

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF DECEMBER, 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>
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 |
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2. MINUTES

 Upon a motion by Alex Kuras, seconded by Joe Poole, the minutes of the October 28, and November 1, 1999 meeting were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE

 Alex Kuras presented the report for the DRC stating there were six non-controversial cases. He recommended approval of Ford's Colony, Greensprings Plantation, and Stonehouse which all met the zoning requirements. He also recommended approval for the addition of 24 single-family units at Patriots Colony; the parking requirements for Smith Memorial Baptist Church, and the Travco Hotel Subdivision. John Hagee seconded the motion. In a unanimous voice vote, motion passed.

4. CASE NO. ZO-12-99. SIDEWALKS AND MULTI-USE PEDESTRIAN CONNECTIONS.

 Paul Holt presented the staff report stating the Planning Commission, at a special meeting on October 28, 1999, deferred discussion of this case to the DRC. At a special meeting of the DRC held on November 22, 1999, discussion continued on the proposed ordinance. In addition to staff and three DRC members, four members of the development community attended the meeting. He stated that given the discussions and recommendations of the DRC, as outlined in the staff report, staff believed the proposed changes accurately reflect the recommendations of the DRC.

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

 Joe Poole inquired whether the language was flexible enough to allow sidewalks to be installed in a manner that minimizes tree clearing. Paul Holt stated that was staff's intent and he believed the ordinance would accomplish this, but staff would clarify it if need be prior to the Board of Supervisors meeting.

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

5. CASE NO. ZO-13-99. R-8 RURAL RESIDENTIAL DISTRICT.

Tammy Rosario presented the staff report stating that on September 8, 1999, the Planning Commission adopted a resolution directing staff to review the R-8, Rural Residential, zoning district in response to State code changes which will take effect on January 1, 2000. The revisions and the legislation that triggered them are outlined in the staff report. Staff believed that the proposed revisions would retain the R-8 zoning district as a "transition or holding zone;" meet the requirements of the new State law, and bring the district into compliance with the Comprehensive Plan. Staff recommended the Planning Commission approve the proposed changes.

Alex Kuras stated that in Sec. 24-350 (a) it stated "For the purposes of this section the terms minor subdivision shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system which does not create a new street or extend an existing street." He felt this read as though the five lots would have individual driveways onto that road and that's not what the Commission wanted. He asked why the wording was in there.

Marvin Sowers stated that last month the Commission recommended approval of the Subdivision Ordinance and that would mandate the requirement that the driveways be combined into one. He stated this Zoning Ordinance just specified a number of lots and the Subdivision Ordinance would address Alex Kuras's concern.

Wilford Kale asked what would prevent someone from doing three minor subdivisions on a larger parcel with acreage on both sides of the road and one up the road.

Tammy Rosario said the ordinance stated any contiguous property owned by the same subdivider, or deemed by the DRC as being part of the same development could be considered a major subdivision.

Joe Poole asked about the amount of R-8 land that currently exists within the Primary Service Area and how many residential units could be created.

Tammy Rosario presented a chart that showed what could happen if the changes to the ordinance were not approved. She said there were approximately 11,000 acres zoned R-8. She stated she subtracted out public use areas, such as Jamestown Island, The Colonial Parkway, schools, etc. and then subtracted out 30% to allow for undevelopable land, roads, etc. She stated the remaining acreage, divided by the minimum lot size, came to 7,780 lots that could be developed by right.

Martin Garrett opened the public hearing.

Steve Romeo of Langley and McDonald spoke on behalf of Lawrence Beamer, President of Powhatan Enterprises and an owner of R-8 zoned property. He asked that the Commission defer action on the ordinance changes as Mr. Beamer did not believe he had enough time to adequately evaluate the changes. He stated the public hearing advertisement did not have an impact on Mr. Beamer, however the additional notification pursuant to the zoning ordinance did. He stated that the Commission deferred action on another case several months ago in order to give property owners more time to evaluate the case, noting that these property owners were not adjacent to the property and were not required to be notified. It was in this spirit that Mr. Beamer requested the Commission to defer action.

Martin Garrett said he appreciated his comments and hoped that he recognized the reasons for expediting these changes.

Steve Romeo stated he realized that the Commission was under a state mandate that would take effect on January 1, 2000.

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).

6. FY2000-20005 SIX-YEAR SECONDARY ROAD PLAN.

Matthew Maxwell presented the staff report stating that each year the Virginia Department of Transportation requests the County to review its secondary roads and make recommendations on the allocation of State funds to those roads with the greatest need for improvement. He briefly reviewed the list of high priority roads and recommended the Commission approve the FY2000-2005 Six-Year Secondary Road Plan schedule. As outlined in the staff report.

John Hagee asked how one differentiated between driver error and the condition of the road when evaluating the cause of accidents.

Matthew Maxwell stated that in evaluating the accident data, he determined that a large majority of accidents that occurred resulted from driver error. He also spoke to State Troopers regarding the results of accidents and noted that speed and volume of traffic were the two primary causes of accidents.

Alex Kuras commended staff for taking the traffic accidents out of the formula because they never changed the priority.

Marvin Sowers said that staff still considered accidents on a case by case basis, with emphasis placed on whether the accidents were related to the road's design.

Joe Poole asked if the Ironbound Road improvements from Tewning to Strawberry Plains were related to the recent announcements about Eastern State.

Matthew Maxwell stated that these improvement were on the plan last year and were not related to Eastern State.

Joe Poole asked about the Ironbound Road from Sandy Bay Road to Jamestown Road upgrade. He stated there are several residential units that have been there for some time as well as the recent Settlers Mill subdivision and asked how much the lanes would be widened.

Matthew Maxwell could not specifically answer that question but believed it would involve some widening of the pavement width. He stated every effort would be made to try to minimize the impact on adjacent homeowners and as part of the VDOT road construction process, there would be a public hearing notice.

Marvin Sowers cited an example on Lake Powell Road where improvements originally started out as a project with a regular VDOT cross section. After several meetings with VDOT and

citizens in the area, the road went under a series of small spot improvements instead which kept the character of the roadway. Another roadway that had minor work in order to keep its rural character was Greensprings Road.

Willafay McKenna commented that none of these improvements are aimed at anything but surface design type of work and not towards improving intersections or lights and timing.

Matthew Maxwell stated that was correct but it would include associated drainage improvements.

Willafay McKenna asked if the Commission received a response to the letter that was sent to VDOT about the Rt 199/Mounts Bay Road intersection.

Martin Garrett stated that a response came quickly from VDOT and they stated they had already changed the timing on the light which meant to him that it would not be changed again. He said they also stated that the shoulder of the road was not built to the strength to carry traffic. Mr. Garrett felt that the timing of the light could be improved and suggested sending another letter.

Marvin Sowers said that a better option would be for the Commission to write a letter to the Board of Supervisors asking them to get involved.

Alex Kuras suggested that they send a memo to the Board and have them question VDOT during Highway Matters.

Wilford Kale said he was concerned that VDOT predicated not extending the turn lane on the fact that changes would be made to Route 199 in two years. He said that did not address the current problem and felt they should go back to VDOT and inquire about the possibility of using the shoulder as a turn lane until the upgrade was completed.

Marvin Sowers stated staff could draft a memo forwarding the Commission's concerns to the Board.

Martin Garrett opened the Public Hearing.

Norman Mason of Langley and McDonald said he wanted to comment on Rt. 199 and not necessarily the Six Year Secondary Road Plan. He stated he now drives through town instead of going Rt. 199 west in the mornings. He said that he noted at Kingsmill, traffic would be backed up almost to Rt. 60 on Rt. 199 and when you approached the Kingsmill light there would be four or five cars sitting there. He felt that more time could be put on Rt. 199 without overdue burden on the residents of Kingsmill. He thought it might be more appropriate for the County to observe that situation over a period of time in the morning sequence then present that information to VDOT.

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

Joe Poole made a motion, seconded by Wilford Kale, to approve the Six-Year Secondary Road Plan. In roll call vote, motion passed 7-0. AYE: McKenna, Hagee, Hunt, Kale, Poole, Kuras, Garrett, (7); NAY: (0).

7. POLICY COMMITTEE REPORT.

Willafay McKenna stated that the committee, due to various schedules, was unable to meet

prior to tonight's meeting. She stated she wanted to set up a Policy Committee meeting regarding home based businesses and to review the policy to see how they can address some of the issues they been confronted with in the past few months on agricultural lands.

Martin Garrett stated the Rural Lands Committee will be getting involved in home based businesses during their review but stated his concern was that their report would not be implemented for at least 18 months and in the interim felt the Commission needed to have some criteria now.

Marvin Sowers stated there were some suggested dates in a memo in the Planning Commission packet that the Commission can choose from. He stated Willafay McKenna requested the meetings be held at 5 pm.

The Commission discussed the available dates and concluded they would meet on December 14 at 5 pm.


8. PLANNING DIRECTOR'S REPORT.

Marvin Sowers noted that the Rural Lands Committee would be presenting to the Board of Supervisors, on December 21, 1999, a set of principles for Rural Lands which would serve as a guiding document for further study.

There being no further business, the December 6, 1999 Planning Commission adjourned at approximately 7:55 pm.



Martin A. Garrett, Chair



O. Marvin Sowers, Jr. Secretary