

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

August 21, 2024

4:00 PM

A. CALL TO ORDER

Mr. Rodgers called the meeting to order at 4 p.m.

B. ROLL CALL

Committee Members Present:

Steve Rodgers, Chair

Frank Polster

Scott Maye

Tim O'Connor

Other Commissioners Present:

Jack Haldeman

Staff Present:

Susan Istenes, Planning Director

Thomas Wysong, Principal Planner

Ben Loppacker, Planner

Will Albiston, Community Development Assistant

C. MINUTES

1. Minutes of the July 24, 2024, Regular Meeting

Mr. Rodgers stated that the adjournment time was incorrect.

Mr. Albiston stated that the adjournment time would be corrected.

On a voice vote, the Committee approved the Minutes of the July 24, 2024, Regular Meeting with the correction. (4-0)

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

Mr. Polster made a motion to hear the second New Business item first.

The motion passed unanimously. (4-0)

The minutes reflect the order of the original agenda.

1. C-24-0023 6945 Pocahontas Trail Hotel to Multifamily Conversion

Mr. Ben Loppacker, Planner, stated that Ms. Sarah McInerney with Walter Parks Architects, on behalf of Conserve Holdings, LLC, submitted a conceptual plan that proposes to rezone the properties located at 6945 and 6951 Pocahontas Trail from B-1, General Business, to MU, Mixed Use. Mr. Loppacker noted that the properties are designated Mixed Use on the Comprehensive Plan Land Use Map and are located in the Routes 60/143/199 Interchanges Mixed Use designated area. Mr. Loppacker stated that the applicant is proposing a total of 135 apartments, with 47 one-bedroom units, 46 two-bedroom units, and 42 three-bedroom units, which correspond to a density of 14.75 units per acre. Mr. Loppacker noted that the applicant has also proposed 80,000 square feet of commercial space. Mr. Loppacker stated the Comprehensive Plan states that, "the principal suggested uses for this corridor are commercial and office development, with moderate density residential development as a secondary use." Mr. Loppacker stated that the properties are located inside the PSA and are approximately 9.15 acres in size. Mr. Loppacker stated that there are some zoning issues that need to be corrected prior to any public hearing for this project.

Mr. Polster inquired if and how the parcel at 6927 Pocahontas Trail would be incorporated into the project.

Ms. Sarah McInerney, Walter Parks Architects, 313 North Adams Street, Richmond, VA, stated that it would not be involved in the project.

Mr. Geddy spoke in support of the conceptual plan.

Mr. David Walkin, Conserve Holdings, LLC, 1815 Lakewood Road, Suite 277, Toms River, NJ, spoke in support of the conceptual plan.

Ms. McInerney spoke in support of the conceptual plan.

Mr. Polster stated he was pleased with how he saw this project being in line with the Comprehensive Plan.

Mr. Polster asked Mr. Wysong how the Multiple Use Districts and Mixed Use Construction Phasing Policy would apply to this project.

Mr. Wysong stated that if the property is rezoned to MU, Mixed Use, the project would need to meet the Zoning Ordinance requirements of 80% one use and 20% the other. Mr. Wysong further stated that the Multiple Use Districts and Mixed Use Construction Phasing Policy is a Board approved policy and the rezoning would need to be consistent with that policy to contribute to a positive recommendation from staff.

Mr. Polster asked the applicants about their plans for including affordable and workforce housing in the project.

Mr. Walkin spoke to his company's other sites that contain affordable and workforce housing.

Discussion ensued regarding affordable and workforce housing.

Mr. Rodgers stated his support for workforce housing initiatives. He asked the applicants if they expected families to be attracted to the units.

Ms. McInerney stated that they are planning to offer three-bedroom units which they expect to attract families.

Mr. Rodgers noted that there may be concerns from the public about the impact of this

development on the school system.

Mr. Loppacker stated that any rezoning with a residential component requires the submission of a fiscal impact model. Mr. Loppacker also noted that the Adequate Public Schools Facilities Test Policy would factor into the staff review of a potential rezoning for this project.

Mr. O'Connor asked what the applicants expect the commercial use to be.

Mr. Walkin stated that they would check with a leasing broker with regard to where the demand is to determine what uses the commercial space could expect.

Ms. McNerney stated that there is an existing restaurant space on the property that she believed is being underutilized.

Mr. Haldeman stated that his understanding was that the current footprint of the buildings is not proposed to change. He asked the applicants if that was correct.

Ms. McNerney and Mr. Walkin stated that his understanding was correct.

Mr. Walkin stated that they also intended to maintain the theme centered around Fort Magruder.

Mr. O'Connor asked about issues with conforming to setback requirements.

Mr. Loppacker stated that the determination if the project will meet setback requirements is ultimately up to the Planning Director.

Mr. Wysong noted that the project as proposed did not meet the parking requirements.

Mr. Wysong and Ms. McNerney discussed the parking requirements and how they apply to this project.

Mr. Wysong noted that there is no waiver or variance process that is available for the parking requirements. Mr. Wysong noted that the parking requirements are found in the Zoning Ordinance and that they must be met before a potential rezoning is able to go to a public hearing.

Mr. Wysong stated that the Comprehensive Plan has a Goals, Strategies, and Actions initiative to develop a new zoning designation that would simplify motel-to-apartment conversions. He noted that was included in the Comprehensive Plan because the Zoning Ordinance often has requirements that projects similar to this one are unable to meet.

Mr. O'Connor stated that he thought it was a great adaptive reuse project but that there were obstacles.

2. C-24-0040. 3026 Forge Road Subdivision/R-6 Rezoning Conceptual Plan

Mr. Thomas Wysong, Principal Planner, stated that Ms. Meg Payne submitted a conceptual plan for a proposed rezoning at 3026 Forge Road. Mr. Wysong stated the parcel is zoned A-1, General Agricultural, designated Low Density Residential on the Comprehensive Plan Land Use Map, is located inside the Primary Service Area (PSA), and is approximately 50.83 acres. Mr. Wysong noted that Forge Road is a Community Character Corridor (CCC), and a small portion of the property is within the Toano Community Character Area (CCA).

Mr. Wysong stated that the applicant's proposal is to rezone the property to the R-6, Low Density Residential Zoning District, for the purpose of creating a five-lot agricultural subdivision which

would preserve existing farmland on the property. Mr. Wysong stated that staff does not find any consistency issues with the Comprehensive Plan.

Mr. Polster asked Mr. Wysong to show the location of the planned preservation of the existing farmland on the property.

Mr. Wysong displayed the Project Narrative document which depicts an area labeled Open Pasture at the front of the property along Forge Road. Mr. Wysong noted that he was unsure if that area would be managed by the Lot 1 property owner, a home owners association, or some third option. He also noted that the applicants have considered the potential for agriculture operations on the other parcels as well. Mr. Wysong stated that the R-6, Low Density Residential Zoning District, permits agriculture except for the keeping of hogs by-right.

Mr. Wysong stated that the A-1, General Agricultural Zoning District, the minimum lot size is 20 acres, meaning that the property could presently be subdivided into two parcels. Mr. Wysong noted that rezoning the property to the R-6, Low Density Residential Zoning District, would decrease the minimum lot size while keeping agriculture as a permitted use.

Mr. Polster stated that he thought this was a good concept and that he appreciated the layout, especially at the front of the property.

Mr. Rodgers asked Mr. Wysong to explain the minimum lot size Ordinance and the rezoning process to achieve the R-6 minimum lot size for this property.

Mr. Wysong stated that every zoning district has a minimum lot size and when a new lot is created it must meet the minimum lot size of its zoning district. Mr. Wysong stated that the minimum lot size for any new lots created from this property, which is in the A-1 Zoning District, is 20 acres. Mr. Wysong stated that because the property is approximately 50.83 acres it could only be subdivided into two lots. Mr. Wysong stated that if the property is rezoned to the R-6 Zoning District it would be subject to a lot size that would allow for the proposed layout.

Mr. Polster asked who would be responsible for the maintenance of the shared driveway.

Mr. Wysong responded that ideally a shared driveway agreement would be created dividing the responsibility evenly.

Mr. Wysong stated that because the property is designated Low Density Residential on the Comprehensive Plan Land Use Map a rezoning with the intention to subdivide this property into 50 lots would be consistent with the Comprehensive Plan's density recommendation of up to one unit per acre in Low Density Residential designated areas. Mr. Wysong noted that the applicant's proposal is 90% less dense than that possibility.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, spoke in support of the conceptual plan.

Mr. Jacob Payne, 3026 Forge Road, spoke in support of the conceptual plan.

Mr. Rodgers asked if other properties along Forge Road could pursue similar plans based on their designations.

Mr. Wysong stated that unlike the vast majority of properties on Forge Road, which are designated Rural Lands, this property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Mr. Wysong stated that residential development is not a recommended use for Rural Lands in the Comprehensive Plan.

Mr. Polster asked what ensures that this proposal would happen rather than a denser proposal after the property is rezoned to R-6, Low Density Residential.

Mr. Wysong stated that a master plan is required to be submitted and approved alongside the rezoning. He further stated that if the applicants were willing to they could commit to the lot layout and number of units via the master plan.

Mr. Rodgers asked if there were other nearby properties with similar size and designation where a similar project would receive a similar staff assessment based on the Comprehensive Plan and County Ordinance.

Mr. Wysong stated that he was unaware of other nearby properties of similar size within the PSA and designated Low Density Residential on the Comprehensive Plan Land Use Map which were the qualities that made this proposal likely to receive a positive recommendation from staff.

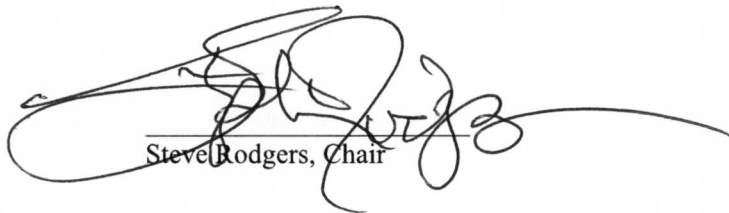
Mr. Wysong noted that the proposed lots were allowed to be served by private water and sewer although it is within the PSA because it is under the minimum number of lots that requires public water and sewer.

Mr. Polster, Mr. Rodgers, and Mr. Maye noted their support for the conceptual plan.

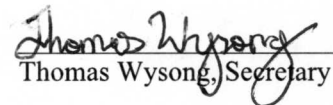
F. ADJOURNMENT

Mr. Polster made a motion to Adjourn the meeting.

On a voice vote, the meeting was adjourned at approximately 4:53 p.m.



Steve Rodgers, Chair



Thomas Wysong, Secretary