

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

1. ROLL CALL

Martin Garrett, Chair  
John Hagee  
Don Hunt  
Alexander Kuras  
Willafay McKenna

ALSO PRESENT

Marvin Sowers, Director of Planning  
Andrew Herrick, Assistant County Attorney  
Paul Holt, Senior Planner  
Matt Maxwell, Senior Planner  
Jill Schmidle, Senior Planner

2. MINUTES

Upon a motion by Alex Kuras, seconded by Willafay McKenna, the minutes of the July 7, 1999 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Alex Kuras presented the report for the DRC meeting held on Wednesday, September 28, stating the committee recommended approval for the Monticello Shoppes and the Greensprings Timeshares but recommended denial for the sidewalk exception for the Pointe at Jamestown Subdivision. He also reported on a special DRC meeting held prior to tonight's meeting for Powhatan Townhouses and stated the committee had a problem with clearance to the buffer area along New Road and recommended that two of the units be deleted. The developer also needed to add additional parking to comply with the new ordinance. He made a motion to recommended approval of the DRC report. Willafay McKenna seconded the motion. In a unanimous voice vote, motion passed.

4. POLICY REVIEW COMMITTEE

Willafay McKenna presented the Policy Committee's report stating the guidelines they developed for the Commission to follow when reviewing transitional uses in areas designated Rural Lands could be found in the staff report. She stated it was a very restrictive policy for the purpose of limiting the changes that could come about from allowing those uses in the agricultural lands. She asked if anyone had any questions.

Alex Kuras asked if there could be some type of identification to allow a small hobby type of business that would have no adverse effect on the adjacent property owners.

Willafay McKenna stated that one thing the committee considered was no retail sales and then they figured the specific criteria that was listed in the guidelines would cover all of those eventualities. The committee felt it could put them in a difficult situation if there was a rezoning if there were no guidelines.

Martin Garrett asked if staff had any concerns regarding the policy.

Marvin Sowers stated staff had no objection to the policy.

Willafay McKenna made a motion, seconded by John Hagee, to recommended approval of the guidelines. In a roll call vote, motion passed 5-0. AYE: McKenna, Hagee, Hunt, Kuras, Garrett (5); NAY: (0).

5. RESOLUTION: R-8 ORDINANCE AMENDMENTS

Martin Garrett stated that on May 7, 1999 the General Assembly enacted a change in the way in which localities could handle special use permit process. As a result of this change, he read a resolution which the Planning Commission initiated consideration of amendments to the R-8, Rural Residential, Zoning Ordinance District.

Andy Herrick, Assistant County Attorney, stated that the new Virginia Code provision forbids requiring special use permits for residences in areas zoned residential. He stated the effect of the resolution is to allow staff to take a look at how they might redo the R-8 zoning in order to affect the purposes of the Comprehensive Plan.

Alex Kuras made a motion, seconded by Willafay McKenna, for approval of the resolution to initiate the review of the R-8, Residential District. By unanimous voice vote, motion passed.

6. PLANNING COMMISSION ANNUAL REPORT

Marvin Sowers presented the Annual Report stating this was a standard report which summarized the projects that staff and the Commission had worked on during the past year. He stated it also laid out the goals and objectives for the Planning Division to work on in the coming year which were approved by the Board of Supervisors as part of the Strategic Management Plan. He said a new element in the report was the addition of background information on both the Commission members and staff. He stated staff was presenting this report for the Commission's approval and asked that the Chair or his designee present this to the Board of Supervisors at their August 17 meeting.

Alex Kuras complimented staff on their work and felt the report was very user friendly.

Alex Kuras made a motion, seconded by Willafay McKenna, to recommend approval. In a unanimous voice vote, motion passed.

7. CASE NO. SUP-15-99 AND Z-5-99. ARMISTEAD/TAYLOR PROPERTY

Marvin Sowers presented the staff report stating the applicant had requested deferral to the September meeting since the applicant intended to purchase additional property for the project and the case would need to be readvertised. Staff concurred with the applicant's request.

By unanimous voice vote the Commission deferred this case and the public hearing remained open.

8. CASE NO. SUP-18-99. OLDE TOWNE ROAD TIMESHARES

Jill Schmidle presented the staff report stating the applicant had requested deferral of this case to allow additional time to continue to work with staff on several unresolved issues. Staff concurred with this request.

Martin Garrett opened the public hearing. There being no speakers, the public hearing remained open.

9. CASE NO. SUP-13-99. WILLIAMSBURG CHRISTIAN ACADEMY

Paul Holt presented the staff report stating this case was deferred from the July 7 meeting and since that time notification letters had been sent to nearby property owners in both Ford's Colony and Jesters Lane. A request had also been forwarded to Realtec, Inc. asking that to the extent possible they make residents aware of this application and the dates and times of the public hearings. He stated the master plan had been amended to show a proposed landscape buffer and to indicate the location of possible berms. In response to the concerns of the Planning Commission at the last meeting, staff proposed three additional conditions of approval as outlined in the staff report. Staff continued to support this application and found the proposal compatible with surrounding properties and zoning districts and recommended the Commission recommend approval of this application.

Martin Garrett opened the public hearing.

Drew Mulhare, representing the Ford's Colony Homeowners Association, thanked the Commission and the applicant for their deferral at the July meeting. He stated that he and residents of Ford's Colony had the opportunity to meet with the applicant and owner of the property on July 22. He stated the site plan they viewed at that meeting reflected some of the comments that were heard at the July 7 Planning Commission meeting, specifically those comments dealing with the clearing limits of the BMP and preservation of trees. He stated with this new plan, the Ford's Colony Homeowners Association supported this application and recommended approval.

Lawrence Beamer, owner of the property, had two areas of concern. One being the 50 foot buffer area that had been placed on the site plan. He said he was not interested in giving 50 feet of undisturbed buffer and then another 35 feet of berm. He stated that might start to intrude into the area where the Christian Academy could put their parking. He said, if it doesn't, he had no objection to that buffer requirement. He suggested a 25 foot undisturbed area and then another 35 feet to put in a five or six foot berm. The second item was the conservation area because if it was called a LPZ and he needs the DRC approval for anything done in that area, they might take away his ability to possibly give that area to the Williamsburg Land Conservancy and get a tax credit, if one was available. He had no problem with making it a conservation easement and would have no problem with what the DRC would require except he believed when he does that, he has to leave it up to the Williamsburg Land Conservancy to said what can be done in that area. If that was not true, he had no objection to the area being an LPZ.

Martin Garrett stated there needed to be a better understanding between staff, the Commission and the developer. He stated he liked the notion of a berm and asked if that were objectionable.

Marvin Sowers stated that was the first he had heard about the berms and asked if Paul Holt had a prior conversation with the developer that he was not aware of.

Paul Holt stated he did not have any clear conversation. He felt there were some good advantages to berms but that also depended on the tradeoff of having the property clear-cut all the way to the property line to accommodate the berm. He stated there were some very young pine

in the area but staff felt the trees should be left and that the berm would supplement anywhere where the vegetative buffer would be ineffective.

Martin Garrett asked if staff was suggesting that the berm be an extension of the 50 feet.

Paul Holt stated the berm was an elective on the part of the developer. Staff was just stating they preferred not have the area clear cut up to the property line in order to get the berm in. He felt they would be destroying a buffer to get a buffer.

Alex Kuras asked if the developer had a 50 foot buffer whether he would need the berm.

Paul Holt stated staff would like to see a good 50 foot vegetated buffer.

John Hagee stated that, if the trees in the buffer area were actually scrub pines, he would prefer a berm as well. He asked if that could be something left up to the DRC when final plans are submitted.

Lawrence Beamer stated his intent was to shelter those residential units from the parking area of the school and he felt that if he was required to put a 50 foot buffer and put a berm which would take up an additional 35 feet there would be an 85 foot occupied footprint. He did not think there was 85 feet between the property lines and the parking area. If that were to be done, then the parking area would need to be moved back as well as the school. He stated he did not think that 25 feet of trees and 35 feet of berm was any less attractive than 50 feet of scrub pines and no berm. He stated that a berm would allow them to get rid of some dirt that they will have during the construction of the roadway and also would allow them to hide the school which would be approximately five foot from the backyards.

Martin Garrett stated that would have to come before the DRC when site plans were submitted.

Lawrence Beamer stated that the berm might come before the site plan because of the clearing for the roadway. He said he had to wait for the site plan to come before the DRC then he would not be any berms because he can't move the dirt twice.

John Hagee asked if Lawrence Beamer would also be landscaping the berm and not just putting the berm in.

Lawrence Beamer said from his experience he would probably just put grass on it but suggested that something be done that would not have to be maintained, suggesting placement of some trees.

Alex Kuras stated that, if you allow young pines to grow thick, they make a wonderful visual buffer.

Lawrence Beamer stated he did not believe that the DRC controlled whether someone could remove the underbrush around the pine trees only leaving the pines.

Martin Garrett suggested that Lawrence Beamer and staff get together on what should be done regarding the buffers.

Marvin Sowers stated condition #3 would need to be more flexible for this to occur. The way it read now, the developer was required to leave a 50 foot undisturbed buffer and in addition to the 50 foot buffer, leave a minimum 5 foot high berm. He stated in order to achieve the flexibility, he suggested an amendment to the condition to provide a choice of leaving either a 50 foot undisturbed buffer or a 5 high foot berm in addition to a 25 foot undisturbed buffer."

Don Hunt stated he preferred a 25 foot buffer with a 35 foot wide berm as suggested by Lawrence Beamer.

Marvin Sowers stated that the revised condition would accommodate that and with a good enhanced landscape plan, staff could achieve quite a bit to of screening.

Lawrence Beamer stated that they would not cut the 50 feet and in areas where there is 50 feet plus 35 feet, they would leave the entire area alone. But in areas that are tight, he would like to have the ability to do the 50 feet with the berm.

Marvin Sowers felt that was a good suggestion and the DRC could review that during the site plan review.

Alex Kuras stated that the developer may want to put in the berm during the time of construction of the roadway.

Willafay McKenna asked if staff was requiring both the 50 foot buffer and 5 foot high berm in all areas or just in the area of the athletic field.

Paul Holt stated that the condition only required a 50 foot undisturbed buffer and a berm in the location of the athletic field and for the rest of the area, there was an option whether they would put in a berm.

Martin Garrett stated he also liked the berm but commented that Lawrence Beamer had the right to just do the 50 foot undisturbed buffer. He suggested that the Planning Director discuss this with Lawrence Beamer to see if they could agree on something better than just the 50 foot buffer.

The Commission agreed with Martin Garrett's suggestion to allow the Planing Director to act on their behalf in determining whether there would be a buffer of 50 feet or a combination of a 25 foot undisturbed buffer and 35 foot wide berm.

Marvin Sowers stated that staff revise conditions #2 and #3.

Willafay McKenna stated that no matter what was done, there would be a 50 foot minimum separation.

Alex Kuras suggested the wording: "A 50 foot undisturbed buffer and/or a combination of buffer and berms as determined by the Planning Director."

The Commission concurred with the wording.

Paul Holt stated Lawrence Beamer asked that he address a second issue which was the DRC approval of any tree clearing within the landscape preservation zone. He stated there was a

contradiction in terms. He noted that the master plan labeled a landscape preservation zone while on the master plan there was also a disclaimer that trees could be cleared in that area with the approval of a property owners committee. What the staff condition intended was there would be some flexibility of tree clearing but at a minimum it should come back to the DRC for County review. He suggested the possible rewording on the master plan.

Lawrence Beamer stated he believed that the language came from the Powhatan Secondary master plan that was done in 1978.

Marvin Sowers asked if Lawrence Beamer's concern could be resolved by giving the Planning Director the authority to act rather than the DRC. Mr. Beamer concurred.

The Commission concurred with the change to the condition.

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

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval with the suggested changes. In a roll call vote, motion passed 5-0. AYE: McKenna, Hagee, Hunt, Kuras, Garrett (5); NAY: (0).

9. CASE NO. SUP-20-99. WILLIAMSBURG DODGE

Paul Holt presented the staff report stating the applicant requested to amend a condition of SUP-21-97 which was approved on September 9, 1997, along with Case No. Z-9-97, for the construction of the Williamsburg Dodge Automobile Sales and Service Center. The condition for approval of the project stated construction shall start within 24 months or the special use permit becomes void. This special use permit will expire on September 9, 1999 and staff recommended that the Commission recommend approval of an additional six months in which the applicant could begin construction.

Martin Garrett opened the public hearing.

John Dodson, the applicant, stated if the Commission had any questions, he would be glad to answer them.

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

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval for a six month extension of SUP-21-97. In a roll call vote, motion passed 5-0. AYE: McKenna, Hagee, Hunt, Kuras, Garrett (5); NAY: (0).

10. CASE NO. SUP-14-99. JCSA WATER MAIN AND SEWER FORCE MAIN

Matthew Maxwell presented the staff report stating that continued development along the Monticello Avenue corridor between Powhatan Creek and Route 199 had prompted the need to upgrade the water and sewer service lines and pumping capacity within that service area. Staff found the proposal to be consistent with the Comprehensive Plan and previous actions taken by the Board of Supervisors. Staff recommended that the Commission approve the special use permit with the conditions outlined in the staff report.

Martin Garrett opened the public hearing.

Larry Foster, General Manager of JCSA, 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, to recommend approval of this application. In a roll call vote, motion passed 5-0. AYE: McKenna, Hagee, Hunt, Kuras, Garrett (5); NAY: (0).

11. PLANNING DIRECTOR'S REPORT

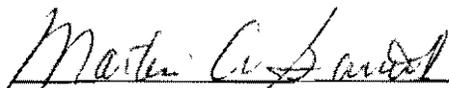
Marvin Sowers reported that a committee had been formed for the Rt. 199/Jamestown Road Study and that Alex Kuras of the Planning Commission and John McGlennon of the Board Supervisors were among the members.

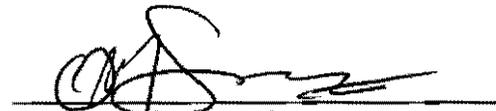
Marvin Sowers also reminded the Commission that there would be a joint meeting with the Board of Supervisors on Tuesday, August 24 at 7:00 p.m. in the County Government Complex. He requested that when the Commission adjourned their meeting tonight that they recess to the August 24 meeting.

John Hagee asked what area of study the Rt. 199 Corridor Study covered.

Marvin Sowers stated it would cover from the Rt. 5 intersection to the Brookwood Drive intersection. He said that VDOT had also begun a study process to look into completing the four laning of the entire Rt 199 corridor and public meetings and discussions could begin in one to two years. He added that VDOT hoped to have the existing Rt. 199 corridor improved before the 2007 celebration.

There being no further business, the Planning Commission recessed to the August 24 joint meeting with the Board of Supervisors at 7 pm.

  
Martin A. Garrett, Chair

  
O. Marvin Sowers, Jr. Secretary