

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF NOVEMBER, 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.

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| 1. <u>ROLL CALL</u>
Martin Garrett, Chair
John Hagee
Don Hunt
Wilford Kale
Alexander Kuras
Willafay McKenna
A. Joe Poole III | <u>ALSO PRESENT</u>
John T. P. Horne, Development Manager
Marvin Sowers, Director of Planning
Leo Rogers, Deputy County Attorney
Andrew Herrick, Assistant County Attorney
Paul Holt, Senior Planner
Matt Maxwell, Senior Planner
Tammy Rosario, Senior Planner
Christopher Johnson, Planner |
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2. MINUTES

Upon a motion by Willafay McKenna, seconded by Alex Kuras, the minutes of the October 4, and October 12, 1999 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

Alex Kuras presented the report for the DRC stating there were two relatively simple cases. Brandon Woods' recreational facilities were set in place as outlined in the proffer statement and the DRC recommended final approval for the entire subdivision. Waterford at Powhatan Secondary was required to maintain a buffer area with the fence being at least 15 feet of the property line. The fence was inadvertently placed on the property line of eight units. The DRC recommended the fence be placed 10 feet back rather than 15 feet for those eight units but the remainder of the fence must be at 15 feet. He made a motion to recommend approval of the DRC report. Willafay McKenna seconded the motion. In a unanimous voice vote, motion passed.

4. POLICY COMMITTEE

Willafay McKenna stated the committee had not met within the last month. However, since attending the Board of Supervisors meeting, she felt it would be appropriate for the committee to meet to consider a home based business policy. She stated she spoke to Martin Garrett regarding this and he expressed his desire for the committee to review this issue. She requested that before the end of this evening the committee set up a meeting date. The committee was in full agreement.

5. CASE NO. SO-1-99. COMPREHENSIVE REVISIONS TO THE SUBDIVISION ORDINANCE AND CASE NO. ZO-12-99. SIDEWALKS AND MULTI-USE PEDESTRIAN CONNECTIONS.

Martin Garrett stated that the Commission had discussed and voted on the Subdivision Ordinance at their special meeting held on October 28. The only item still to be considered was multi-use connections which was deferred to the DRC. There will be a notice and public input opportunity during this discussion to determine what the Grab Bag Zoning Ordinance Update Committee envisioned. He stated the Commission felt there needed to be more discussion and input on this issue.

6. CASE NO. ZO-11-99. SUBMITTAL REQUIREMENT FOR REZONINGS AND SPECIAL USE PERMITS.

Paul Holt presented the staff report for the proposed ordinance changes for submittal requirement by amending the list of submittal requirements as proposed. The Grab Bag Committee believed the goals, objectives, and strategies of the Comprehensive Plan as originally outlined in the September 8 staff report would be advanced and more complete information would be provided to the Commission and the Board of Supervisors thereby insuring appropriate project mitigation. Comments regarding the proposed changes were received at the end of September from both Langley and McDonald and Harrison and Lear Land Corporation and provided to the Planning Commission at its October meeting. In response to these comments, a change was made at their October 4 meeting and that change was reflected in the ordinance presented before the Commission. Tonight staff believed that all outstanding issues had been resolved and therefore staff recommended the Planning Commission recommended approval of the ordinance and policy.

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

Martin Garrett asked the Commission if they wished to go through each item and comment on them individually and if so, he suggested deferral of this case until the end of the other public hearing cases in order to have an in-depth discussion. But, if the Commission felt further discussion was not necessary, then they could vote on it now.

Alex Kuras had a question regarding the requirement that "All site plans shall be consistent with the master plan, but may deviate from the master plan if the planning director concludes,....." He stated that in some of the cases the DRC had made that determination and asked if this was a change.

Paul Holt said it was not necessarily a change. It was provided for some flexibility for the developer. If he wanted to deviate the development plans from the master plan that could be done administratively through the planning director. If the director felt the changes were too substantial or if the developer objected to the planning director's determination, then it would go to the DRC.

Wilford Kale had a question regarding Mark Rinaldi's concern about sewer and water. He asked what kind of response could we give to the public as to the type of study and was there an outline of the requirements at this point.

Paul Holt said that there was an outline drafted and stated that any developer required to do this could meet with the Service Authority and discuss it with them. He said this was not anything new or something the developers hadn't worked through in the past. The master water and sewer plan was the same language that currently existed in both the R-4 and PUD and had been used for many years.

Willafay McKenna make a motion, seconded by Joe Poole, to approve this ordinance. In a roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

7. CASE NO. AFD-1-94. WRIGHT'S ISLAND, 1999 QUEIJO ADDITION

Christopher Johnson presented the staff report for a request to add 49.373 acres to the existing Wright's Island AFD. Staff found the proposed addition consistent with the surrounding properties and zoning and consistent with the Comprehensive Plan. On October 20, 1999 the AFD Advisory Committee recommended the property be added by a vote of 6-0 with four absences. Staff concurred with the Advisory Committee and recommended that the Planning Commission recommend approval of this case.

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

Willafay McKenna make a motion, seconded by Joe Poole, to approve this case. In a roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett (7); NAY: (0).

8. CASE NO. SUP-25-99. WILLIAMSBURG HEATING AND AIR CONDITIONING

Christopher Johnson presented the staff report for a request for a special use permit to allow the construction of a 1,500 square feet of office and storage space for a heating and air conditioning business that was presently being operated out of the applicant's home. The proposed structure, located at 8876 Richmond Road, would not serve as a residence for the property owner or any of his employees. Staff believed this application was inconsistent with the Rural Lands land use designation in the Comprehensive Plan and would encourage further commercial development on adjacent undeveloped properties or properties with similar characteristics in rural areas especially since the use would be entirely commercial. Staff recommended the Planning Commission deny this application. He added if the Commission recommended approval of this application, staff recommended placing the conditions upon its approval as outlined in the staff report. He also stated that the conditions did not guarantee a 150' buffer because they allow the buffer to be reduced to 50' to accommodate the septic system and that staff did not believe a 50' buffer would retain the rural character.

Martin Garrett opened the public hearing.

Brian Johnson, the applicant, of 115 Fairmont Drive stated he understood staff's recommendation for denial but added he was looking to place his business in this area for the primary reason of cost. He conceded there were other areas, as suggested by staff, but he was unable to afford those locations. He stated he was not looking to clear the entire 3.8 acres but enough to put in the building and parking lot. Regarding the buffer, he said was not concerned if the building could be seen from the road. He stressed that he needed a location other than his home, in order to become more established and professional.

Willafay McKenna asked if this were approved with 150 foot buffer requirement, which would mean the septic field would need to be located elsewhere and, if that could not be done, would he give up the idea of putting the building on the property. She also asked how many people he employed and would they all be working at the site.

Brian Johnson stated he would really not want to give up the idea of building on the property and said he would definitely do as much landscaping as possible to create a buffer area along Richmond Road. He stated he presently had four employees but they would only be there in the mornings to load up materials in their vans. He added that only a secretary would be working in the office.

Willafay McKenna asked if any of the materials would be stored outside of the 1,500 square foot building.

Brian Johnson stated that all materials would be stored inside but he did state the only change that he did want to make the staff conditions was the size of the building. He stated he would like to go a larger than the 2,000 square foot limit placed by staff. He preferred to increase that to no more than 3,000 square feet. He stated that the size would depend on the cost of the building and only would have four employees now and no more than six in the future.

Willafay McKenna stated the application stated a 1,500 square foot building and the condition staff would place on was 2,000 square feet. She asked if he could stay within the 2,000 square feet.

Brian Johnson stated that with almost four acres he would like to settle with at least 2,500 square feet, if that could be possible.

Willafay McKenna also asked if there would be a necessity for outside lighting.

Brian Johnson stated only for security reasons would there need to be any type of lighting.

Joe Poole noted that there have been a fair number of office/warehouse type facilities opposite the Hankins Industrial Park and felt that type of facility was tailor made for small businesses. He asked the applicant if he considered something like that for his business.

Brian Johnson stated that companies that go into that type of facility might be short term. He intended to stay in the County long term.

Martin Garrett asked what prohibited him from going to somewhere like Hankins Industrial Park or something similar for a long term.

Brian Johnson stated there was nothing available in Hankins Park and the facility across the road was for leasing only and he preferred to have his own building on his own property.

John Hagee asked the applicant if he had purchased the property and had he looked in other areas. He said he knew of other locations where Brian Johnson could be located for \$40,000 per acre.

Brian Johnson stated they had put a substantial amount of money on the parcel and looked in other areas and felt this to be an ideal area because of its potential for growth and the price which was \$60,000.

John Hagee asked Martin Garrett if the Rural Lands Committee had discussed this particular topic.

Martin Garrett stated the committee had not discussed this topic but would in the future.

John Hagee felt he wanted to get a better sense of what the County was trying to do in that area of Richmond Road. He didn't quite understand what they were trying to prevent by not allowing someone to have a business on a four-lane road which already had other commercial development. He felt that with a 150 foot buffer they could still maintain the rural area aesthetics.

Joyce Hedrick of 9113 Richmond Road spoke in full support of this application.

Angela Martin representing her father, Robert of 8863 Richmond Road, across from Peirce Brothers and next to the nursery, stated he felt this type of business would be an asset to the community and would not disturb the character of this rural area.

Donald Hazelwood, property owner of the site and the two adjoining properties, of 8630 Richmond Road felt this was a type of application that should be encouraged. It's a business on a four-lane corridor near two existing businesses, John's Junk Yard and Pierce Brothers. He asked if the Commission would prefer residential where they could clear to the street and perhaps place a trailer on the parcel or would they prefer a nice business that would be willing to leave the buffer in place to keep the rural character of the area.

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

Willafay McKenna recommended approval with the conditions as prepared by staff because she felt this plan seemed to leave intact the piece of property as it presently existed. She also stated this was not a retail or commercial enterprise that would generate traffic, create noise, or have people congregate on the property. She said from the description this was a use that served

the community and she felt it was very consistent with the rural characteristics. She said if the Commission did elect to approve this application, it should be emphasized that this was being done on a case by case basis. She added that none of the items in the policy that was created by the Policy Committee had been violated by the application and for those reasons she was supporting it.

Wilford Kale seconded the motion for the reasons suggested and wanted to stress that the buffer in the wooded area would retain exactly what the County had been looking for and said it would be wonderful if that size buffer could be on other roadways. He also liked the fact that it would not be a retail operation with no additional traffic. He suggested that VDOT re-examine whether a commercial entrance was really necessary for six or seven vehicles to come in and go out only once a day.

Alex Kuras had some concerns due to the Comprehensive Plan. He felt there was a considerable amount of discussion over the Poulston Motorcycle Customization Shop which was a hobby level home based business and this application was a full time business. He agreed that the County should encourage small business but again with the discussion the Commission has had and the direction they were going he had a problem with this application and could not support it.

Martin Garrett felt it was not necessary to open up commercial areas like this along this particular section of Richmond Road when the applicant could go into an already established industrial park.

John Hagee stated in spite of his comment regarding locating in an industrial park he was not comfortable about what the County was trying to do in that area and felt that with a 150 buffer and as long as it would not detract from the rural characteristics of the area he had no problem with the application and would support it.

Don Hunt felt the scale of the business coincided with the rural area and supported this proposed application.

Joe Poole stated he was very cautious of this application because of the commercial aspect and agreed with Alex Kuras. He stated the cumulative effect of these decisions were of concern stating he opposed Poulston Motorcycle Customization Shop because what he saw was accelerated growth along this corridor and could see this corridor eroding. He said he did not want do to that outside the PSA because the Comprehensive Plan clearly stated its intent was to preserve the rural character.

In a roll call vote, motion for approval passed 4-3. AYE: McKenna, Hagee, Hunt, Kale (4); NAY: Poole, Kuras, Garrett (3).

9. CASE NO. Z-6-99 AND SUP-27-99. WILLIAMSBURG COMMONS AT WILLIAMSBURG CROSSING.

Matthew Maxwell presented the staff report for the request to amend the existing special use permit and to rezone approximately 12 acres from B-1, General Business, to Mixed Use to accommodate 170 townhouse units. He stated the applicant held a public review meeting on October 11 to inform adjacent property owners of the proposed development and hear their comments and concerns. He noted that the meeting was not very well attended and therefore public comment was limited. Staff was inclined to support this rezoning and special use permit request as outlined in the staff report but given the fact that the proffers were not in final form and there were several issues staff wished to discuss with the applicant, staff recommended deferral of this case. He noted that should the applicant disagree and want to go forward tonight with this public hearing, staff recommended the Commission deny this application based on incomplete

proffers that did not adequately mitigate the impacts of this development. He said he would answer any questions the Commission might have.

Martin Garrett asked the applicant if they wished the Planning Commission to take action on this case tonight.

John Tarley replied that the applicant did.

Wilford Kale asked what the existing master plan for Land Bay 11 included and what was its buffer area.

Matthew Maxwell stated the current special use permit provided for a 65' buffer along the Winston Terrace property and the proffer language also allowed the buffer area to be reduced to a minimum 50' with enhanced landscaping. He stated there was also a condition that required Land Bay 11 to remain an open space associated with an outdoor center of amusement stating this stemmed from a previous SUP approved concurrent with the existing SUP. The outdoor center of amusement SUP had since expired but the condition that required Land Bay 11 to remain an open space still existed. The developer could come in and again request that Land Bay 11 be developed for an outdoor center of amusement under a new SUP. Staff felt this proposal, since it was residential, would provide better protection from the possible negative effect of an outdoor center of amusement.

Wilford Kale asked if any Winston Terrace residents attended the public meeting and if so, did they express any views regarding this project.

Matt Maxwell stated he did not believe any residents from Winston Terrace attended the meeting and stated the applicant notified all the adjacent property owners.

Martin Garrett opened the public hearing.

John Tarley of Spirn, Tarley, Robinson, and Tarley representing University Square Associates stated he had worked with staff for about the last seven months to get to this point and that was one reason why the applicant wanted to move forward tonight. He stated that one disagreement they had with staff with respect to the sidewalks was the condition in the SUP that required sidewalks along Road "A," which ran in front of the Riverside Community, and along Kings Way. He stated that the applicant no longer owned these properties. He then gave a history of the property and its existing master plan. He stated he understood why staff was reluctant to come forward with a recommendation of approval for this application at this time. He stated he felt that the proffers and the plans presented before them showed that this was a good use for the property. He concluded by stating this application was a use that was recommended in the Comprehensive Plan, that maintained a high level of commercial/office space, and that would not upset the balance of the mixed use zoning designation. He respectfully requested that the Commission approve this application without the conditions for the sidewalks on Road "A" and Kings Way.

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

Martin Garrett stated he could not support this case due to the additional expansion that could occur with the Riverside Hospital project.

Willafay McKenna also stated she could not support this due to the fact that the proffers were not in final form. She also stated her concerns of water use and traffic saying that presently there was a tremendous amount of traffic on Route 5 as it approached the shopping center.

Joe Poole agreed completely with Willafay McKenna and emphasized his concern about the traffic issue and was hesitant to add more residential units at this time.

Wilford Kale had serious concerns stating that the existing LaFontaine had 160 units on 13 acres and this application was for 170 units on 11 acres. He was also concerned about the buffer area between this development and the existing Winston Terrace Subdivision. He stated he could not support this proposal.

Alex Kuras stated he had concern over changing commercial use to residential use and could not support this application.

John Hagee stated that the net change of -1,200 units of vehicle trips per day was a significant number and asked staff how they felt about the numbers.

Matthew Maxwell stated staff concurred with the traffic analysis that had been performed by the applicant and staff believed the overall effect of the proposal would reduce the amount of vehicle trips into and out of the shopping center.

John Hagee stated he saw a lot of merit in this application and for the adjacent property owners. He felt the location was very good for this type of housing development in the mixed use designation. He added that his greatest concern was the traffic issue and at this time could not support this application.

Don Hunt was inclined not to support his application at this time due the concerns raised by Commission members.

Martin Garrett made a motion for denial. Willafay McKenna seconded this recommendation.

John Hagee stated he thought this application was to be deferred as recommended by staff.

Martin Garrett stated since the applicant wanted to proceed with this application, the recommendation of staff was to deny this application.

Marvin Sowers stated that at the beginning of the meeting the applicant was asked if he wanted the Commission to take action tonight. Marvin Sowers stated that unless the applicant requested otherwise, the Commission could proceed with the vote.

In a roll call vote, motion for denial passed (6-1). AYE: McKenna, Hunt, Kale, Poole, Kuras, Garrett (6); NAY: Hagee (1)

10. CASE NO. SUP-26-99. NICE OFFICE BUILDING ADDITION.

Matthew Maxwell presented the staff report stating the applicant proposed a 24' x 27' addition to the existing contractor's office located at 4575 Ware Creek Road. Staff believed that due to its small size and scale it was compatible with surrounding zoning and development. Staff also believed that contractor's offices were not consistent with the Rural Lands land use designation but there were several key reasons why staff believed that the proposed expansion was acceptable at this location as outlined in the staff report. Staff recommended the Planning Commission recommend approval of this special use permit with the conditions as outlined in the staff report.

Martin Garrett opened the public hearing.

Mike Suerdieck of 2101 London Company Way further emphasized that there had been an existing office on the property for over ten years. He stated they needed the addition primarily for office equipment and they would not be hiring any new employees.

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

Alex Kuras made a motion, seconded by Willafay McKenna, to approve this application. In a roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett; (7). NAY: (0).

11. CASE NO. MP-2-99. GREENSPRINGS PLANTATION MASTER PLAN AMENDMENT.

Tammy Rosario presented the staff report stating the applicants, F. Michael Martin of Riverside Healthcare Association and Marc Sharp of Greensprings Plantation, Inc., had applied to amend the Greensprings Plantation Master Plan and Proffer Agreement. The amendments included switching several areas shown for development and major open space, allowing single family detached units in the M-10 Land Bay, and making corrections to the master plan. Staff found that the application was consistent with the approved master plan for Greensprings Plantation, surrounding zoning and development and the Comprehensive Plan. Staff recommended the Planning Commission approve the master plan and proffer amendments.

Martin Garrett opened the public hearing.

Alvin Anderson of Kaufman and Canoles, together with his partner Greg Davis, represented the applicants and stated that these changes fall into the category of "correction" amendments since there would be no increase in the number of housing units or a decrease in open space. These amendments were necessary to accommodate the development as a result of discoveries made during the course of development. He said representatives from the engineering firm of AES were present to answer any questions the Commission may have.

Joe Poole asked if the applicant had been in touch with the National Park Service regarding improvements and had there been feed back from them.

Alvin Anderson stated there was a meeting on site with staff, the applicant, and the National Park Service to determine what the impact of this project would or would not be regarding the National Park Service property and that the conditions reflected these discussions.

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

Willafay McKenna made a motion, seconded by Alex Kuras, to recommend approval. In a roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett; (7). NAY: (0).

12. CASE NO. Z-5-99/SUP-15-99. TAYLOR/ARMISTEAD DEVELOPMENT.

Tammy Rosario presented the staff report stating that, due to the submission of new proffers, the Board of Supervisors referred these cases back to the Planning Commission on October 26, 1999. The Planning Commission last considered these cases on September 8, 1999 at which time the Commission recommended denial by a vote of 4-3. Since then the applicant had made two additional proffers to deal with the impacts of the development. One was a cash contribution of \$50,000 and the other was an Architectural Review Board to develop and enforce water conservation measures throughout the development. Staff believed that the cash proffer did not completely mitigate the school capital cost impacts and stated the Service Authority was willing to accept the approach of an ARB as a starting point in reducing demands on the water supply. Staff would continue to work with the applicant to resolve such issues as method of payment, timing of payment, and approval of standards before the Board of Supervisors meeting. While staff did not believe the school capital costs of the project were fully mitigated as called for in the Comprehensive Plan, staff continued to find the proposal consistent with the surrounding properties and uses, with other provisions of the Comprehensive Plan and current policies. Staff recommended that the Planning Commission recommend approval of these cases.

Martin Garrett opened the public hearing.

Svein Lassen of Jones, Blechman, Woltz and Kelly, representing the applicants, stated he would restrict his remarks to what was new and different from the last time this application was presented to the Commission. He stated the parties had worked with staff to come up with a proposal that met the intent of the Comprehensive Plan and what made good sense for these parcels. He believed the revised proffers went towards that end. One issue from the last discussion was whether or not there was a need for turn lanes at the entrance to the subdivision. He stated the new proffer read that whatever VDOT and the County determined was required regarding turn lanes, the developer would do. Another proffer related to the issue of water conservation and their proposal to develop a plan that would help in that conservation over a long period of time. Finally, he spoke of the voluntary cash proffers that were being given by the applicants to defray capital costs stating the County had no policy but the proffered amount was consistent with what had been previously accepted. He concluded by requesting that the Planning Commission approve this application.

Willafay McKenna asked for clarity on the second of two alternatives presented in paragraph one if VDOT did not require turn lane. She stated the first one appeared to state that the developer would set aside land for the bike lanes and the second appeared to state that the developer would build the bike lanes.

Svein Lassen said if VDOT required the developer to build the bike lanes now, the developer would. What the applicant and the County wanted to make sure was that if the decision was made to build them later, the land would be there and what was built there now in terms of road or drainage improvements would not have to be torn up and rebuilt in order to build the bike lanes.

Willafay McKenna stated at the last meeting, VDOT determined that the turn lanes might be required and that there was a dispute between the applicant and VDOT and asked if that had been resolved.

Svein Lassen said that whatever the final decision was from VDOT, the developer would do and at this point VDOT had not made a determination because of the time of the traffic counts. He said Centerville Road was still being used as an alternate for Jamestown Road and with the opening of Route 199, they felt that they should wait until both of those events had been assimilated.

Willafay McKenna asked if, with the development of the ARB for water conservation, they had a goal or a percentage or a number of gallons they anticipated the development would save.

Svein Lassen stated this was a new concept and he didn't think that the developer would have the ability to set the standards but instead they would look to JCSA to help in settings those standards.

Joe Poole asked if the applicants were comfortable with the fifteen conditions set by staff.

Svein Lassen stated the applicants had no problems with them.

Mr. Howard McDermitt of 2792 John Tyler Highway spoke in opposition of this project because it contributed to the runoff into Powhatan Creek and would endanger the safety and well-being of a number of citizens by increasing flooding at Rt. 5 and Rt. 31. He requested that this development and any other new or expanded development be denied.

Martin Garrett asked staff if they look into the watershed issue when looking at a parcel for development.

Marvin Sowers stated staff is concerned about development impact on the watershed but they did not look at the particular impacts of this development as raised by Howard McDermitt. He stated that John Home and Environmental Services were involved with VDOT and other concerned citizens looking at the cause and effect relationships that happened in the watershed as a result of the hurricane.

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

Martin Garrett stated that the Planning Commission sent a message to the Board of Supervisors when they denied this application when it first came before the Commission. He stated that during the Board work session with representative from Chesterfield and Hanover Counties, it was very clear to him that the Board was not close to making a policy decision with respect to cash proffers, therefore, he wholeheartedly recommended approval of this application.

Alex Kuras seconded this motion. He also informed Howard McDermitt that the property could have been developed with thirty-eight units by-right and that this application would only add twelve additional units. He did feel that Howard McDermitt's concerns should be looked at but in this case felt this would be an even better development than as a by-right one.

Wilford Kale stated that at the last meeting he expressed his concern about more than one unit per acre. Since then he had read the rules and discussed with the developer what he thought the enhancement were for the additional units and where they fell under the guidelines. He said he could now support this application.

Willafay McKenna also agreed and added that the proffer regarding the bike lanes and turn lanes was excellent as well as the water conservation innovation.

Joe Poole was in agreement and supported this project but wanted to caution that he did not want to be badgered into anything by someone saying, "by right this could be done," because he felt that they could be comparing apples to oranges. He acknowledged what had been submitted by the developer compensates for the additional twelve units.

In a roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett; (7). NAY: (0).

13. PLANNING COMMISSION CONSIDERATION/2000 CALENDAR.

Marvin Sowers stated the Commission needed to approve the calendar for their upcoming meetings in the year 2000. He said the only unusual thing pertaining to their meeting schedule was three of their meetings would be held on the first Wednesday instead of the first Monday of the month. He recommended approval of the calendar schedule.

In an unanimous voice vote, the Commission approved their meeting schedule.

14. PLANNING DIRECTOR'S REPORT.

Marvin Sowers mentioned the paragraph in the Planning Director's report that referred to the Reservoir Protection Overlay District (RPOD). He stated staff anticipated that the ordinance would be coming to the Commission in December or January as a result of an agreement made between the County and Newport News that the County would undertake this project.

Martin Garrett commented that with the opening of Rt. 199 it had become very apparent that there has been an enormous back up on Rt. 199 at Mounts Bay Road. He felt that something could be done.

Don Hunt stated he was an advocate of altering some of the timing of lights especially the one at Anderson's Corner which defaults to the old Rt. 143 instead of Rt. 60.

Martin Garrett felt that Mounts Bay traffic was imposing a horrendous cost to the rest of the community. He noted that more people were using Francis Street instead of Rt. 199.

Wilford Kale stated it was particularly heavy from 3 pm to 6 pm.

Martin Garrett suggested that the timing of the signals be changed and asked if it were appropriate for staff to look into this matter.

Marvin Sowers suggested that the Chairman write a letter to VDOT. He added that the Mounts Bay Road intersection was being reviewed for improvements and funds have been allocated and hoped the project would be done by the year 2007. He said it appeared the Commission was looking for a short term fix what could be pursued with VDOT now.

Willafay McKenna stated another thing that would help would be increasing the right hand turn lane which now has the hatch marks on it. Right now anyone wanting to make a right hand turn gets stuck in traffic until the very last minute when they can enter the turn lane.

Joe Poole said he had one other item he'd like to comment on. He knew that Skip Campana, Ron Nervitt, and others had deplored the way VDOT was handling the rebuilding of Lake Powell. He wanted to second that and stated he was greatly worried about the residents of communities south of Lake Powell and the businesses. He stated that some of those businesses have rehabilitated their structures and had begun to thrive and the Commission had used those businesses as exemplary instances of successful rehabilitation and now they are in danger. He said while we are talking to VDOT we should encourage action so that stretch of Jamestown Road is reconstructed in the fastest way possible. He also had concern for the increased traffic on Rt. 5 near Stanley and Leon Avenues.

Marvin Sowers stated that Quintin Elliott of VDOT spoke at the last BOS meeting and explained why a temporary bridge was not feasible.

Discussion among the member continued regarding Rt. 5 and Jamestown Road.

There being no further business, the November 1, 1999 Planning Commission adjourned at approximately 9:36 pm.

Martin A. Garrett, Chair

O. Marvin Sowers, Jr. Secretary