

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

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| 1. <u>ROLL CALL</u>
Alexander Kuras
Jay Everson
Martin Garrett
John Hagee
Donald Hunt
Willafay McKenna
A. Joe Poole, III | <u>ALSO PRESENT</u>
John T.P. Horne, Director of Development Management
Marvin Sowers, Jr., Director of Planning
Matthew Maxwell, Senior Planner
Gary Pleskac, Senior Planner
Tammy Rosario, Senior Planner
Paul Holt, Planner |
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2. MINUTES

Upon a motion by Willafay McKenna, seconded by Jay Everson, the minutes of the December 1, 1997 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE REPORT

Martin Garrett presented the DRC report for two cases. The first was Crown Landing Apartments which exceeded 30,000 sq. feet. The second was a lot line extinguishment for Governor's Land. Martin Garrett recommended approval, seconded by Alex Kuras. By unanimous voice vote, the DRC report was approved.

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

Paul Holt presented the staff report stating the applicant had requested deferral until the March 2, 1998 meeting. Staff concurred with this request and stated this case would be re-advertised and adjacent property would also be re-notified.

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

With the concurrence of the Planning Commission, this case was deferred.

5. CASE NO SUP-28-97. COLONIAL OUTDOORS, INC.

Gary Pleskac presented the staff report stating the applicant requested an additional 60-day deferral. Staff concurred with this request.

The public hearing was opened. There being no speakers, the public hearing was continued until the March 2, 1998 meeting.

Jay Everson suggested the feasibility of creating a regional BMP be examined.

With the concurrence of the Planning Commission, the case was deferred.

6. CASE NO AFD-2-86. CROAKER (LOCKLEY ADDITION).

Gary Pleskac presented the staff report requesting the addition of approximately 40 acres to the existing Croaker Agricultural and Forestal District. The property, located at 5624 Riverview Road, is zoned A-1, General Agricultural. Staff recommended approval of this case. He stated the AFD Advisory Committee met on December 30 and voted 9-0 for approval of this application.

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

Willafay McKenna made a motion, seconded by Don Hunt, for approval. In a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

7. CASE NO. AFD-1-89. ARMISTEAD (RENEWAL).

Gary Pleskac presented the staff report requesting the renewal of the existing 403 acre Armistead AFD for another four years. He stated the AFD Advisory Committee met on December 30 and voted 9-0 for approval as outlined in the staff report. Staff also recommended approval of this application.

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

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

8. CASE NO. AFD-1-93. WILLIAMSBURG FARMS (RENEWAL).

Gary Pleskac presented the staff report for the renewal of 311 acres of the existing Williamsburg Farms AFD. He reported the AFD Advisory Committee voted 9-0 for approval and that staff also recommended approval as outlined in the staff report.

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

Willafay McKenna made a motion, seconded by John Hagee, for approval. In a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0).

9. CASE NO. SUP-34-97. FENWICK HILLS.

Tammy Rosario presented the staff report for this special use permit to construct a sewage pump station, sewer force main, and water distribution line to serve Fenwick Hills and the surrounding area. Staff felt this application was consistent with the Comprehensive Plan and the nature of surrounding development and recommended approval as outlined in the staff report.

Joe Poole asked if the pump station was comparable with the present ones in the area.

Tammy Rosario stated it would be comparable to existing pump stations and stated Planning staff did have architectural control over this type of project.

Alex Kuras opened the public hearing.

Doug Slater of Mirror Lakes asked for someone to define what was the physical separation for the noise and order control. He also asked where the proposed gravity feed lines would be run.

Alex Kuras asked him to speak to staff about specific engineering details after the meeting.

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

Willafay McKenna made a motion, seconded by Joe Poole, for approval. In a roll call vote, motion passed. AYE: Garrett, McKenna, Hagee, Hunt, Everson, Poole, Kuras (7). NAY: (0)

10. CASE NO. Z-12-97. IRONBOUND ROAD SELF STORAGE.

Matthew Maxwell presented the staff report for this case which was deferred at the December 1, 1997 meeting. He stated staff met with the applicant, engineers from AES and Williamsburg Environmental Group and Dr. Donna Ware of the College of William and Mary to discuss the environmental issues. The result of these discussions were the applicant provided additional proffer conditions which further mitigated the negative environmental impacts and staff now recommended approval of this case as outlined in the staff report.

Alex Kuras opened the public hearing.

Alvin Anderson, representing the applicant, complimented Matthew Maxwell on his report and stated he had nothing further to add. He told the Commission he would answer any questions or concerns they still might have regarding this application.

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

Joe Poole commended both staff and applicant in coming to an equitable conclusion and supported staff's recommendation.

Jay Everson stated he visited the applicants facility at Huguenot-Robious Road in Richmond and was impressed with the quality and was glad to see staff recommended approval.

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

11. CASE NO. SUP-32-97. VIRGINIA TRUSSES.

Gary Pleskac presented the staff report for this case which had been deferred. He stated the application submitted was to operate a ready mix concrete production plant in the Skiffe's Creek Industrial Park. He stated the proposed use was consistent with the Comprehensive Plan. Staff recommended approval as outlined in the staff report.

Jay Everson questioned at what point Blow Flats Road would need to be improved.

John Home stated Blow Flats Road was not on the current Six-Year Road Plan and he had no definitive time as to when it would be improved.

Joe Poole asked for clarity of the site plan mentioned in the staff report.

Gary Pleskac explained that an actual site plan would need to be submitted for approval before the plant could begin operation and what the Commission received in their report was a rough sketch to show the general layout.

Alex Kuras opened the public hearing.

John Thayer-Smith of Mini-Mix Concrete and one of the applicants stated he would answer any questions of the Commission.

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

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

12. CASE NO. SUP-35-97, JACK L. MASSIE CONTRACTORS / BITUMINOUS CONCRETE PLANT.

Paul Holt presented the staff report for this application to operate a bituminous concrete facility to produce asphalt for roadway repair and construction. The facility would consist of a heater/mixer, an aggregate loader, dust collection system, asphalt recycler/grinder, and storage silos. He stated, although the use was not generally consistent with the surrounding residential area it was consistent with the surrounding industrial area and with the Comprehensive Plan designation. Staff recommended approval as outlined in the staff report.

Jay Everson asked at the time of approval in 1994 was it not the intent to have a retail operation at that location.

Paul Holt stated for that particular section it was planned for a general industrial area.

Alex Kuras opened the public hearing.

Alvin Anderson, representing the applicant, introduced the Massie family, Norman Mason of Langley and McDonald, and Meredith Wynne with Resource International. He presented his report and gave a history of the Jack L. Massie Contractors, Inc. development. He stated the M2 zoning and the existing Comprehensive Plan both support this application and asked the Commission to recommend approval this application.

Felicitas van Driem of 7684 Richmond Road spoke of her concern of the noise from the additional truck traffic. She stated trucks would be passing every two minutes, 24 hours a day, with no effective buffer area adjacent to her home. She requested the Commission deny this application.

Felix van Driem of 7686 Richmond Road spoke to the Commission in objection to this application. He stated, when he visited the Leesburg Plant, he could smell tar even though the plant was not operating. He said he spoke to the Scarborough family who live in Belmont Forest, the closest residential neighborhood to the plant. He stated their major complaint was noise and traffic from trucks in the early morning hours. He said Alexander Grove was the next closest housing development, over a mile away, and they too complained of the traffic as well as the view which dominated the landscape. He requested denial of this application.

John La Rose of 208 Plainsview Road. He spoke against this application because of the noise and odor which will be generated from the trucks mainly during the evening hours when most road repairs are done. He also noted that within the staff report it stated the proposal was consistent with the existing Massie operation and the Bryant Construction Company. All the other surrounding property was not consistent. He stated that the community was against the rezoning to the M2 designation, stating their concern that an asphalt plant might be built there. He said they were reassured that would never happen, but now it has. He ask the Commission to deny this application.

Doug Slater of 116 Nice Drive spoke against this proposal and requested denial of the application.

Bruce Utne of 111 Meadowcrest Trail had concern of the quality of life to his family and neighbors and felt the impact would be greater than anyone indicated. He requested that, until impacts had been quantified to show that quality of life, health, and property would not be affected by approval of this application, the Commission should deny this application.

Mary Stergios of 245 Loch Haven Drive stated she had been following this case and added she was troubled by early morning operations, odor, and soot and did not understand how this could be acceptable. She requested denial of this application.

Heather Blair of 247 Loch Haven Drive questioned why the issue of health had never been considered and asked what the long term effect on this type of facility would be to the surrounding areas.

Lori Williams of 246 Loch Haven Drive suggested it would be in the best interest of the neighborhoods, the Commission, and the County if a survey were conducted with the residents located near the Leesburg Plant to find out what health concerns had been noticed since the plant began its operation. She also noted that in the report new EPA standards were due out in the year 2000. She asked, if the current standards were not acceptable, could there be long term effects. She requested denial of this application.

Hayes Press of 141 Reflection Drive stated the peak production would take place during the summer and fall period, the height of tourism. He also stated, during the last rezoning for the concrete plant he recalled the Massies indicated the use would be for limited industrial type development. He asked what the potential for possible pollution of the well water within the subdivision could be, due to run-off of asphalt mixture, and how would the County react to this situation. He asked if any restrictions could be placed on this application so no further expansion of the facility could take place in the future and the new Virginia DEQ standards would have to apply to the facility. He requested the Commission deny this application.

Jim Stamn of Oakland Estates stated he lived directly across from the Massie driveway. He felt, if this application were approved, his property value would decrease, as well as the quality of life for himself and others who live in the area. He asked the Commission to deny this case.

Craig Larson of 113 Mirror Lakes Drive expressed concerns about truck traffic, structure height, and night operations, and stated it was time to stop the growth around the subdivision and asked for denial of this application.

James Kennedy of 7681 Thatcher Drive stated there were already problem with the existing traffic and asked what safety factors were in place and requested additional study on the proposal before a decision was made. He asked about hazardous material spills and what facilities the County had that would assure them that, if something happened at the plant, the surrounding areas would be protected.

Robert Watson of 225 Reflection Drive said he accepted the train track across from his home, but now he would view the asphalt plant every time he went out his door. He felt enough was enough. He asked if the application were for a plant in one of the Commission's neighborhood, would they like it. He questioned how much progress should be at the expense of residential neighborhoods. He requested the Commission deny this case.

Todd Tyree of 242 Loch Haven Drive felt staff failed to complete their report when they spoke only of the access to Richmond Road and did not consider where the truck traffic would go from there. He asked the Commission to vote for denial.

Robert Hargrave of Point-O-Woods Road spoke against this application and asked what will be next if this application was approved. He requested denial of the application.

There being no further speakers, the public hearing remained opened.

Martin Garrett stated there were several questions still unanswered and recommended the Commission defer this case.

John Hagee stated the Commission had listened to everyone's comments and they had given them food for thought. He said he had not seen the Leesburg Plant and would not make a decision until he saw the plant first hand.

Joe Poole stated he respected all the phone calls and letters received by the Commission and asked the citizens to reciprocate and allow the Commission to have time to consider this application. He stated he did visit the Leesburg Plant was very surprised as to what he experienced. He encouraged the citizens to accept the invitation of the applicant and take the trip to the Leesburg Plant.

Jay Everson asked what percents of the 1,800 tons per day, during the peak season, would be at night.

Gary Massie stated in 1997 the stone facility operated on 23 nights beginning at 7:30 pm. He said during that time they handled 300 tons per night where they typically handle about 1,800 to 2,400 tons of stone. He added that 11 additional nights would be required to operate due the bituminous facility. Again he stated the activity at night would be substantially reduced in volume from what would occur in the daytime.

Jay Everson also asked what time the startup would occur and was 4:30 am an accurate time frame. He also asked about the soot issue.

Gary Massie stated his facility would have a silencer enclosure, an option they chose and not a requirement, and the noise related to the start up would be diminished. He added the days of soot from asphalt plants has long since gone. This facility had additional controls beyond those

found in other facilities due to its double drum design and the way the materials would be duct back into the dryer for incineration.

Jay Everson stated there was some criticism about the DEQ standards that would be in the year 2000 and questioned if these changes were being addressed at this point.

Garry Massie said he spoke to the manufacture and they are in touch with the EPA. He said at this time, there were no new regulations written, but that the product he would use for his facility would most likely meet all of the standards that presently exist.

Martin Garret asked for clarity on the question raised about spill and water.

Gary Massie stated the facility proposed would have a concrete containment dyke around all liquid products used in the manufacturing process. Plus, they would have an oil spill prevention plan as part of the proposal that would be submitted to the Virginia DEQ Department of Water. He stated they presently have these features for their fuel islands and have spill prevention and counter measures control plans.

Gary Massie provided the following information in response to questions from members of the audience:

The typical start-up time was 6:30 am.

Typically, a truckload begins leaving about 6:45.

The typical and most efficient operation of one of these facilities would be to fill up the silo in the evening before they load out for the next morning, based on the orders they received.

He stated they worked five days a week and two Saturdays per month.

On this facility, an option was added that ducts all the possible air exhaust places in the facility back into the burner for incineration and from there the gases are exhausted through the bag house.

Gary Massie clarified one truck number that might have been misinterpreted. A peak day for 246 trips was 100 trucks coming in, getting loaded, and leaving. That gives you 200 trips. The other 46 trips were related to employees and service personal coming in and going out.

One of the unique designs of the facility was the burner ring that takes place inside the dryer drum.

Marvin Sowers asked Gary Massie to repeat questions from the audience in order to allow the viewing audience to know what his answers were referring to.

A member of the audience asked what was going to happen on a hot day and what would happen to the extra heat provided to the atmosphere from the burner.

Gary Massie stated the design of this burner captured all the heat it could. If excess heat were allowed to escape that's dollars out the exhaust stack instead of dollars into the mix.

A citizen experienced soot from the Eastern State facility and questioned how this facility was different.

Gary Massie stated the boiler technology at Eastern State was a coal fired furnace that did not have a bag house, a wet scrubber, or the devices on it to clean and remove airborne particles.

An audience member asked if there were any operational restrictions as to how late or how early they can start.

Gary Massie stated there were no restrictions and it would be difficult to adhere to because they needed to meet certain job requirements. He said the Aztec facility allowed them to operate at a very low noise level and without an odor problem.

An audience member asked why some people noticed a substantial odor at the Leesburg Plant and Mr. Massie told us that his facility would operate without a noticeable odor, when his facility was based on the Leesburg Plant.

Gary Massie invited the citizen to take the trip to Leesburg because he did not know how to answer that qualitative question and asked her to make that value judgement for herself.

An audience member asked whether Mr. Massie would be willing to build a sound barrier wall for the Mirror Lakes Subdivision.

Gary Massie stated they elected to put the sound barrier facilities and the sound controls immediately at the sound source rather than going around the perimeter of the property. That was the reason they put mufflers on the air gates and a silencer on the burner.

An audience member asked how many trains are expected to come through.

Gary Massie anticipated two additional trains per month, adding that in 1997 they received 99 trains at the stone facility.

Garry Massie said he would meet with anyone, at their convenience, and supply them with information distributed at the December Public Review meeting and review the information with them.

Marvin Sowers stated that anyone interested in going to Leesburg, should call the Planning Division at 253-6685 to register. The trip was scheduled for Tuesday, January 13, with rain dates of January 14 and 15. If there was inclement weather for that week, the trip would be scheduled for the following week. The tour would leave from the JCC Library in Norge departing at 8:00 am and returning at approximately 5:00 pm. He requested that reservations be made by January 8 to allow the applicant time to make the appropriate arrangements.

Garry Massie stated that a second trip for the following Tuesday, January 20, could be arranged in order accommodate the citizens.

With the concurrence of the Commission, this case was deferred to the February meeting.

The Commission took a brief recess.

13. CASE NO. SUP-37-97. PRIMECO PERSONAL COMMUNICATION SYSTEMS - ROUTE 5 FACILITY.

Paul Holt presented the staff report for the special use permit to allow for the construction of a 185-foot tall wireless communications facility on Route 5. He stated staff found the proposal generally inconsistent with the surrounding areas, the Comprehensive Plan, and the Wireless Communication Facilities Policies Paper and he outlined the reasons in the staff report. Therefore, staff recommended the Commission deny this application.

Willafay McKenna requested clarification on staff's statement that there was now a policy to have more than one tower or more than one user at a site.

Paul Holt stated more than one tower. The application, if approved, would then allow for two 185-foot towers, with the possibility of six users. He stated the applicant had provided a letter of intent to allow more than one tower on the site.

Alex Kuras opened the public hearing.

Bill Broadus, representing the applicant, spoke in support of this application and requested the Commission approve this application for the following reasons. The property, zoned R8, Rural Residential, was intended to maintain a rural environmental suitable for farming, forestry and low density residential. They met all, with the possibility of one, eighteen separate criteria in the Tri-Jurisdictional Policy Paper. He also stated the Commission adopted policies in 1992 which this application has met. He stated the applicant also met all the provisions of Section 20-9 of the Zoning Ordinance. He stated the only concern seemed to be the view shed because it would be visible from Mainland Farm and Ironbound Road. He concluded by stating it appeared to him that came down to aesthetics and he respectfully submitted that one cannot deny the use of property based primarily on aesthetics. He said that the conditions prepared by staff were acceptable except for No. 13.

George Wright, president of the Historic Route 5 Association, spoke on behalf of Village Square Subdivision and St. George's Hundred against this application based on the impact it would have to the area, especially Mainland Farm, a National Register designated property.

Philip Rodenbreg of 2900 John Proctor West spoke on behalf of twelve other neighbors in the Chanco's Grant Subdivision who would be affected by this proposal and requested the Commission deny this application.

Michael Listterst spoke on behalf of the Board of Directors of the Village Square Homeowners Association which presents fifty-nine homeowners. He stated their board opposed the approval of this application.

Gary Bohlken a resident of St. George's Hundred asked what height the applicant was requesting, since several different heights were mentioned. He stated the height was inconsistent with other structures in the area.

Jim Wells of Castle Lane stated he would be directly affected by this application and asked that the Commission deny this case.

Keith Nowadly of 4702 Wood Violet Lane stated the County spent public dollars in order to buy and protect Mainland Farm. He agreed with concerns brought up by other speakers and also agreed with staff's recommendation of denial.

Mark Sexton suggested more, shorter towers with the stealth design rather than one tall tower of 185 feet.

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

Joe Poole stated he opposed this application and agreed with staff that it was inappropriate to have a tower in an area that had been designated in both the Comprehensive Plan and Zoning Ordinance as residential. He felt the tower design was unsympathetic to the environment and was concerned about the impact on Historic Greensprings Road, Mainland Farm and Route 5. He felt the design of the structures and finish could be made to make them have less impact. He stated he would like to see a master plan from the communications companies in order to get a better feel of where the towers would be placed throughout the County.

Willafay McKenna agreed with everything Joe Poole said. She said she would prefer a network of smaller towers placed on existing structures or stealth towers in such areas.

Martin Garrett stated towers would be needed within residential areas, but felt the County did not have to accept them on a piece by piece basis. He agreed there should be a master plan of stealth towers in the County and not 185-foot poles with antennas.

Jay Everson felt the only opposition to the County's policy was with policy 2.2 which stated it can be approved in residential areas which are not a logical extension of existing or future residential development. He felt the proposed area for the tower was a transitional buffer area between St. George's Hundred and Five Forks and not necessarily an area of future residential development.

Marvin Sowers stated that staff's recommendation was based not only on that policy but also its inconsistency with the Comprehensive Plan and surrounding area as outlined in the staff report.

Jay Everson made a motion, seconded by Don Hunt, to approve this application. In a roll call vote, motion failed. AYE: Garrett, McKenna, Hagee, Poole, Kuras (5). NAY: Hunt, Everson, (2).

14. CONSIDERATIONS.

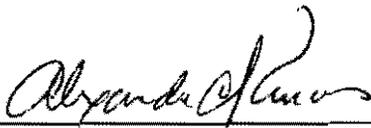
Joe Poole nominated Don Hunt as Chairperson for the Nominating Committee. Other members of the committee included: Martin Garrett, Willafay McKenna and John Hagee. They will meet for lunch one week prior to the February 2 Planning Commission meeting.

15. DIRECTOR'S REPORT.

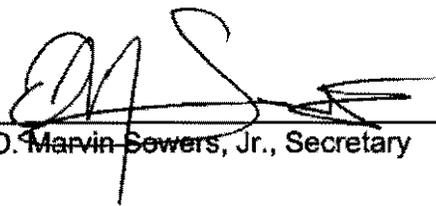
Marvin Sowers informed the Commission that at the January 27 meeting of the Board of Supervisors a consultant for VDOT would give a presentation on a study of a Bikeway Facility along Route 5. He encouraged Planning Commission members to attend the meeting or watch it on television.

16. ADJOURNMENT.

There being no further business, the January 5, 1998 meeting of the Planning Commission adjourned at approximately 11:15 p.m.



Alexander Kuras, Chairman



O. Marvin Sowers, Jr., Secretary