

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 6, 2017
7:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Rich Krapf
Tim O'Connor
Robin Bledsoe
Jack Haldeman
Danny Schmidt
John Wright
Heath Richardson

Staff Present:

Paul Holt, Director of Community Development and Planning
Alex Baruch, Planner
Max Hlavin, Assistant County Attorney
Tori Haynes, Community Development Assistant

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

Seeing and hearing no one Mr. Krapf closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Krapf stated that the Policy Committee met on July 13 to discuss Zoning Ordinance revisions to address short-term residential vacation rentals or home sharing. Mr. Krapf stated that two recent public hearings as well as a work session with the Board of Supervisors generated discussion that brought about the need to consider the issue. Mr. Krapf further stated that the General Assembly approved legislation that allows localities to create a short-term rental registry. Mr. Krapf noted that the County's Zoning Ordinance addresses tourist homes which includes provision of meals and rental of up to five rooms and the rental of rooms up to three rooms. Mr. Krapf stated that home sharing is different and includes programs such as Airbnb. Mr. Krapf stated that with home sharing, some or all of the rooms in the dwelling may be rented and the owner/operator is not required to reside on the property. Mr. Krapf stated that the Committee reviewed standards from other jurisdictions and instructed staff to come back with draft ordinance language addressing administrative and Special Use Permits (SUP), criteria for approval, number of room rentals allowed for each zoning district, parking, neighborhood safety requirements and the need for a registry.

Mr. Krapf stated that the Committee also discussed the Planning Commission Bylaws regarding outside meetings with applicants with regard to concerns related to residential proffers. Mr. Krapf

stated that the County Attorney provided clarification that because of the Board's adopted policy that residential proffers would not be accepted, there was no concern about Commissioners meeting with applicants and no change to the Bylaws was required. Mr. Krapf noted that the Bylaws require that meetings with applicants be disclosed at the public hearing, that where possible, two Commissioners participate in the meeting and that there is no discussion of voting intent.

Ms. Robin Bledsoe stated that the Policy Committee met on August 10 to review and discuss the R-8 District and the Residential Cluster Overlay District portions of the Zoning Ordinance in order to address the provision of age restricted housing, independent living facilities and specially permitted density bonuses in the R8, Rural Residential District. Ms. Bledsoe stated that the schedule to consider these amendments would potentially bring the matter to the February 2018 Planning Commission meeting for consideration.

Mr. Tim O'Connor stated that the Development Review Committee (DRC) met on August 23 to consider and provide feedback on three cases.

Mr. O'Connor stated that the first case was C-0058-2017. Norge Food Lion Store - Enclosed Dumpsters Addition. Mr. O'Connor stated that based on the proposed design, the DRC found that the proposal was consistent with the adopted master plan.

Mr. O'Connor stated that the DRC also considered C-0052-2017. LaGrange Parkway Future Expansion. Mr. O'Connor stated that the application outlined the plan for the addition of a food and food product processing and packing plant at 3601 LaGrange Parkway. Mr. O'Connor stated that there is an existing 85,000-square-foot building on the property which is the ESG International LaTienda facility. Mr. O'Connor stated that the packaging and processing of food or food products but not the slaughter of animals requires a special use permit in PUC-C zoning districts. Mr. O'Connor noted that there was discussion regarding the impact of the smoke from the proposed smokehouse. It was determined that the impacts would be minimal and the DRC was generally supportive. Mr. O'Connor noted that no DRC action was required.

Mr. O'Connor stated that the DRC also considered SUP-0005/0006/0007/0008-2017. Lightfoot Marketplace Special Use Permit Amendment. Mr. O'Connor stated that the proposal would change Building No. 4 from a pharmacy to a fast food restaurant and a dentist office. The proposal would also change Building No. 6 from a restaurant to an automotive service center with a fuel station. The DRC discussed the withdrawal of the pharmacy from the plan and considered the appropriateness of the mix of businesses within the center. Mr. O'Connor noted that parking and traffic were also considered and it was determined that the proposal would provide reductions in both and was seen as positive. Mr. O'Connor stated that architectural consistency was considered and recommendations were made regarding the canopy of the fueling station. Mr. O'Connor stated that the DRC was generally supportive and that no action was required.

E. CONSENT AGENDA

Ms. Bledsoe made a motion to approve the consent agenda.

On a voice vote, the Commission voted to approve the consent agenda (7-0).

1. Minutes Adoption - July 5, 2017 Regular Meeting
2. Development Review Committee Action Item: Case No. C-0058-2017, Norge Food Lion Dumpster Enclosures

F. PUBLIC HEARINGS

1. SUP-0016-2016, 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath

Ayes: Bledsoe, Haldeman, Krapf, O'Connor, Richardson, Schmidt, Wright III

Mr. Alex Baruch, Planner, stated that Mr. Mark Richardson of Timmons Group has applied for an SUP to allow a convenience store with gas pumps and drive-through restaurant at 3000 Battery Boulevard, 7327, 7337 and 7341 Pocahontas Trail. Mr. Baruch stated that the parcels are zoned B-1, General Business and are designated Mixed Use on the 2035 Comprehensive Plan.

Mr. Baruch stated that a convenience store which sells and dispenses fuel is a specially permitted use in the B-1 Zoning District and a drive-through restaurant that generates over 100 peak-hour trips requires a commercial SUP. Mr. Baruch stated that a traffic study was completed for this proposal, which recommends the installation of one entrance/exit off Pocahontas Trail until a traffic light is warranted. At the time it is warranted, the existing entrance will become an entrance only and an additional egress only point can be built. A landscaped median along the center of Pocahontas Trail will also need to be installed or guaranteed before the first Certificate of Occupancy is issued.

Mr. Baruch stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf opened the floor for questions from the Commission.

Hearing no questions, Mr. Krapf disclosed that he had a discussion with Mr. Vernon Geddy about the proposal.

Mr. Danny Schmidt and Mr. Heath Richardson stated that they also had discussions with Mr. Geddy.

Mr. Krapf opened the Public Hearing.

Mr. Vernon Geddy, representing the applicant, stated that the applicant agreed with the staff report and the recommendation of approval to the Board of Supervisors. Mr. Geddy stated that he would be happy to answer any questions.

Mr. Krapf inquired if any of the Commissioners had questions for the applicant.

Ms. Bledsoe inquired about the parcels adjacent to the project site across Battery Blvd. and what the potential development of that area would be in the future.

Ms. Molly Trant, Riverside Hospital, stated that there is no development plan in for that parcel, but could be a commercial use such as small offices.

Ms. Bledsoe stated that she wanted to make sure it was not planned as residential because that would further add to the traffic.

Ms. Trant stated that the residential lots were further back on Battery Blvd.

Mr. Jack Haldeman asked about Condition No. 6 which deals with the removal of gas pumps and inquired if a soil sample will need to be taken to determine if any contamination or leakage has occurred.

Mr. Geddy stated that he was sure that was part of the process through the Stormwater and Resource Protection division and the applicant intends to adhere to their process.

Mr. Haldeman asked if one of the perennial streams was to be studied during a drier period and if that had been done.

Mr. Geddy stated that had not been completed at this time.

Ms. Bledsoe asked about the Sustainable Design Initiatives Special Use Permit Condition and identifying who the LEAD accredited official would be and if it was someone on staff or local.

Mr. Baruch stated that there is not anyone on County staff who is LEAD accredited, however, it is typically someone who is brought in by the applicant as a part of the project and County staff verifies their findings.

Mr. Krapf stated that he wanted to commend the applicant on including Sustainable Design Initiatives for this project.

Seeing no additional speakers Mr. Krapf closed the Public Hearing and opened the floor to the Planning Commission members for discussion.

Ms. Bledsoe made a motion to recommend approval of the application.

On a roll call vote, the James City County Planning Commission voted on a motion to recommend approval of the above-referenced application, resulting in approval (7-0).

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

Mr. Paul Holt stated that a Workforce Housing Task Force is being put together for the County and encouraged applicants to apply online to serve. Other than that item Mr. Holt had no further items to add to the report provided in the packet materials.

1. Planning Director's Report - September 2017

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. John Wright expressed his thanks to the Board of Supervisors, the Planning Commission, County Administrator Mr. Bryan Hill, and the Planning staff for their support and help over the past months during his wife's illness. Mr. Wright expressed particular thanks to Ms. Bledsoe for her unfailing support.

Ms. Bledsoe stated that she wished to recognize the impact of Hurricane Harvey on the Gulf Coast as well as the potential impacts of Hurricane Irma. Ms. Bledsoe also thanked the first responders who were providing relief efforts.

Mr. O'Connor inquired when the Norge Solar Farm case would be moving forward.

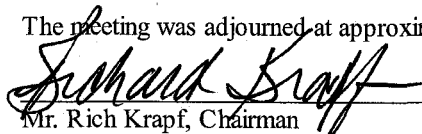
Mr. Holt responded that it was scheduled for the first meeting in October.

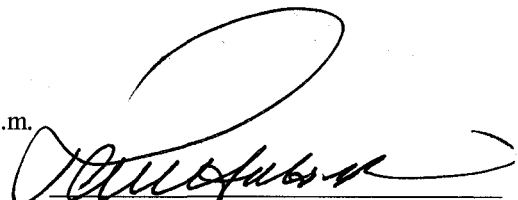
Mr. Krapf noted that Mr. Haldeman had Board of Supervisors coverage for September.

J. ADJOURNMENT

Mr. Wright made a motion to adjourn.

The meeting was adjourned at approximately 7:25 p.m.


Mr. Rich Krapf, Chairman


Mr. Paul Holt, Secretary