

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 3, 2019
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

F. PUBLIC HEARINGS

1. SUP-19-0011. 5026 River Drive Tourist Home

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - July 2019

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 7/3/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-19-0011. 5026 River Drive Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff report	Staff Report
▣	Attachment No. 1. Location Map	Exhibit
▣	Attachment No.2. Proposed SUP Conditions	Backup Material
▣	Attachment No. 3. Applicant's Narrative	Backup Material
▣	Attachment No. 4. Master Plan Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	6/21/2019 - 5:35 PM
Planning Commission	Holt, Paul	Approved	6/21/2019 - 5:35 PM
Publication Management	Burcham, Nan	Approved	6/24/2019 - 7:39 AM
Planning Commission	ComSecretary, Planning	Approved	6/26/2019 - 2:59 PM

SPECIAL USE PERMIT-19-0011. 5026 RIVER DRIVE TOURIST HOME

Staff Report for the July 3, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Ms. Anne McCann
Land Owner:	Cypress Point LLC
Proposal:	To allow for the short-term rental of an entire three-bedroom residential home (Tourist Home)
Location:	5026 River Drive
Tax Map/Parcel No.:	0930300004
Project Acreage:	± .51 acre
Zoning:	A-1, General Agricultural
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside
Staff Contact:	Jose Ribeiro, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	July 3, 2019, 6:00 p.m.
Board of Supervisors:	August 13, 2019, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, *Toward 2035: Leading the Way*.
3. The site provides adequate parking exceeding the required minimum of three parking spaces.
4. The applicant has acknowledged that, should this application be granted, she will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.

FACTORS UNFAVORABLE

With the attached Special Use Permit (SUP) conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

- The proposal would allow for the short-term rental of an existing three-bedroom home as a Tourist Home. According to the applicant, the short-term rental will allow guests to stay on the property for no less than two days but no longer than two weeks. The property is located within Cypress Point subdivision. Access to the property is on a paved portion of River Road and Laurel Lane. The property's driveway is asphalt and has adequate space to park the minimum parking requirement of three cars. This SUP request includes no changes to the size or footprint of the home.
- The Zoning Ordinance defines a Tourist Home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients."

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-19-0011. 5026 RIVER DRIVE TOURIST HOME

Staff Report for the July 3, 2019, Planning Commission Public Hearing

- The proposed conditions limit the number of bedrooms available for rental to three since there are three bedrooms in the existing home. Any future expansion to include a fourth bedroom would require an SUP amendment.

PLANNING AND ZONING HISTORY

- On 1983, the Board of Supervisors approved an SUP for the placement of a mobile home, which is still the existing home in the property.
- According to the applicant, this property has been previously offered for rent in the rental market. Recently the applicant contacted planning staff and submitted a conceptual plan and an SUP application for the proposed short-term rental use of the property.

SURROUNDING ZONING AND DEVELOPMENT

This property is located within Cypress Point subdivision and zoned A-1. The property borders Diascund Creek to the North and adjacent properties to the south, east and west are all single-family lots zoned A-1, General Agricultural. Residential lots within this subdivision have areas less than the current minimum requirement of three acres. This is due to the fact that Cypress Point was developed in the late 1950s prior to enactment of the zoning regulations in 1969.

COMPREHENSIVE PLAN

- The site is designated Rural Lands on the adopted Comprehensive Plan Land Use Map. Appropriate primary uses include traditional agricultural and forestal activities, but also uses such as agri-tourism, rural support business, and rural-based public or commercial recreation. Staff finds this use to generally fit within

these categories as nearby lodging options could support agri-tourism or eco-tourism uses in the Rural Lands.

- The development standards state that non-agricultural/non-forestal uses should be sited to minimize impacts or disturbance to agricultural and forestal uses, open fields, and important agricultural/forestal soils and resources. Staff finds the use to be consistent given that the proposal will take place within existing structures and there are no forested and/or agricultural resources on the property or which would be otherwise impacted.

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

- *Streets:* No impacts anticipated. The Virginia Department of Transportation has reviewed this application and has no objections.
- *Environment:* No impacts anticipated. The Stormwater and Resources Protection Division has reviewed this application and has no objections. No new impervious surface is proposed as part of this SUP request.
- *Services:* No impacts anticipated. The Health Department has reviewed this application and has no objections as long as occupancy does not exceed six persons at a time.

2. Anticipated Impact on Nearby and Surrounding Properties:

- Given that the proposed would not result in any changes to the site or footprint of the home, and given the proposed SUP conditions, no impacts are anticipated.

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- Adjacent property to the east, at 5028 River Drive is currently vacant, and there is some vegetation separating the property from the adjacent property to the west at 5024 River Drive.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 2.

STAFF RECOMMENDATION

Staff finds the proposal compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

SUP19-11RvrDrTH

JR/md

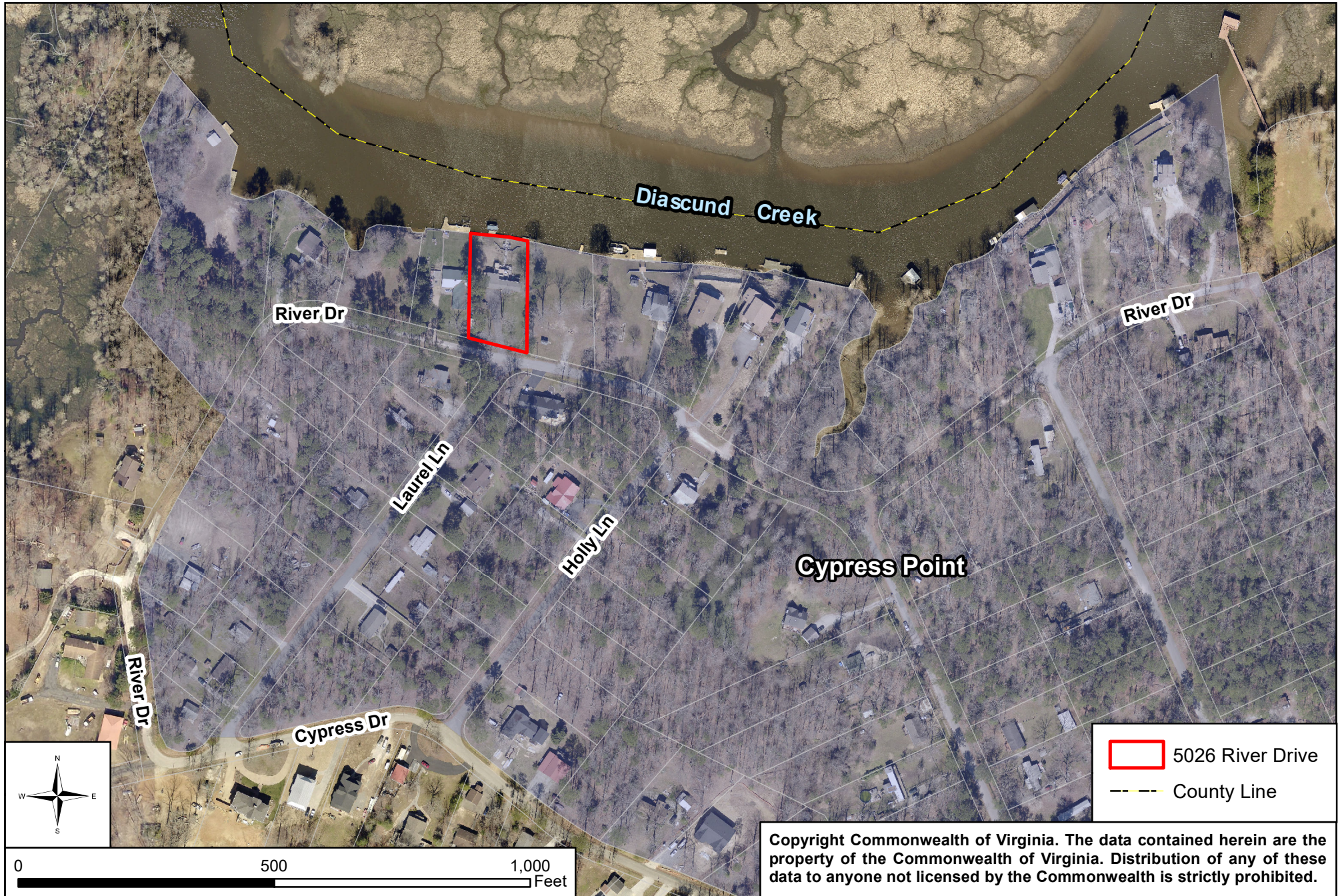
Attachments:

1. Location Map
2. Proposed SUP Conditions
3. Applicant Narrative
4. Master Plan Exhibit

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

JCC SUP-19-0011

5026 River Drive Tourist Home



Draft Conditions – SUP-19-0011, 5026 River Drive Tourist Home

1. **Master Plan.** This SUP shall permit a tourist home on property located at 5026 River Drive and further identified as James City County Real Estate Tax Map Parcel No. 0930300004 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “SUP-19-0011, 5026 River Drive Tourist Home” and date stamped April 08, 2019 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. **Commencement.** An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP or this SUP shall become void.
3. **Number of rental rooms and occupants.** There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
4. **Contracts per rental period.** There shall not be simultaneous rentals of the Property under separate contracts.
5. **Signage.** No signage related to the tourist home shall be permitted on the Property.
6. **Parking.** Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles such as, but not limited to, buses and commercial trucks and trailers, associated with rental occupants of the tourist home, shall be allowed to park on the Property.
7. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

RE: 5026 River Dr., Lanexa, VA 23089
Owner: Cypress Point LLC
Manager: Anne M. McCann

CONCEPTUAL PLAN for a Tourist Home

This property is a .505 acre lot situation on Diascund Creek with bulkhead and boat lifts. The bulk head was restored in 2009 which resulted in the elimination of a large dock and the installation of a new vinyl bulkhead and a separate retaining wall. This is mentioned because the work was a project permitted in James City County and approved by the Corp. of Engineers (documents provided).

The house is in-between 5024 and 5028 River Dr. The owners of 5024 River Dr. approve of the use of the dwelling as a tourist home. The recent dwelling on 5028 River Dr. was demolished and it is currently a vacant lot.

The dwelling is a 900 sq. ft. mobile home covered with a shingled roof and built out with an attached screened porch and decking. It is fully furnished with 3 bedrooms, 2 bathrooms, kitchen and den. It is considered a rental, cottage or Summer home.

The access to the property is on a paved portion of River Rd. at the intersection of River Rd. and Laurel Lane. The driveway is asphalt paved and wide enough for 3 cars to park side-by-side. It is lengthy enough for four cars to park from the house to the street.

The property is ideal for use by tourists who appreciate the privacy, natural surroundings, the water view and the proximity to the Williamsburg/Jamestown area.

There are strict rules to follow for the use of the dwelling, parking and the number of guests. No private parties, special events or other visitors are allowed.

Guests are screened through AirBnb's website, which administers to the identification and financial transactions. As a tourist Home for AirBnB guests visits are to be no less than 2 days but no longer than 2 weeks. No more than one reservation at any time for the use of the entire property 6 guests and 3 cars. No food or drinks are provided but guests have access to the amenities available to store and cook their own food.

AirBnb provides \$1,000,000 of insurance coverage for property damage.

The operation of a tourist home will generate revenue for the county and state as well as assist the owners in the maintenance of the property.

Respectfully submitted,

Anne M. McCann

SUP-19-0011, 5026 River Drive Tourist Home

Property Information

0930300004
CYPRESS POINT LLC
5026 River Drive
Williamsburg, VA 23089
Zoning: A1, General Agriculture
Comp. Plan: Rural Lands
Acres: ±0.51

General Notes

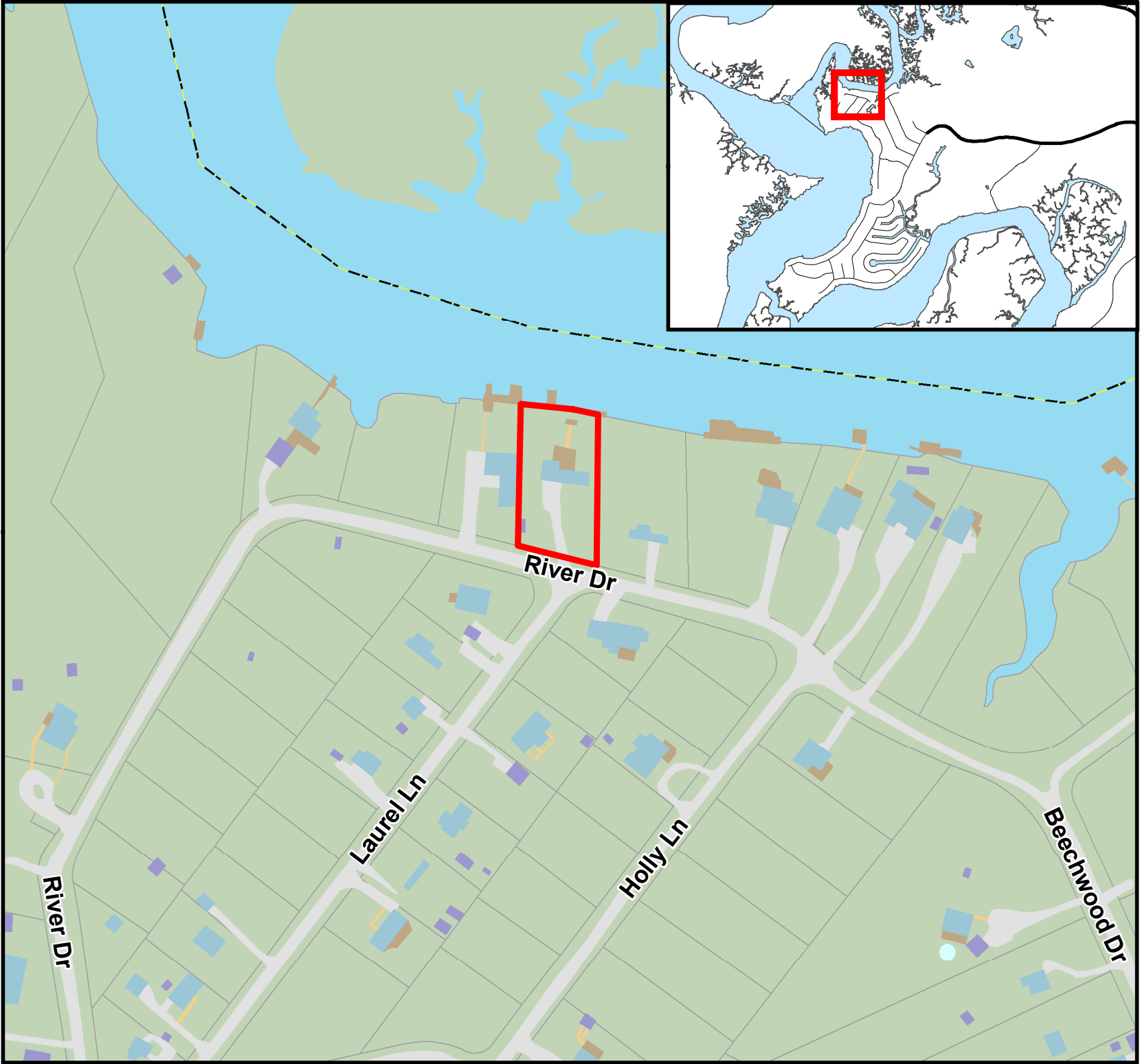
1. Site is not served by public water and sewer.
2. A portion of the property is located in the special flood hazard area per FEMA FIRM 51095C0019D dated 12/16/15.
3. The property appears to contain Resource Protection Area.
4. The property has an existing driveway.
5. Three parking spaces shall be provided.

Adjacent Properties

0930300003 James C. Miller 5024 River Drive Williamsburg, VA 23089 A1, General Agriculture	0930300005 Bonnie J. McSherry 5028 River Drive Williamsburg, VA 23089 A1, General Agriculture
0930200009 Benjamin G. Howard 5016 Laurel Lane Williamsburg, VA 23089 A1, General Agriculture	0930200027 Timothy A. Fox 5017 Laurel Lane Williamsburg, VA 23089 0930200027

Sheet Index

1. Cover Page
2. Site Photos



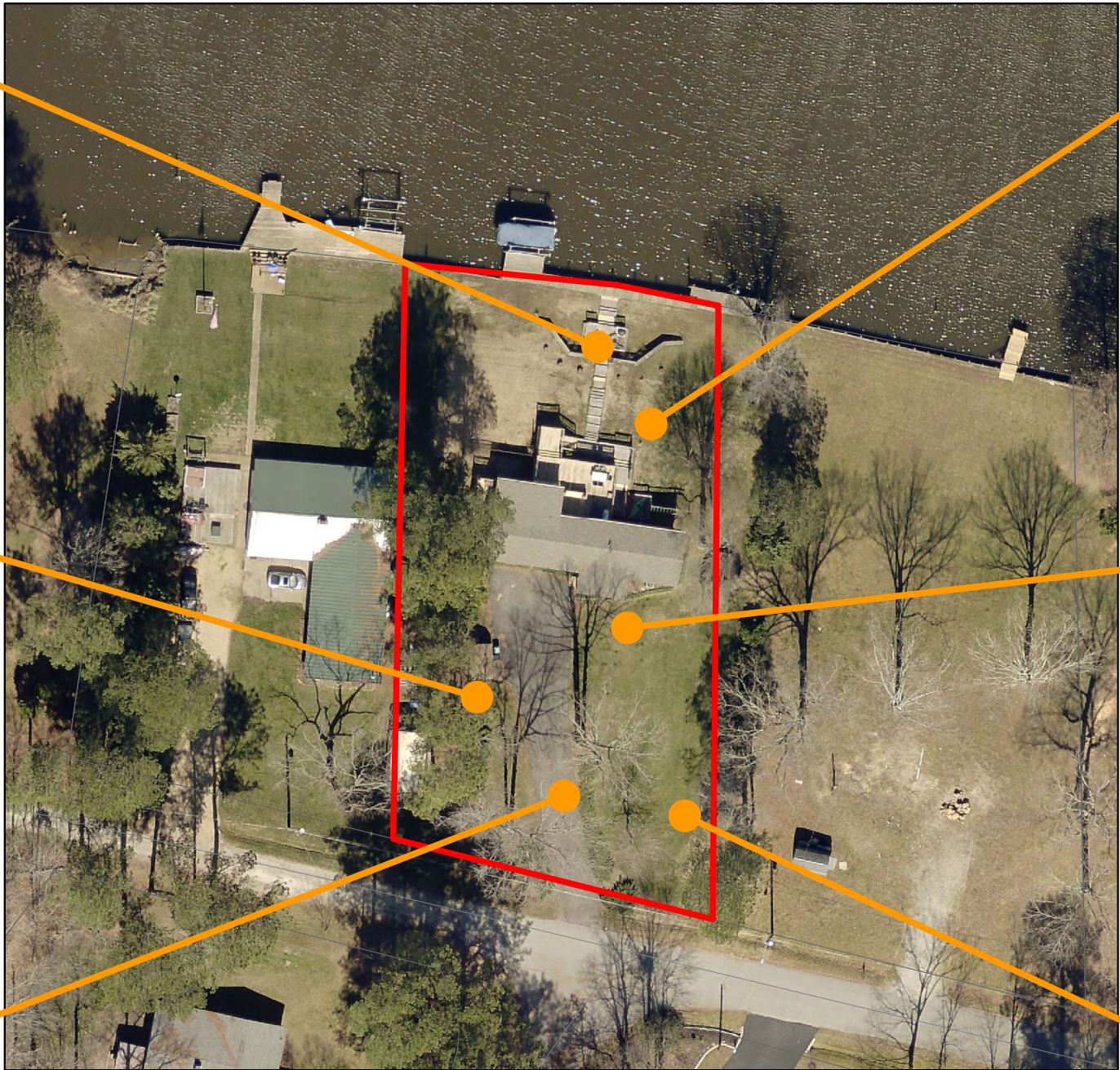
Maps Not To Scale

PLANNING DIVISION

April 8, 2019

RECEIVED

JCC SUP-19-0011
5026 River Drive Tourist Home



ITEM SUMMARY

DATE: 7/3/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - July 2019

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Applications Received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	6/26/2019 - 2:40 PM
Planning Commission	ComSecretary, Planning	Approved	6/26/2019 - 2:41 PM
Publication Management	Daniel, Martha	Approved	6/26/2019 - 2:54 PM
Planning Commission	ComSecretary, Planning	Approved	6/26/2019 - 2:56 PM

PLANNING DIRECTOR'S REPORT July 2019

This report summarizes the status of selected Department of Community Development activities during the past month.

- **Planning**

- **Monthly Case Report:** For a list of all cases received in the last month, please see the attached documents.

- **Board Action Results:**

- **June 11, 2019**

- SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion (Approved 5-0)
- Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments (Deferred to the July 9, 2019 Board of Supervisors Meeting)
- HW-19-0001. Busch Gardens Height Waiver 2019 (Approved 5-0)

- **Random Acts of Kindness**

Paying forward a random act of kindness, Planning and Zoning staff delivered bags of home-baked treats and candy to staff at Social Services and the Olde Towne Medical and Dental Center. There were smiles all around delivering and receiving kindness. If you can be anything, be kind!

#WMBGkind



New Cases for July 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Conceptual Plan	C-19-0048	8751 Pocahontas Rezoning & Vape Shop	8751 POCAHONTAS TRL	Conceptual plan to rezone 8751 Pocahontas Trail for a Vape Shop use.	Roberta Sulouff	Roberts
	C-19-0049	6096 Centerville Rd Short Term Rental	6096 CENTERVILLE RD	Conceptual plan for short term rental use at 6096 Centerville Road.	Alex Baruch	Powhatan
	C-19-0050	2894 Lake Powell Road Two Dwellings	2894 LAKE POWELL RD	Conceptual plan for the use of two dwellings at 2894 Lake Powell Road.	Thomas Leiningner	Roberts
	C-19-0052	2635 Lake Powell Rd BLA	2635 LAKE POWELL RD	Conceptual plan to adjust boundary lines between 4 lots at 2635 Lake Powell Road.	Thomas Wysong	Roberts
	C-19-0053	132 Racefield Dr Additional Dwelling	132 RACEFIELD DR	Conceptual plan to add a second dwelling at 132 Racefield Drive.	Alex Baruch	Stonehouse
	C-19-0054	1324 & 1326 Jamestown Road Dollar General	1324 JAMESTOWN RD	Conceptual plan to construct a Dollar General at 1324 & 1326 Jamestown Road.	Tori Haynes	Roberts
Subdivision	S-19-0037	3640 News Rd Subdivision	3640 NEWS RD	Subdivision of 3640 News Road to create 3 lots for existing dwellings.	Thomas Wysong	Powhatan
	S-19-0040	8401 Croaker Road Courthouse Plat	8401 CROAKER RD	Courthouse plat for 8401 Croaker Road and 4707 Ware Creek Road boundary lines.	Tori Haynes	Stonehouse
	S-19-0042	The Promenade at John Tyler Phase 47	99 PROMENADE LN	Courthouse plat for The Promenade at John Tyler Phase 47.	Jose Ribeiro	Berkeley
	S-19-0045	The Promenade at John Tyler Phase 48	99 PROMENADE LN	Courthouse plat for The Promenade at John Tyler Phase 48.	Jose Ribeiro	Berkeley
	S-19-0047	The Promenade at John Tyler Phase 49	99 PROMENADE LN	Courthouse plat for The Promenade at John Tyler Phase 49.	Jose Ribeiro	Berkeley
	S-19-0048	New Town Sec. 7, Parcel C - BLA	4338 CASEY BLVD	Boundary line adjustment of lots for 4334, 4336 and 4338 Casey Boulevard.	Jose Ribeiro	Jamestown
	S-19-0049	Governor's Grove at Five Forks, Phase 16B - Courthouse Plat	4360 JOHN TYLER HWY	Courthouse plat for Governor's Grove at Five Forks Phase 16B.	Ellen Cook	Berkeley
Site Plan	SP-19-0044	Kingspoint Recreation Center Pavilion SP Amend.	119 NORTHPOINT DR	Site plan amendment to add a pavilion on existing pool deck at the Kingspoint Recreation Center.	Jose Ribeiro	Roberts
	SP-19-0047	121 Leisure Road, Luxterra Electric Inc.	121 LEISURE RD	Site plan for Luxterra Electric Inc. at 121 Leisure Road to comply with SUP-18-0027.	Scott Whyte	Stonehouse
	SP-19-0049	Warhill High School Parking Lot Connection SP Amend.	4615 OPPORTUNITY WAY	Site plan amendment to add a parking lot connection at Warhill High School.	Tori Haynes	Powhatan
Subdivision Construction Plan	SPLN-19-0001	Colonial Heritage Ph. 3 Sec. 2 Construction Plan Amend.	6799 RICHMOND RD	Subdivision construction plan amendment for Colonial Heritage Phase 3 Section 2.	Alex Baruch	Stonehouse
Special Use Permit	SUP-19-0011	5026 River Drive Tourist Home	5026 RIVER DR	Special use permit for tourist home use at 5026 River Drive.	Jose Ribeiro	Powhatan