

AT REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND NINETY-FIVE 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
Ms. Willafay McKenna
Mr. Martin Garrett
Mr. Raymond Betzner
Mr. Donald Hunt
Mr. Jay Everson

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. John T. P. Horne, Manager of Development Management
Mr. Allen Murphy, Principal Planner
Mr. Trenton L. Funkhouser, Senior Planner
Mr. Mark Bittner, Planner
Mr. Matthew Maxwell, Planner
Mr. Gary Pleskac, Planner

2. ANNUAL ORGANIZATION MEETING

Ms. McKenna announced that the nominating committee nominated Mr. Kuras for Chairman and Ms. McKenna for Vice-Chairman.

Mr. Garrett seconded the nominations. The nominations were approved by unanimous voice vote.

3. MINUTES

Mr. Everson requested that there be an addition made to the minutes on page 6 just before item #10. The addition, read by Mr. Everson, explained his concern for the delays that have surrounded the White Farm rezoning; discussion of the Commission members; and the suggestion to have a work session.

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the minutes of the January 10, 1995 Planning Commission meeting were approved by unanimous voice vote.

4. DEVELOPMENT REVIEW COMMITTEE REPORT

Upon a motion by Mr. Garrett, seconded by Ms. McKenna, the Development Review Committee Report was approved by unanimous voice vote.

5. CASE NO. SUP-33-94. HRSD - BIO-SOLIDS (SEWAGE SLUDGE) COMPOSING

Mr. Funkhouser presented the staff report stating that the applicant requested that the current SUP be withdrawn and replaced by an application to rezone another proposed site. An SUP application consistent with the current application will also be considered concurrent with the rezoning application. Mr. Funkhouser stated the these cases would be presented at the March 14, 1995 Planning Commission meeting.

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

The Planning Commission unanimously concurred to grant applicant's request to withdraw their application.

6. CASE NO. AFD-9-86. GORDON CREEK / KANE ADDITION

Mr. Pleskac presented the staff report for an application to add approximately 164 acres to the existing Gordon Creek Agriculture and Forestal District. He stated that the AFD Advisory Committee concurred with staff's recommendation and voted unanimously to approve the additional acreage to the District. Mr. Pleskac stated that staff recommended approval with the condition outlined 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. Betzner, to accept staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Betzner, Hunt, Everson, Kuras (6). NAY: (0).

7. CASE NO. SUP-5-95. COGENERATION FACILITY/BASE

Mr. Maxwell stated to the Planning Commission that the applicant was withdrawing their application.

Mr. Betzner asked the reason why the applicant was withdrawing.

Mr. Maxwell said that the applicant stated in his letter that there were "many and varied business reasons" for their withdrawal.

No action by the Commission needed to be taken.

8. CASE NO. SUP-37-94. RINEHART SATELLITE DISH

Mr. Bittner presented the staff report for a special use permit to allow the continued placement of a 7-foot 6-inch diameter satellite dish at 102 Knollwood Drive located in the Mirror Lakes Subdivision. Mr. Bittner stated that staff recommended approval with the condition outlined in the staff report.

Mr. Everson asked if there had been any complaints from neighbors regarding the satellite dish.

Mr. Bittner stated that to the contrary staff has received positive reaction from the neighbors.

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 staff's recommendation of approval. The motion passed: AYE: Garrett, McKenna, Betzner, Hunt Everson, Kuras (6). NAY: (0).

9. ZO-1-95. REPEAL OF RPOD

Mr. Murphy presented the staff report stating that, after discussion with its Ware Creek advisors, the Board of Supervisors had determined that a reservoir in the Ware Creek area was no longer a viable project either as a local or regional facility. Mr. Murphy stated that staff recommended that the Planning Commission forward a recommendation of approval to the Board on the amendment.

Mr. Everson asked if the RPOD were to be repealed could there ever be a reservoir in that area and was it necessary to repeal it.

Mr. Horne stated that no one can foresee what change in restrictions may be in the future but at this time there was no legal justification that could be cited to the property owners as to why these restrictions should remain. He also stated that the County still has water quality requirements in place and that the removal of the RPOD removes only the buffer requirements around the immediate pool of the reservoir.

Mr. Everson asked what the buffer requirements were.

Mr. Horne stated that there was a mandatory 200 foot requirement in the R-4

designation in the Stonehouse.

Mr. Everson asked how the Chesapeake Bay Ordinance referenced in the report protected the area.

Mr. Horne stated that the Ordinance required up-stream water quality basin construction and that the water quality protection in the basins and other devices are almost equivalent. He again stated that what was primarily being lost by the removal of the RPOD was the control of the buffer area around the pool.

Mr. Garrett asked if we were losing some restrictions on the type of commercial/industrial development in the overlay district.

Mr. Murphy stated that some restrictions will be lost.

Mr. Betzner asked if the RPOD were to be removed would it have an impact on the proffers originally submitted by Stonehouse.

Mr. Murphy stated that an amendment to the proffers would be presented to the Commission next month.

Mr. Everson stated that he was unable to support the staff's recommendation for removal of the RPOD.

Mr. Kuras opened the public hearing.

Mr. R. M. Hazelwood, Jr. of Toano addressed the Planning Commission asking that they approve staff's recommendation for removal of the RPOD.

There being no additional speakers, the public hearing was closed.

Ms. McKenna made a motion, seconded by Mr. Betzner, to approve staff's recommendation. The motion passed: AYE: Garrett, McKenna, Betzner, Hunt, Kuras (5). NAY: Everson (1).

10. ZO-2-95. ANTENNAE AMENDMENT

Mr. Murphy presented the staff report stating that the proposed ordinance would allow the use of smaller sized antennae without a Special Use Permit. He stated that the ordinance would set a threshold of 10 square feet in area which meant that, for example, a satellite dish of 42 inches in diameter or less would not require a Special Use Permit. He stated that staff felt that the ordinance was appropriate because, with the smaller sized antennae, there would be a lesser need for control over buffering and location from an aesthetic viewpoint. He stated that staff recommended that the Planning Commission

forward a recommendation of approval to the Board of Supervisors.

Mr. Kuras stated that there may be a number of requests to have the antennae positioned in the front yard and suggested that those requests be presented to the Department of Code Compliance or the Planning Director rather than the Board of Zoning Appeals.

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

Mr. Kuras stated that his concern was in the event of an exception, he referred to page 22, item #5. He felt it too cumbersome to go to the Board of Zoning Appeals and thought it could be left up to the Director of Code Compliance, the DRC or the Planning Director .

Ms. McKenna stated that the procedure discouraged people from trying to put the antennae in another area other than those described in the ordinance.

Ms. McKenna made a motion, seconded by Mr. Betzner, to recommend approval of the ordinance as presented.

Mr. Garrett felt that as little as possible should be sent to Board of Zoning Appeals and made a motion to amend the original motion.

Mr. Murphy stated that staff preferred that the Zoning Administrator not be involved since he already had a multitude of things to approve and staffs preference would be the Planning Commission or the DRC.

Mr. Garrett made a motion that the issue should come before the Planning Commission.

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

On a roll call vote the motion passed to approve the amendments as written with the exception that the Planning Commission will be substituted for the Board of Zoning Appeals. AYE: Garrett, McKenna, Betzner, Hunt, Everson, Kuras (6). NAY: (0)

11. SIX-YEAR SECONDARY ROAD PLAN

Mr. Horne presented the staff report and stated that staff had requested that two of the proposed projects in Section I of the Six-year Plan be deleted. He noted that the first project, Croaker Road (C502), was considered for deletion due to the relative low traffic volumes. The second project, Neck-O-land Road, has had public opposition

although there is technical justification for improvement of this road. He stated that spread sheet from VDOT was not amended pending action by the Planning Commission. He stated that the Commission would be recommending an action to the Board of Supervisors, at which time there will be a public hearing and that the Board will make a final decision on the deletion of the projects.

Mr. Sowers stated that the opposition for Neck-O-Land Road is now from five of the six neighborhoods along the road.

Mr. Everson asked if the any financial allocations for the two projects being deleted were spent.

Mr. Horne stated that allocations in the approximate amount of \$35,000 had already been spent for the Neck-O-Land Road project.

Ms. Diane Bishop of Neck-O-Land Road and Ms. Betty Witt of 530 Neck-O-Land Road spoke before the Commission in opposition of the Neck-O-Land project stating the large opposition of the neighbors; the removal of hundred-year-old trees; opposition of the bikeways; and the encroachment on the property owners along Neck-O-Land Road.

Ms. Cheryl Sonderman of 105 Gatehouse Blvd. stated that she was unaware of the Resolution presented to the Commission by the Gatehouse Farms Homeowners Association and questioned how a Resolution could be passed if a survey of the neighborhood was never taken. She continued to state that she was in favor of the road improvement; in support of the bikeways for the future growth of the county; and for the concern for safety of the children who use Neck-O-Land Road.

Mr. Betzner asked if staff would clarify the project for Neck-O-Land Road.

Mr. Horne stated that the project planned was for reconstruction of the road would be similar to that of Centerville Road, Forge Road, or Sandy Bay Road. He stated that during the construction of road projects, VDOT grades new shoulders on the edge of the roadway to a width of 5-6 feet. He stated that, instead of making the shoulders gravel and asphalt, they would pave a portion of the shoulder for bikeways, adding no additional right-of-way and disturbing no additional area.

Mr. Sowers stated the when a certain traffic threshold is reached, VDOT automatically paves three foot shoulders on either side of the road. VDOT will at the request of the locality in lieu of a three foot paved shoulder provide a four foot bikeway.

Mr. Horne again clarified that 99 percent of the proposed project is a road improvement project and should not be a bikeway issue.

Mr. Jim Bishop of Neck-O-Land Road and Mr. Gary Nester of 14 Godspeed Lane

both spoke in favor of the Neck-O-Land project stating that they understood the concerns of the residents in opposition, but the main and only concern should be the safety of the children and noted that there would be additional housing developed. Mr. Nester said he was not surveyed by the Powhatan Shores Homeowners Association regarding the project.

Mr. Kuras stated to the audience that this was not a public hearing and that the Commission members have been informed of the neighborhood opposition and all further discussion should be terminated at this point. He stated that a public hearing will be held before the Board of Supervisors on March 6, 1995.

Ms. McKenna asked if the road improvement was turned down, would the road be maintained.

Mr. Horne stated that normal patching and repair would be done on a continued basis. He also stated that the neighborhood would like to have a complete overlay of the surface similar to Greensprings Road. This procedure would only be done when it came up on the VDOT schedule and being realistic it would not happen immediately, where the patching and repair would be done continually.

Mr. Everson asked how much of the sixty-foot right-of-way is actually paved.

Mr. Sowers stated that, including the paved shoulder, 32 feet will be paved.

Mr. Horne stated that there has been discussion with VDOT to determine if there was another design that they could do. He stated that this was a state-wide policy and a safety and liability concern of VDOT. He also stated that when VDOT does a road improvement they feel it should be done to some nationally accepted standard.

Mr. Betzner made a motion to accept staff's recommendation of the Six-Year Road Improvement.

Ms. McKenna seconded the motion. She stated that she was pleased with the discussions of today and the considerations that the Planning Department and VDOT took into account when they made their recommendations. She stated that what disturbed her were the number of people who spoke stating that they were not contacted by their homeowners association and felt that this may not be a unanimous decision by the neighborhoods.

Mr. Betzner also commented that safety was a big issue and consideration and hoped that the Planning Commission was making the right decision in accepting staff's recommendation .

Mr. Garrett added that it would be the responsibility of the residents that live in the area to keep the roadway a safe place for everyone.

Mr. Kuras stated that he did not realize there were so many people in favor of the road improvement and encouraged them to organize in support of those improvements. He also stated that he was in favor of bikeways and had opposed the removal of Greensprings Road from the list.

Mr. Sowers stated that no roll call vote was needed unless requested by the Commission members. There was a unanimous voice vote to accept staff's report.

12. REORGANIZATION OF COMMITTEE MEMBERS

Mr. Kuras stated that there are now only four members on the DRC and asked if anyone wished to volunteer. Mr. Hunt and Mr. Everson both stated that due to conflicts they were unable to commit at this time. Further discussion among the members continued. Mr. Kuras stated that Ms. McKenna, who volunteered with the explanation that other members would at times have to attend meetings, would be put on the committee temporarily.

Mr. Sowers asked Mr. Kuras to confirm that Mr. Kuras, Mr. Garrett, Ms. McKenna and Mr. Betzner were members on the Leadership Committee. Mr. Sowers stated that the Planning Commission would receive a revised list of committees and their members.

13. DIRECTOR'S REPORT

Mr. Sowers stated that he wished to remind the members of the Policy Review Committee that Trent Funkhouser and Mike Freda would be meeting with them shortly to review the CIP.

Mr. Sowers also stated that the March 14 meeting had a very heavy agenda.

Mr. Hunt commented that he expected opposition from residents on Blow Flats Road on the HRSD Composting Facility, unlike the residents of Skiffes Creek who had toured a compost facility and were not in objection to the original site location.

Further discussion occurred among the members of the Planning Commissions.

Ms. McKenna asked if it would be possible to extend an invitation to the residents of Blow Flats Road to tour the compost facility prior to the Board of Supervisors meeting.

Mr. Sowers stated that he would look into that option.

Mr. Kuras asked if anyone else had any comments.

Mr. Everson stated he was concerned with Item No. 4 on page 37. He stated that the staff was scheduled to present Zoning and Subdivision Ordinance changes to the Board of Supervisors. He was disturbed that none of the information being presented had come before the Planning Commission. He felt that the procedure being followed at this time was to completely bypass the Planning Commission. He presented the Commission members with a resolution.

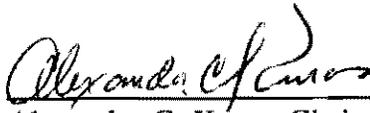
Ms. McKenna stated that since she has been a member of the Planning Commission she could not remember a time that the Commission did not review any changes to an ordinance prior to the Board of Supervisors. She also stated that the Board initially makes suggestions to the staff; reviews the issues with the building and development community; and then present those changes to the Planning Commission.

Mr. Everson continued to state his concern with the procedure being followed in reference to the information he had acquired.

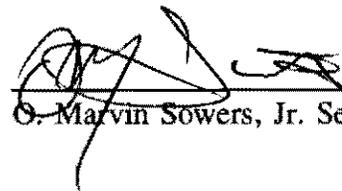
Mr. Sowers stated, that by law, any changes to the ordinance must come before the Planning Commission. He stated that staff had met with the development community to begin a series of meetings to look at the options. He stated that a paper would be drawn up that would be presented to the Board and then forwarded to the Planning Commission if the Board chooses.

14. ADJOURNMENT

There being no further business, the February 14, 1995 Planning Commission meeting was adjourned at 9:15 p.m..



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr. Secretary