to the board staff recommended that it would remain open to bicycling, pedestrians and emergencies. Mr. Horne emphasized that the road would certainly remain open for emergency exits.

11. RECESS

Mr. Betzner made a motion to go into executive session to consider the acquisition or use of real property for public purposes at 8:25 p.m.

On a roll call, the vote was: AYE: Garrett, McKenna, Davis, Betzner, Hunt, Kuras (6). NAY: (0).

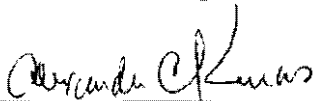
Mr. Kuras reconvened the Planning Commission meeting into open session at 8:40 p.m.

Mr. Betzner made a motion to approve the executive session resolution.


On a roll call, the vote was was: AYE: Garrett, McKenna, Davis, Betzner, Hunt, Kuras (6). NAY: (0).

12. ADJOURNMENT

There being no further business, the September 14, 1993 Planning Commission meeting adjourned at 8:45 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary