

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF NOVEMBER, NINETEEN HUNDRED AND NINETY-SEVEN AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Alexander Kuras
Jay Everson
Martin Garrett
John Hagee
Donald Hunt
Willafay McKenna
A. Joe Poole, III

ALSO PRESENT

Leo Rogers, Deputy County Attorney
John T.P. Horne, Development Manager
Marvin Sowers, Planning Director
Matthew Maxwell, Senior Planner
Gary Pleskac, Senior Planner
Paul Holt, Planner

2. MINUTES

Alex Kuras stated, on page 6 of the minutes, Willafay McKenna made a motion for approval of Case Nos. Z-2-97 and MP-6-97. Powhatan Crossing/Hiden but her vote was omitted and requested this be corrected. Upon a motion by Alex Kuras, seconded by Martin Garrett, the minutes of the October 6, 1997 meeting were approved by unanimous voice vote, as corrected.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Martin Garrett presented the DRC report of two cases. One for an exception of a cul-de-sac in Whispering Woods, and one for preliminary approval of Monticello Marketplace so the project could get underway, even though everything was not yet ready for consideration. He said the DRC would be reviewing the plans at a later date. Joe Poole commented the DRC had received prior plan submission and he was pleased to see the applicant fulfilled the requirements of the landscape ordinance. Upon a motion by Martin Garrett, seconded by Alex Kuras, the Development Review Committee Report was approved by unanimous voice vote.

4. CASE NO. SUP-23-97. WILLIAMSBURG-JAMESTOWN AIRPORT.

Matthew Maxwell presented the staff report for this case which was deferred at the meetings of September 3 and October 6. He stated the proposed amendments to the existing Special Use Permit would provide for a series of capital improvements to the airport over the next 20 years in four development stages. After giving a brief history of the airport and the improvements which the applicant was seeking, he stated staff recommended approval as submitted, with the exception of the proposed runway extension. He added that staff did recommend the construction of a paved safety overrun in accordance with FAA standards. He concluded his presentation by requesting the Planning Commission recommend approval as outlined in the staff report.

Alex Kuras open the public hearing.

Vernon Geddy spoke on behalf of the applicant, Jean and Larry Waltrip, and introduced the consultants, Jeff Breeden and Mike Kane of Talbot and Bright. He also stated that the representatives of the Virginia Department of Aviation and the FAA were present. He complemented the Planning staff, particularly Matthew Maxwell, for their work on this case. He stated his applicant agreed with the vast majority of the report. He continued with a brief history of

the airport and stated that the list of improvements and the goal of the airport were to be the best and safest aviation airport serving the same types of planes it now serves. He asked the Commission to objectively and fully review the facts of this case before taking action. He stated the applicant had delayed this case for several months so all the information requested by citizens could be fully aired and disseminated. He stated they prefer the Commission approve their initial request, but stated if that was not possible, they would like them to consider a runway extension of 3900 ft. He also concurred with staff's condition on the GPS approval. He concluded by asking the Commission to take action, whether they recommend approval as submitted, or recommend approval of staff's recommendation, and forward it tonight to the Board of Supervisors.

John Hagee asked for staff's response to the reduction in length of the runway extension from 4100 ft. to 3900 ft..

Matt Maxwell stated staff did not have the opportunity to research the new proposal.

John Hagee asked if the County's consultant was available to answer this question.

George Paris of Campbell and Paris stated that expanding the runway from 3200 ft. to 3900 ft. or 4100 ft. made little difference as to the type of aircraft that could land, but, that the extra 700 ft. of runway would allow an aircraft that presently cannot operate there to operate there, but that number was very low. He also acknowledged that these new planes could be slightly heavier.

Joe Poole asked if the 800 ft. safety overrun, approved in the 1985 SUP, was installed and had it been used.

Jeff Breeden of Talbot and Bright stated it had been graded and maintained as a turf overrun and had been used once.

Dave King, president of the Rolling Woods HOA, spoke on behalf of a coalition of residents who would be directly affected by this application. He stated that they were in full support of staff's recommendation of approval, since staff was not recommending approval of the runway expansion.

Buzz Schmidt of Kingspoint and a member of the Jamestown Civic Association confirmed that they supported the existence of a community general aviation facility and believed the airport had been and would continue to be a good neighbor. They supported staff's report with the suggested paved safety overrun and hoped the proposed Community Airport Committee would institutionalize constructive communication among airport officials, pilots, and surrounding neighborhoods.

R. E. Gilley of 227 Gatehouse Boulevard stated that, as a former pilot, he was in favor of the paved extension. He also asked to have the record corrected by stating Diane Dudley was not a spokes woman for Gatehouse Farms Subdivision. This comment was made in reference to a letter written by James Lavin and signed by Diane Dudley and other representatives of various subdivisions and associations in opposition of the airport.

Frank Bowman of 107 Smokehouse Lane stated that the discussion appeared to be whether the runway should be 3900 ft. or 4100 ft. and whether larger aircraft would be using the facility. He provided information which demonstrated what criteria was needed for an aircraft with a 12,500 lb. weight limit and felt the extension of the runway would not dramatically change the type of aircraft

using the facility. He commented on discrepancies made in a letter by James Lavin which stated the extension would invite larger and faster aircraft, invite aircraft exceeding 20,000 lbs. and carry as many as 30 passengers. He also questioned whether the letter really represented the neighborhoods listed or just the people signing the letter.

Gil Bartlett of Kingspoint Subdivision spoke on behalf of himself stating the purpose of land use planning, the Comprehensive Plan, and the Planning Commission was to prevent surprises for those who owned land or planned to buy land. He said, if the School Board had known there would be an expansion of the airport when they considered their improvement budget for Rawls Byrd School, they might have done something different. He stated that SUP-26-85 should have given stability to the School Board and the general community and the length of the runway should remain at 3200 ft.

George Wright of 148 Cooley Road and president of the Historic Route Five Association stated the council of HR5A commended the Planning staff and Matthew Maxwell on the objective and thorough analysis of the facts and issues surrounding this application. They were impressed with staffs willingness to listen to all points of view, notably the aviation experts and the concerns of the citizens. He stated the HR5A concurred with staff's recommendation.

James Whitman recalled his experience when the application for SUP-26-85 was heard. At that time, he represented Kingspoint, as president of the Civic Association, along with the residences of Birchwood. He stated then, as he stated now, that he strongly encouraged there be no extension to the existing runway length.

Arthur Hancock of Kingspoint spoke in opposition of the overrun extension stating pilots would arrive from time to time for whom 3200 ft. would not be adequate for take-off. These pilots would regard the paved overrun as a runway extension and said there was no positive control over the action of pilots arriving or departing the airport. He asked the Commission give careful scrutiny to the proposed paved overrun.

Steve Smith of Hickory Sign Post Road stated he was a pilot and had flown out of the airport. He spoke of the process one must go through in order to obtain a license and the responsibility a pilot has to his passengers and himself. He encouraged the Commission to approve the extension of the runway.

Glen Sturge of Colony Point Road said his main concern was the flight pattern for the approaches and take-offs of the airport.

Chris Hudson, Regional Representative for the Aircraft Owners and Pilots Association (AOPA), spoke in favor of the application in its entirety. He stated he submitted to the Commission and Board of Supervisors a list of the noise classification of business jet aircraft which currently could use or would be able to use the airport, if it were extended. He said the applicant was prepared to eliminate aircraft that did not comply with the FAA Stage 1 category and some of the Stage 2 category. He also stated the willingness of the applicant to decrease the length of the extension from 4100 ft. to 3900 ft. would help alleviate the concerns of the citizens. He commented on the GPS saying a straight in approach was clearly safer than a circling approach. He encouraged the Commission to reconsider whether the GPS approach might be more desirable in the mix of facilities of the airport.

John Hagee asked Chris Hudson to comment on staff's recommendation of having an overrun versus an extension.

Chris Hudson stated it was certainly a better alternative than having nothing as a choice.

Thomas Hill of 112 Raleigh Street felt the purpose of the extension was to allow aircraft to become airborne sooner and be over the creek at a higher altitude. He stated if the aircraft had a problem it would have the extra 950 ft. to stop.

Dick Weaver of the FAA in New York City said he represented the office that proposed and developed the GPS procedure. He said Tom Jones from the Richmond Flight Standards Office was present to address any concerns for the aircraft operation safety overruns.

John Hagee asked what the designation was of the airport. He wanted clarity on what designation the airport would be if the runway were extended.

Dick Weaver said the airport was designated B1 and designed for aircraft not to exceed B1 weight and wing span limitations, which were 12,500 lbs. and 49 ft. respectively.

John Hagee asked if some of the aircraft using the airport were violating the designation and would a King Air be appropriate in the B1 designation.

Dick Weaver stated it was the responsibility of the pilot in command for insuring that he met the limits of the airport. He confirmed that a King Air, a B2 type aircraft, would not necessarily be prohibited from using the airport.

Martin Garrett asked if the GPS system was significantly safer than the fly around system and if there were any statistics that showed there were less accidents.

Dick Weaver stated the GPS system was safer because of a more stable approach and, therefore, fewer maneuvers for the pilot to accomplish. He stated they had statistical information available on the GPS safety approach.

Diane Dudley of 102 Smokehouse Lane explained why she signed a letter written by James Lavin and apologized to the Commission and residences of Gatehouse Farms for any misrepresentation they may have perceived.

Tucker Edmonds of 103 Jordans Journey explained that an extension of the overrun only gave benefit to approaches and take-offs in one direction. Unfortunately, aircraft have to use the runway in both directions, depending on the wind. The extension of the runway would benefit both flight approaches and take-offs.

Nancy Miller of Rolling Woods stated, when someone in her neighborhood complained of a low flying aircraft, they were unable to get any information from the airport. The FAA said they needed an aircraft identification number in order to investigate a complaint. She also said the paved overrun would only be a benefit to the decrease of damage to the aircraft and the insurance companies. She questioned if the County was trying to benefit them.

Buzz Schmidt commented that with larger aircraft being attracted to a longer runway of 3900

ft., there would be no safety overrun.

There being no further speakers, Alex Kuras closed the public hearing.

Martin Garrett opened the Commission discussion by stating this was one of the best staff reports he has seen. He made a motion to approve staff's recommendation.

John Hagee supported staff's recommendation for approval, stating that the extension would allow more B2 aircraft to use a B1 airport, and a line needed to be drawn somewhere.

Joe Poole commented on the applicant's contribution to the community and the quality of the airport. He stated he was sensitive to the communities concerns and felt that the condition in SUP-26-85 stated very clearly that the runway would not be expanded and that people had relied on it. He was not in support of the expansion and asked for assurance that the paved overrun would not become an extended runway in the future.

Matthew Maxwell said that Condition #1 stated the paved safety overrun would be marked with the appropriate striping and lights placed across the width which would distinguish the runway from the overrun and serve as a deterrent for pilots who wanted additional runway to stop the plane.

Willafay McKenna understood that if the runway was extended and the preferred way for take-offs was always over College Creek that the noise would be less of a problem. It also seemed to her that the GPS system would lessen the noise due to the straight in approach. She was concerned that the GPS was excluded.

Martin Garrett also commented on the GPS system. He stated that as long as it can be proven it was safer it should be something to be considered.

Jay Everson was in support of the original application by the Waltrips, but knew it wasn't going to be approved so he stated he would support the staff's recommendation.

Don Hunt supported staff's recommendation.

Alex Kuras stated he reluctantly supported staff's recommendation. He had reservations because the airport was a strong draw for economic development and the extension would decrease noise over Kingspoint.

Willafay McKenna made a motion to permit the runway extension from 3200 ft. to 3900 ft. Jay Everson seconded the motion and stated the information received from the applicant's consultant, but more importantly, from the taxpayers' consultant made it very clear that the types of aircraft would have no significant change. He stated the SUP process for a situation such as this was important because things do change as technology moves forward.

By a roll call vote, motion failed: AYE: McKenna, Everson (2). NAY: Garrett, Hagee, Hunt, Poole, Kuras (5).

The Commission voted on the main motion to approve staff's recommendation. By a roll call vote, motion passed: AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

The Planning Commission took a recess.

3. CASE NO. SUP-26-97. TEXACO CONVENIENCE STORE.

Paul Holt stated the applicant had worked with staff to resolve issues surrounding the need to amend the conditions and stated an amendment was no longer needed. The applicant withdrew the application and no action needed to be taken by the Commission.

3. CASE NO. SUP-28-97. COLONIAL OUTDOOR.

Gary Pleskac presented the staff report stating the applicant had requested a 60-day deferral. He said the applicant was seeking a larger, permanent location for his business and, if he did not secure a new location within that period, this application would be brought forward to the Planning Commission. Staff did concur with the request for deferral.

Alex Kuras opened the public hearing. There being no speakers, the public hearing continued to the January 5, 1998 meeting.

The Commission concurred to defer this application.

4. CASE NO. AFD-3-86. CASEY (Central Water Facility Withdrawal).

Gary Pleskac presented the staff report stating the applicant requested to withdraw .75 acres from the existing Casey AFD and use the land for a central water facility that would also provide heating and cooling for the new courthouse and several other buildings within the New Town development. He stated that, on October 30, the AFD Advisory Committee did not concur with staff's recommendation and voted 6-0 to deny. Staff recommended approval of this application.

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

Willafay McKenna made a motion, seconded by Martin Garrett, to recommend approval. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0)

5. CASE NO. Z-11-97. MARJORIE GRAY OFFICE AND WAREHOUSE BUILDINGS.

Paul Holt presented the staff report for this case which was deferred at the October 6 meeting. He stated, that upon a site visit by the applicant, staff, and two members of the Planning Commission, the applicant revised the plan as outlined in the staff report. Staff concurred with the changes made and continued to recommend approval with the attached proffers.

Alex Kuras opened the public hearing.

Vernon Geddy spoke on behalf of the applicant. He stated the lighting and buffering concerns had been addressed in the proffers. He said the Comprehensive Plan called for a mix of office and multi-family development. He stated this application was for offices and mini-storage facility which he felt was a far preferable use than multi-family. He requested the Planning Commission approve this application.

Sasha Digges of 312 Ironbound Road complained that residents in the area were not notified of this rezoning and asked for the stoppage of commercial development along Ironbound Road and encouraged residential development.

Gerald Johnson of 4513 Wimbledon Way spoke against this application given the residential nature of the road and adjoining residential uses.

Sarah Kadec of 3504 Hunters Ridge in Powhatan Crossing read a statement of opposition on behalf of Emily Armstrong who was unable to attend the meeting.

Jay Sexton of 4488 Powhatan Crossing Road, representing the Powhatan Crossing HOA in opposition of this application, stated it was inconsistent the Comprehensive Plan. He said the most significant reason for denial was the lack of a traffic count and fiscal impact study on the development. He said homeowners understood a public review would be held for developments that appear to have citizen opposition and that none were held for this property. Therefore, they requested that the Planning Commission deny the application.

Chris Sandridge of 3312 Lancaster Lane in Baron Woods felt a 75 ft. buffer was inadequate.

Keith Nowadly of 4702 Wood Violet Lane felt this application was not consistent with what the County envisioned in their Comprehensive Plan. His main objection was the storage facility. He also expressed concern about what would happen to the buffer area when Ironbound Road was widened.

Jeanette Brady of 2501 Manyon Drive, one of the applicants, stated they were striving to make this a beautiful place and an asset to the neighbors and was quite surprised by all the opposition.

There being for further speakers, the public hearing was closed.

Joe Poole commended the applicant for providing an improved plan and better buffers. He did have concerns about the site and was not comfortable with the type of intense use and could not support the application.

John Hagee felt the impact and street scape of the road would be enhanced by the buffer and positioning of the office buildings would help to screen the storage facility. He was satisfied that they would make the site consistent with the general theme and character of the Five Forks area.

Willafay McKenna supported this application stating it was the best use for Community Scale Commercial.

Don Hunt commented that the proximity to the residents that may use this facility should limit any additional amount of traffic.

Alex Kuras agreed with comments made by John Hagee and Willafay McKenna and felt this was a very low intensity use and supported this application.

Martin Garrett made a motion, seconded by Willafay McKenna, to approve this application. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Kuras (6). NAY:

Joe Poole (1).

6. CASE NO. SUP-24-97. GREENMOUNT ASSOCIATES BORROW PIT.

Before the staff presentation, Martin Garrett requested, that since there were two cases pertaining to borrow pits being presented at this meeting, there be an automatic deferral until the Commission could visit the site. It was determined that staff did not have to present their report since the applicant was requesting deferral of this case.

Alex Kuras opened the public hearing. There being no speakers, the public hearing was continued to the December 1 meeting.

7. CASE NO. SUP-30-97. AND SUP-31-97. HENRY S. BRANSCOME, INC. BORROW PIT.

Paul Holt presented the staff report stating the applicant applied for the special use permits to allow the continued operation of an existing borrow pit of approximately 420 acres. The original special use permits, granted on September 8, 1992, had expired. Staff recommended the Commission defer these cases since two additional special use permit requests for industrial development in the same area had been submitted. Staff did state, if the Commission acted on these cases, a list of conditions was provided in the staff report.

Alex Kuras opened up the public hearing.

Vernon Geddy spoke on behalf of the applicant to seek renewal of the SUP's granted by the County five years ago to continue the operation of the pits. He reminded the Commission that this operation had been in effect for over thirty years and gave a brief history of the progress of the operation over the last five years. He felt that none of the problems that concerned the citizens five years ago had come to pass. He requested that the Commission approve the SUP renewal and that it be extended beyond the five years given the safety record and years of operation.

Willafay McKenna asked, since the SUP had expired, had this become a hardship for the company.

Vernon Geddy stated that the company was not now operating due to the expiration. A representative from Branscome stated they were presently restoring an RPA required by the County.

Don Hunt asked what time limit they proposed for the SUP application.

Vernon Geddy stated they preferred no time limit, but, if a time limit were necessary, a period of ten years would be requested.

Willafay McKenna stated she felt uncomfortable about this application and the Greenmount application not being presented at the same time. During the last review of the SUP, she said they looked at that area for industrial development and not for the use that was being presented by these two applications.

Martin Garrett proposed the Commission reevaluate the policy toward borrow pits and revisit the area. He felt they should hold a work session and had no objection to extending the present

SUP for 30 days.

Marvin Sowers stated that if the Commission wished to approve the SUP, staff recommended the Commission recommend approval of this SUP with a limited amount of time to allow for the continuance of the operation while the issues mentioned in the staff report are evaluated.

It was suggested that the SUP be extended for 6 months, with 30 days renewal until the Commission made a determination.

Vernon Geddy requested the Commission approve this SUP for one year. He said that, when the Commission finished their work, the applicant would then have to resubmit an application for a SUP which could take up to six months.

Martin Garrett made a motion, seconded by Willafay McKenna, to approve this application for a one year period. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

8. CASE NO. SUP-29-97. LILLIAN WALLACE.

Paul Holt presented the staff report stating the applicant was requesting a special use permit to split firewood and to store and make mulch on a 3 acre area of a 23 acre site. He stated the business would be run on a part-time basis and would take place primarily on weekends and during the warm weather months. Staff recommended approval of this application because it was consistent with the surrounding properties, zoning, Comprehensive Plan designation, and would have minimal impact on the area.

Willafay McKenna asked why this was considered the manufacturing and sale of wood products.

Paul Holt said the applicant would be bringing wood to the location and turning it into mulch.

John Hagee stated this was an A-1 district and questioned whether this wasn't a forestry function.

Marvin Sowers said, it was not considered a normal accessory use associated with a timbering operation under the Zoning Ordinance. A timbering operation involved the raising and cultivating of trees and cutting operation. He stated this application would be conducted as a business for a much longer period. He also stated that there were no other categories in the A-1 district other than the manufacturing of wood products which would include this use.

Alex Kuras opened the public hearing.

The applicant, Bill Hawthorne of 103 Saber Drive, stated his location would be far enough away from any residential area and felt no one would be disturbed by this operation. He said he was told he could not cut trees less than a 4" diameter, unless he called the County Government and he could not put any buildings on the property. He stated, regarding the conditions to provide 75 foot buffer, he agreed to purchase an additional acre in order to comply. He was also informed he could have a building of 800 sq. ft. but said he had enough equipment to fill an 800 sq. ft. building

at this time. He asked the Commission to consider these restraints if they were to approve this application.

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

Willafay McKenna made a motion, seconded by Don Hunt, to recommend approval with the following changes that will be added to the revised and amended changes given to the Commission earlier: eliminate condition #4, except for the last sentence and condition #8 to increase the building or buildings to a total under 2500 sq. ft. By a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

9. PLANNING DIRECTOR'S REPORT.

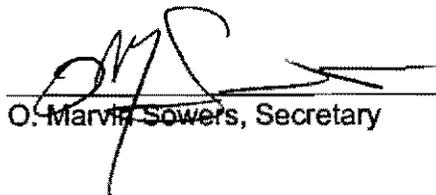
Marvin Sowers stated he had nothing additional to report.

10. ADJOURNMENT.

The November 3, 1997 Planning Commission meeting adjourned at approximately 11:20 p.m.



Alexander Kuras, Chairman



O. Marvin Sowers, Secretary