

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF MAY, 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. John F. Hagee
Mr. Donald C. Hunt
Mr. Jay H. Everson
Mr. A. Joe Poole, III

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. John T.P. Horne, Manager of Development Management
Mr. Donald E. Davis, Principal Planner
Mr. Michael A. Freda, Senior Planner
Mr. Mark J. Bittner, Planner
Mr. Matthew W. Maxwell, Planner
Mr. Gary A. Pleskac, Planner

2. MINUTES

Mr. Kuras stated that he had voted to move the expansion of the Government Center from a medium to low priority. Mr. Everson asked that the minutes reflect that the vote to move the expansion to low priority failed by a close 3-4 vote and that the dissenting opinion was that the expansion could "wait a little longer."

Mr. Kuras stated that his vote was not against the building but that after 30 years of government service he has found that "things like this" do get built even at low priority, but that they are better scrutinized from both cost, need and scope.

Upon a motion by Mr. Kuras, seconded by Ms. McKenna, the Minutes of the April 11, 1995 meeting were approved, with the stated changes, by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Mr. Hagee stated that he had a conflict of interest regarding Case No. SP-31-95, Anheuser-Busch Lauter Tub and Fermentation Buildings, and would abstain from participation.

Mr. Garrett presented the staff report and made a motion, seconded Mr. Kuras, to move for approval. The motion passed by unanimous voice vote with Mr. Hagee abstaining.

4. CASE NO. Z-6-95. POWHATAN ENTERPRISES, INC.

Mr. Bittner presented the staff report (appended) to rezone approximately 410 acres from R-4, Residential Planned Community to R-4, Residential Planned Community with proffers. Mr. Bittner stated that the applicant had requested a continuance of this application in order to allow discussion with VDOT regarding a proposed change in alignment for Alternate Route 5 which would dramatically affect the proposal. Mr. Bittner further stated that staff concurred with this request and recommended that the public hearing be continued until the June meeting.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued to the June 13, 1995 meeting.

5. CASE NO. Z-8-95. R. M. HAZELWOOD, JR.

Mr. Bittner presented the staff report (appended) to rezone approximately 86 acres from A-1, General Agricultural, to R-2, General Residential, for the purpose of subdividing approximately 200 single family home lots. Mr. Bittner stated that the applicant requested a one month deferral in order to receive comments from VDOT, submit a draft set of proffers, and revise the conceptual plan. Mr. Bittner further stated that staff concurred with this request and recommended that the public hearing be continued to the June meeting.

Mr. Kuras opened the public hearing. There being no speakers the public hearing was continued to the June 13, 1995 meeting.

6. CASE NO. Z-9-95. WILLIAMSBURG CROSSING MULTI-FAMILY UNITS

Mr. Mark Bittner presented the staff report (appended) to rezone approximately 13.46 acres from B-1, General Business, to MU, Mixed Use, with proffers. Mr. Bittner stated that the Board of Supervisors approved this rezoning in July, 1993, with a condition which required the property to be transferred to another party (Michael's Mews Associates) before the rezoning would become effective. The transfer did not take place and the property owner now wishes to develop the property, and has received preliminary approval for 160 multi-family units. Since staff has found that the condition attached to the resolution makes the 1993 rezoning questionable, in order to clarify any confusion about the validity of the original rezoning and to develop the property himself, the property owner has re-applied for the rezoning with the same proffers attached in 1993. Mr. Bittner further stated that staff recommends approval of this application.

In response to Mr. Kuras' inquiry regarding a change in access to the property, Mr. Sowers responded that the Virginia Gazette article was in error and that there would be no change in access to the property.

Mr. Hunt questioned, and it was confirmed, that the plan remains the same as previously approved, with the exception as to who will develop the property.

Mr. Kuras opened the public hearing.

Mrs. Ingrid Jahn of 118 Dover Road asked that the pink lady slippers which she had observed with other wild flowers at the site be preserved. She spoke of the possibility of moving the flowers in order to preserve them for future generations. Mrs. Jahn and Mr. Bittner will work together on a preservation program for the wild flowers.

Mr. Alvin Anderson, representing the applicant, felt the developer would be cooperative in a preservation program for the wild flowers.

There being no further 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: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

7. CASE NO. SUP-14-95. REGIONAL JAIL COMMUNICATION TOWER

Mr. Freda presented the staff report (appended) for a special use permit to construct a 150 foot tall communication tower at the proposed jail site to be located off Route 143 across from the Branscome Concrete Plant. Mr. Freda stated that the applicant had adequately demonstrated that the tower would meet the guidelines set by the Planning Commission resolution and that the tower would have only minimal visual impact to the surrounding areas. Mr. Freda further stated that staff recommended approval with the conditions detailed in the staff report.

In response to Mr. Hagee's inquiry regarding why lines were required between the jail tower and the Contel tower, if used, Mr. Freda stated that the radio support equipment needs to be at the jail site for control and safety purposes.

In response to Mr. Everson's inquiry as to whether the staff's position would be same for the private sector, Mr. Freda stated that both public and private tower applications receive the same review and must meet the Planning Commission guidelines for towers, as adopted by the 1992 resolution, in order to be recommended for approval. He further stated that approval was granted for a private tower in the Busch Gardens area within the past two years. Also, Mr. Freda stated that no complaints had been received from residents of the Skiffe's Creek townhouse community.

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's recommendation of approval. On a roll call vote the motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

8. CASE NO. SUP-17-94. BRIGHT HORIZONS DAY CARE CENTER

Mr. Maxwell presented the staff report (appended) for a special use permit to allow the construction of a 2,500 square foot infant/toddler center adjacent to the existing Bright Horizon's Day Care Center. Mr. Maxwell stated that staff recommended approval with the conditions detailed in the staff report.

Mr. Garrett asked if the center would generate more or less vehicle traffic than single family housing. Mr. Sowers responded that single family residences would generate approximately 10 trips per dwelling while this addition would have 22 additional children plus employees which VDOT says is over the threshold at which a left turn lane is warranted. Mr. Garrett stated that he would like comparative figures in the future.

In response to Mr. Poole's inquiry regarding the number of parking spaces, Mr. Maxwell responded that the applicant provided 11 spaces which he felt would be needed, with one of the spaces being a handicap space. Mr. Maxwell stated that staff is asking for an enhanced landscaping plan which would adequately screen the parking fronting on Route 5.

In response to Mr. Everson's question as to what is being screened along Route 5, Mr. Maxwell responded that it is an attempt to "soften" the visibility of the 6 spaces which front on Route 5 as well as the additional parking in front of the building.

Mr. Sowers stated that the site is on a greenbelt road and a comprehensive plan policy is to provide enhanced landscaping in areas such as this.

Mr. Kuras opened the public hearing.

Ms. Karen Martin, owner and director of Bright Horizons Day Care Center, stated that the purpose of the expansion was to continue to provide top quality care and to meet the needs of the families currently enrolled with older children at the center who wish to enroll toddlers and infants. Ms. Martin further stated that most of the 22 additional children would be from families already coming to the center so the actual number of cars coming in and out would not increase by a great number or generate a lot of new traffic.

There being no further 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: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

9. CASE NO. SUP-17-95. HRSD RON SPRINGS DRIVE INFLUENT FORCE MAIN

Mr. Pleskac presented the staff report (appended) for a special use permit to construct approximately 3900 feet of 36 inch influent force main in the area of Ron Springs Drive. Mr. Pleskac stated that staff recommended approval of the special use permit with the conditions detailed in the staff report.

Mr. Garrett questioned why the force main would run 280 feet under Ron Springs Drive.

Mr. Pleskac stated that the section in question was formally named Log Cabin Beach Road, a private drive owned by HRSD, and referred to Mr. Ross Schlobohm of HRSD for an explanation. Mr. Pleskac informed the Commission that by going under the road the force main would be within HRSD property; otherwise it would be going onto Colonial Williamsburg property.

In response, Mr. Schlobohm indicated that by going under the road, HRSD would be using their own property.

In response to Mr. Poole's inquiry regarding the fence, Mr. Schlobohm responded that, at Colonial Williamsburg's request, the fence would be a wire mesh fence covered with vines to resemble an old country fence.

Mr. Poole questioned the need for barbed wire on top of the fence.

Mr. Pleskac stated that staff had discussed the barbed wire with Colonial Williamsburg and understands the need for security, but do require that it be totally screened with creeping evergreen plantings all along the fence. Mr. Pleskac explained the need for security was because there is a training facility for the carriage drivers and the possibility of a bolting horse and also to keep out trespassers.

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

Mr. Poole stated that as a Colonial Williamsburg employee he would abstain from voting.

Mr. Garrett made a motion, seconded by Ms. McKenna, to prohibit the barbed wire on top of the fence.

After some discussion, the motion to prohibit barbed wire on the fence passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Kuras. NAY: (0). ABSTAIN: Poole (1).

Mr. Garrett made a motion, seconded by Ms. McKenna, to accept the staff's recommendation of approval, with the deletion of the barbed wire. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Kuras. NAY: (0). ABSTAIN: Poole (1).

10. CASE NO. Z-7-95. HOLLY RIDGE

Mr. Bittner presented the staff report (appended) to rezone two parcels totalling approximately 10.5 acres from LB, Limited Business, and R-2, General Residential, to R-2, General Residential, with proffers. Mr. Bittner stated that while the proposal met the density designation of the Comprehensive Plan, it failed to adequately address several of the Plan's goals and objectives. Mr. Bittner further stated that staff recommended deferral of this case

to allow the applicant additional time to consider staff's comments on these matters, and those of the Commission, prior to a decision.

In response to Mr. Everson's inquiry as to why 100 feet of greenbelt was needed, Mr. Bittner stated that it was to achieve the widest greenbelt possible and at the same time not reduce the proposed lots; therefore, staff felt 100 feet was the largest greenbelt to attain on this property.

In response to Mr. Everson's statement that lots would be "scrunched," Mr. Sowers responded that three lots would be decreased a little in size but not in number. Basically, the landscape island would be eliminated.

In response to Mr. Everson's comments that the requested greenbelt buffer was more than double the amount requested by right, Mr. Sowers responded that it has been staff's experience that in the buffer not only are there trees but there are usually drainage structures, road improvements, utilities and signs, so that usually there is much less than the 100 feet of greenbelt.

In response to Mr. Everson's inquiry as to what staff expected to accomplish by deferring this case, Mr. Bittner responded that the intent was to strengthen the proffers as outlined in the staff report. Mr. Bittner further stated that staff did not recommend denial because the request was in line with the type, density, and development encouraged in the Comprehensive Plan, but staff would like to see strengthened proffers before the next meeting.

Mr. Everson reiterated the three areas in question to be resolved with the applicant: the lot to be internally accessed, the greenbelt issue, and the archaeological proffers.

Mr. Hagee questioned the archaeological process. Mr. Bittner responded that typically known, close by archaeological sites are reviewed, which was the case on this site, and also that it is only approximately 300 feet from Powhatan Creek to the property. Mr. Bittner stated that archaeologists from Colonial Williamsburg indicated the potential for prehistoric artifacts because prehistoric settlements tended to be near waterways.

Ms. McKenna stated that it was agreed by the Commission that every piece of development would be looked at in light of requesting a Stage I study, if appropriate, and that staff had not gone any further than that in what was being requested on this case.

Mr. Kuras opened the public hearing.

Mr. Henry Stephens, the applicant, discussed the request for development of 21 single family lots, which he stated was consistent with the Comprehensive Plan in terms of land use, density, and strategy for Jamestown Road in terms of reducing potential traffic impacts. Mr. Stephens stated that his firm contracted an archaeologist to investigate the site and expected to have a draft report prior the Board meeting. Mr. Stephens stated that if the existing house is removed proffers would be amended to reorient future access for new construction onto the new subdivision street. However, Mr. Stephens stated his intent to renovate the house to make it compatible with the houses in the subdivision and, if capable, would orient everything to

the side street because it would be more desirable for the house. Mr. Stephens further stated that he would comply if the Planning Commission felt strongly that the access should be restricted to the new street. Mr. Stephens discussed the proposed greenbelt and the County's policy on greenbelts and its effect on Jamestown Road versus other roads in the County. Mr. Stephens stated that staff's greenbelt recommendation would either eliminate two lots or cause them to "scrunch everything up" to provide for the 100 feet which he felt would do serious damage to the concept they wish to create and would devalue the property and lots.

In discussing lot construction, Mr. Stephens assured the Commission that proffers would be amended prior to going to the Board noting that no part of the landscape protection easement would count as a rear yard requirement as far as setbacks are concerned; setbacks will be measured from the easement in towards the house and not to the rear property.

Mr. Sowers asked that the proffers be clarified as to what would be permitted in the 25 foot setback.

Ms. Betty Jean Shahmouradian Ross, 114 Raleigh Street, asked that it be considered that this tract of land be zoned for residences only, not for any businesses should such a request be made, and allow the development of the 22 single family homes.

Mr. Bill Hewitt, 122 Raleigh Street, requested that the Commission defer this application to allow homeowners in the area to further look into the proposal. Mr. Hewitt stated that he was particularly concerned about the traffic and bike pedestrian safety. Mr. Hewitt also inquired as to whether a left turn lane was a consideration.

Mr. Ann Hewitt, 122 Raleigh Street, spoke of her concerns including strained sewers, pollution in Powhatan Creek, and lawn and road runoff. Ms. Hewitt stated that she had recently seen an otter in the vicinity, and also questioned whether an environmental impact study had been performed.

There were no further speakers. The public hearing was kept open.

Ms. McKenna stated concern regarding the greenbelt and felt the staff's proposal was a good compromise and that there could be a misunderstanding of the Greenbelt Policy and the fact that it was developed long after many of the properties along Jamestown Road had been platted. As much as possible it is now the strategy to incorporate the greenbelt into properties as they are developed.

Mr. Hagee stated that he saw this as an opportunity because the property is zoned business and it is unknown what would develop on the site that would defeat the County's desire to have a greenbelt. Mr. Hagee felt the layout was quality work and was in favor of a compromise by possibly changing the cul-de-sac. He suggested adding enhanced landscaping providing a 75 foot greenbelt, and omitting the Jamestown Road driveway. .

Mr. Garrett felt that the applicant had not provided adequate information prior to the case going to the Board of Supervisors and suggested to the applicant that he "give it his best shot" at the Planning Commission review level. He expressed concern about having 25 feet of the greenbelt as part of the lots.

Mr. Stephens stated that he thought the archaeological proffers were not so important that they couldn't wait since a study would be done anyway and the proffers would be finished before the Board looked at it. Mr. Stephens said he met with Mr. Sowers the previous day to discuss the driveway. Mr. Stephens further stated that he had given the greenbelt issue his best shot and that he believed the greenbelt, as designed, was more than adequate to meet what the Comprehensive Plan attempts to accomplish on a road such as Jamestown Road.

Mr. Kuras felt a 100 foot minimum setback to the building line was required because of future traffic noisawa and possible widening on Jamestown Road. Mr. Kuras felt the driveway to the existing house should be eliminated, and felt that the archaeological proffers required more information.

Ms. McKenna expressed concern regarding putting 25 feet into ownership of the purchaser of the lot as it would mean two layers of property behind each of the houses fronting on Jamestown Road (plus the property on which the house is built) with the owner having to distinguish what can be done with each property. Ms. McKenna stated that because it would be very complicated for the homeowner a simple solution would be to put it into common ownership. Ms. McKenna asked that this situation be taken into consideration should the case be deferred.

Ms. McKenna made a motion, seconded by Mr. Poole, to continue the public hearing to the June 13, 1995 meeting. The motion passed by unanimous voice vote.

Mr. Sowers stated that staff would be happy to meet with all interested persons regarding this case.

11. COMPREHENSIVE PLAN REVIEW METHODOLOGY AND TIMELINE PROPOSAL

Mr. Don Davis briefly discussed the revision to the 1991 Comprehensive Plan followed by Mr. Maxwell who presented the staff report (appended). Mr. Maxwell stated that the update would be a 12 month review process beginning July 1, 1995 and concluding with Board of Supervisors approval in June, 1996. Mr. Maxwell further stated that staff recommended that the Planning Commission approve the Comprehensive Plan Methodology and Timeline.

Mr. Kuras thought a questionnaire to the citizens of James City County might be a good way to increase citizen participation and suggested several ways: FYI, in-house, sampling of the County, etc. Mr. Hunt also emphasized the importance of broadening citizen participation. All the members of the Planning Commission agreed that the process should seek to involve a wide variety of citizens - especially those who do not typically get involved in planning matters.

Mr. Everson agreed and was also concerned about water supply issues and the ability of citizens to express their concerns.

Mr. Davis stated that the Community Participation Team will be looking at ways to involve more citizens. Also, Mr. Davis stated that issues we will be dealing with in this plan would be different because of the nature of things that have shifted in the past 4-5 years, such as water quality and source, traffic congestion issues, new information about air quality issues; therefore, specific issues will be looked at differently than during the previous review.

Mr. Garrett felt that congestion was the major concern of citizens.

Ms. McKenna stated that because the County is at a different place in this update that emphasis should be put on citizen involvement in the changes and helping citizens to understand what the proposed changes are and approve what the plan is before the final vote.

By unanimous voice vote, the Commissioners approved the Comprehensive Plan Review Methodology and Timeline Proposal.

12. PLANNING DIRECTOR'S REPORT

Mr. Sowers presented the staff report (appended) and reminded the Commissioners of the bike ride for elected officials and Planning Commission members on May 13.

Mr. Sowers stated that the Casey design competition was picking up momentum and the initial round of public meetings will be the first of June and that the full Commission is invited to a meeting on June 1st at 7 p.m.

13. REPORT OF THE CHAIRMAN

Mr. Kuras made the following appointments:

Leadership Committee: John Hagee

Policy Committee: Joe Poole

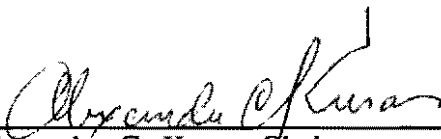
Development Review Committee: Joe Poole

14. MATTERS OF SPECIAL INTEREST


Mr. Everson referred to an article in the Gazette which stated that the Planning Commission had been overruled by the Board of Supervisors. A brief discussion followed regarding neighborhood opposition bypassing the Planning Commission but later appearing before the Board of Supervisors. Mr. Kuras suggested to the Board that if there is a lot of opposition following the Planning Commission recommendation that the Board return the case to the Commission.

15. ADJOURNMENT

There being no further business the May 9, 1995 meeting adjourned at 10:00 p.m.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary

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