

MINUTES OF THE PLANNING COMMISSION MEETING
Wednesday, April 6, 2016
City Council Chambers
2400 Washington Avenue
Newport News, Virginia

PRESENT: Michael F. Carpenter, Chairman; Mark Mulvaney, Vice-Chairman; Willard G. Maxwell, Jr.; Sharyn L. Fox; Robert B. Jones; Daniel L. Simmons, Jr.; Lorraine P. Austin; Elizabeth W. Willis; N. Steve Groce; (Staff: Sheila W. McAllister, Director of Planning; Claudia Cotton, Manager of Current Planning; Angela Hopkins, Senior Planner; Saul Gleiser, Senior Planner; Flora Chioros, Planning Coordinator; Johnnie Davis, Planner; Sandra Hitchens, Planner; James Bourey, City Manager; Lynn Spratley, Deputy City Attorney; Everett Skipper, Director of Engineering; Jackie Kassel, Chief of Transportation Engineering; David Wilkinson, Assistant Chief of Transportation; Sherry Graham, Inspector III) **Guests:** McKinley Price, Mayor; Cynthia Rohlf, Assistant City Manager; Cleder Jones, Director of Communications; Collie Owens, Deputy City Attorney II; Florence Kingston, Director of Development; Harold Roach, Jr., Director of Codes Compliance; Dawn Barber, Director of Juvenile Detention; Karen Wilds, Newport News Redevelopment and Housing Authority

ABSENT: None

CALL TO ORDER

Mr. Mulvaney read the Planning Commission's purpose as stated in Section 15.2-2210 of the Code of Virginia. He made a motion to adopt the agenda before the Planning Commission. Ms. Austin seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

INVOCATION

Mr. Maxwell presented the invocation.

MINUTES

The minutes of the March 2, 2016 public hearing and March 16, 2016 work session were approved as presented.

PUBLIC HEARING

Mr. Carpenter thanked the citizens who were present for attending the public hearing. He stated there will be a lot of input, which equates to a lot of time. Mr. Carpenter stated everyone would be heard and their perspectives and thoughts are valued by the Planning Commission. He explained the process used to speak on matters during the public hearing. Mr. Carpenter asked that the citizens be respectful of all, regardless of

what their perspective might be. He stated there will be some tough questions asked and hard discussions during today's public hearing.

Ms. McAllister stated Federal Aviation Administration (FAA) approval is not required for the Planning Commission to make a recommendation to City Council. She stated Everett Skipper, Director of Engineering, will be responding to all traffic and Traffic Impact Analysis (TIA) questions, and Ken Spirito, Executive Director of the airport, will be responding to all FAA and airport questions. Ms. McAllister stated the request today is for community commercial for the plan amendment and commercial rezoning. She stated it is not a Wegmans rezoning, but a rezoning to commercial. Ms. McAllister stated Wegmans may or may not come here, but in the end you have a commercial zoning if you recommend for the commercial zoning and City Council ultimately approves it, all uses that are allowed in a commercial zone will be allowed to go there. She stated this is a land use decision and Planning Commission's discussion and determination should be based on land use.

FRAMEWORK FOR THE FUTURE 2030 COMPREHENSIVE PLAN AMENDMENT

PLN-16-14, City of Newport News. Requests an amendment to the *Framework for the Future 2030* comprehensive plan land use map designation from transportation, natural area/open space and parks and recreation to community commercial for a 33.37 acre portion of an 824.62 acre parcel located at 900 Bland Boulevard. The Parcel No. is 112.00-01-01.

Angela Hopkins, Senior Planner, presented the staff report (copy attached to record minutes).

Ms. Fox asked why the property was designated as park and open space when it had an industrial zoning designation. Ms. Hopkins stated the property has always been zoned industrial and the comprehensive plan did not follow the zoning. She stated it was shown as park and open space because it was implementing a goal of our parks and recreation chapter within the comprehensive plan which allowed for us to preserve areas that are near streams for natural areas and provide paths for recreation trails. Ms. Hopkins stated it also helped the city reduce its deficiency in park land space in that particular part of the city, as well as allowed us to beautify one of our major corridors. She stated it has also allowed us to protect that area because it was, at the time, under the airport approach zones. Ms. Fox stated if we have an industrial facility here, would we have to change the comprehensive plan in order to allow an industrial facility to locate on this property, when it could go there by-right because of the zoning. Ms. Hopkins stated an industrial use can go there by-right. Ms. Fox asked if it would be going against the comprehensive plan. Ms. McAllister stated it could go there by-right because of the zoning. She stated that when the land use plan was adopted, the zoning was not changed in accordance with the land use plan, because when parks and open space was identified, those were approach zones and you could not put any uses in those approach zones. Ms. McAllister stated the property was heavily laden with a lot

CPC MINUTES

PAGE 3

April 6, 2016

of easements and restrictions on it and there were certain uses that could not go there. Ms. Fox asked if it was a function of what was existing at the time. She stated yes, the entire airport was zoned industrial. Ms. Fox stated at the time, the comprehensive plan stated Jefferson Avenue is the main commercial corridor, which leads her to think that a plan designation of commercial would have been appropriate then, when it is already located along the corridor which is the densest commercial development in the entire city. Ms. McAllister stated the back of the property is located on Jefferson Avenue and it has no access to Jefferson Avenue. She stated the parcel itself is located on Brick Kiln Boulevard.

Mr. Carpenter asked if the goal of protecting our streams and wetlands is in the current comprehensive plan or a prior comprehensive plan. Ms. Hopkins stated it is in the original 1993 comprehensive plan and has been carried through the comprehensive plan to date. She stated it is to preserve land adjacent to stream corridors in new developments. Ms. Hopkins stated at the time, Kiln Creek was a new development, and that designation was made as natural areas and for recreational trails.

Mr. Mulvaney stated we have just completed a comprehensive plan update with a lot of people involved, including members of the airport, city and citizens, who gave recommendations, and this plan amendment was not a consideration at that time. He stated that, for the city to be vibrant and viable, it needs to have its important green space. Mr. Mulvaney stated he made a mistake on the Tech Center application by not talking about the wetlands in enough detail to completely understand what was going to happen. He stated that, if the Planning Commission takes this opportunity to arbitrarily change this without truly looking at impact of what it is going to do to the streams and green space, with consideration of the Green Foundation which was created by the City of Newport News to protect these areas and the wetlands, are we not truly hurting ourselves by saying we will change a plan that has just been revamped once again. Ms. McAllister stated Planning staff is still reviewing the update to the comprehensive plan and it has not been adopted by City Council yet. Mr. Mulvaney asked if it is in the final stages of review. Ms. McAllister stated yes.

Mr. Mulvaney asked if, with this change, medium density residential can go on this parcel. Ms. Hopkins stated no, medium density residential is identified as a use adjacent to this property.

Mr. Simmons asked for clarification on the approach zone inside the area considered on this application. Ms. McAllister stated it is identified on a map. Mr. Simmons asked what affect this application would have on the approach zone requirements. Ms. McAllister stated the land use identification in the *Framework for the Future* identified the areas that, at the time, were located under the approach zone as green area and open space and parks and recreation. She stated one of the approach zones has since been shortened and the other approach zone remains. Mr. Simmons asked if this rezoning application shortened the approach zone. Ms. McAllister stated no, that is part of the FAA approved airport master plan, and something you would have to ask the

CPC MINUTES

PAGE 4

April 6, 2016

Executive Director of the airport. She stated that, based on information the airport submitted to Planning staff, the approach zone closest to the wet pond has been shortened.

Ms. Fox asked if, based on the fact that this property is zoned industrial, the wetlands and the environment will be influenced by whatever industry decides to build a facility there. She stated we will have the same environmental concerns with any type of land use, including what is allowed there by zoning. Ms. Fox stated we need to consider what type of land use may be better, and the recommendation for commercial seems to be less onerous to the property than industrial. She stated a commercial use could be less intrusive than an industrial use, which is allowed by-right. Ms. McAllister stated you also need to look at the other uses surrounding the airport that are also industrial.

Mr. Jones asked if, in addition to this not being a wetland area, the development would be designed to protect the lake embankment easement dedicated to the Kiln Creek Homeowners Association and the city's drainage easements that run through the subject property. Ms. McAllister stated yes. Mr. Jones asked if it would also comply with the drainage culvert that extends from the area just south of the existing airport runway adjacent to Jefferson Avenue. Ms. McAllister stated yes.

Mr. Carpenter asked if Planning staff could confirm that there are no wetlands on the 33 acre property. Ms. Hopkins stated she cannot confirm that. Ms. McAllister stated Ken Spirito, the Executive Director of the airport could respond to that.

Mr. Mulvaney stated he is trying to understand how a change to commercial could be less onerous than its current designation of industrial. Ms. Fox stated that the existing land use is park and open space, in a very heavily developed commercial area, and is currently zoned industrial. She stated that if the application was asking for an industrial project, it would be allowed by-right. Ms. Fox stated the open space land use designation does not really foretell how the property can ultimately be used because it is a designation in a plan. She stated a designation of commercial makes more sense than open space zoned industrial.

Ms. Willis asked who owns the parks in the city. Ms. Hopkins stated the majority of the parks are public, but there are some that are privately owned parks. Ms. Willis stated she is concerned that with the land designated as park land and open space, but it belongs to someone else other than the city. She stated if we are to say the owner cannot build on it because we have designated it as open space and park land, then we are not allowing the owner full use of their own property. Ms. McAllister stated you also need to consider when this was done. She stated the property with easements became part of a planned community and an entrance to that community. Ms. McAllister stated there were certain easements that are on the property that were conveyed, which the airport is now working out with the homeowners association. She stated when the property was identified as parks and open space, all of that was in place, and there were two airport approach zones that were a lot longer than what they are today. Ms.

CPC MINUTES

PAGE 5

April 6, 2016

McAllister stated if you look at it when the land use was actually put into place, it did make sense because we did not want to have development at the locations that are identified as open space and park land at the time. Ms. Willis asked if there were limitations for the use put on the property. Ms. McAllister stated those are the easements that we are talking about. Mr. Carpenter asked if the entire property was covered by an airport approach zone. Ms. McAllister stated at the time, yes, but one approach zone is shorter now. Mr. Carpenter stated it bothers him that the developer transferred this property to the airport without placing restrictions on it. He stated that, undeveloped, it was covered by an approach zone, and therefore, governed by the FAA. He stated at that point they assumed that no development could take place, so how did they fail to put a restriction on it if it is governed by the FAA.

Ms. Fox asked what is the status of the easements that we are discussing. Ms. McAllister stated that is something that will be worked out with the owner of the property and the owner of the easements.

Mr. Mulvaney asked if the letter provided from the Virginia Department of Transportation (VDOT) references the TIA. Ms. Hopkins stated yes. Mr. Mulvaney stated the letter from VDOT that references the TIA denotes that there is no change for their area of purview on the interstate and the local service would remain an F with these improvements that we are putting in place if we go forward with this application. Ms. McAllister stated that is what the letter says. Mr. Mulvaney stated that, ultimately, the improvements we are making will make zero change to the citizens of Newport News and our visitors who try to get off onto Jefferson Avenue from the back-up on the interstate. Ms. McAllister stated you can assume that, based on that letter, that would be correct and you will still have a difficult time coming off of the interstate at that particular intersection. She stated that letter is only speaking to VDOT's ramp, and not speaking to what happens along Jefferson Avenue. Mr. Mulvaney stated VDOT specifically states they have no domain over the city streets, as the streets will be maintained by the city.

Mr. Everett Skipper, Director of Engineering, asked Mr. Mulvaney to ask his question again. Mr. Mulvaney stated the TIA referenced in the presentation that talked about an improvement on Jefferson Avenue. He stated he understands that the right-in at Jefferson Avenue and Brick Kiln Boulevard would remain the same for the stacking. Mr. Mulvaney stated the letter from VDOT indicates there is no change for their area of purview, which is the interstate off-ramp onto Jefferson Avenue and will remain at a level of service F. Mr. Skipper stated that, unfortunately, the letter is not quite as clear as one might think. He stated in the attachment to that report, Evaluation Report of Chapter 527 Traffic Impact Analysis, Item No. 1 states "The submitted study appears to comply with the requirements set forth under Chapter 527. No review was completed for city maintained street impacts or mitigation strategies to these surface streets." Mr. Skipper stated in context of what you are reading in Item No. 3, while congestion does contribute to this issue, this is also, to some extent, a behavioral question that occurs at the ramp. He stated when one exits the ramp heading northbound on Jefferson Avenue

coming off of the interstate; in front of you is an unobstructed lane all the way up to the signal. Mr. Skipper stated that, at the same time, Jefferson Avenue itself is heavily congested and there are people on Jefferson Avenue who seek to get into the right lane to get out, which is defined as weave. He stated in that area, we do have weave issues, and we also have concern by the people who are moving up the ramp, that those who are on Jefferson Avenue and want to weave might not have the best of attention and create a threatening situation. Mr. Skipper stated that causes a certain level of conservatism in approaching the area, and that is why VDOT suggests that someone approaching may experience this as an F, although it is not rated that way in actuality. He stated what VDOT does not consider in their discussion is that with this development and the associated improvements, the traffic level through this corridor changes substantially. Mr. Skipper stated right now, the intersection of Brick Kiln Boulevard and Jefferson Avenue operates in a D range. He stated with the improvements, even with the additional traffic, it will operate at a substantially improved C range, particularly for traffic going through on Jefferson Avenue. Mr. Skipper stated the delay period for that traffic is today in excess of 50 seconds, where the delay after the improvements is expected to be more in the range of 25 seconds. He stated we will be moving almost 3,000 cars substantially more quickly through the area, creating more opportunity for a safe merge and a safe weave. He stated that, because VDOT did not consider the surface street impacts, he does not believe they adequately considered it in the presentation of their letter. Mr. Carpenter stated we have a letter from VDOT and Mr. Skipper discredits it. Mr. Skipper stated what he said was that VDOT tells the Planning Commission they did not consider these issues. He stated what he is saying is those issues do indeed impact VDOT's conclusion, but because they were not considered by VDOT, VDOT has reached a conclusion that maybe entirely reasonable without considering what they chose not to consider. Mr. Mulvaney stated the public at large has not had access to the letter from VDOT. He stated VDOT did not do anything with regard to the surface streets; however, their off-ramp adjoins this surface street, and they reference that in Paragraph No. 3. Mr. Carpenter asked Mr. Mulvaney to read the Evaluation Report of Chapter 527 Traffic Impact Analysis. (VDOT letter is attached to record minutes.) Mr. Mulvaney asked if there is a level of service lower than an F. Mr. Skipper stated not to his knowledge. Mr. Mulvaney stated that, from what he reads, VDOT does not agree with the TIA because they are noting there will be traffic backups and the increased traffic will create more issues coming out of Jefferson Avenue. He stated the TIA and the VDOT letter disagree with one another. Mr. Skipper stated it may be interpreted that way; however, as having dealt with multiple 527 reviews and the approach and methodologies used, again, VDOT does tell us that they did not consider the strategies associated with the surface streets as being relative to their discussion. He stated that in Paragraph No. 3, "interrupted by drivers stopping at the merge point on northbound Jefferson", that it is not necessary in a vast majority of the cases to come to anything like a stoppage at that point. Mr. Skipper stated the lane in front of you is clear to the intersection with Brick Kiln Boulevard, and while it may be prudent, and is recommended that one would approach it with some due caution, a stoppage is nothing that he would recommend at all. He stated he would consider stopping at that point to be unsafe, unless there was an imminent accident, because stopping at that point is not

going to be expected. Mr. Skipper stated stopping there with an open lane in front of you generally is not going to be consistent with appropriate driving. He stated, again, there is a behavioral component here, for which he does have a certain recognition and sympathy. Mr. Skipper stated we have several other locations where we have placed signage, such as the intersection of Canon Boulevard and Oyster Point Road where one exits Canon Boulevard and is in a right-turn lane which becomes an entrance ramp to the interstate, where we have placed signs where lane changers must yield. He stated that may indeed be something that would be appropriate at this location as well; however, the challenge is that because the through traffic is very heavy, and because the people who are on the through lanes that may desire to weave to the right may feel they have an unimpeded right to transition into that lane regardless of the traffic coming out, we would place that sign to reeducate and correct that misapprehension. He stated this might be a similar type of condition that could be appropriately handled by a similar kind of thing. Mr. Skipper stated Item No. 4, VDOT quotes "While the submitted study appears to comply with the requirements set forth under Chapter 527, additional congestion/queuing is likely within the weave/merge area on Jefferson Avenue from Ramp B due to additional traffic generated," again, we agree, in general, that when one increases traffic, they are likely to increase the congestion because of that weaving; however, as VDOT mentioned earlier, they did not consider the actual performance of the streets. He stated in this particular case, the performance of the streets is such that the improvements will result in cars moving through the area so that there is much more time and much more gap available to the resident who is attempting to make that weave maneuver that did not used to exist, even though there are more parts. He stated that, while we recognize that VDOT's general concern is accurate and true, in the context of the particular streets being considered, we do not believe that it will result in the potential prediction that VDOT states. Mr. Skipper stated, in regard to Item No. 5, Ramp C is an item we originally requested of VDOT approximately three years ago. He stated the request had nothing to do with a particular development, but with the recurring backups that occur on the northbound ramp today. Mr. Carpenter asked Mr. Skipper to respond to Mr. Mulvaney's concerns regarding Item No. 3 where it states "This stoppage during peak periods causes backups and what is invariably experienced as a Level of Service F. This is an existing condition and no mitigation is provided for this backup." He stated whether it is behavioral or not, what VDOT is saying is in this TIA there is no mitigation provided. Mr. Skipper stated that if you do not consider the changes on the public streets, there is no mitigation identified. He stated there is a change on the public streets that we consider is mitigating. Mr. Jones stated "No review was completed for City maintained street impacts or mitigation strategies to these surface streets." He stated the VDOT report did not take into account those streets. Mr. Jones stated the plan offers no mitigation strategies for surface streets, VDOT's opinion is still not going to make things work, but since the plan does offer mitigation the streets can improve. Mr. Skipper stated that if there were no mitigation strategies, he would be agreeing with what VDOT said; however, there are mitigation strategies that were not considered. Mr. Mulvaney stated he has been exiting Jefferson Avenue for 26 years and, behavioral or not, signs are there for people to follow them, but signs do not change behavior. He stated he has traveled at all different times of the day and night

and there is a significant backup that occurs on the interstate where the last car in line to exit on Jefferson Avenue would put on their emergency flashers because we are almost a mile back on the interstate trying to get off on Jefferson Avenue. Mr. Skipper agreed. Mr. Mulvaney asked if that is being considered in the TIA on how to pull that traffic on the interstate that we are now putting on Jefferson Avenue with these improvements so that it will be improved. He stated it is still all part of that large component. Mr. Mulvaney stated that, although the interstate is not a city maintained street, it dumps onto a city maintained street and we impact what the interstate does. Mr. Skipper stated Mr. Mulvaney has correctly identified a very long standing problem which we have been working on with VDOT for an extended period of time to try and resolve. He read Item No. 5, "As noted in the study, VDOT is currently conducting an operational analysis to determine the feasibility of the addition of a ramp from I-64 westbound west of Jefferson Avenue leading to the intersection of Boykin Lane and Chatham Drive. The study is anticipated to be completed in April 2016. Per FWHG guidance, the addition of a ramp will require an Interchange Justification Report to be submitted and reviewed for approval. This process may take from 12-18 months." Mr. Skipper stated the city actually requested this Ramp C consideration approximately three years ago by letter to VDOT. He stated we identified it because we were aware of the impending traffic to be considered as the Interstate 64 expansion got underway. Mr. Skipper stated when Interstate 64 experiences difficulties, all of the major surface streets begin to get more and more congested as people avoid the interstate. He stated we looked towards this ramp as a method to be able to mitigate that issue specifically when we originally requested it. Mr. Skipper stated it has a number of other advantages: people interested in approaching the shopping center would exit at Ramp C instead of Jefferson Avenue; persons who are looking to go up Bland Boulevard to reach the housing stock on the other side of Warwick Boulevard would also have an improved route by coming off Ramp C and going to Boykin Lane. He stated we estimate this would remove 400 or more vehicles in the peak hour from Jefferson Avenue itself, and substantially improve the conditions both on the interstate and on Jefferson Avenue. Mr. Skipper stated VDOT has just now completed their internal study and are required to get an approval from Federal Highways. He stated none of that information is included in the transportation study. He stated the improvements we are discussing are part of the improvements related to the project itself, the additional connection of the roadways, and the changes in the way the signals are operated, that would allow this to function in a significantly improved way. Mr. Skipper stated Ramp C would be a further improvement that we hope to obtain in the relatively near future. He stated VDOT's internal analysis, which they presented to us approximately three weeks ago, suggested that they believe that Ramp C would improve conditions substantially for approximately seven years under the current conditions. Mr. Mulvaney asked for a brief overview of the metrics that were used in the TIA, and does it encompass seven days a week, and does it put a focus on these periods of time that VDOT is referencing, have we identified the danger zones, did we look at all of the components to ensure that what we are going to do works well. Mr. Skipper stated we count traffic twenty-four hours a day, seven days a week in the city to determine the peak conditions. He stated when we do the analysis, we base them on typical peak conditions. Mr. Skipper stated

we use typical peak conditions rather than the worst condition, because we absolutely do not base them on the worse condition which is where there has been an accident somewhere and everything is congested, everyone is using every side street as a cut through, and under those conditions the entire transportation network simply fails. He stated it does us no good to study the reaction of a failed network because the answer is it has failed and when we have a condition like that, where an accident or some other emergency has occurred that created that circumstance, it will always fail. Mr. Skipper stated that, for that reason, we do not consider those conditions whatsoever. He stated that for this particular study we did apply the peak conditions in the evenings, mornings and weekends, and we selected the worst of those for the analytics of the intersection. Mr. Skipper stated under those conditions, we find that the development improves traffic conditions generally fairly substantially. He stated there are certain conditions that are somewhat different which he can present to the Planning Commission. Mr. Carpenter asked Mr. Skipper for a quick, concise summary.

Mr. Skipper stated with the extension to Habersham Drive connected, we are providing two connections to Jefferson Avenue and into Kiln Creek. He stated this allows us to split traffic both left and right between those two connections, and we can bring people left off of Jefferson Avenue sooner. Mr. Skipper stated that, instead of two lanes that can turn into Brick Kiln Boulevard, we would have four left turn lanes able to do that. He stated we would also have four lanes at each intersection left-in and right-out. Mr. Skipper stated there would be one substantial change where, today you may cross directly from Brick Kiln Boulevard into Walmart and back, and in the proposed condition that would no longer be allowed. He stated that, by creating a condition where you have left turns out from both of these intersections and right turns out, you would not be able to cross. Mr. Skipper stated if you were coming out of Brick Kiln Boulevard to reach the interstate, you would be able to make a left out and continue to the interstate as you do today; however, you would be in a line of lesser traffic because part of it would have split to Habersham Drive. He stated that, in order to get to the shopping center directly across the street, one would need to go up to Habersham Drive, make a left turn onto Jefferson Avenue and then make a right into the Walmart shopping center, or make a right onto Habersham Drive and make a left onto Jefferson Avenue and a right into Walmart Way. Mr. Skipper stated in the peak hour, there are approximately 60 cars that desire to make that move, and those 60 cars would experience a delay of approximately 40 seconds to travel around to reach the same location. He stated that, on the other hand, approximately 3,000 cars in each direction are moving up and down Jefferson Avenue, and each of those 6,000 cars will experience an approximate 25 second improvement in their travel time. Mr. Skipper stated the math clearly suggests that this is going to be a substantial improvement. He stated the levels of operation today at the intersection of Jefferson Avenue and Brick Kiln Boulevard is classified as a D, and the next intersection at Habersham Drive, which is only a partial intersection, is classified as an A. Mr. Skipper stated that, similarly, the intersection at Boykin Lane is also an A, which operates the way we propose for the new intersections to operate. He stated that, after the changes, including the increased travel, the intersection at Brick Kiln Boulevard would operate at a C instead of a D, and the intersection at Habersham

Drive would also operate at a C. Mr. Skipper stated this is something that we find very preferable, because if the intersections all perform at approximately the same level of function, that we are sharing the traffic preferably between them. He stated that when we have conditions where we have D's adjacent to A's, what that tells us is we are not able to share the traffic in such a way that they function as best as possible. Mr. Skipper stated that is the general issue of the improvements. He shared a map with the airport runway protection zones. Mr. Skipper stated the runway protection zone extending down the stream encompasses the entirety of Jefferson Avenue and the extension of Habersham Drive. Mr. Carpenter thanked Mr. Skipper for his presentation. He asked if the traffic improvements are the intersection of Brick Kiln Boulevard and the extension of Habersham Drive and the modification of the signals. Mr. Skipper stated yes, as well as the establishment of pedestrian safety zones and the placement of pedestrian signals to allow pedestrian movement to occur more safely. Mr. Carpenter asked if the city did those improvements, we would have those traffic improvements. Mr. Skipper stated yes.

Ms. Austin asked if there was no request to make any change to the comprehensive plan, and if after that there was no request to change zoning, would these traffic changes be under consideration, or are they only under consideration because of the other activities that are taking place. Mr. Skipper stated the city is a place of limited resources and we have considered similar changes at various times, most recently in the last five years. He stated we have looked at the extension of Habersham Drive and its connection for this exact reason. Mr. Skipper stated the funding at that time was not available, but the project was identified and has been under discussion.

Mr. Jim Bourey, City Manager, and Chairman of the Peninsula Airport Commission, stated these traffic improvements are being considered because of this development. He stated before the development was coming forward the improvements were not being considered and had not had any conversation about what would happen if the development does not go forward. Mr. Bourey stated the interest of the Peninsula Airport Commission and the interests of the city are united on this issue.

Mr. Jones asked if one of the reasons VDOT gives the level of service an F is because of the volume of the traffic, which is not under our control, and one of the reasons why people get off on Jefferson Avenue is because it bottlenecks on the interstate. He asked if VDOT were to make a change and add an additional lane, would that be something that would lessen the traffic impact. Mr. Skipper stated we have discussed a number of alternatives to improve the exit at the ramp, including more ramp lanes and signalizing the ramp. He stated we also previously had a project considered for constructing a full interchange at Bland Boulevard, which would remove substantial traffic from the Jefferson Avenue interchange. Mr. Skipper stated there are many approaches we have been looking at over the years to try to resolve these issues.

Mr. Mulvaney asked if these improvements were made without any other consideration, is there a possibility that the levels of service would go upwards of a B or an A along

that corridor of Jefferson Avenue to make it a more viable way for transit going into Denbigh, other areas and Fort Eustis. Mr. Skipper stated it is possible although he would be surprised to discover that, and we have not done the numbers. He stated he would expect likely not, because the ranges of the classifications of A, B, and C are fairly broad and it would take a substantial change, which is why when he said that the improvement from a D to a C, while only one grade of improvement, it is a substantial change.

Ms. Willis asked, with regard to changing the direction and the timing of the traffic signals, and that it would be a 25 second improvement for drivers on Jefferson Avenue, is 25 seconds in the traffic world a big improvement. Mr. Skipper stated yes, it is an immense improvement. He stated a typical complete light cycle for one of our signalized intersections is about 120 seconds, so when you are approaching from any typical direction, 25 seconds is almost as much time as we give the entire lane of traffic to move in a typical cycle.

Mr. Carpenter stated the interchange at Bland Boulevard is dreadfully needed to provide a straight shot into the airport in one direction and our multi modal transportation center, and would reduce traffic on Jefferson Avenue substantially. He asked what is the status of that interchange. Mr. Skipper stated that, unfortunately, that particular intersection was approved by VDOT and the Federal Highway Administration 10 years ago; however, the Federal Highway Administration elected not to fund it. He stated because they made claim to us that they intended to never fund it, VDOT removed the initial design from the project. Mr. Skipper stated we no longer believe it will ever be possible to convince the federal regulators that that interchange is viable. He stated we have approached VDOT to consider an alternative interchange at Denbigh Boulevard, which is under consideration. Mr. Skipper stated that, at the moment, VDOT is replacing the current bridge on Denbigh Boulevard, and they have agreed, as part of that bridge design, to accommodate future ramp construction, but not to construct it today. He stated he does not foresee a full Bland Boulevard interchange, which would be a very valuable improvement.

Ms. Fox asked what the definition of transportation means in this land use designation. She asked if it is because of the airport or does it also include a bus terminal or something similar. Ms. McAllister stated transportation is defined as anything relating to transportation. She stated this particular location was designated transportation because of the airport. Ms. Fox asked if a bus terminal could be considered transportation. Ms. McAllister stated it could be if there was a designation in the *Framework* that identified a location for a multi modal station, but the airport was already there and because it was a transportation facility, its property was identified as transportation. Ms. Fox stated right now the land use is a little contradictory with the overall zoning and *Framework*. Ms. McAllister asked if Ms. Fox is referring to the transportation designation. Ms. Fox stated yes. Ms. McAllister stated the transportation designation is because it is an airport, and the airport is zoned industrial. She stated the open space designation was made because of the approach zones.

Mr. Carpenter stated the request from the city is using some of the items in the comprehensive plan as it relates to traffic improvements. He asked if the reason the city is hanging its hat on traffic improvements is the reason why the city is supportive of the plan amendment. Ms. McAllister stated the city is supportive of the plan amendment because it follows the airport master plan and the Economic Development chapter of *Framework* identifies and states that we will support the airport and their master plan. Mr. Carpenter asked if transportation is in the master plan. Ms. McAllister stated yes, and the realignment of Brick Kiln Boulevard. Mr. Carpenter asked if there is anything else in the comprehensive plan that would support the plan amendment. Ms. McAllister stated the comprehensive plan is the plan as it is today. She stated the plan amendment is what Planning Commission is looking at as far as the change. Mr. Carpenter asked if there was anything in the comprehensive plan that would suggest we not make this plan amendment. Ms. McAllister stated it depends on how you look at it. She stated if you are looking at the Economic Development chapter, which references the airport master plan, she would say that would be the reason for making the change today.

Mr. Maxwell stated that, without the commercial rezoning, would the city have money to improve the streets. Mr. Bourey stated the traffic improvements are predicated on revenue that would be coming as part of this project. Mr. Carpenter stated that is a very important consideration but he also believes that, as it relates to land use, revenue that may be generated by a potential rezoning for a potential shopping center for a potential tenant is not something that we should be focused on. He stated we are looking strictly at land use and not the dollars and cents of the project. Mr. Maxwell stated he was just looking at what the motivation is and the streets need to be improved.

Mr. Carpenter asked what was the process in the creation of the original comprehensive plan. Ms. McAllister stated it took approximately two years. She stated it was made up of five different task forces. Ms. McAllister stated the city was divided into four different districts. She stated the airport was in Planning District Two. Ms. McAllister stated there were a minimum of twenty-five people on each task force, assuming that a lot of the people attended the meetings and participated. She stated there were also representatives from the development community and organizations that also participated. Ms. McAllister stated there was also a Youth Task Force, which was made up of the Mayor's Youth Commission. She stated as every three chapters were completed, we would have a congress and all of the different task forces would come together and present their recommendations for each chapter. Ms. McAllister stated there would be a consensus on what goals would be included in that particular chapter, and then there was an oversight committee who basically cleaned everything up. She stated the chair from each one of the task forces participated on the Oversight Committee. Mr. Carpenter asked if there was substantial citizen input. Ms. McAllister stated yes. Mr. Carpenter held up his copy of the comprehensive plan, stating it is a massive document of approximately 700 pages. He stated what he sees in the comprehensive plan are numerous places where it says 'no you should not change this plan and you should protect your residential areas.' Mr. Carpenter read the vision

statement under Land Use in the *Framework for the Future 2030* comprehensive plan: "The City values and protects its residential neighborhoods by ensuring compatible infill development, preventing incompatible commercial, industrial or other intrusions, and helps citizens maintain their neighborhoods and homes with code enforcement and other neighborhood betterment programs". He stated it seems like, as you go through the comprehensive plan, there are all sorts of references to statements about needing to protect our neighborhoods. Mr. Carpenter read another statement from the *Framework for the Future 2030* Future Land Use section: "The *Framework for the Future* sets goals for development and future land uses in Newport News. Its challenges include the following: organize the city's land use plan and zoning regulations to protect residential neighborhoods from incompatible infill development and commercial or industrial intrusions;" which includes to support neighborhoods with adequate public facilities; improve older residential areas in the City and keep them from deteriorating; protect the environment; and protect the reservoir watershed.

He asked if the city looked at these items. Ms. McAllister stated we took some of those items into consideration, and we looked at the airport's master plan as a consideration. She stated we felt that this is property that is owned by the airport and this was an opportunity to look at it in a different way.

Ms. Willis stated she would like to defend the *Framework for the Future* and the master plan in that it is a living breathing document that is not to sit stagnant on a shelf and not be opened and looked at and worked with. She stated the city is a breathing living entity and there are times that changes may need to be made, and things may need to be looked at. Ms. Willis stated the airport is an asset to the city, and they are asking for a change to the *Framework for the Future* at this time. She stated she does not feel that it is unreasonable to change it.

Mr. Mulvaney stated the airport is not requesting the plan amendment, the city of Newport News is. Ms. Fox stated the city is requesting the plan amendment on behalf of the airport.

Mr. Carpenter opened the public hearing.

Mr. Wesley Krohn, 807 Bacon Court, stated some of the concerns he had have been partially answered. He stated his tertiary concerns have been avoided. Mr. Krohn stated there were traffic studies done on Brick Kiln Boulevard and Victory Boulevard, but none were done on Kiln Creek Parkway. He stated when traffic backs up, it affects Kiln Creek Parkway, venting onto Brick Kiln Boulevard to go around the interstate. Mr. Krohn stated the Brick Kiln Boulevard extension to Habersham Drive is an improvement; however, once you get across the intersection on Habersham Drive, it becomes property and streets not maintained by the city. He stated if that is going to be used as a method to get to the shopping center or other places in that vicinity, it has to be addressed. Mr. Krohn stated it is currently a two-lane unimproved piece of road. He asked, in regard to the Boykin Lane extension for Ramp C, once that is completed and

CPC MINUTES

PAGE 14

April 6, 2016

studied in 18 months, how much longer will it be to get it built. Mr. Krohn asked how much longer it would be to get the Boykin Lane extension done from the interstate to Chatham Drive. He asked what is happening with the light at Chatham Drive. Mr. Krohn asked if there would be a new traffic light signalization at Boykin Lane and Jefferson Avenue since there will be additional traffic there. He asked if there would be a traffic redesign at Boykin Lane and Bland Boulevard because you are bleeding off traffic there. Mr. Krohn stated he has not heard of any of these improvements in the proposed master plan as remedies to what is already bad traffic there.

Ms. Dayna Lance, 1561 Winthrope Drive, spoke in opposition of the application. Ms. Lance stated if we are truly considering what is best for the community and Kiln Creek, then another supermarket in such a densely populated community would not be the best thing for us. She stated she and her husband moved into Newport News in 2000. Ms. Lance stated they chose to live in Kiln Creek because of the green space and felt the community was well planned. She stated her home backs up to the airport property and she understands the financial need for revenue to be generated for the airport because we do not want them to leave the community, and their tax dollars to the city. Ms. Lance stated she thinks if the airport wants to generate revenue for their green space that is not being used, they should come back with another plan, preferably something that would be considered by her community. She stated neither she nor her neighbors are interested in having another supermarket so close by. Ms. Lance stated she has seen 18-wheelers driving through her neighborhood and she is afraid if we bring another supermarket or large business it will generate more traffic and her streets will become a freeway. She stated Kiln Creek is a family community where children play and people walk and we do not need any additional traffic, which a supermarket would definitely encourage. Ms. Lance stated she attended the public meetings at Kiln Creek Elementary and it was stated that people would come from near and far for the supermarket. She stated Kiln Creek is not in need of additional traffic coming from Jefferson Avenue and inevitably Victory Boulevard as well.

Ms. Gail Brown, 907 Miblik Way, spoke in opposition of the application. Ms. Brown stated she has been a resident of the Glen Eagle section of Kiln Creek for the last 23 years. She stated she is also the President of the Glen Eagle Home Association. Ms. Brown stated she moved to Kiln Creek from Queens, seeking a quiet community that is secure and beautifully manicured with open space. She stated it was convenient for her and her husband because of the stores that surrounded us on the outskirts on Jefferson Avenue and Victory Boulevard. Ms. Brown stated her husband likes to get to Lowes and Walmart conveniently, as well as accessing Interstate 64. She stated that over the years, many things have changed in our community and residential area. Ms. Brown stated we have been inundated with retail and housing. She stated Jefferson Avenue is a main corridor from Downtown Newport News to Williamsburg. Ms. Brown stated we deal with nothing but shopping and dealerships all of the way. She stated Tech Center was planned and approved by the city, but we have lots of problems with traffic because it was poorly planned and there are problems navigating through the Tech Center and parking. Ms. Brown stated in the Kiln Creek area, throughout the surrounding

CPC MINUTES

PAGE 15

April 6, 2016

neighborhoods, we get traffic from Victory Boulevard from Seaford and Poquoson, and even Newport News residents who cut through Kiln Creek to avoid the traffic on Jefferson Avenue. She stated they use Kiln Creek Parkway and Brick Kiln Boulevard to get to Jefferson Avenue. Ms. Brown stated last year a pedestrian was killed on Brick Kiln Boulevard last year. She stated, as residents of Kiln Creek, we want to maintain the serenity and safety of our neighborhoods, and it would be destroyed by any new venture on the property at Jefferson Avenue and Brick Kiln Boulevard. Ms. Brown stated we recognize that Newport News Airport is having some financial difficulty and we understand that they are looking at a means by which to survive. She stated she strongly supports the airport because she used to use AirTran to go back and forth to LaGuardia, which is no longer convenient because now she needs to go to Norfolk if she wants to fly and see family and friends. Ms. Brown stated we would love to have another airline to come back to Newport News Airport. She stated a great concern to the homeowners at the public meeting at Kiln Creek Elementary was that we may lose the utilization of our trails and walking paths. Ms. Brown stated we have children who bike there and we use our trails for visiting each other, our recreation center, playgrounds, pool, and our country club. She stated the venture of this new project would increase the traffic in our area, despite the suggested road improvements. Ms. Brown stated we are concerned we will no longer have direct access to Walmart and Sam's Club unless we use the Habersham Drive extension. She stated those who live in Lake Cambridge are concerned the development would infringe on their section of the community which is closest to Jefferson Avenue. Ms. Brown stated they are also concerned about trash. She stated this would increase as well as the consideration of possible increase in crime. Ms. Brown stated our crime rate is very low right now and we want to keep it that way. She stated this project would disrupt the community for many years if you consider the road projects that have been proposed as well. Ms. Brown stated along the Kiln Creek corridor we have two Walmarts, a Kmart, a Kroger, two Farm Fresh stores, Whole Foods, Sam's Club, Costco, and Food Lion and the last thing we need is another grocery store, high end or not. She stated we are completely surrounded by them. Ms. Brown stated that as a Newport News resident, she has observed that we already have existing vacant commercial properties that provide ample parking, as well as access to major roads. She stated on Warwick Boulevard and Oriana Road, where Kmart used to be, we have almost a completely vacant shopping center. Ms. Brown stated on Jefferson Avenue, East Coast Appliance just moved out, which has ample parking as well. She stated our City Center has lost businesses. Ms. Brown stated there are many other vacant areas within the Hampton Roads area where this particular grocery store could go. She stated we are very disheartened by the thought of such a project coming into our area and appeal to the Planning Commission to deny this rezoning.

Ms. Willis asked if Kiln Creek is a gated community. Ms. Brown stated no it is not. Ms. Willis asked if Brick Kiln Boulevard and Kiln Creek Parkway are public roads. Ms. Brown stated yes they are. Ms. Willis asked if Ms. Brown can see Wegmans going somewhere else. Ms. Brown stated yes.

CPC MINUTES

PAGE 16

April 6, 2016

Ms. Fox asked if Ms. Brown understands that the Planning Commission has nothing to do with the competition of other grocery stores. Ms. Brown stated yes. Ms. Fox stated we are only here for land use issues, and where they decide to go is not something we have any control over. Ms. Brown stated she understands that, but we like the beautiful open space we have from the entrance way on Jefferson Avenue and this project would infringe on that, and that is one of the reasons many of us chose Kiln Creek is the aesthetic value.

Mr. Barry Farr, 927 Dunhill Way, spoke in opposition of the application. Mr. Farr stated if we change this from light industrial to commercial, what can happen is there is no stopping how much they can put in that area. He stated the developer will be able to bring in as many commercial tenants as they want. Mr. Farr stated this will be another shopping mall, regardless of what tenants are going to be there. He stated that is the reason he is against the zoning change. Mr. Farr stated if they leave it as light industrial you can access that area from using Bland Boulevard through the airport by the tower and you will have access to that area without doing any other changes or bringing any more traffic through the development of Kiln Creek. He stated he is opposed to any zoning changes to the airport at this time.

Mr. Skipper stated he would like to address some of the questions relating to the interior Kiln Creek discussions. He stated that, while it is true that the developer was not required to study those interior roads and connections, the city does this all of the time. Mr. Skipper stated that in the condition of today, at the intersection of Brick Kiln Boulevard and Kiln Creek Parkway, the intersection overall operates at a Level B, which is the second highest of all of the conditions and is generally considered very good. He stated that, at the same time, these are four lane roadways and each of the lanes in these areas during the peak hours carries approximately 200 to 500 vehicles. Mr. Skipper stated we would consider these lanes, which we call neighborhood collectors, in such a condition to be congested when they have exceeded 1200 to 1500 vehicles per hour in the peak hour. He stated the level of congestion on these roads is approximately one-fourth to one-fifth of what we would consider to be congested. Mr. Skipper stated we certainly agree that the development will increase travel on these roads. He stated the number of vehicles is approximately 90 in the peak hour, and after the development, which does change the conditions somewhat, it is our opinion that that change is well within what we would consider acceptable on these roadways. Mr. Skipper stated there was a question on the portion of Habersham Drive that is not public. He stated we did not anticipate that use when we determined how vehicles might approach. Mr. Skipper stated we assumed that if you want to proceed in that direction, you would use Habersham Drive extended to Jefferson Avenue and then turn right into Walmart Way rather than travel on the private streets. He stated that, in regard to the Ramp C improvements, the other things that would be necessary to consider that project complete were included. Mr. Skipper stated they would include full signalization of the intersection at Boykin Lane, which today is a stop sign. He stated it would also include full dual left-turn lanes and an expansion of the roadway on Chatham Drive up to Bland Boulevard and an adjustment of the signalization on Bland Boulevard

CPC MINUTES

PAGE 17

April 6, 2016

to accommodate the traffic. Mr. Skipper stated all of those were considered, but it will be some time before Ramp C can be constructed.

Ms. Cheri Chambers, 756 Doral Drive, spoke in opposition of the application. Ms. Chambers stated many of her neighbors have made her points, but we talk about traffic on Jefferson Avenue and the backups, but the fact is we live on a peninsula and that is not going to change because we do not have a lot of roads. She stated if we continue to put commercial use on the land on Jefferson Avenue, we are going to continue to have traffic issues. Ms. Chambers asked why are we not talking about displacing traffic and moving future commercial spaces to other roadways. She stated it is rare that a city has just one main commercial area. Ms. Chambers stated we should disperse commercial development to other roads, and not so much on Jefferson Avenue. She stated she was very attracted to the green spaces of Newport News, and getting rid of the green spaces for monetary purposes to raise revenue to change roadways, might not be the solution. Ms. Chambers stated we should use what we have and beautify it. She stated we are not going to entice people to come to our city if we do not have something pretty and beautiful about this area.

Mr. Kevin Stringer, 919 Holbrook Drive, spoke in opposition of the application. Mr. Stringer stated he has been a resident for 16 years and traffic has grown steadily. He stated we have a terrible problem on Thursday and Friday afternoons on Brick Kiln Boulevard and getting off of the interstate is something he has not done in seven or eight years. Mr. Stringer stated he gets off the interstate on Victory Boulevard because there is no point in trying to get through the last 100 yards to the traffic light on Brick Kiln Boulevard from the interstate exit to Jefferson Avenue. He stated he is sure there is a lot of facts and figures to the traffic improvements, but he does not buy it. Mr. Stringer stated he lives in Lake Cambridge, which is the closest development to the proposed site, and he is concerned about property values and how that will affect him. He stated he was told there would be a net increase in jobs, but he finds that hard to believe because it is going to force shut downs of other businesses. Mr. Stringer stated there will be problems with this application. He stated this area was not intended for a giant retail business. Mr. Stringer stated the corridor between Oyster Point Road and Denbigh Boulevard is really overused. He stated he drives it every day and it is terrible and people do not like it. Mr. Stringer stated he will take Mercury Boulevard to Warwick Boulevard to avoid traffic on Jefferson Avenue. He stated it is not convenient and people do not like it. Mr. Stringer stated he will shop outside of Newport News rather than driving on Jefferson Avenue on Saturday because it is just too much traffic. He stated he loves Wegmans and thinks it is a great store, and he will drive to Fredericksburg to go to Wegmans, but Newport News is not the place for it. Mr. Stringer stated an office park maybe, with limited traffic, but not another supermarket.

Ms. Joyce Southern, 12 Meadow Creek Drive, spoke in opposition of the application. Ms. Southern stated she has lived in the Richneck area since 1973 and has seen a lot of what has happened to the city. She stated she has a daughter and two grandchildren who live in Kiln Creek and she goes there often to pick up the grandchildren and it is a mess. Ms. Southern stated she drives to Kiln Creek on Jefferson Avenue to turn onto

Brick Kiln Boulevard and has sat there through four lights on a Monday afternoon. She stated she and her husband will not go out to eat anywhere on Jefferson Avenue on a Friday night because traffic is so awful. Ms. Southern stated she works in Hampton and trying to take the interstate to Jefferson Avenue in the afternoon around 4:00 P.M. is difficult. She stated you are sitting in a lane on the interstate and praying an 18-wheeler will not rear end you and kill you right there on the street. Ms. Southern stated she cannot see how the traffic can possibly improve. She stated she thinks the city would have to be a magician in order to improve that traffic with putting a new development in there. Ms. Southern asked what is wrong with having a little bit of green space. She stated it improves our lives. Ms. Southern stated she loves to look over and see the geese when she gets off the interstate and it looks nice and pleasant. She stated its one of the only green spaces you see until you see another Green Foundation area that they have taken over. Ms. Southern asked why do we have to develop everything. She stated if you go to J. Clyde Morris Boulevard to Bland Boulevard you will find either in the planning or already there, 10 grocery stores and shopping centers. Ms. Southern asked how many do we need in that area. She stated they are major ones, not 7-Eleven convenience stores. Ms. Southern stated there are many places in Newport News that would benefit from having a nice supermarket and we paid millions of dollars to get one in the downtown area. She stated if Wegmans could have gone down there we would have all had a great day. Ms. Southern stated she wants to know if now there are all these plans on how to fix Jefferson, why has it not already been done. She stated the city has money to do what it wants to do. Ms. Southern stated they had money to pay to get Jim's Market downtown and she hopes it is the greatest grocery store there ever was. She stated we still have money to pay the Marriott \$300,000 a year of which we are getting nothing. Ms. Southern stated we have money to get the things that, to her, are not as important as some of the things, like those of us who want to get home occasionally. She stated we should really seriously think about keeping this green space. Ms. Southern stated if you are going to change anything, change it to keep it green rather than something that will make it so much worse for all of us who live in that area.

Mr. Steve Winters, 302 Hollingsworth Drive, Yorktown, spoke in opposition of the application. Mr. Winters stated he has lived in the Denbigh area since he was five years old and maintained a home of record there for twenty-seven years and now he lives in Kiln Creek. He stated he would like to add his voice to Ms. Brown and Mr. Stringer's objections to the change to the master plan. Mr. Winters stated the current designation of a green area and light industrial is probably the best application. He stated he would hate to see a move to more commercialization and intrusion into our neighborhood. Mr. Winters stated if we look at it, that is about the last remaining green space between the intersection of I-64 and Jefferson Avenue all the way up to the automotive areas. He stated that, regarding the traffic, he believes the other speakers have eloquently talked about the traffic and the mixing bowl that occurs right off of the interstate. Mr. Winters stated he is not sure a plan has been outlined clearly to do justice to what the problem is with the increase in commercial areas in that land use plan, the increase of traffic that would incur on Brick Kiln Boulevard and Kiln Creek Parkway. He stated it was brought

CPC MINUTES

PAGE 19

April 6, 2016

up by the city planner who talked about the airport being acted on, and we all recognize the value of the airport; however, he is not sure that changing the designation from a green space to a commercial space will drive the revenue to save the airport. Mr. Winters stated there are other opportunities that we should look at to enhance the value of our airport. He stated it was noted earlier that a change in the approach zone, and the only reason that this change to a commercial area apparently is allowable now is a change to the restriction on the airfield by being shortened by the FAA. Mr. Winters stated if we build something there, what is to say in five years that that affects the airport and now because we have built something in a one-time shortened area, now they want to lengthen it for additional improvements at the airport, and now we are stuck. He stated from a land use perspective, in that situation, we cannot improve the airport because we have built within a restricted area.

Mr. Alexander Clarke, 12 Meadowcreek Drive, spoke in opposition of the application. Mr. Clarke stated he is Joyce Southern's husband. He stated his biggest objection to this rezoning is the traffic issue. Mr. Clarke stated he fails to see how that is going to alleviate the traffic issue there, particularly if we put another development in there which will draw in a lot more traffic. He stated another objection he has to a commercial development there is the additional shopping center would detract from the existing shopping centers and we have already seen that the new Tech Center has drawn stores from other places in Newport News, such as City Center and Jefferson Commons, leaving vacant storefronts in these shopping centers. Mr. Clarke stated vacant storefronts sound the death knoll for a shopping center.

Mr. Richard Kriner, 808 Master Trail, spoke in opposition of the application. Mr. Kriner stated the things he wanted to discuss have already been discussed, except if you live in Kiln Creek there is a school there. He stated when you have a school, you have busses, and when you have busses you have them stop and let children out. Mr. Kriner stated the traffic that comes down the Kiln Creek boulevards does not come down at 35 miles per hour. He stated the more traffic it brings in, the faster it goes. Mr. Kriner stated it is a concern that we have and a concern that should be considered.

Ms. Barbara Langston, 1250 Lake Drive, spoke in opposition of the application. Ms. Langston stated she has lived in Kiln Creek for 25 years and has seen traffic increase terribly. She stated every reason she has to oppose has been covered tonight, and she definitely objects to the zoning change.

Mr. William Pope, 806 Vantage Court, spoke in opposition of the application. Mr. Pope stated we have spent over an hour speaking about the intersection of Jefferson Avenue and Brick Kiln Boulevard, but there are only three ways to get onto Brick Kiln Boulevard. He stated two of them are from Kiln Creek Parkway coming from both the east and west side, and Jefferson Avenue. Mr. Pope stated, as noted by the traffic consultant who was hired to do a traffic survey, there are approximately 8,000 cars traveling on Brick Kiln Boulevard today. He stated they did not look at any traffic on the inter-streets of Kiln Creek Parkway east and west. Mr. Pope stated the projection is for about 17,000

vehicles on that same Kiln Creek Parkway when this project gets completed. He stated when they asked the traffic consultant why they did not look at the traffic on Kiln Creek Parkway, the answer was they were not charged to do that, so no consideration was given to that aspect of the traffic. Mr. Pope stated when they asked the consultant what are we as residents and citizens of Newport News supposed to do about it, they were told to go to the Planning Commission, City Council, or City Manager for help, and that is why we are here expressing our concerns, especially about the traffic on Kiln Creek Parkway. He stated if you are coming out of the villages on Kiln Creek Parkway between Victory Boulevard and Brick Kiln Boulevard, there are seven separate villages that exit onto Kiln Creek Parkway. Mr. Pope stated the only traffic control those seven villages have are the stop signs coming out of the villages. He stated that during peak traffic hours you are taking your life in your hands when you are trying to cross four lanes of traffic if you are going one way or in the opposite direction. Mr. Pope stated if you are going west coming from the north side you are fine, but if you are going east then you have real problems. He asked what is the city planning to do, or what can they do to alleviate the traffic on Kiln Creek Parkway. Mr. Pope stated they could post traffic lights at each of the seven villages or install speedbumps or install four-way stop signs. He stated when he moved in to Kiln Creek there was a four-way stop sign at Brick Kiln Boulevard and Kiln Creek Parkway. Mr. Pope stated there were problems with traffic and the signs became a caution light that is now a stop light and is a big help. He stated we do have a very sincere and dangerous problem in the making here with traffic along Kiln Creek Parkway.

Ms. Anna Rhodes, 201 Birkdale Court, spoke in opposition of the application. Ms. Rhodes stated her neighbors have done a marvelous job with expressing a lot of concerns that she believes are virtually the majority, if not all of Kiln Creek residents have. She stated if we are considering PLN-16-14 as far as the reason for the request, everything she has heard in the meetings she has attended, it appears the reason behind this request is to generate income for the airport. Ms. Rhodes stated if that is the case, how is selling the property going to be a long-term fix unless they lease the property. Mr. Carpenter stated it will be a land lease. Ms. Rhodes stated she was glad to hear that so at least there is long term generation of income. She stated with commercial property, the traffic issues are tremendous. Ms. Rhodes stated that once you have constructed on green areas, it is gone forever and will never come back to being green. She asked that the Planning Commission consider that when they vote on this matter.

Mr. Edward J. Neemie, Jr., 934 Foxboro Drive, spoke in opposition of the application. Mr. Neemie stated he is an Engineering Manager Supervisor at NASA Langley. He stated he has lived in Kiln Creek for 26 years and has built three houses within the community, and he has resided in the Lake Cambridge section for the last 16 years. Mr. Neemie stated he finds it hard to believe the Newport News City Planning Commission would entertain the idea of building anything on this property since this iconic 28 year old neighborhood, which is well known within 50 miles, as being one of the nicest places to live in Newport News, is due to exhaustive efforts from our HOA.

CPC MINUTES

PAGE 21

April 6, 2016

He stated the city will forever change the way this neighborhood community looks by removing the 33.37 acre grassy knolls off Jefferson Avenue, which he and others consider the face of Kiln Creek, to just another neighborhood confined within commercial buildings and parking lots. Mr. Neemie stated that the city would accept the possibility of higher death counts in the event of a crash in such a proximity to the airport landing strip crash zones, especially since the structure they are currently proposing is five and one-half stories tall. He stated there are commercially zoned buildings close by that have already been empty for years, such as the Room Store and Linens and Things. Mr. Neemie stated the problems Walmart experiences with traffic management, trash, beggars and crime and misplaced shopping carts would now come to a quiet sanctuary called Kiln Creek. He stated after studying the TIA for the Plaza at Jefferson, dated March 17, 2016, that the traffic data presented to Kiln Creek residents does not account for the high volume days such as Sundays, Mondays and Fridays. Mr. Neemie stated as the city only looks at the best engineering model that has lower traffic data counts, and that they hope for the best afterward, this is not unlike any other engineering model that he is familiar with for construction or impact on a system. He stated the city's traffic data does show that this could be more difficult to make a left-hand turn out of Providence on Brick Kiln Boulevard due to increase of traffic using lower traffic volume already, and that if the new development does create an accessibility issue for the 304 family homes in Lake Cambridge, our home values just fell according to some local realtors. Mr. Neemie stated he has not seen where the city performed any environmental study on the impact that this new construction will have as far as environmentally or commercially. He stated if this ends up closing the current Fresh Market, Trader Joe's, or several other grocery stores nearby, that offsets any jobs gained. Mr. Neemie stated the Planning Commission's decision today will change Kiln Creek forever. He stated that if it is for better or for worse is unknown, but one thing is certain, Kiln Creek will never appear as the peaceful family community as it does now. Mr. Neemie stated he opposes any construction on these grassy open areas.

Mr. Jeff Verry, 104 Royal Colven Drive, Yorktown, spoke in opposition of the application. Mr. Verry stated he has been a resident of Kiln Creek for three years in the Yorktown section. He stated he is objecting because regular traffic will increase with people coming to the new shopping center, and the commercial traffic of the delivery vehicles bringing product into that area.

Ms. Ann Gregory, 996 Drivers Lane, spoke in opposition of the application. Ms. Gregory stated she has nothing to add but wants to say the performance of her neighbors has made her prouder than she was before to be a resident of Kiln Creek and she hopes the city does not mess with us.

Dr. John Dawson, 46 Hardwick Road, spoke in opposition of the application. Dr. Dawson stated he has lived in Newport News for over 40 years. He stated he wishes to speak against constructing anything on the approaches to our airport. Dr. Dawson stated he was trained as a military fighter pilot and has some understanding of the potential disaster if any further building encroaches upon the runway. He stated he has

considered the area of Sam's, Walmart and their car parks as disaster sites that could happen in the near future. Dr. Dawson asked about the so-called current FAA restricted approach areas shown to him by the city of Newport News Engineering. He stated he doubts if these so-called current areas relate to an extended Boeing 747 and the high speed Israeli Fighter Jet. Dr. Dawson stated the Chairman needs to hear from an authorized FAA agent with their current plans that cover the approaches to our airport for the two types of planes he has mentioned. He stated that without such current approval approach plans there is no further discussion on this matter.

Ms. Valerie Young, 1338 Lake Drive, spoke in opposition of the application. Ms. Young stated she agrees with what her fellow residents have said. She stated part of the traffic improvements is to extend Habersham Drive through the approach zone. Ms. Young asked how come it is safe to put a road there if you are not supposed to put any buildings there or anything else. She asked how safe is that for us. Ms. Young stated we can all look up through our sunroofs and see the wheels come down on the plane, so that is a real concern. She stated with the traffic and trucks with a school in the area is a big concern with the children. Ms. Young stated she has been a resident since 1997 and she loves being in Kiln Creek and she would hate to lose the green space because it is an important area for the community.

Mr. Joe Leming, 377 DeShazor Drive, spoke in opposition of the application. Mr. Leming stated he is something of an expert on Wegmans because he has been there and shopped there, and Wegmans is a great store. He stated the location in Fredericksburg is in the boondocks above Highway 3, next to the interstate, because they know it does not matter where you put a Wegmans because people are going to go there and buy there and love Wegmans. Mr. Leming asked why would the city put a Wegmans in the proposed location. He stated he used to hang around airports and he has seen some of serious accidents, and we do not want those in Newport News. Mr. Leming stated we have some great words to describe what we do, but basically what you do is take the *Framework for the Future* and you modify it and adjust it and tweak it and to do that you have to justify it because you owe it to the people of Newport News who, for over 22 years, have voluntarily grassroots worked on the *Framework for the Future*. He stated it is a good document that should not be changed lightly, or amended lightly. Mr. Leming stated his heart goes out to the neighbors of Kiln Creek. He stated if he lived there he would feel the same way they do. Mr. Leming stated for the last two years, it seems to him like the city has taken a hard look at *Framework for the Future* and many people in it have decided it is an impediment to what they want to do, and so they use a process instead of a plan to get things done. He stated if you do not have a plan, use the five-year budget. Mr. Leming stated it is part of a process that can do things without a plan and this is not the only piece of park land in Newport News that is in danger of being developed in spite of the effort of nearly 500 volunteers over twenty-two years who spent their time and energy working with some people he sees right here on the Planning Commission to develop. He stated that document was sent to Richmond twenty-two years ago and they loved it and blessed it and recognized nobody else in Virginia had ever done anything like that before. Mr. Leming stated that is the

uniqueness of the *Framework for the Future*. He stated this is serious business and this is an important document, and everyone on the Planning Commission should have it and have read it. Mr. Leming stated do not take it lightly over something like a grocery store.

Mr. Ken Spirito, Executive Director of the Newport News Airport, 900 Bland Boulevard, thanked the Planning Commission for the opportunity to speak. Mr. Spirito stated he appreciates everyone's comments tonight, but this application is not about a grocery store. He stated the Peninsula Airport Commission supports the amendment to the comprehensive plan, because that is what this is all about. Mr. Spirito stated it is an amendment to the comprehensive plan to essentially complement and echo the character of the corridor, which is generally commercial in nature. He stated that is what we are charged with today by applying to the city for the rezoning from light industrial to commercial, but that triggers the comprehensive plan change which identifies the property as has been discussed. Mr. Spirito stated we feel that the application we have made for the rezoning, which triggered the comprehensive plan amendment complements the character and reflects the character of that corridor. He stated there are numerous comments, both correct and incorrect, and it would take a very long time to go over each one of them, but they are very technical in nature. Mr. Spirito stated runway protection zones, height hazards and air space reviews we have to go through are particular to the rezoning of the airport intending to partner with a developer to build a structure. He stated today there is no agreement with the developer, and no agreement with a proposed grocer, so it is our intention, as we have demonstrated, to apply for a rezoning of that property, triggering the labeling in the comprehensive plan. Mr. Spirito stated the airport also has to go through a land process which is a long, respectful process that we take very seriously, but we feel the green space the airport owns by right is charged with the responsibility of developing that property based on its need, and the assurances that we have given the federal government to be self-sustainable. He stated this is not about financial need because the airport is in very good financial condition. Mr. Spirito stated he has been charged with that responsibility for the past seven years as the Executive Director of that airport and we have adjusted our business model accordingly. He stated some of the audience members have officially stated their displeasure with the lack of air service and, that too, is a separate conversation with the reduction of airlines available. Mr. Spirito stated another airline announced yesterday that they are buying another, so we are seeing more consolidation, which is pretty much the issue surrounding all airports in all communities around the United States. He stated we at the Peninsula Airport Commission have adjusted our business model accordingly to stay profitable, to be respectful of what we are responsible for without coming to the community for subsidies like other business and airports do in the United States. Mr. Spirito stated the governor has allocated \$50 million in the state's budget for Dulles International Airport. He stated this airport is not asking the state or its cities for financial assistance because we are doing what we need to do to make sure this airport stays profitable and ahead of the unfortunately slippery slope that the airline industry is in today. Mr. Spirito stated the property in question and other properties are identified in the master plan as

CPC MINUTES

PAGE 24

April 6, 2016

developable for what the FAA calls non-aeronautical revenue which has nothing to do with an airplane taking off and landing. He stated all of that property was identified in 2010 and 2011 when we started this long process, and we had to endure several shut downs of the federal government, so it took longer than anticipated to complete. Mr. Spirito stated these properties had been identified long before we endured the unfortunate situation with the loss of air service over the last few years.

Mr. Jones asked if this change in the comprehensive plan is going to cause the airport to lose a contract with another airline coming in because we approve it. Mr. Spirito stated no, we will not lose any service or business or aircraft flying in and out of the airport. He stated it is a plan. Mr. Spirito stated we still have a process we need to respect with the FAA and as the former military pilot spoke earlier, runways are very sensitive in terms of approaches and departures, and we have to protect the integrity of those landings and take-offs. He stated we do that today with runway protection zones, which are also augmented with what we call imaginary surfaces. Mr. Spirito stated there are imaginary surfaces that are managed by the airport and by the FAA to ensure that there are no punctures or encroachments into those imaginary surfaces. He stated that would be things such as cell towers and buildings all around the city. Mr. Spirito stated we have to ensure that there are certain heights that are respected for us and making sure that they do not penetrate those imaginary surfaces. He stated those runway protection zones are protected by the approach surface, which is over the runway. Mr. Spirito stated if you picture it as a football stadium, on the imaginary sides of the runways, we have the transitional zone. He stated the approach surface and the transitional surface together manage the height of any thick structure that would be in those areas. Mr. Spirito stated that as we fast forward through this process, we will look at the development which is outside of the runway protection zones and has no interference with the runway protection zones. He stated the proposed heights of any of the structures in there are below the imaginary surfaces. Mr. Spirito stated they have not been approved by the FAA because we cannot submit the form to get it approved until the rezoning is actually in place with the proper zoning to do the development. He stated that is a different consideration but he can assure the Planning Commission and city of Newport News that this airport commission is doing everything within its powers to keep the safe management of our protected runway protection zones and our airstrips. Mr. Spirito stated we interact with many people each week that want to develop things, and the latest were drones, which is another consideration. He stated there are many things that we do that we have to be responsible and there is no one else that wants a better and safer airport and more productive airport than himself. Mr. Spirito stated he can assure everyone that they are taking a level of safety, security, and the economic impact on this community in its highest level, which is something you should want out of your airport. He stated he appreciates and respects the citizens' concerns, but as we move forward with all of the extra pieces presented today, there are clear and technical terms, and clear solutions to alleviate problems that have existed for a long time. Mr. Spirito stated there are very few developments that he knows of that have come with their feet forward like this developer with improvements to

make a more qualitative project to complement the quantitative analysis that has been presented.

Mr. Jones stated one of the hurdles the airport has is the airline mergers, and things the airline has no control of, as well the proximity to passenger airlines that compete like Norfolk and Richmond. He stated the airport has had to adapt their business model. Mr. Spirito stated that is correct. He stated that, not only Norfolk and Richmond, but every airport that is out there is a competitor because the airline industry has shrunk so much that we have to endure competition in different time zones and different parts of the country that we never had to before. Mr. Spirito stated every airport is in competition with the airlines and other communities for that single airplane that may be available that particular month. He stated it is an ever-changing industry that is very challenging to plan for both fiscally and financially, and he thinks we have done a good job of doing that, based on the environments we have had to endure and change over the last four to five years. Mr. Spirito stated it will be very interesting to see what happens over the next three years in the industry as oil continues to be volatile and the prices and the unpredictability of it. He stated that is mostly why the airline industry is in the state that it is, because of oil prices.

Mr. Mulvaney stated Mr. Spirito stated this change in the plan would not impact the current services at the airport. He asked what would be the potential impact on future services with military business or heavy business coming in to the airport that could make us a true international and direct flight airport. Mr. Spirito stated that hopefully at some point Planning Commission will see a presentation that addresses those concerns. He stated near and dear to us is Langley Air Force Base, which everyone wants to protect, and we love our men and women that serve our country, but there are distinct differences between military air bases and civilian commercial airports. Mr. Spirito stated one of the differences is the runway protection zones, where the military has different runway protection zones. He stated when military pilots fly in and out of our airport they use FAA approach plates that are produced by the FAA and the military pilots use civilian approach plates. Mr. Spirito stated the environment of the airport that he or she will be flying into based on the runway length, any conditional differences that may affect his or her flight patterns, encroachments, and other different things that may be particular to that airport, the pilot has that information and whether you are a general aviation flyer that flies a small Cessna or you are a captain of a 747 or Air Force One, they follow the same procedures. He stated nothing that we do goes against those limitations that we would put into place. Mr. Spirito stated there are airports where you may think it is unsafe to fly to, such as San Diego or Chicago Midway, though you may think it is unsafe to fly under their conditions, they are within FAA regulation and by-right, they have the ability to develop and do not exclude or preclude any additional development or any additional business whether it is military or commercial or general aviation. He stated everything we have done at this point and will continue moving forward shows that we are very prudent and very methodical when it comes to the safety and security of our airport. Mr. Spirito stated everything that is associated with this development thus far has been in line with those assurances that we have with the

CPC MINUTES

PAGE 26

April 6, 2016

federal government, and also in line with the regulatory guidelines that we have to meet and fulfill.

Mr. Carpenter asked if Mr. Spirito is aware of any wetlands on the 33 acre property. Mr. Spirito stated not at this time. He stated the developer has not activated the environmental assessment yet, but that is a process we will have to go through. Mr. Spirito stated there will be a delineation once that process is completed.

Mr. Carpenter closed the public hearing.

Mr. Jones made a motion to recommend adoption of comprehensive plan amendment PLN-16-14 to City Council, as recommended by staff. The motion was seconded by Ms. Fox.

Ms. Austin stated she would urge the Planning Commission to vote to not support the motion. She stated the reasons are primarily to protect the integrity of the long-term plans of the *Framework for the Future*, and also that after this application there will be a rezoning. Ms. Austin stated we have talked about the inconsistency between the plan amendment and the zoning designation. She stated she thinks the present zoning designation of that area as light industrial is more related to the greater good of the community than having more commercial properties to serve the community. Ms. Austin stated that, in regard to incomes and jobs, we are always talking about wanting to diversify the economic base of the community, and by having more commercial, we are not diversifying. She stated that by having some kind of industry that produces things, that would be diversification. Ms. Austin again urged the Planning Commission to vote against this application.

Mr. Jones stated he thinks it is compatible with the comprehensive plan in an economic sense, specifically to the airport, which in the comprehensive plan update in 2014 identifies both aviation and non-aviation improvements to guide capital investments with a long-term sustainment of the airport. He stated sustainability of the airport, which is an asset to our city, is important to our comprehensive plan. Mr. Jones stated this fits with the business model that the airport is trying to achieve. He stated the traffic issues have been addressed, even perhaps prematurely in the zoning portion, but because of the economic development, it is compatible with the comprehensive plan. Mr. Jones stated the adjacent properties are commercial, office and residential. He stated we cannot lawfully base a decision on competition only. Mr. Jones stated with the green space, he is all for it and he thinks many comments have been made about how wonderful the city is because of the green space, but there is not adjacent or adjoining green space to this. He stated that, instead, there are other things that tie into the comprehensive plan, such as the things he has mentioned.

Mr. Mulvaney stated he would like to remind the Planning Commissioners of the Creed he read when the meeting was opened. He read: "The statutory purpose is to improve the public health, safety and convenience and welfare of the citizens..." Mr. Mulvaney

stated that, in doing that, we have a comprehensive plan that we live by, that is a living, breathing document, but we can also choke that document if we are not careful of how we use it. He stated the city has a Green Foundation for a reason, because it realizes that to have a vibrant city, you need to have people that live here, work here, shop here, and enjoy here. Mr. Mulvaney stated changing the plan to commercial to hopefully bring in a bunch of part-time shoppers for whatever income base it may bring is not something that we can consider, but ultimately the citizens who live around here that want to reside in the city, stay in the city, and grow up in the city, and the more we take away the available lands and green space that make it beautiful and we start to make the city a traffic nightmare, we start to have the Base Realignment and Closure Committee take a look at our traffic. He stated we talked about the fact that we do not look at the worst case scenarios, but BRAC looks at the worst case scenarios. Mr. Mulvaney stated if we start adapting the worst case scenarios and they start to close Fort Eustis and Langley Air Force Base because of things that we have done on Jefferson Avenue, as a major corridor, we truly hurt the city and what the city can become. He stated the city is a vibrant city with a lot of things going on from one end to the other, from the shipyard to Newport News Park, to Fort Eustis, to Ferguson, it is a beautiful city. He thinks changing this plan is a mistake. Mr. Mulvaney stated we need to leave the plan for what it is, and let it be a living breathing document, and not choke the life out of the city.

Ms. Fox stated she is the Vice President of the Newport News Green Foundation, and she has a huge interest in saving green space around the city. She stated she has also served on every *Framework* in the past ten years. Ms. Fox stated that when she looks at this site, it is bordered by the interstate and fronts on Jefferson Avenue. She stated she sees Kiln Creek, which is one of our premiere neighborhoods, and she drives through there two or three times a week. Ms. Fox stated she drove through there three times today off of the interstate. She stated that she would not want to see anything jeopardize this neighborhood. Ms. Fox stated that, in looking at what we have with the airport, the commercial development that surrounds Kiln Creek, both from Victory Boulevard to Jefferson Avenue, she has to vote for this plan amendment.

Ms. Willis stated she sees the airport as a major asset of the city for all of the citizens to preserve. She stated it is in the *Framework for the Future* and is brought up numerous times. Ms. Willis stated transportation in this area has always been a concern to the citizens, and being able to get in and out of the area has been important, and the air traffic is one way that we can get in and out of the area. She stated that anything that supports the airport, and to help them do the job they need to do in an area that is already considered transportation, she thinks they should be able to do it. Ms. Willis stated if a commercial designation will help them, then she would see changing it so that we do community commercial. She stated she has heard a lot of complaints about traffic. Ms. Willis stated she grew up in the area and lived in Denbigh and dealt with Denbigh traffic. She stated she has heard people saying to put the development in Denbigh, but people will have to get off at Jefferson Avenue and cause all of the traffic all of the way down Jefferson Avenue to get to a Wegmans in Denbigh. Ms. Willis

stated it will not stop any traffic by putting a Wegmans in Denbigh if they were to consider it. She stated that even to put it in the vacant Linens and Things, people will take the same route off the same exit. Ms. Willis stated it does not solve the traffic problem, it just moves it out of someone's backyard. She stated it treats Kiln Creek as if it is a gated community and they have total control over their streets, like their traffic is any different from anybody else's traffic in Newport News. Ms. Willis stated everybody has to pay so that they can have better traffic issues. She stated she does not think traffic is the major issue. Ms. Willis stated that making this determination is for the welfare of all of the citizens in Newport News that should be considered, and she feels that the airport is an asset. She stated it is listed in the *Framework for the Future* and it needs to be supported, so she supports changing the plan.

Mr. Simmons stated we have had a lot of discussion about land use, what we do, and how important it is, not only to our city but to our citizens. He stated it is important that we think about the opportunity today in pushing forward. Mr. Simmons stated that, as we talk about our comprehensive plan, and notice that it says *Framework for the Future*, we have to think about things not only for this lifetime, but for the next generation, and we have to plan land use to better improve our community and attract people here to this great city, and also the Commonwealth of Virginia. He stated it is a thing that is not great for us to do because it is in a community and it is going to cause traffic problems. Mr. Simmons stated we are all concerned about the traffic issues and safety, but what about the betterment of our community. He stated he appreciates the comments that we have heard and he looks forward to the vote.

Mr. Maxwell stated he knows we are not supposed to consider this, but as a comprehensive type person, he understands that when he did his due diligence with Wegmans, most of the time he noted they build out in a rural area in the middle of nowhere, but when they build, they build by affluent neighborhoods in order to generate more income, but it also helps to build up the communities that he has seen in studying them. He stated he is looking at the amount of jobs that will come if Wegmans comes and the tax base money that will come in for the roads and other things of that nature. Mr. Maxwell stated his colleagues stated it will affect Fort Eustis, but Fort Eustis is already downsizing. He stated he has pastored people who have lost jobs in his congregation, and also people who have lost jobs from the shipyard. Mr. Maxwell stated that in the end, he wants to make sure we are thinking about this community, and everyone as a whole. He stated there is a consideration that other stores may close, and they may, but other competition may come in. Mr. Maxwell stated he cannot foresee that, but he loves Kiln Creek and he drives through there and plays golf there, but he cannot just think about the citizens there when he is thinking about the citizens as a whole. He stated it will bring jobs, and when you have more jobs it drives the crime rate down. Mr. Maxwell stated he has not made a decision yet, but he is considering the entire presentation.

CPC MINUTES

PAGE 29

April 6, 2016

Mr. Groce thanked everyone who came to the public hearing today and the meetings at Kiln Creek Elementary last week. He thanked the presenters and has no problem in understanding what the city is trying to do.

Mr. Carpenter stated that, as he read earlier from our comprehensive plan, in numerous locations in the plan it talks about preserving our green space, and preserving our neighborhoods, and protecting the entrances to our neighborhoods. He stated he had a conversation earlier in the day and he referred to the comprehensive plan as the bible we need to be reading, and similar to the bible, you can read the bible and find just about anything to justify anything, and he thinks that applies here because clearly, in his perspective, it justifies voting no on this and preserving the green space and preserving our communities and preserving our residential areas. Mr. Carpenter stated that at the same time, he cannot disagree that it also says we need to support the airport. He stated it comes down to a decision of how much weight we are going to give the comprehensive plan put together by hundreds of our residents who put hours and hours into it. He asked do you want to support what the airport may want or what may support and protect our neighborhoods. Mr. Carpenter stated he will be voting against the amendment. He stated that, at the same time, it is a tough vote and he understands that, and he appreciates all of the citizens who came down tonight. Mr. Carpenter reminded the audience there will be another hearing right after this vote regarding the rezoning.

Vote on Roll Call

For: Maxwell, Fox, Jones, Willis, Groce

Against: Simmons, Mulvaney, Austin, Carpenter

Abstention: None

The Planning Commission voted 5:4 to recommend adoption of comprehensive plan amendment PLN-16-14 to City Council

CHANGE OF ZONING

CZ-16-379, Peninsula Airport Commission. Requests a change of zoning from M1 Light Industrial to C1 Retail Commercial with proffers on a 33.37 acre portion of an 824.62 acre parcel located at 900 Bland Boulevard to allow retail development. The subject area is roughly bounded by Jefferson Avenue and Brick Kiln Boulevard. The *Framework for the Future 2030* comprehensive plan recommends transportation, natural area/open space and parks and recreation for the site. (*A plan amendment change to the Framework for the Future 2030 is pending.*) The Parcel No. is 112.00-01-01.

Claudia Cotton, Manager of Comprehensive Planning, presented the staff report (copy attached to record minutes).

Mr. Everett Skipper, Director of Engineering, stated there was some discussion about a question he had previously answered related to how traffic in the TIA is considered. He

stated we consider the maximum traffic during normal conditions, with normal conditions being twenty-four hours a day, seven days a week; however, excluding accident driven conditions that are going to be extreme. Mr. Skipper stated we do exclude those and that is the practice for such studies nationwide. He stated it is not considered in these types of things; however, we did use the maximum Sunday, twenty-four hour conditions that could be found. Mr. Skipper stated that, in addition, Interstate 64 and Route 17 are currently under construction, and there is a difference today, based on people who are avoiding those routes by using both Jefferson Avenue and Warwick Boulevard. He stated we see that in the number today, but that will also be mitigated as time goes on. Mr. Skipper stated he himself travels to a church in York County along Route 17 normally, and he has been using Jefferson Avenue. He stated that, further, at the intersection of Brick Kiln Boulevard and Kiln Creek Parkway, we had received in December, a request from residents to look at how the traffic signal at that intersection functions. Mr. Skipper stated the request was to switch to something that we call split phasing, which means that instead of opposing traffic flowing together, which is the current condition on Brick Kiln Boulevard into and out of the clubhouse, that we would have one section flow and then the other. He stated that is done at a number of intersections in the city both ways. Mr. Skipper stated we have a number of intersections that are single phased, and a number of intersections that are split phased. He stated the request for split phasing is usually driven by the difficulty of getting through the intersection when people are making a left in large numbers and people who are crossing. Mr. Skipper stated there are a number of statistical elements that we review in doing that, called the warrants for the signal's operation. He stated that in our review, we did not find that the warrants were met for a split phasing. Mr. Skipper stated the other complication for us is that the split phasing, because we now have to allow time for two different sets of operations, stretches the entire signal function in time. He stated that means that delays for everyone will typically increase, so for those reasons we prefer to avoid it unless it is truly warranted; however, in our review we did decide that it is probably appropriate to alter timing to some extent, and alter the way that the signals are presented. Mr. Skipper stated that currently, there is a green arrow for the left turns coming from Jefferson Avenue on to Brick Kiln Boulevard. He stated we are looking to change that to a flashing yellow light that people may have seen at many other intersections, and that is to help emphasize to the drivers approaching it that they are supposed to yield to that oncoming traffic. Mr. Skipper stated there was a follow-up letter from the HOA Board of Directors that asked us to look at the same thing we had been looking at since December, and we have responded to that letter. He stated they should have our letter in a couple of days which describes those changes.

Ms. Fox asked if people are coming to Wegmans from out of the area, will they have any reason to go into the Kiln Creek neighborhood. She asked if, once they come off the interstate, will they go directly to Wegmans without traveling through the entire neighborhood. Mr. Skipper stated he would expect that they would do what he would do and that would be to let Google guide them, which will take them directly off the interstate. Ms. Fox asked if it would generate traffic into the Kiln Creek neighborhood if

CPC MINUTES

PAGE 31

April 6, 2016

you are coming from out of the area. Mr. Skipper stated no, not from out of the area. He stated that by improving the function of the ramp on the interstate, we may even reduce some of the cut-through traffic that is current today.

Ms. Willis asked if deliveries are normally during rush hour or at separate times of day when 18-wheelers are on the road. She asked if we should expect more 18-wheelers coming down the road during peak traffic times. Mr. Skipper stated he does not know the answer to that.

Mr. Dexter Williams, DRW Consultants, LLC, Traffic Engineer for the applicant, stated so far with the work that AES has done in laying out the site, we have been designing for all of the tractor trailer trucks to come in off of Jefferson Avenue. Ms. Willis asked if there was a time of day for truck deliveries. Mr. Williams stated he does not know anything about the possibility of delivery times, as that would be a business function.

Ms. Willis asked if there is any way to keep 18-wheelers from going through Kiln Creek, the way the city is set up and how the roads are run. She asked if there was a way to legally re-route the trucks somewhere else, or is that road open to 18-wheelers. Mr. Skipper stated the roads are open to all traffic unless they are specifically signed otherwise. He stated that in some cases we can indicate no through trucks or no through traffic in specific areas, but he did not believe it has been considered here. Mr. Carpenter stated you will have a hard time signing off simply because there are currently businesses and a clubhouse that need deliveries. Ms. Austin stated that is considered a delivery truck and not a through-truck. Ms. Willis stated the complaint was 18-wheelers are cutting through Kiln Creek.

Mr. Mulvaney stated the TIA that is done is twenty-four hours a day, seven days a week. He asked if the traffic is averaged over that period of time or do they take samplings over these areas and determine what is best. Mr. Mulvaney asked if we are looking at total numbers over a day. Mr. Skipper stated he looked at peak hour during those periods and typically it is A.M. peak, P.M. peak, and weekend peak, and it varies from place to place, but it is the highest peak hour during the entire week. Mr. Mulvaney stated that according to the figures that he has been given by the developer and everyone involved, Wegmans will do approximately \$100 million in sales annually at this location. He stated that, based on that, if we just use standard averages, that is 400,000 customers annually. Mr. Mulvaney stated if you break that down again, it comes up in a twenty-four hour period, of about 1,100 cars additional per day. He stated that, granted, they may come from Kiln Creek, but also, because it is new, they are going to be coming from out of the area. Mr. Mulvaney stated that is an impact that you can break down even more, and during the peak times, actually raise the number of vehicles. He asked if that was considered. Mr. Mulvaney stated that when Mr. Skipper talked about the traffic impact, he heard him say 400 to 500 cars, and he is wondering how that number came about. Mr. Skipper stated he was sorry if he was unclear. He stated the numbers are overwhelming in discussing these things and the 400 or 500 that he was discussing was the total traffic along Brick Kiln Boulevard and Kiln Creek

Parkway under the peak hour conditions. He stated what he had said was that we consider where such roads can be congested when the traffic is in excess of 1,200 to 1,500 vehicles per lane. Mr. Skipper stated we would look for much higher numbers before we considered those to be congested. He stated when we look particularly at what a Wegmans would do, the numbers that were provided by the consultants in the TIA suggest that we are talking about 13,000 trips per day and the impact of that on the peak hour is approximately 150 on Jefferson Avenue, something under 100 on Brick Kiln Boulevard, and varying depending on which part of the street network we are looking at is how those are distributed, but in the analysis those accumulations are picked up throughout the entire network and each intersection is analyzed. Mr. Mulvaney stated there is a truck stop immediately across Habersham Drive, directly before you get to Lowes. He stated we are talking about 18-wheelers, and increasing the commercial traffic in that area, and now we have 18-wheelers that are coming through the intersection, doing what they need to do to get there, whether they are going to the commercial development or coming from it. Mr. Mulvaney stated that is another impact because commercial vehicles represent three cars and their motion of movement from a stop to start represents five cars. Mr. Skipper stated those types of analytics are done based on numbers of total vehicles. He stated there is a mix of trucks and cars that is considered in the package that is analyzed against the actual conditions. Mr. Skipper stated trucks are bigger and take a little longer, and when they maneuver, they impact things a little more because they are a little slower to get out of the way. Mr. Mulvaney asked about the light at Habersham Drive and Chatham Avenue, which creates a very short stacking right there before Jefferson Avenue. He stated now you are coming across the old Walmart Way, where you would turn to go to Lowes, right there past the gas station, and can go left to Walmart, or right to Lowes, which then narrows down into a two-way road until it opens again and is kind of dangerous. Mr. Mulvaney stated we are driving traffic into that area, but do we not have a stacking problem right there at the Habersham Drive and Chatham Way light if we are directing traffic out of Kiln Creek. Mr. Skipper stated what we have typically found is that the lights at Habersham Drive and Jefferson Avenue, also Boykin Lane and Jefferson Avenue, have similar issues though not exactly the same. He stated we also did look at the intersection Mr. Mulvaney is describing, but he believes it was Level of Service A and transitioning to a B under the current conditions, again both of which we would consider very, very good. Mr. Skipper stated we are very happy to get Level of Service C's typically. He stated the difference between a Level of Service A and B are bigger the farther you get. Mr. Skipper stated the difference between an A and B is relatively small, from a B to a C is bigger still, so the A and B difference is not tremendous. Mr. Williams stated he thinks the Habersham Drive intersection was operating at a Level of Service C, but one of the things we are building into this is we are including improvements on Habersham Drive on that eastbound approach to Jefferson Avenue. He stated we are increasing that capacity there and we are reducing those cues. Mr. Williams stated we are making improvements on the other side of the street as well to reduce that cue impact. Mr. Mulvaney asked if that is the other side of the street where it is going to Chatham Avenue. Mr. Williams stated yes, we have improvements on the west side of Jefferson Avenue, on Walmart Way, and on

CPC MINUTES

PAGE 33

April 6, 2016

Habersham Drive, specifically to address cueing issues there. He stated the higher Levels of Service was mostly cueing problems. Mr. Mulvaney stated because that has a very small stacking right there. Mr. Williams stated yes, we do not have anything like that on the east side.

Ms. Cotton concluded her report.

Ms. Fox asked what are the uses permitted in the light industrial zoning by-right. Ms. Cotton stated warehouse and office, but not heavy manufacturing. Ms. Fox asked if storage would be a consideration. Ms. Cotton stated yes, and storage, warehousing, and office. Ms. Fox asked if a distribution center would be appropriate. Ms. Cotton stated yes, and mini-storage.

Ms. Willis asked how much industrial property is in Newport News. She asked if we have other industrial areas that are available. Ms. Cotton stated we do have industrial property. She stated she cannot speak to private property that is available, but we did check with our Development Department today. Ms. Cotton stated in Oakland Industrial Park there are approximately ten properties that are available for industrial development, ranging from seven acres to forty-five acres. She stated she needs to mention that we have prepared a package with email communications that we have received since the property was advertised and the hearing notice was advertised. Ms. Cotton stated there are approximately fifty-four emails in that document, with thirty-eight against the rezoning and sixteen in favor of the rezoning.

Mr. Mulvaney asked if under the current zoning, it is actually considered a lower density than what the change of zoning would be. He stated with storage or light industrial, we are not looking at higher density, higher personnel type component. Ms. Cotton stated it is possible you could have an office user that would be high personnel. Ms. Fox stated distribution could have high personnel. Ms. Cotton stated yes, but in terms of parking requirements, there are more parking requirements for retail users.

Ms. Austin stated that, as there is a ratio of numbers of square feet in a commercial building and number of parking spots required, she asked if there is some kind of standard or range of ratio that would describe the number of people in the population and the per-square-foot of commercial space. Ms. Cotton stated that in Planning circles we have things like park area per resident that is a typical threshold standard. She stated she thinks that has more to do with the free market. Ms. Cotton stated she is not familiar with ratios for commercial space. Ms. Austin asked what is the range that seems to work best. She stated if you get over a certain number, do you have lots of empty places.

Ms. Austin stated nothing was mentioned about the BMPs. She stated there are three along the side of the buildings. Ms. Austin asked what rain rate are they designed for, and will they overflow if we get fifteen inches of rain in a twenty-four hour period. Ms.

Cotton stated she would defer to Engineering to answer that question because they have storm events that they design to.

Mr. Skipper stated he would like to make a small correction when he was asked about Habersham Drive and he said he was not certain if it is a Level of Service of B or C. He stated it is currently a C and will remain a C after the improvements.

Mr. Skipper stated in relation to stormwater drainage, at this stage of any development, we have nothing from the developers as to what they expect. He stated the standards are that we would design to a ten-year storm with a one-year twenty-four hour cycle. Mr. Skipper stated that is a standard for all of the drainage systems within the city. He stated there are a couple of exceptions that include railroads and interstates, but generally speaking, any site development is the ten-year storm. Ms. Austin asked if Mr. Skipper knows what a twenty-four hour downpour of a ten-year storm is. Mr. Skipper stated he should but he will check it and send an email to the Commission as he cannot recall at this time.

Ms. Willis stated there was some mention in some of the emails about flooding, and putting down a large parking lot for a commercial area. She asked what are the issues in that area as far as flooding. Ms. Willis stated she knows that as a green space, that green area held a lot of water on top of it. She stated she could drive by and see that the ground was wet and the geese were standing in water. Ms. Willis asked if we put concrete all over there, is there a chance we would flood the neighborhood. Mr. Skipper stated there is always a chance of flooding everything; however, the standard that we use to determine such things is that same ten-year storm. He stated what the requirements call for is, when you develop a site, you are required to make the conditions on the site such that no more water exits during a ten-year storm than exited before the development. Mr. Skipper stated if it was all green and holding water to a certain level before, you cannot exceed that amount after construction at the level of the ten-year storm.

Ms. Willis asked how far can a parking lot effect stormwater if the parking lot is a certain size, does it affect the area twice its distance away. Mr. Skipper stated he did not know that we would think of it that way. He stated we go through a process of determining how the rainfall that falls on the land either runs off or is absorbed. Mr. Skipper stated the runoff either has to be stored or controlled so it does not exit any faster than it did before. He stated if he had a very large parking area with only a little space around it, if that space around was something that looked kind of moat-like, it is entirely possible that would pass the standards. Mr. Skipper stated that, at the same time, he could have something that is not moat-like, if it were a very small strip of grass it almost certainly would not pass. He stated it depends a great deal on exactly which conditions you are looking at, and the effects are not so much distance, but they are in quality and quantity of water that exits the site.

Ms. Willis asked if the location is near Kiln Creek Lake One. Mr. Skipper stated yes. Ms. Willis asked if that would be one of the runoff areas. Mr. Skipper stated he is not certain. He stated he would expect that all of the site development would be directed toward the on-site ponds, and the reason for that is because one of the standards that we have to look toward is the quality of the water that exits the site. Mr. Skipper stated water that comes off of the parking areas has certain levels of various types of contaminants and we are required by law to control those. He stated there are a number of calculations and regulations that were changed two years ago to a more stringent standard for quality of the water. Mr. Skipper stated he would expect that almost all of the water would be passed through the ponds so they could be processed for water quality issues.

Mr. Carpenter opened the public hearing.

Mr. Tim Trant, 11815 Fountain Way, Attorney for the applicant, spoke in favor of the application. Mr. Trant thanked Planning staff for their assistance. He gave a brief description of the project.

Mr. Trant stated that, as Planning Commissioners, you are charged with evaluating the public benefits of the project. He stated some of the most significant benefits of this proposal are: it entails substantial traffic improvements that improve the Level of Service in the corridor, but will not be built without the economic engine of the magnitude of the subject proposal; the project entails an approximately \$60 million capital investment and will result in over \$1 million in net new revenue to the city; further diversifies the airport's revenue streams for the promotion of air service in our community; respects the gateway location of the property with a much more desirable land use proposal and development that would be achieved than that consistent with the existing industrial zoning; it is a proposal that reflects the land use which is consistent and complementary with the existing surrounding land uses; there is unique scrutiny, control and certainty associated with this project, not only through the proffered zoning process but also the airport's retention and ownership of the development through its lease arrangement, which is a level of control and assurance that you do not get through private enterprise; enhancements to the aesthetic character of the corridor secures a first-in-class business employer for our community that contributes to the quality of life we enjoy here; and, the collaboration that this project has engendered with the Kiln Creek community and the homeowners' association boards. Mr. Trant stated the property is not subject to, nor part of the Kiln Creek villages master plan, but is obviously situated in one of its primary entrances. He stated we view them as a stakeholder in connection with the development of this project. He stated we have been meeting very regularly with their board of directors and their counsel for several months to brief them on the proposal and to collaborate on our areas of mutual interest. Mr. Trant stated the board has been appropriately cautious and careful in their scrutiny of the project, as well as very protective of the interests of their community. He stated they have also been very gracious with their time and their energy in working with us to try and work through our mutual interests in this development. Mr. Trant stated he is happy

to report that we have reached an accord on their areas of primary concern. He stated we have also hosted a series of three community meetings at Kiln Creek Elementary school last week in an effort to engage their residents and help inform them about what is actually being proposed and to respond to their questions.

Mr. Groce asked how many people will we see employed at maximum capacity. Mr. Trant stated the anticipated employment at Wegmans, based on their performance and hiring at other stores is projected to be approximately 500 new jobs, over 300 of which are projected to be full-time with benefits.

Ms. Willis stated she has some concerns about the pedestrian and bike traffic in the area. She stated Mr. Trant mentioned a continuation of a park like setting. Ms. Willis asked what Mr. Trant envisions coming into Kiln Creek and how is that going to benefit the residents. Mr. Trant stated, on a point of clarification, if he said park like setting, he meant parkway setting, Brick Kiln Boulevard with a parkway like setting, and it has been our commitment to the HOA that we not only replace that, but even potentially enhance it. He stated the landscaping along Brick Kiln Boulevard is at the end of its maturity and it is time to be regenerated and refreshed. Mr. Trant stated there will be a cost savings to the HOA with our undertaking of what will be effectively a replacement of that landscaping concept with a boulevard parkway feel. Ms. Willis asked who will maintain the landscaping. Mr. Trant stated that is a detail we are still working out. He stated they currently have landscape easements on both sides of the current location of Brick Kiln Boulevard and they pay to maintain those, as well as the street lights and right-of-way. Mr. Trant stated they also mow the field in which the project will ultimately be located. He stated there is some substantial expense to them now, and we are working on finalizing an equitable arrangement of the cost sharing of that work, where we would take over responsibility for a portion of the landscaping and they would have some protections in case we do not do it right so they can protect their interests and make sure it is done right.

Mr. Mulvaney stated Mr. Trant mentioned the Interstate 64 widening would probably reduce traffic. He asked if Mr. Trant was implying that it would reduce traffic coming off on Jefferson Avenue, or does he believe it would. Mr. Trant stated the I-64 widening would reduce traffic, but he meant it would reduce traffic congestion in the Jefferson Avenue area, hopefully alleviating some of the backup. He stated right now if you are trying to move west on I-64 in peak commuting hours, and you are getting on at the Oyster Point Road access point, you will often find backups because of the volume of traffic converting from a multi lane to two lane configuration, and people are encouraged to get off and try to move west on Jefferson Avenue as a bypass. Mr. Trant stated the third through lane all the way to Yorktown Road will help reduce the backups that we see at the Jefferson Avenue exit and diminish the encouragement of people seeking a bypass. Mr. Mulvaney asked if we have studies to show that a lot of these transient people on Jefferson Avenue are actually bypassing that congestion and is where the current backup is coming. Mr. Trant stated for technical data, he would defer to the traffic engineers. Mr. Mulvaney stated Mr. Trant is implying that the widening of I-64 will

help reduce the traffic backup on I-64, which will in turn help reduce the traffic on Jefferson Avenue, which implies that there is a lot of transient drivers using Jefferson Avenue to bypass that portion I-64. He stated that, granted it is only to Yorktown Road, which is only a couple of miles, but what data supports that.

Mr. Williams stated we did not study anything outside of the corridor because we are not in control of when I-64 is going to be widened or if Ramp C is constructed. He stated we wanted to focus on what we could do to prove our case. Mr. Williams stated that, as far as the relationship between traffic backup on westbound I-64 at Jefferson Avenue, he would say that during the tourist season when you do not have a high commuter volume getting off that ramp, people will bypass it. He stated he does not know how many people are doing it during the peak hour, but he thinks it will help general traffic conditions and certainly the tourist traffic conditions. Mr. Williams stated it may not improve P.M. peak traffic hours where Ramp C would really make a difference in getting traffic off of Jefferson Avenue.

Mr. Mulvaney stated he has heard several people say there is a \$1 million revenue annually coming to the city. He stated an economic impact to the city is always important for land use. Mr. Mulvaney stated the revenue to the city is estimated to be \$1 million annually. Mr. Trant stated yes, the net new revenue emanating from the project at post-build out is what our fiscal impact consultant has concluded. He stated he thinks it is a fairly conservative estimate. Mr. Carpenter asked if that comes from a 1% sales tax on \$100 million in sales. Mr. Trant stated that is a substantial part of it. Mr. Chris Henderson, CBRE, representing the developer, stated that, with regard to the fiscal impact study that was performed, we retained Ted Figura, who was the former assistant director of economic development for the city of Newport News. He stated Mr. Figura has a reputation for being very conservative in his approach to economic impact studies such as these, and we wanted to find somebody who was fluent in the analyses the city would use in evaluating the impact assessment from an economic standpoint. Mr. Henderson stated the revenues that will be coming to the city are coming in several different buckets. He stated that, contrary to some of the statements that were made and published, the project will be subject to real estate taxes, both the land and the improvements. Mr. Henderson stated that despite the fact that the land is owned by the airport and not currently subject to taxation, this particular use will be subject to real estate taxes on both the land and the improvements, which is an important new source of revenue that does not currently exist today. He stated that, with regard to the income that is derived from additional retail sales that are generated, Mr. Figura took a very conservative approach and discounted substantially the new revenues because of trade-offs from existing businesses that currently fill portions of the space that will be occupied by Wegmans. Mr. Henderson stated that only a portion of the gross revenue that is going to be generated on the center, primarily by Wegmans, but by the entirety of the center, only a portion of it was determined to be new net revenue. He stated that, in addition, there is a significant component related to business personal property taxes: the BPOL tax and the machinery and tool tax that is currently not derived from that property today. He stated the low end estimated at build-out was \$968,000, and the

high end estimate was \$1,367,000. Mr. Henderson stated that was a range and we decided to err on the conservative side in our estimation presentation that \$1 million is a conservative estimate and the gross revenue is substantially higher than that. He stated Mr. Figura also completely discounted any new net revenue that would be attributable to the restaurants, retailers and service businesses that will be located in addition to Wegmans. Mr. Henderson stated Mr. Figura discounted that because he believes that space is currently being filled by other service providers and that there was, in essence, a zero sum game and that business would simply be transferred. He stated when we talked about what the new net revenue is to the city, it is truly netted-out, after all considerations and discounts for impacts on existing businesses within the city.

Mr. Carpenter thanked Mr. Henderson for bringing up the real estate taxes. He asked if the buildings will be assessed at fair market value by the city. Mr. Henderson stated yes. Mr. Carpenter asked if they will be assessed by the standard city tax rate. Mr. Henderson stated yes, that is our expectation.

Mr. Mulvaney stated everyone has been making references to the airport master plan. He stated he read Appendix F of the airport master plan, which is the non-aviation development, and when it comes to this component, there are a couple areas they reference. He stated in an area by Denbigh Boulevard, which is considered Area 3, the plan states "we suggest that about 100,000 – 200,000 square feet of retail / commercial development could be accommodated at this location on about 10 – 15 acres of land. If a "big box" retailer (Wal-Mart, Loews, Home Depot, Costco, etc.) could be attracted then the overall retail square footage could probably be boosted by an additional 200,000 - 300,000 square feet or more." Mr. Mulvaney stated in the beginning of that, they note that there is a lack of retail in that area and so they see it as a more vibrant opportunity to put the retail. He stated in the area that is being recommended, according to the plan that was put out by the airport, Area 4, which is this area, and read: "is another landside development opportunity location that can accommodate additional retail and other commercial uses. It occupies something of a gateway orientation to the Airport and lends itself to the village retail ... not to exceed 180,000 square feet." Mr. Mulvaney stated he sees a village type retail as a component of buildings, as they have represented in their plan, as several different little buildings in this village retail. He stated this is the current approved plan for 2014. Mr. Mulvaney asked if he is missing something. Mr. Ken Spirito, Executive Director of the Peninsula Airport, stated yes, there is a lot of information embedded in that. He stated that one of the things about the master plan, which is also reflected on our airport layout plan which is really the guts and results that the FAA measures as the master plan goes through the process, with different quadrants in different areas, and that area there (Area 3), those big box retailers do not exist in York County, so when we had our economic development consultant do their economic analysis and looked at York County's retail deficiencies, those big box retailers are very deficient. He stated the property Mr. Mulvaney mentioned is in York County and not Newport News. Mr. Spirito stated that in regard to the availability of our property for non-aeronautical development, even though it is called

out in the master plan for "x" it does not mean it could not be "y". He stated it is just general reference and examples of what could be there. Mr. Mulvaney stated the property does abut Denbigh Boulevard as is noted. Mr. Spirito stated that is correct. Mr. Mulvaney stated Denbigh Boulevard is also considered another gateway. Mr. Spirito stated yes, and for York County, it would be to their benefit to look at that area as a developable area for growth in York County.

Mr. Mulvaney stated everyone is talking about Wegmans, which we are actually talking about a rezoning of this property. He stated if Wegmans decides tomorrow that Newport News is not the place, you can bring in whatever you want up to this point and it is not all about a boutique retailer at this point, it is all about putting something there. Mr. Mulvaney stated he wants everybody to understand that in perpetuity this land will now be considered commercial retail. Mr. Trant stated that is absolutely correct. He stated this is a rezoning and there is no specific proffer that Wegmans will be the anchor tenant, and that is consistent with how projects are developed all over Newport News; very good projects that we are happy and proud to have in our community and all over Hampton Roads. Mr. Trant stated that what is unique about this project is the level of proffers that attempt to provide that assurance in an indirect way, so that whatever does happen there, you can be assured to get the traffic improvements because you cannot get site plan approval without it, and being assured that whatever gets built there looks nice, like some of the slides he shared in his presentation that are straight out of the design guidelines. He stated this ensures that Kiln Creek can be assured of the appropriate aesthetic appeal at one of its primary entrances to its community. Mr. Trant stated we are confident the anchor tenant will be a Wegmans but that is not a condition of the zoning. Mr. Mulvaney stated he wants everyone to understand that, in his 20 years of retail experience, Wegmans is an unbelievable operator. He stated he has a caveat with that, that they are professional and they have a high ranking, so he does look at that component.

Mr. Pete Paine, 10 Sir Francis Wyatt Place, thanked the Planning Commission for the effort they put into their analysis. Mr. Paine stated traffic is a very important issue, but he thinks we can agree on that if you have been a resident of Newport News for any time, you know traffic is bad and that we need improvements. He stated any statistics you get, you are going to formulate your own opinion. Mr. Paine stated we are in agreement that traffic is bad and with Wegmans, we could not have a better company coming to Newport News. He stated he agreed with Ms. Fox that this situation is bigger than Kiln Creek. Mr. Paine stated yes, it is important, but it is a main part of the city. He stated Mr. Carpenter stated it very well when he said that there are a lot of things to consider here. Mr. Paine stated one of the things that he really wanted to get a feel for in his investigation is what is the financial impact to the city. He stated there are real estate taxes and private and public partnerships, and all sorts of deals that have been going on, but coming here is a class act. Mr. Paine stated he wanted to research what the financial impact was, and that was very important to him. He commended Ken Spirito for spending an hour on the phone with him addressing every one of his concerns and was kind enough to follow up with an email addressing the fiscal concerns

and questions he had. Mr. Paine stated that, as a result, based on the information that he has, he would come out in support of this project. He stated he sent an email to Director McAllister and asked how many people read his email. Each Planning Commission raised their hand. Mr. Paine stated the Planning Commissioners would know where he is coming from. He stated he understands that the important action tonight is to make a very simple decision on a zoning change from whatever to whatever, and that is the simple purpose of these proceedings. Mr. Paine stated you would be amiss if you did not realize what is going to happen after that rezoning. He stated a fine developer is going to come in and build an absolute quality first-class development for the city of Newport News, but what is going to be the cost. Mr. Paine stated we have heard on the low side it is \$1 million and on the high side it is over \$1 million to the city. He stated that in his discussions with Mr. Spirito, it is a lot more complicated than that. Mr. Paine stated there is perhaps \$6 million of improvements that need to be made to the site and the amount of the lease that is out there. He stated Mr. Mulvaney was asking how we are going to get this money. Mr. Paine stated that it seems the financial aspect of this has not really been a focus, and you may tell him that no, it should not be because all we are doing is dealing with this simple thing, and we have two different sessions: one to approve an amendment to a plan so we can have a rezoning. He stated it all links together. Mr. Paine stated he looked for the minutes of the meetings of the council to get what the financial impact on the city is. He stated he came across the session where the Superintendent of our school board went in front of a work session on February 23, 2016, and he encouraged the Planning Commission to look at those minutes. Mr. Paine stated it really brought his attention to a matter of great fiscal importance to this city, which is the state of our schools. He stated there is a huge \$15 million a year capital improvement shortfall to the school system, and the city has to prioritize where it puts our money. Mr. Paine stated the impact of this project is, that it is not important on whether we get a Wegmans or what goes in there, but what is it going to do to the city's bottom line. He stated that to avoid the fiscal tsunami that could be coming, if we end up spending \$3 to \$5 million more on this because of all of the improvements, then he would say he is not for it. Mr. Paine asked that in the future, or interim analysis, that we be a whole lot more clear on that \$1 million and what is the financial impact to the city, rather than bringing it up at the last second, whether or not it is for your charter. He thanked the Planning Commission for their time and their hard work.

Mr. Carpenter stated that many of the questions Mr. Paine raised having to do with the financial data will be looked at by our City Council.

Mr. Wesley Krohn, 807 Bacon Court, stated if the entrance to Kiln Creek is truly a gateway location to Newport News, then let's treat it as such. He stated let's not treat it like another concrete corridor or a berm with trees on top of it that prevents the full view of the airport over any other green space out there. Mr. Krohn stated it is not a gateway to the city or coming out of the airport, or going to the Victory Arch, or going anywhere in the city, except getting off to go to a shopping center. He stated that is what Jefferson Avenue is, and that is what differs right now at the entrance of Kiln Creek. Mr. Krohn

stated it truly is what makes our city. He stated he cannot say that strongly enough. Mr. Krohn stated if we are going to have a Green Foundation, then we need to treat our green space as such because the decision made today will affect the city forever.

Ms. Elizabeth White, 5425 Discovery Park Boulevard, Williamsburg, Attorney for the Villages of Kiln Creek Owner's Association, stated she was here to answer questions only. Ms. White stated that since Mr. Trant brought it up, she wanted to mention the memorandum of agreement that they have been working on for several months now to address concerns that we outlined in a letter she sent to Ms. McAllister on March 4, 2016. She stated the good news is that, in that letter, she went through conceptually eight different areas of concern that the board of directors had for the Villages of Kiln Creek Owner's Association. Ms. White stated she is cautiously optimistic that all of those concerns, with the possible exception of one, will be successfully addressed in this memorandum agreement. She stated that they are very happy and pleased that Mr. Trant, Mr. Henderson and Mr. Spirito have dedicated so much time to work with us in collaboration to come up with a way to address our concerns. Ms. White stated Kiln Creek does have vested interest in real estate property in the area as Mr. Trant mentioned. She stated we do have landscaping easements and easements for signage at the gateway, and those were very big concerns for us to make sure that the integrity of the signage stays in place and is not in any way undermined, and hopefully improved, as well as the landscaping. Ms. White stated we are continuing to work that out, and we are really close. She stated that hopefully we will have a signed agreement in hand before the City Council meeting if this matter goes forward. Ms. White stated she wanted the Planning Commission to know that they did have concerns but they are being addressed. She stated the applicant spent an enormous amount of time going through the traffic considerations with the Kiln Creek board. Ms. White stated we are not traffic specialists and are looking very much to the city and city representatives to determine whether or not this is in fact a traffic improvement, as it has been portrayed. She stated the board of directors at this point feels that in terms of the memorandum agreement that we have addressed those things that we can control or attempt to control, and the traffic part of that is really out of our control at this point.

Mr. Mulvaney stated that some of these roads actually merge together between York County and Newport News. He asked if there is a collaboration between the two counties to try and make something viable because it is going to impact everybody. Ms. White stated we were just brought into this at the end of January, which is stated in her letter, and we have really had to get up to speed on this. She stated we have not been entertaining any discussions on our part as the association with York County or any York County officials.

Mr. Carpenter closed the public hearing.

Mr. Groce made a motion to recommend approval of change of zoning CZ-16-379 to City Council, as recommended by staff. The motion was seconded by Mr. Jones.

CPC MINUTES

PAGE 42

April 6, 2016

Ms. Willis stated that, considering the uses under industrial or going with the commercial and proffers that are being available to help with traffic in the area, she really feels comfortable with the change of zoning vote.

Mr. Mulvaney stated he has expressed his items of concern from before, but now with this new information about the memorandum of agreement with the residents of Kiln Creek, it concerns him that we are going to do this without another very important component in place that, once again, protects residents of our city. He stated there have been discussions, but it seems like this plan has been going on a lot longer than these discussions have been. Mr. Mulvaney stated he is concerned that if we go ahead and do this and it gets pushed forward, and then the Kiln Creek residents are left without some type of realistic livable document that is going to protect them in perpetuity, which is us making sure that they are taken care. He thanked everyone for their input, but that is his biggest concern right now, that there is a component out there that is unresolved.

Mr. Jones stated that, in the same token, he is glad Ms. White came forward to let us know that the HOA is working on this and has a condition on it and developed a memorandum agreement.

Mr. Carpenter stated he went on a family trip this past weekend and drove through Waldorf, Maryland. He stated he and his family discussed where they were going to stop for dinner and he saw a shopping center with a four-story tall spire and realized it was a Wegmans. Mr. Carpenter stated they had dinner at Wegmans and it is a wonderful store and they had a wonderful experience. He stated it could be a wonderful addition to the city. Mr. Carpenter stated he recognizes full well that the experience is so good that it is going to bring people from all over the place into the city of Newport News, onto Jefferson Avenue, and yes, into Kiln Creek. He stated he is excited and hope that Mr. Henderson is able to get the lease together and he wants Wegmans to come to Newport News, but at the same time he does not think this is the ideal location for it.

Vote on Roll Call

For: Fox, Jones, Willis, Groce, Maxwell

Against: Simmons, Mulvaney, Austin, Carpenter

Abstention: None

The Planning Commission voted 5:4 to recommend approval of change of zoning CZ-16-379 to City Council

CONDITIONAL USE PERMIT

CU-15-353, Centre Court Racquet Club. Requests a conditional use permit to allow for the operation of a mini-storage warehouse-single entrance interior storage facility on

two (2) parcels totaling 3.73 acres located at 12445 & 12447 Warwick Boulevard and zoned C1 Retail Commercial. The Parcel Nos. are 220.00-02-03 & 211.00-01-83.

Mr. Carpenter stated the Planning Commission received a letter from the applicant requesting a deferral.

Ms. Fox made a motion to defer the application to the May 4, 2016 public hearing. Ms. Austin seconded the motion. The Planning Commission voted by acclamation.

EXECUTIVE SECRETARY REPORT

Ms. McAllister stated on March 22, 2016, City Council approved the conditional use permit CU-16-361, to DED, LLC, for the operation of a small motor vehicle repair and service facility at 11606 Jefferson Avenue; and conditional use permit for 7- Eleven on the corner of City Center Boulevard and Nettles Drive.

Ms. McAllister stated the May 4, 2016 public hearing will include today's deferred conditional use permit, a conditional use permit for Discount Tires, at 12001 and 12011 Jefferson Avenue; a conditional use permit for a Burger King in Lee Hall on Jefferson Avenue; and a conditional use permit for the multi-modal station located at 500 B Bland Boulevard, and Youngs Mill Lane, Mitchell Point Drive and Motoka Drive. Mr. Carpenter asked if we would be hearing them the same day. Ms. McAllister stated yes, and all of the other addresses are affiliated with the multi modal station. Mr. Carpenter asked if the Burger King needs a conditional use permit because it will have a drive-through for food which is adjacent to residential. Ms. McAllister stated no, it needs a conditional use permit because it is located in the Lee Hall Corridor Overlay District.

Ms. Willis asked what zoning is the multi modal station. Ms. Cotton stated it is combination of zonings because it is a combination of properties.

Ms. McAllister stated we have no cases scheduled for April 20, 2016. Ms. Fox made a motion to cancel the April 20, 2016 public hearing. Mr. Mulvaney seconded the motion. The Planning Commission voted by acclamation.

Ms. McAllister invited the Planning Commission to participate in the budget process by attending and/or speaking at one of two scheduled public hearings: 7:00 P.M., Tuesday, April 12, 2016, here in Council Chambers; and 7:00 P.M., Thursday, April 14, 2016 at the Denbigh Community Center, located at 15198 Warwick Boulevard.

COMMITTEE REPORTS

Ms. Willis stated the Lee Hall Overlay District Committee met at the Denbigh Community Center to discuss the Burger King. She stated they looked over the façade and discussed the outdoor speakers and approved the application as submitted.

NEW BUSINESS

Mr. Mulvaney stated he wanted to commend Planning staff and his fellow Planning Commissioners. He stated this is what this commission is intended to do. Mr. Mulvaney stated we looked at all of the data, we drilled down as much as we did, we did our preliminary reports, Planning staff put together a great report for us. He stated he sits here impressed with everyone sitting on the Commission and in Planning staff because even though this process took a long time, we can be very comfortable with the outcome.

There being no further business, the meeting adjourned at 8:13 P.M.

Recording Secretary

Executive Secretary