

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF DECEMBER, 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 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. 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 R. Friel, Senior Planner  
Mr. Mark J. Bittner, Planner  
Ms. Sandra Barner, Development Management Technician

2. MINUTES

Upon a motion by Ms. McKenna, the Minutes of the November 9, 1993 Planning Commission meeting were unanimously approved by voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Garrett presented this report. Upon a motion by Ms. McKenna, the Development Review Committee Report was unanimously approved by voice vote.

4. CASE NO. Z-11-93. DESIGN MASTER ASSOCIATES

Mr. Bittner presented the staff report (appended) to rezone a portion of a larger parcel from R-1, Limited Residential, to B-1, General Business, located along Point O'Woods Road for a 4000 square foot single story professional office building for design of gift shop items for regional museum gift shops. Mr. Bittner stated that the project was consistent with surrounding zoning and development; therefore staff recommended approval.

Mr. Garrett stated that he understood that this project was consistent with surrounding zoning but questioned how it was consistent with the fact that there is no infrastructure at the location for a business.

Mr. Bittner responded that there is no requirement to hook up to public sewer as it is not available.

Mr. Garrett asked if it was the County's overall intent for this type of development to have infrastructure.

Mr. Bittner responded that it is within the PSA and is also within a mixed use area according to the Comprehensive Plan.

Mr. Bittner also stated that there is a force main plan for along Croaker Road but that the applicant is not required to hook up to the force main.

Mr. Horne stated that there are many areas within the PSA with no sewer lines within reasonable distance to a site, in which case it is not always required that sewer lines exist at the time of occupancy if needs can be served with a temporary system. Mr. Horne further stated that it would not be unique for a small business or residence to locate within the PSA that the County intends to eventually serve, but has no sewer or water facilities. Mr. Horne stated that in the past the County has decided that it was not reasonable, at some level for a given user of a given size, to require a large scale extension of public utilities.

In response to Mr. Garrett's question as to whether it was reasonable to require hook up when available, Mr. Bittner stated that it had been suggested that the applicant proffer to hook up when available but declined to do so at this time because they did not wish to be locked into the financial commitment.

In response to Mr. Davis' question regarding the installation of the force main, Mr. Bittner responded that the force main along Croaker Road would commence construction prior to July, 1994.

Mr. Garrett questioned the requirement to hook up in the PSA when the County provides the infrastructure.

Mr. Sowers responded that in some cases, such as the CDR special use permit, the Board at the recommendation of the Planning Commission chose to impose a condition which would require hookup when sewer was available for their facility. However, in this case, because it is a proffer, the Commission cannot impose such a condition but could recommend approval to the Board with the suggestion that a proffer be added between now and the Board meeting.

Mr. Garrett stated that he would recommend such action and Mr. McKenna seconded the recommendation.

Mr. Hagee questioned if there was a minimum lot size that would allow a septic system.

Mr. Sowers stated that there was no minimum lot size in B-1 but as a practical matter it would be limited by the number of drainfields required and the soil suitability of the area.

Mr. Bittner commented that the Health Department had surveyed the parcel and it is able to accommodate a reserve drainfield and septic system.

Mr. Sowers reminded the Commission that recent changes in some of the nonresidential districts added a provision to allow uses where water and sewer hookups were not available, realizing that there were areas where economic development was desirable but infrastructure was not available but would be in the near future.

Mr. Garrett stated that he recalled that the intent was that hookups would occur when water and sewer became available.

Mr. Kuras opened the public hearing.

Mr. Glen Duff, representing Design Master Associates, stated that the company had just heard of the force main coming through; however, because of the small amount of usage they did not feel it was necessary to rush into a decision. Mr. Duff stated that the cost to hook up from Croaker Road would be approximately \$25,000 and if CDR asked Design Master Associates to pay half the cost it could adversely impact a small business such as his.

Mr. Duff stated that while he had no objection to a future hookup he did not feel that as a small business and based on the limited use of water that he should be forced to do so. Mr. Duff pointed out that his use would be approximately 250 gallons per day compared to 400 gallons per day for general residential use and approximately 1000 gallons per day by CDR, according to the Health Department. He also stated that he shared the staff's concerns regarding architectural and site design, and encouraged the County to seek similar guarantees from future developments in order to protect everyone's investment

Mr. Vernon Geddy, Vice Chairman of the Board of CDR, stated that the applicant had cooperated with CDR regarding the architecture to ensure compatibility and felt they would be a good neighbor. Mr. Geddy stated that CDR is required to hook up to sewer and would appreciate any help and encouraged the Commission to approve the rezoning.

There being no further speakers the public hearing was closed.

Mr. Garrett stated that he understood that a number of businesses do not require the amount of septic facilities that a household would but that it was his understanding that when infrastructure is provided in the primary service area that a hookup is expected.

Mr. Garrett made a motion to accept the staff recommendation and that the Commission strongly recommend to the Board that when the force main is available and adjacent to the property that hook up be required.

Ms. McKenna seconded the motion.

Mr. Garrett felt there should be a firm commitment for development in the primary service area that a hookup be made when available. Mr. Garrett suggested that the Policy Committee address this matter.

On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

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

Ms. Friel presented the staff report (appended) to amend the master plan in order to combine and relocate a 10.4 acre and a 3 acre recreation area into one larger recreation area. Concurrently, the applicant proposes that a 10.4 acre area currently designated for recreation be redesignated for single family residential use.

Ms. Friel informed the Commission of the concerns of the residents of Williamsburg West Subdivision regarding the impacts of the recreational use. Ms. Friel stated that staff had met with individual property owners, and on October 27, 1993 held a community meeting with the property owner, Williamsburg West property owners, and the Board of Supervisors representative. As a result of the meetings, as well as letters which expressed concerns, the owner agreed to changes defined in the staff report.

Ms. Friel stated that staff recommended approval to the Board to allow the amendment to the master plan to relocate recreation and single family residential uses within the development. Ms. Friel further stated that staff recommended approval with the understanding that if the proffers mentioned in the staff report and Mr. Mulhare's letter are not met, staff will bring the case back to the Planning Commission for reconsideration.

In response to Mr. Davis' inquiry regarding the distance from the recreation facility to the Williamsburg West property line, Ms. Friel stated that the multipurpose playing field and the tennis facility would be approximately 250 feet from the nearest property line, the pool further, the parking area within about 100 feet, and the access road is closer because of the wetlands.

Ms. Gussman stated that typically when there is a nonresidential use abutting or proposed next to a residential use there is often a requirement for minimum undisturbed area of open space or wooded buffer and questioned if that would be the case in this proposal.

Ms. Friel responded that this was an unusual case because of having a planned community, where there are not necessarily setbacks for recreation, next to an R-2 community. Ms. Friel further stated that if this were a business use then there would be a landscape setback and definitely a building setback.

Mr. Kuras opened the public hearing.

Mr. Vernon Geddy, representing Realtec, Inc., stated concurrence with the staff report and recommendation and willingness to work with staff in developing proffers. Mr. Geddy briefly discussed the concerns of the residents of Williamsburg West Subdivision.

Mr. Drew Mulhare, Vice President of Operations for Realtec, Inc., briefly discussed the Ford's Colony Homeowners Association request for a larger recreation facility, and subsequent meetings to resolve concerns of Williamsburg West residents. The meetings resulted in drafting of new plans and a letter of intent to be followed by proffers to appease residents' concerns.

Mr. Mulhare stated that a minimum of 14 acres was needed for the recreation facilities, that the community center was too small to accommodate Ford's Colony functions, and they wanted a soccer field. Land adjacent to the current recreation areas was too expensive. Mr. Mulhare also stated that a 50 acre site was available in Section 12 but it would impact Williamsburg West more.

Mr. Mulhare pointed out that the initial recreation facility plan was drawn with Williamsburg West neighbors in mind as well as the needs of Ford's Colony residents. Mr. Mulhare stated that the original use of the parcel for 31 home sites, in his opinion, would more greatly impact on their neighbors in terms of reduced buffer, tree clearance, noise, light, fences, dogs, and typical residential types of nuisances.

Mr. Mulhare stated that in the meeting with their neighbors, Ms. Friel, and Mr. Jack Edwards of the Board of Supervisors, the neighbors were not concerned with the recreation access road (except one resident), the parking lot, the building of the pool, the location of the tennis courts, but were concerned about the location of the soccer field, and the lighting of the tennis courts and soccer field, and potential noise from the soccer field. Mr. Mulhare further stated the softball field was deleted and the soccer field moved.

Mr. Mulhare informed the Commission that submittal of the site plan was at least two years in the future and even then construction of the facilities would be phased in as demand on the existing facilities increased. Mr. Mulhare pointed out that this was not a developer driven issue and that representatives of the Ford's Colony Homeowners Association Advisory Board and Activities Committee were present to present their respective interests.

Mr. Mulhare stated, in regard to the Williamsburg West residents' letters to Ms. Friel, that it was a gross distortion to say that the citizens of Ford's Colony were intentionally displacing their burdens on the citizens Williamsburg West as there was no such intent. Mr. Mulhare further stated that the County staff and Ms. Friel, in particular, have reviewed this case objectively with deference to the concerns of the citizens of Williamsburg West.

Mr. Mulhare thanked the staff for their time and effort and asked that the Commission concur with the staff recommendation.

In response to Mr. Hagee's inquiry, Mr. Mulhare stated that the size of the soccer field was based on the architectural review standards.

In response to Mr. Kuras' inquiry, Mr. Mulhare responded that the hard surface road was less than 50 feet to the property line but exceeded 75 feet in another (tight corner) location. At the time of submission of a site plan, a landscape plan (screening evergreen type of shrubbery) along the road would be submitted. There is no intent for a fence at this time but could be addressed when the site plan is submitted.

Ms. McKenna questioned if there would be expansion in addition to the tennis court and possible extension of the parking lot. Mr. Mulhare responded that the most reasonable expansion he could anticipate would be a third tennis court and the parking lot.

Mr. Mulhare introduced Mr. Richard N. Houston, Vice Chair of the Advisory Board to the Ford's Colony Homeowners Association. Mr. Houston read a letter sent to Ms. Friel from Mr. Richard A. Reynolds, Chair of the Advisory Board. The letter expressed the opinion that the modifications to the proposal were "fair and equitable to all parties of concern."

Mr. Paul Howland representing the Activities Committee of Ford's Colony described the clubs and organizations within Ford's Colony represented on the Activities Committee. Mr. Howland read a letter to Ms. Friel from Mr. Robert Cookingham, Chair of Ford's Colony Activities Committee, in support of the proposed development of a recreation area.

Mr. William T. Maruca, 101 Lexington Drive, spoke on behalf of the Williamsburg West Association. Mr. Maruca stated that the consensus of the residents is one of opposition to the rezoning because of negative impact on property values, impact on the quality of life, the noise, traffic, and lighting. Mr. Maruca felt that this recreation area was unlike any in existence in the Ford's Colony area, which do not have team sports playing fields, and have playgrounds and unlit parking areas and tennis courts (St. Andrew's Drive). Mr. Maruca felt the proposed location was for the benefit of Ford's Colony residents in that the noise and light pollution would be shifted to others; it is not a benefit for the residents of Williamsburg West from any perspective. Mr. Maruca stated that it was the position of the Williamsburg West community that this request be denied as approval of the request would send a clear message that the recreational needs of Ford's Colony residents are more important than the concerns of the Williamsburg West residents about their property values and the enjoyment of the present life style. He stated that a recreation area like the existing ones were okay with guarantees they would remain that way.

Ms. Brenda Norwood, 138 Country Club Drive, Secretary of the Williamsburg West Civic Association, stated that she was told in August that this proposal would not impact Williamsburg West and that there was no need to attend the public hearing. Ms. Norwood expressed great concern about the impact of this facility on the Williamsburg West community and the survival of the community if the recreation area is approved.

Mr. Donald J. Merkley, President of Williamsburg West Civic Association, stated that Mr. Mulhare mentioned that the reason for the changed location from internal to external was because of easy access off Longhill Road and "not getting lost in internal streets" and expressed concern about external use. Also, Mr. Merkley felt the residents of Ford's Colony objected to having the recreation facility adjacent to their property.

Mr. Bela Kekesi, 115 Lexington Drive, Williamsburg West, expressed concern that the parking lot located about 40 feet from backyards would produce noise, fumes, and lights from automobiles shining into the homes.

Mr. Thomas Bradley, resident of Williamsburg West, stated that Ford's Colony property within Williamsburg West was not maintained and that a berm built along Williamsburg West property lines was not on the master plan, approved by the County Supervisors, and was in violation of the Wetlands Act.

Dr. Nathan Stolow, 100 Lexington Drive, felt the beauty of the community, which brought him to Williamsburg West in the first place, would be destroyed by the expanse of tarmac and parked cars and street lights outlining the periphery of the parking area.

There being no further speakers the public hearing was closed.

Mr. Garrett explained criteria involved in land use: one being socially efficient (land put to best use) and the other being equitable (homogeneous parcels of land receive the same treatment). Mr. Garrett stated that Mr. Mulhare has explicitly stated that this use is socially efficient because they could make more money by moving the recreation area and members of Ford's Colony would not be exposed to any spillovers from the recreation area. Mr. Garrett stated that it is not yet known whether it was equitable but needed to be determined. Mr. Garrett pointed out that Mr. Geddy recently became involved with the proposal and proffers had not yet been submitted. Mr. Garrett recommended that the Commission defer the proposal in order to have a work session.

Ms. McKenna stated that once a master plan for a major development has been approved by the Commission and Board there is a need to take a hard look at a decision to make a significant change such as this proposal. Also, Ms. McKenna felt the Williamsburg West residents point was well taken that there would be less strenuous use of this parcel as residential because the measure used, as far as traffic was concerned, would be 7 vehicle trips per day or 217 trips per day for 31 lots. Ms. McKenna agreed that a work session was warranted.

Ms. Gussman stated that she would not vote without first reviewing proffers and that it would set a bad precedent to do so. Ms. Gussman also agreed to deferral.

Mr. Davis agreed to deferral and stated that some residents of Williamsburg West were selling their homes.

Mr. Betzner also agreed to the necessity of first reviewing the proffers and a work session. Further, Mr. Betzner asked for trip generation comparisons.

Ms. Gussman also stated that she hoped there would be further discussion of the wetlands/environmental impacts of the recreational area versus housing.

Mr. Kuras felt the setbacks and buffers were not adequate and agreed to a work session.

Mr. Mulhare stated that there was no objection to a work session but wished to point out that meetings had been held with residents of Williamsburg West, Ms. Friel, and Mr. Edwards, and a new site plan would be developed reflecting concerns and objections. Mr. Mulhare further stated that the site plan was still 2 years away and he was willing to work with the Commission and staff to fine tune the site plan.

By unanimous voice vote, Commission approved a work session to be held following receipt of proffers and information on traffic generation and wetlands impacts.

Mr. Kuras announced that instead of closing the public hearing it would be continued to a later date.

6. CASE NO. SUP-34-93. STONEHOUSE SEWER FORCE MAIN/PART D

Mr. Bittner presented the staff report (appended) for a special use permit to allow the construction of a 20-24 inch sewer force main to the Stonehouse Planned Community. Mr. Bittner stated that staff recommended approval with the conditions detailed in the staff report.

In response to Mr. Davis inquiry, Mr. Bittner stated that the residents of 622 Racefield would not be effected by the installation of the sewer force main.

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

Mr. Betzner made a motion, seconded by Ms. McKenna, to accept the staff recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

7. CASE NO. ZO-7-93. TOWNHOUSE AND CONDOMINIUM STREETS AND PARKING AREAS

Ms. Barner presented the staff report (appended) to amend the Zoning Ordinance by adding language to the Special Regulations Division requiring that streets and parking areas in townhouse and condominium developments be constructed to meet administrative guidelines prepared by the County Engineer. Ms. Barner stated that staff recommended approval.

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

Mr. Hagee questioned if other types of development allowed inferior road construction and whether more than townhouse and condominium streets and parking lots should be reviewed.

Mr. Horne clarified that under existing administrative guidelines, which apply to private streets, a section would be added to deal only with what are considered access streets (not private streets) through parking lots as in a townhouse/condominium development. Mr. Horne



stated that the only other area where something similar would be constructed and where there are no specific guidelines would be a commercial or industrial project; however, in that case, it is felt that the users would be more sophisticated or have more protection for themselves as a commercial or industrial landowner than individual homeowners who cannot as easily protect themselves against major structural failures in access areas. Mr. Horne further stated that guidelines could be adopted to explicitly require certain pavement design standards in the commercial and industrial areas.

Mr. Hagee stated and Mr. Horne agreed that a situation could occur where because of possible lack of funds roads were neglected and could become an eyesore.

Mr. Betzner felt that there was no control over construction of a poor surface which falls apart in a couple of years. This ordinance provides an opportunity to require that the construction be done correctly in the first place.

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

8. CASE NO. AFD-1-93. WILLIAMSBURG FARMS AFD

Ms. Friel presented the staff report (appended) to create a new 300 acre Agricultural and Forestal District for a term of four years with the conditions detailed in the staff report. Ms. Friel stated that the AFD Advisory Committee, at its December 2, 1993 meeting, unanimously concurred with the staff recommendation of approval. Ms. Friel further stated that staff recommended the Commission's approval of Case No. AFD-1-93 to the Board of Supervisors.

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 recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

9. CASE NO. AFD-9-86. GORDON CREEK (MALONEY, HAWKINS AND SMITH ADDITION

Mr. Friel presented the staff report (appended) to add a 26 acre parcel to the Gordon Creek AFD. Ms. Friel stated that the AFD Advisory Committee, at its December 2, 1993 meeting, unanimously concurred with the staff recommendation of approval. Mr. Friel further stated that staff recommended the Commission's approval of Case No. AFD-9-86 to the Board of Supervisors.

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

Ms. McKenna made a motion, seconded by Mr. Garrett, to accept the staff recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

10. CASE NO. AFD-1-89. ARMISTEAD AFD (CONTINUANCE)

Ms. Friel presented the staff report (appended) to continue the Armistead AFD for four years. Mr. Friel stated that the Advisory Committee unanimously concurred with the staff recommendation at its December 2, 1993 meeting and with the conditions detailed in the staff report. Ms. Friel further stated that staff recommended the Commission approval of Case No. AFD-1-89 to the Board of Supervisors.

Mr. Hagee questioned the land being in the Primary Service Area.

Ms. Friel stated that this is an unusual situation and that the applicants wish to keep the land in agricultural uses. When originally approved, in 1989, it was not a primary service area and that there was ample land for residential uses in the PSA and that the applicants felt very strongly that they wished to keep the land in agricultural. Ms. Friel further stated that a four year time period has been recommended in order to review it to make sure it would still be consistent and the land unnecessary for development.

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 recommendation of approval. On a roll call vote, the motion passed: AYE: Kuras, Betzner, Bradshaw, Davis, Garrett, Gussman, Hagee, Hunt, McKenna (9). NAY: (0).

11. FISCAL YEAR 1995-1999 CAPITAL IMPROVEMENT PROGRAM

Mr. Sowers presented the staff report (appended) of a time schedule for the Capital Improvement Program as it relates to the Planning Commission.

12. PLANNING COMMISSION MEETING SCHEDULES

The Planning Commission meeting schedules were unanimously approved by voice vote.

Mr. Kuras suggested that the Leadership Committee meet in February to establish subcommittees.

13. COMMENTS BY MS. VICTORIA GUSSMAN AND OTHERS

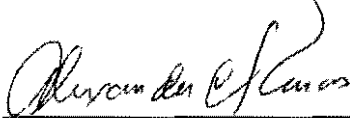
Ms. Gussman's term on the Planning Commission expires in January, 1994. Ms. Gussman took this opportunity to make a presentation (appended) praising the County for its accomplishments, and her observations and suggestions on the environment, transportation, and economic development in the County.

Mr. Kuras highly praised Ms. Gussman for her contribution to the County and participation on the Planning Commission.

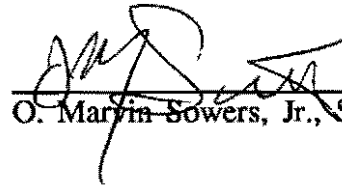
Mr. Betzner also expressed appreciation for the experience of serving on the Commission.

14. ADJOURNMENT

There being no further business, the December 14, 1993 Planning Commission meeting adjourned at approximately 9:30 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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