

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
August 7, 2019
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the June 5, 2019 Regular Meeting
2. Minutes of the July 3, 2019 Regular Meeting

F. PUBLIC HEARINGS

1. SUP-19-0014. 6096 Centerville Road Tourist Home
2. SUP-19-0015. 4440 Ironbound Road Tourist Home

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2019

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 8/7/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the June 5, 2019 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the June 5, 2019 Regular Meeting	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	7/30/2019 - 1:22 PM
Planning Commission	Holt, Paul	Approved	7/30/2019 - 1:30 PM
Publication Management	Daniel, Martha	Approved	7/30/2019 - 2:13 PM
Planning Commission	Holt, Paul	Approved	7/30/2019 - 2:14 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 5, 2019
6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Danny Schmidt
Frank Polster
Odessa Dowdy

Planning Commissioners Absent:

Julia Leverenz

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Tom Leininger, Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Development Review Committee (DRC) met at 4 p.m. on May 22, 2019. Mr. Polster stated that there was no quorum and, therefore, no business was discussed. Mr. Polster stated that on recommendation of the Deputy County Attorney, the meeting was adjourned until the regularly scheduled DRC meeting on June 19 at 4 p.m. and the Chair would request that the Planning Director call for a special DRC meeting on June 5 at 5 p.m. to hear C-19-0036. 8770 Croaker Road - Overhead Utility Waiver and C-18-0082. 7082 Menzels Road Subdivision.

Mr. Polster stated that a meeting of the DRC was convened just prior to this meeting at 5:00 p.m. Mr. Polster stated that the Committee approved Case No. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver, 4-0 and Case No. C-18-0082. 7082 Menzels Road subdivision, Lot 1, 4-0 and Lot 2, 3-1.

Mr. Rich Krapf stated that he would provide the Policy Committee report in Ms. Leverenz' absence. Mr. Krapf stated that the Policy Committee met at 4:00 p.m. on May 9, 2019. Mr.

Krapf stated that the Committee discussed issues and options for amending the County's Ordinance for wireless communication facilities. Mr. Krapf noted that the General Assembly passed legislation that affects deployment of small cell facilities and specifies which types of projects may be processed administratively. Mr. Krapf stated that Committee discussion focused on how best to incorporate the required changes in the existing Ordinance. Mr. Krapf stated that given the rapid changes in technology and the likelihood that wireless communications will be a subject of the upcoming Comprehensive Plan review, the Committee agreed with staff to make limited changes now, sufficient to meet the state requirements. Mr. Krapf stated that staff will propose draft amendments to the Ordinance for Stage II review at a future meeting.

Mr. Krapf stated that staff discussed recent changes to the Code of Virginia, which appear to address the concerns that caused the County to decide in 2016 not to accept further residential proffers. Mr. Krapf stated that in response to an Initiating Resolution by the Board of Supervisors, staff has studied the Code changes and are evaluating the effect on the County. Mr. Krapf stated that in anticipation of being able to use proffers as a tool again, staff proposed reversing the 2016 change to Section 24-16 of the Zoning Ordinance.

Mr. Krapf stated that in response to a request by the DRC following an applicant requested a waiver of the County's Ordinance requiring underground utilities to a temporary construction office, staff proposed language that would allow the Director of Planning to waive the requirement if appropriate. Mr. Krapf stated that future requests could be administrative, at the discretion of the Planning Director, if the amendment passes. Mr. Krapf stated that the proposed amendment inserts the following in Section 24-111 – Temporary offices:

If the Director of Planning finds that it is not practicable for the application to meet the requirements of Section 24-200, then such requirements shall not apply to the temporary office, provided that all other provisions of this section are met.

Mr. Krapf stated that the Committee voted to recommend approval of this amendment to the Planning Commission.

E. CONSENT AGENDA

Mr. Krapf stated that he would abstain from voting on the May 1, 2019 Minutes because he was absent for that meeting.

Mr. Haldeman noted that he was absent as well.

Mr. Polster made a motion to approve the Consent Agenda.

On a voice vote the Commission approved the Consent Agenda.

1. Minutes of the May 1, 2019 Regular Meeting
2. Proposed amendment to the meeting calendar
3. Development Review Committee Action Item: Case No. C-19-0036. 8770 Croaker Road - Overhead Utility Waiver
4. Development Review Committee Action Item: Case No. C-18-0082. 7082 Menzels Road Subdivision

F. PUBLIC HEARINGS

1. SUP-19-0010. Norge Dental Center Expansion

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, O'Connor, Polster, Schmidt

Absent: Leverenz

Mr. Thomas Leininger, Planner, stated that Adam Pratt of Kaufman & Canoles, PC applied for a Special Use Permit (SUP) to allow an expansion of 3,000 square feet to the existing Norge Dental Center site located at 7450 Richmond Road. Mr. Leininger stated that the property is zoned A-1, General Agricultural and designated Low Density Residential and is located inside the Primary Service Area (PSA).

Mr. Leininger stated that the expansion will add up to eight treatment rooms to the existing facility, 25 parking spaces and a storage building. Mr. Leininger stated that the project also proposes a boundary line adjustment with the property located at 127 Peach Street.

Mr. Leininger stated that medical clinics are a specially permitted use within the A-1 Zoning District.

Mr. Leininger stated that some of the SUP conditions include keeping consistent with the previous SUP design requirements, increased landscaping and a bike lane along the front of the property.

Mr. Leininger stated that currently, the Norge Dental Center has 16 treatment rooms for five dentists. Mr. Leininger noted that the site has 44 off-street parking spaces.

Mr. Leininger stated that the Board of Supervisors approved an SUP on December 11, 2001 to allow for a 10,500-square-foot dental clinic.

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

Mr. Krapf inquired if the applicant's concern about SUP Condition No. 6 for a bike lane has been resolved.

Mr. Leininger stated that the subject is still under discussion.

Mr. Haldeman inquired if any of the proposed bike lane on the westbound side of Richmond Road between Croaker Road and the applicant's property has been constructed.

Mr. Leininger stated that the bike lane has not been constructed but is shown on the adopted Regional Bikeways Plan.

Mr. Holt noted that the bike lane from Croaker Road is part of the Croaker Road Widening project. Mr. Holt noted that the bike lane would extend approximately to the Norge Plaza.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Greg Davis, Kaufman & Canoles, PC, 4801 Courthouse Street, made a presentation to the Commission on the proposed expansion. Mr. Davis provided an overview of the Dental Center operations and the need for the expansion. Mr. Davis noted concerns about the bike lane requirement and illustrated the site constraints on the property that would make the bike lane prohibitively costly for a small business owner. Mr. Davis requested that the Commission recommend approval of the application without the SUP Condition requiring the bike lane.

Mr. Haldeman noted that the rear of the property slopes and inquired if the plan was to build up the area to be level or to keep the existing slope.

Mr. Chase Grogg, LandTech Resources, 3125 Midlands Road, stated that it would retain the existing slope and have a new Best Management Practice (BMP) for stormwater treatment.

Mr. Haldeman inquired if it would be possible to locate the bike lane between the drainage ditch and the sidewalk.

Mr. Grogg stated that the requirement is for the bike lane to be attached to the edge of the pavement.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf noted that the desired connectivity for the Norge area would be difficult to achieve given that each parcel would have the same drainage and utilities issues. Mr. Krapf inquired if the applicant and staff had been able to hold fruitful discussions on the issue and how will staff address these same issues for future applications.

Mr. Holt stated that it would be the same as any development having to work through the utilities and stormwater issues as the development prepares to come on-line. Mr. Holt further stated that other than the few and far between road improvement projects, this is how bike and pedestrian accommodations are implemented. Mr. Holt stated that every site is different but the premise is the same that it would be part of the cost of development. Mr. Holt further stated that the Zoning Ordinance does not have provisions to take the cost into account.

Mr. Polster stated that the bike lane for Oakland Pointe will be on the eastbound side of Richmond Road and inquired why the bike lane is needed on the westbound as well.

Mr. Holt stated that it is to allow cyclists to ride with the flow of traffic. Mr. Holt noted that this is especially important since the facility is adjacent to the road and not separated like a multiuse path.

Mr. O'Connor noted that the Zoning Ordinance allows developers to provide cash in lieu of sidewalks and inquired if there was a similar provision for the bike lanes.

Mr. Holt stated that this would be something that is determined at the site plan stage.

Mr. Schmidt stated that this business provides a valuable service to the community and that the cost of installing the bike lane could prohibit the necessary expansion. Mr. Schmidt stated that he is a proponent of the Regional Bikeways Plan and would like to see more connectivity; however, it is a difficult decision in this situation.

Mr. Polster inquired if VDOT would be required to do the same for the Croaker Road improvements.

Mr. Holt stated that there would be a lot of utility relocation for that project.

Mr. Krapf inquired if the dental clinic was in the path of the Croaker Road project.

Mr. Holt stated that it was adjacent but would stop at Norge Lane.

Mr. Krapf inquired if the applicant has the option to meet the SUP condition by putting money against the Regional Bikeways Plan.

Mr. Holt stated that there is a provision; however, it is not an equal option and would be triggered at the site plan stage when engineering and site restraints bear out that it is not possible to install the bike lane. Mr. Holt further stated that there are stringent criteria that must be met.

Mr. Krapf inquired if there were a way for the Commission to recommend approval of the application with a caveat that further consideration be given to Condition No. 6 and allow the applicant and staff to develop an acceptable alternative.

Mr. Holt stated that staff would be happy to meet with the applicant; however, prescribing a looser SUP condition might make it unclear to the applicant what they are required to do.

Mr. Davis stated that the Zoning Ordinance does not require the bike lane to be an SUP condition; it is a requirement for site plan approval. Mr. Davis further stated that the Planning Director is empowered to waive the bike lane if the Board of Supervisors approves a master plan and an SUP without the condition. Mr. Davis further stated if the Commission made a recommendation and the Board agreed, there is still the Ordinance requiring the bike lane and the Planning Director has the discretion to waive the requirement.

Mr. Holt stated that if the Board adopts the master plan with the bike lane, then the Planning Director would not be able to waive the requirement. Mr. Holt further stated that when the site plan is submitted, it will have to be consistent with the Board's approval.

Mr. O'Connor inquired if there were an alternative, such as widening the existing sidewalk that would be acceptable to the applicant and staff.

Dr. Timothy Johnston, Applicant, 610 Colony Trail, stated that the right-of-way drops to create the ditch, then rises to the sidewalk level and drops again to create the BMP. Dr. Johnston further stated that when Norge Dental Clinic was built, all the requirements were met, but now the requirements are being changed and there were no allowances originally made for change. Dr. Johnston stated that there is no way to meet the requirement without relocating all the underground and overhead utilities. Dr. Johnston noted that this would be incongruous with the utilities for the adjacent properties.

Mr. Davis noted that, in response to Mr. O'Connor's question, there was no room to widen the sidewalk.

Dr. Johnston stated that the initial development of the site had been carefully designed to make everything fit and no one anticipated that there would be requirements for a bike lane. Dr. Johnston further stated that due to the site constraints, installation of a bike lane would be cost prohibitive and bring the project to a standstill.

Mr. Schmidt noted that unless the adjacent property were to change hands and become a

commercial property, there would be nothing to trigger installation of a further segment of the bike lane.

Mr. Krapf stated that he is extremely supportive of the application the expansion of a local business. Mr. Krapf stated that his dilemma is setting a precedent for the other parcels along the corridor that would be subject to the Regional Bikeways Plan as they are developed.

Mr. Schmidt stated that the difficulty with the Regional Bikeways Plan is that residential property owners will not be able to install a bike lane.

Mr. Krapf stated that the only way those gaps would be connected is if the Virginia Department of Transportation (VDOT) had a road improvement project along the corridor.

Ms. Dowdy stated that if the matter had not come up with the current application, it would have come up for some other development. Ms. Dowdy noted that the Regional Bikeways Plan is problematic in certain instances and the issues need to be addressed.

Mr. O'Connor stated that it is problematic from Lightfoot to Toano. Mr. O'Connor further noted that requiring bike lanes may not be a reasonable expectation due to the existing curb, gutter, and utilities.

Mr. Schmidt noted that the cost decreases exponentially when longer segments are done at the same time and perhaps should be publicly funded.

Mr. Krapf inquired if the Regional Bikeways Plan has a build out date.

Mr. Holt stated that it is an open-ended project.

Mr. Krapf noted that as part of the drainage improvements in Toano being funded through the Capital Improvements Program (CIP), has been designed as part of a traffic calming plan which reduces the width of the travel lanes and uses the remainder as bike lanes. Mr. Krapf stated that the Commission is not so much overturning the Regional Bikeways Plan, but recognizing that the implementation requires public funding. Mr. Krapf stated that he feels it is not reasonable to require property owners to relocate utilities. Mr. Krapf stated that since there is not a defined build-out date for the Regional Bikeways Plan, the bike lane would remain, but not be constructed until such time as it is part of a road improvement project in the area.

Mr. Polster stated that there needs to be more thought about what the vision is for Norge. Mr. Polster noted that he is also struggling with the application of the requirement to a small business owner.

Mr. Haldeman noted that traffic studies indicate that the traffic along this portion of Richmond Road has already been identified as needing improvement. Mr. Haldeman further noted that the study did not factor in potential residential development and yet shows the traffic counts doubling by 2035. Mr. Haldeman noted that there is no room to improve Richmond Road and that failure would be catastrophic.

Mr. Krapf made a motion to recommend approval of the application without SUP Condition No. 6.

Mr. Polster inquired if this was a recommendation to the Board to exclude SUP Condition No. 6.

Mr. Holt confirmed.

On a roll call vote the Commission voted to recommend approval of SUP-19-0010, Norge Dental Center Expansion without SUP Condition No. 6 to the Board of Supervisors. (6-0)

2. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

A motion to Deny was made by Frank Polster, the motion result was Failed.

AYES: 2 NAYS: 4 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Polster

Nays: Dowdy, Krapf, O'Connor, Schmidt

Absent: Leverenz

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

AYES: 4 NAYS: 2 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Krapf, O'Connor, Schmidt

Nays: Haldeman, Polster

Absent: Leverenz

Mr. Holt stated that on September 13, 2016, the Board of Supervisors adopted Case No. ZO-0008-2016 (Ordinance No. 31A-304) which amended the Zoning Ordinance to state that the County would no longer accept proffers for applications for any portion of a rezoning application that included a residential component. Mr. Holt stated that this was in reaction to Senate Bill 549 which was passed and approved during the 2016 General Assembly session.

Mr. Holt stated that on March 5, 2019, the General Assembly's changes to Section 15.2-2303.4 of the Code of Virginia were approved by the Governor of Virginia and enacted as Chapter 245 of the Acts of Assembly ("Chapter 245"). Mr. Holt stated that upon review, the adopted changes in State Code appear to address many of the concerns stated by the Board when it adopted Ordinance No. 31A-304.

Mr. Holt stated that accordingly, on April 9, 2019, the Board of Supervisors adopted an Initiating Resolution directing staff to more thoroughly consider the effects of Chapter 245 and recommend any warranted changes to James City County Code Section 24-16 to accept proffers associated with any new residential rezoning or zoning map amendment, or any new residential component of a multiuse district rezoning or zoning map amendment. Mr. Holt stated that as such, attached is a proposed amendment to the Zoning Ordinance which reverses the Code amendment passed by the Board of Supervisors in 2016.

Mr. Holt stated that at its May 9, 2019 meeting, the Policy Committee recommended approval of this item by a vote of 3-0.

Mr. Haldeman opened the Public Hearing.

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Haldeman stated that he is opposed to amending County Code to permit proffers at this time. Mr. Haldeman stated that the new state legislation addresses many, but not all, of the concerns that led to the Board of Supervisors to stop accepting proffers. Mr. Haldeman stated that the legislation adopted in 2016, limiting the localities' statutory authority enacted over the past 18 years under the Dillon Rule, threatened Virginians with untold risk and expense. Mr.

Haldeman further stated that the James City County Board of Supervisors, as well as other Boards and Councils around the Commonwealth, acted quickly to neutralize the effect by passing an Ordinance refusing to accept proffers on residential development. Mr. Haldeman noted that the state legislation has not benefitted anyone in the residential development process. Mr. Haldeman stated that the legislation should be repealed in its entirety.

Mr. Haldeman stated that in his memorandum of 2016, the County Attorney listed nine objections to the legislation: 1) the limits imposed by the legislation greatly reduce the opportunity for developers to offer outside the box proffers not accompanied by extensive data; however the current legislation further reduces flexibility; 2) all proffers dealing with on-site issues are deemed unreasonable unless they address an impact that is specifically attributable to a proposed new residential development. The term “specifically attributable” remains ambiguous without a definition; 3) a proffer condition or amendment whether on-site or off-site, offered voluntarily shall be deemed unreasonable unless: 1) an off-site proffer addresses an impact to public facilities such that the new residential development or use creates a need for one or more public facility improvements in excess of existing capacity at the time of the application. This remains unchanged and leave no room to consider cumulative impact; 2) each new each new residential development or use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvement. This is ambiguous as “direct and material benefit” remains undefined; 3) failure to submit proffers as set forth in Subdivision 1, shall not be the basis for denial of any rezoning or proffer condition amendment; 4) the Court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial; 5) if any successful action brought pursuant to this section contesting an action of a local government body in violation of this section, the applicant may be entitled to an award of fees and costs.

Mr. Haldeman questioned philosophically, why two competent individuals cannot negotiate a rezoning application without the heavy hand of the General Assembly interfering. Mr. Haldeman further stated that if a development application will impact County residents, why shouldn't only the developer and the County discuss the impacts of the application and discuss what can be done to mitigate those impacts without a battery of lawyers.

Mr. Haldeman stated that his second objection is a conviction that the County's original proffer policy did not come close to mitigating the effects of unrestrained development.

Mr. Haldeman stated that County residents must pay to build new schools to accommodate enrollment growth. Mr. Haldeman stated that there is no reserve from cash proffered from earlier development. Mr. Haldeman stated that the County appropriates millions of dollars each year to mitigate damage from stormwater and expand sewers, but without reserves from proffers from developments that necessitated these costs.

Mr. Haldeman stated that Senate Bill 549 provides localities with the opportunity to rethink the links between their development decisions and their long-term impacts on taxpayers.

Mr. Haldeman stated that his third objection to the Ordinance amendment is that the County has begun a revision to its Comprehensive Plan which will address a wide range of housing and land use issues along with related issues such as education, transportation, community character and public facilities.

Mr. Haldeman further stated that the Board of Supervisors has recently received a report from the Workforce Housing Task Force, which together with the Housing Conditions Study from 2016, contains recommendations and supporting data addressing housing needs for the workforce.

Mr. Haldeman stated that the Comprehensive Plan update would include a survey of County

Residents to define the direction in which they want the County to go.

Mr. Haldeman further stated that revisions to the Comprehensive Plan housing and proffer policies and the consideration of housing recommendations must not be implemented piecemeal but as part of an integrated approach to housing in the County.

Mr. Haldeman stated that there is nothing to lose and everything to gain by waiting to do it right.

Mr. Polster stated that he concurs with the concerns about the definition of “reasonable and appropriate” and the guidelines under which the Commission and the Board would make that determination, especially when what is offered in writing is deemed to be reasonable by definition.

Mr. Polster stated that he is not comfortable with how the County could prove that a proffer was reasonable. Mr. Polster stated that one of the tools to do so is the Financial Impact Analysis; however, it would have to be redone to ensure that it covers many criteria as proof. Mr. Polster further stated that the CIP only provides a five-year horizon, where the impacts are done in a cumulative way and far exceed that horizon.

Mr. Polster stated that the County’ Strategic Plan will soon allow the CIP process to look out 10 years for cumulative impacts. Mr. Haldeman further stated that this would allow the Comprehensive Plan to express what would be reasonable for the future growth of the County.

Mr. Polster noted that the County is moving forward to have the necessary metrics in place to evaluate development proposals. Mr. Polster stated that the County should not rush to amend the Ordinance at this time.

Mr. Krapf stated that as others have said, far ranging metrics for evaluating development proposals is something that must be established. Mr. Krapf further stated that taking a broader view and identifying priorities is very important, but that those initiatives can work in tandem with proffers. Mr. Krapf stated that everyone recognizes that a development will have some adverse impacts, whether traffic or education or water. Mr. Krapf stated that when the State Code was amended prohibiting proffers, applicants were coming forward with more creative solutions to mitigate the impacts. Mr. Krapf noted that some of those solutions such as easements are more cumbersome and not as clear cut as a proffer.

Mr. Krapf requested that Mr. Hlavin discuss the County’s legal risk if proffers are accepted again.

Mr. Hlavin stated that the 2019 legislation changes were mainly to the right of action where to bring a claim for an unreasonable proffer, the claimant would have to have objected to that proffer in writing before the Board of Supervisors considers the legislative application. Mr. Hlavin stated that there are fewer risks with the 2019 legislation than there were with the 2016 legislation.

Mr. Haldeman inquired if there were more risks with the 2019 legislation than prior to the 2016 legislation.

Mr. Hlavin stated that there were more risks under the 2019 legislation.

Mr. O’Connor noted that he is not in favor of the easements. Mr. O’Connor stated that if proffers are not accepted, there will be more easements offered as work arounds. Mr. O’Connor stated that the enforcement opportunities that the Director of Planning has with the

proffers can ensure compliance more quickly than the process required to enforce the easement. Mr. O'Connor stated that he believes the County should accept proffers. Mr. O'Connor noted that all of the recent housing development discussions have incorporated the Housing Opportunities Policy requirements but there was no way to tie a proffer to it. Mr. O'Connor further stated that he intends to support the amendment.

Mr. Krapf inquired if surety bonds are tied to proffer milestones.

Mr. Hlavin stated that proffers address timing of improvements, but during the site plan review the County obtains the sureties for infrastructure and stormwater improvements. Mr. Hlavin stated that the surety system still exists.

Mr. Polster inquired about the easements for Oakland Pointe.

Mr. Hlavin stated that the easement documents were signed prior to the Board's action. Mr. Hlavin stated that the conditions of the easement were tied to Certificate of Occupancy and Land Disturbing.

Mr. Polster requested confirmation that the same tools of enforcement though the surety were available whether for an easement or a proffer.

Mr. Holt stated that it depended on whether or not the surety requirements for a public improvement is triggered by the rules in the Zoning Ordinance.

The Commission discussed concerns over the methods of enforcing what is offered by an applicant under an easement versus under proffers. The Commission further discussed whether some of the tools and metrics for evaluating applications would be worked out over the next two years of the Comprehensive Plan process.

Mr. Polster made a motion to disapprove the Ordinance amendment.

On a roll call vote the motion did not carry. (2-4)

Mr. O'Connor made a motion to recommend approval of the Ordinance amendment.

On a roll call vote the Commission voted to recommend approval of ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions. (4-2)

3. ORD-19-0002. Zoning Ordinance Amendment – Section 24-111, Temporary Offices

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, O'Connor, Polster, Schmidt

Absent: Leverenz

Mr. Holt stated that in 2018, the DRC and the Planning Commission considered an applicant's request to waive the requirements of the Zoning Ordinance found in Section 24-200, Public Utilities, as it applied to a temporary storage trailer. Mr. Holt stated that at a subsequent meeting of the Policy Committee, a Committee member asked staff for a potential amendment to the Ordinance to make future requests easier for applicants. Mr. Holt noted that staff does not recommend creating an exception for all structures, generally. Mr. Holt further stated that the attached Ordinance language, however, would be applicable to structures used as temporary offices. Mr. Holt stated that staff notes that this is the only section of the Zoning

Ordinance that defines and permits temporary structures, and sets forth time limitations for the removal of such structures. Mr. Holt further stated that no other section of the Zoning Ordinance allows staff to attach a time limit to the placement/construction of structures that are otherwise allowed by-right.

Mr. Holt stated that at its May 9, 2019 meeting, the Policy Committee recommended approval of this item by a vote of 3-0.

Mr. Haldeman opened the Public Hearing.

As no one wished to speak, Mr. Haldeman closed the Public Hearing. Mr. Haldeman opened the floor for discussion by the Commission.

Mr. Krapf made a motion to recommend approval of ORD-19-0002. Zoning Ordinance Amendment – Section 24-111, Temporary Offices.

On a roll call vote, the Commission voted to recommend approval of ORD-19-0002. Zoning Ordinance Amendment – Section 24-111, Temporary Offices. (6-0)

4. ORD-18-0013. Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations

A motion to Deny was made by Frank Polster, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, O'Connor, Polster, Schmidt

Absent: Leverenz

Mr. Holt stated that currently, Section 24-23 of the Zoning Ordinance states that final development plans may be approved after approval of a master plan by the Board of Supervisors. Mr. Holt further stated that all final development plans shall be consistent with the master plan, but may deviate from the master plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of housing units or buildings; significantly alter the distribution of recreation or open space areas; significantly affect the road layout; or, significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively-approved case.

Mr. Holt stated that in the event the Planning Director determines that a proposed change would deviate from the approved master plan, the applicant may appeal the decision to the DRC.

Mr. Holt stated that at its May 22, 2018 work session, the Board of Supervisors asked the Commission to consider limiting the number of residential dwelling units that could be transferred via a master plan consistency determination that is made under Section 24-23 of the Zoning Ordinance.

Mr. Holt stated that the Policy Committee discussed this Code section and possible revisions on July 10, 2018 and August 9, 2018. Mr. Holt stated that at the request of the Policy Committee, the Board of Supervisors provided input into this matter at its November 27, 2018 work session. Mr. Holt stated that the Policy Committee discussed this item further at its December 13, 2018 meeting, and at its meetings on January 10, March 7, and April 11, 2019. Mr. Holt stated that at its April 11, 2019 meeting, the Policy Committee found that the attached Ordinance amendment reflected the Board's requested amendments and voted to

forward this item to the Planning Commission by a vote of 3-0.

Mr. Haldeman opened the Public Hearing.

As no one wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. O'Connor requested that Mr. Hlavin discuss how vested rights work in the context of having to come back through the legislative process to transfer density between land bays.

Mr. Hlavin stated that vested rights protect an approved development or something that has received a significant governmental act from subsequent changes to the Zoning Ordinance. Mr. Hlavin further stated that the master plan that is approved as part of a rezoning is a significant governmental act and does vest the developer's rights in that master plan. Mr. Hlavin stated that if the developer is bringing forward an amendment to the master plan, they do not have a right to amend the master plan except as allowed by the locality. Mr. Hlavin further clarified that it does not implicate a vested right to ask for a change in what was previously approved.

Mr. Holt noted that by definition, the change would say that it is a significantly different plan and should not be assumed to be approved.

Mr. Hlavin stated that in the existing section, there is a process adopted by Ordinance that allows a master plan amendment and gives the Planning Director the authority to approve the change. Mr. Hlavin stated that this Ordinance amendment removes change that are too significant to be handled administratively and provides for legislative review.

Mr. Krapf noted that the Policy Committee voted to move this forward to the Planning Commission but did not vote to approve the amendment. Mr. Krapf stated that as the amendment is currently proposed, the DRC is an appeal authority when the Planning Director determines that certain modifications change the character too much and must go through a site plan amendment. Mr. Krapf further stated that the amendment provides anything changing dwelling unit types and dwelling unit locations does not have an avenue for appeal and must go through the legislative process. Mr. Krapf noted that he has concerns about whether it is reasonable to require a developer who has approved plans for a site to go back through the legislative process. Mr. Krapf further noted concerns about financial and time impacts.

Mr. Haldeman noted that his concern related to the dwelling unit count. Mr. Haldeman stated that the purpose of the master plan and community impact statement is to set an overall population and development ceiling for the planned community, to determine off-site impacts of the development and to identify the general arrangement of internal land uses. Mr. Haldeman noted that the community impact statement covers items such as adequate public facilities, archaeology, fiscal impact, and traffic. Mr. Haldeman further stated that for a development where the unit count changes drastically, he is not opposed to requiring the developer to go back through the legislative process.

Mr. O'Connor stated that there has always been flexibility in the master plan because the developer is not doing the engineering upfront and may find as the site develops that there are some areas that cannot be built out to full potential. Mr. O'Connor noted that for the County's purposes, it should not matter if the units are shifted from one land bay to another as long as the unit cap is not exceeded. Mr. O'Connor stated that one goal set for the Planning Division by the Business Climate Task Force was to make the development process more predictable. Mr. O'Connor stated that this amendment could potentially affect the viability of a previously approved plan.

Mr. Polster stated that this is a bureaucratic process to provide a solution for a problem that does not exist. Mr. Polster further stated that he has concerns about the role of the homeowner's association and its elected Board in terms of protecting the resident's interest, or is it something that the government gets in the middle of which forces the developer to come back to the legislative process. Mr. Polster he would not support the Ordinance amendment.

Mr. O'Connor stated that he concurs with Mr. Polster.

Mr. O'Connor stated that the recourse for the homeowner is independent of governmental actions. Mr. Polster made a motion to recommend denial of the Ordinance amendment.

On a roll call vote the Commission voted to recommend denial of ORD-18-0013, Zoning Ordinance Amendments Regarding Master Plan Consistency Determinations (6-0).

G. PLANNING COMMISSION CONSIDERATIONS

1. Initiation of Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, O'Connor, Polster, Schmidt

Absent: Leverenz

Mr. Holt stated that during the 2019 session of the General Assembly, amendments were made to Chapters 779 and 798 of the Acts of Assembly of 1993, which provide a charter for the County of James City County. Mr. Holt further stated that this charter amendment grants additional authority to James City County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperable motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller. Mr. Holt stated that Section 15.2-905 of the Code of Virginia allows certain localities to restrict the keeping of vehicles not screened from view and which are not in operating condition, or do not display valid license plates, or do not display inspection decals. Mr. Holt stated that in order to more effectively address inoperative vehicles in James City County as granted by the General Assembly, Section 24-37 of the James City County Zoning Ordinance will need to be amended. Mr. Holt stated that in addition, staff has received complaints regarding the parking and/or keeping of oversized commercial type vehicles in residentially zoned areas. Mr. Holt stated that this situation is not adequately addressed in the Zoning Ordinance. Mr. Holt stated that it is recommended to direct staff to research neighboring localities and recommend changes to address the parking and keeping of oversized commercial type vehicles in residential zoned areas. Mr. Holt stated that staff recommends the Planning Commission adopt the attached resolution to initiate consideration of such.

Mr. Krapf made a motion to adopt the Initiating Resolution.

On a roll call vote the Commission voted to adopt the resolution Initiating Consideration of Amendments to the Zoning Ordinance Regarding Inoperable Motor Vehicles and Oversized Commercial Vehicles (6-0).

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2019

Mr. Holt stated that he had nothing to add to what was included in the agenda packet.

Mr. O'Connor inquired if the inquired if the oversight of the parking of commercial vehicles pertained only to those on a lot or also those parked in the street.

Mr. Holt stated that restrictions on parking in the right of way are different from those in the Zoning Ordinance; however, staff would look at this going forward.

Mr. Schmidt inquired if weapons were allowed in all public buildings except schools and the Courthouse.

Mr. Hlavin confirmed.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that Mr. O'Connor has Board of Supervisors coverage for June 11.

Mr. Haldeman further stated that Mr. Krapf has noted that the full Planning Commission has access to the Policy and DRC agenda materials in Novus.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 7:48 p.m.

Jack Haldeman, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 8/7/2019

TO: The Planning Commission

FROM: Paul D. Holt, III, secretary

SUBJECT: Minutes of the July 3, 2019 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the July 3, 2019 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/31/2019 - 9:19 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 9:19 AM
Publication Management	Daniel, Martha	Approved	7/31/2019 - 9:26 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 9:34 AM

MINUTES
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

Mr. Jack Haldeman called the meeting to order at approximately 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Odessa Dowdy

Planning Commissioners Absent:

Danny Schmidt

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
José Ribeiro, Senior Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Development Review Committee did not hold its regularly scheduled June meeting.

Ms. Julia Leverenz stated that the Policy Committee met on June 13, 2019, to consider Stage II language for proposed Ordinance amendments to address protections for the public water supply, areas of public health, and water quality sensitivity. Ms. Leverenz stated that staff had addressed the Committee's recommendations from the previous meeting, including coordinating with Stormwater and Resource Protection to define environmental features consistent with the County's Chesapeake Bay Preservation Ordinance. Ms. Leverenz stated that staff drafted a new Ordinance, Section 24-41, Protections for the public water supply, for Committee review.

Ms. Leverenz stated that issues discussed in this Stage II meeting were:

1. Buffer encroachment by roads that are subject to County Ordinances. Committee

- members recommended that only utility crossings be permitted by the Director of Planning, subject to certain performance standards.
2. Overlap between Reservoir Protection Buffers and Chesapeake Bay Protection Area buffers, and instances where they differ. The Committee agreed that where they overlap, the County Ordinance should match the Chesapeake Bay Protection Ordinance to avoid confusion.
 3. Applicability to types of development, e.g., agricultural, commercial/industrial, and/or residential. The Committee endorsed the draft Ordinance's unrestricted scope, versus limiting it only to commercial/industrial development. The Committee also asked staff to look into the impact of adding stockyards and feedlots to the list of prohibited land uses within any reservoir watershed.

E. CONSENT AGENDA

There were no items for the Consent Agenda.

F. PUBLIC HEARINGS

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

A motion to Approve was made by Frank Polster, the motion result was Passed.

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Dowdy, Haldeman, Krapf, Leverenz, Polster

Nays: O'Connor

Absent: Schmidt

Mr. José Ribeiro stated that Ms. Anne McCann has applied for a Special Use Permit (SUP) to allow the operation of a Tourist Home at 5026 River Drive. Mr. Ribeiro stated that the SUP will allow for short-term rental of a three-bedroom home with no changes to the size or footprint of the home. Mr. Ribeiro further stated that the property is located in an established neighborhood, Cypress Point, is zoned A-1 General Agricultural, is located outside of the Primary Service Area (PSA) and designated Rural Lands on the 2035 Comprehensive Plan Land Use Map, as are most surrounding parcels.

Mr. Ribeiro stated that access to the property is on a paved portion of River Road at the intersection of River Road and Laurel Lane. Mr. Ribeiro stated that there is a paved driveway in front of the house with enough space to accommodate the minimum parking requirement of three vehicles. Mr. Ribeiro stated that the existing dwelling is an approximately 900-square-foot mobile home built out with an attached screened porch and decking. Mr. Ribeiro stated that the property borders Diascund Creek to the north and adjacent properties to the south, east, and west, all single-family lots. Mr. Ribeiro stated that adjacent properties to the east are currently vacant, and there is some vegetation separating the property from the adjacent property to the west.

Mr. Ribeiro stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Ribeiro stated that such conditions include limitations on the number of rooms rented and on the number of total occupants at any one time.

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

Mr. Rich Krapf inquired if any concerns had been expressed by adjacent property owners.

Mr. Ribeiro stated that no comments had been received.

Mr. Krapf requested clarification on whether the owner would reside at the property under the Tourist Home use.

Mr. Ribeiro stated that the owner is not obligated to live on-site under the Tourist Home use; however, for the Rental of Rooms use, the owner would have to reside on-site.

Mr. Krapf inquired if the applicant lives nearby or has a local agent to respond to issues.

Mr. Ribeiro stated that he believed the applicant lives in York County.

Mr. O'Connor inquired if the County required a mobile home to have Housing and Urban Development (HUD) certification if it is to be used for transient occupancy.

Mr. Haldeman called for disclosures by the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Ms. Anne McCann, 600 Old Landing Road, Yorktown, Applicant, addressed the Commission in favor of the application. Mr. Krapf inquired if the applicant lived close enough to respond to any concerns. Ms. McCann stated that she lives in Yorktown, about 30 minutes away and that her neighbor also works with her to accommodate any needs.

Mr. O'Connor inquired when the mobile home was manufactured. Ms. McCann stated that she felt certain it was manufactured in 1985.

Mr. O'Connor inquired if the HUD sticker was affixed to the mobile home.

Ms. McCann stated that she did not know but would find out. Ms. McCann stated that it was purchased new by the previous owner.

Ms. Leverenz noted that mobile homes have a life expectancy of about 10 years and inquired what has been done to maintain and improve the structure.

Ms. McCann stated that the previous owner had constructed a roof along with the decking and screened porch. Ms. McCann further stated that she has put siding on the structure and repaired or replaced the majority of the interior. Ms. McCann further noted that they had even replaced the flooring, including the subfloor.

As no one further wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion by the Commission.

Mr. O'Connor noted that his question about the HUD certification was because that guarantees the mobile home has been inspected and found to be satisfactory. Mr. O'Connor stated that since the County is a tourist destination, everything should be kept to the highest possible standard. Mr. O'Connor noted that his primary concern was the difficulty in evaluating these applications without a set of criteria or performance standards.

Mr. Krapf noted concerns over the GPS directions to the property should someone not be

familiar with the alternate route. Mr. Krapf further stated that he inquired about comments from adjacent property owners because of the potential for a high number of transient guests in an established neighborhood.

Ms. Leverenz inquired if the HUD certification was a one-time inspection or if it was renewed periodically. Mr. O'Connor responded that it was one-time. Ms. Leverenz noted that a mobile home could have a HUD sticker, but without maintenance, be uninhabitable.

Mr. O'Connor stated that the HUD certification is what carries weight for mobile homes no matter what the interior condition. Mr. Polster inquired about the criteria used by the Fire Department and Building Safety and Permits when determining suitability for occupancy.

Mr. Holt stated that the County does not have a property maintenance code. Mr. Holt further stated that staff would reach out to the Building Official and the Fire Marshal to see what standards they might go by; however, there is no distinction between a manufactured home and a stick built home.

Ms. Leverenz inquired about standards for frame built homes.

Mr. Holt noted that the standards were for the initial construction, but there are not ongoing property maintenance requirements.

Ms. Leverenz inquired about the criteria when issuing a Certificate of Occupancy many years later.

Mr. Holt stated that he did not have the information handy, but would obtain the information.

Mr. Krapf noted that the County has approved a number of similar applications for properties along Ironbound Road. Mr. Krapf inquired if the inspections for those properties were the same as what would be done for this property. Mr. Krapf inquired if it would be a visual inspection to confirm soundness, absence of leaks, existence of smoke detectors, and the like.

Mr. Holt confirmed, but noted that older structures would not be required to meet current standards.

Mr. Polster stated that he would be interested in a response from the Fire Marshal.

Ms. Leverenz stated that she did not believe that the Commission could hold this property to a different standard than those previously approved.

Mr. Haldeman noted that the Workforce Housing Task Force had a similar discussion.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote the Commission voted to recommend approval of SUP-19-0011. 5026 River Drive Tourist Home. (5-1)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - July 2019

Mr. Holt stated that he did not have anything now or additional to add to what was provided in the agenda materials.

Ms. Leverenz noted appreciation for the Random Act of Kindness outreach efforts.

Mr. O'Connor inquired about feedback or direction from the Board of Supervisors on the Purchase of Development Rights and Open Space programs.

Mr. Holt stated that the Board provided detailed information on its expectations for the programs and that staff is working on next steps. Mr. Holt noted that the Board is eager to restart the programs.

Mr. O'Connor inquired if this would be part of the Comprehensive Plan review or on a separate track.

Mr. Holt stated that no Ordinance amendments would be required as part of the process and that it would be more a matter of the Board determining the amount of funding to dedicate to the programs. Mr. Holt noted that there would also be consideration of staffing requirements. Mr. Polster noted that the Department of Conservation and Recreation land database is an exceptionally valuable tool to determine the value a property would have to the County.

Mr. Polster further noted that this is also a tool for Agricultural and Forestal District applications to evaluate the agricultural value of a property.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman noted that Mr. Polster has Board of Supervisors coverage for July.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:30 p.m.

Jack Haldeman, Chair

Paul D. Holt, III, Secretary

ITEM SUMMARY

DATE: 8/7/2019

TO: The Planning Commission

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: SUP-19-0014. 6096 Centerville Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff report	Staff Report
▣	Attachment No. 1. Proposed SUP Conditions	Exhibit
▣	Attachment No. 2. Location Map	Exhibit
▣	Attachment No. 3. Master Plan	Exhibit
▣	Attachment No. 4. Proposed Garage/Apartment Layout and Elevation	Exhibit
▣	Attachment No. 5. Applicant's Letter	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:21 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:22 AM
Publication Management	Daniel, Martha	Approved	7/31/2019 - 11:31 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:32 AM

SPECIAL USE PERMIT-19-0014. 6096 Centerville Road Tourist Home
Staff Report for the August 7, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Mr. Antwyne Anderson, Jr.

Land Owners: Mr. Antwyne Anderson, Jr. and Mrs. Tara Anderson

Proposal: To allow for the short-term rental of a one-bedroom detached accessory apartment as a tourist home. The owners will reside separately on a house located on the same property at 6096 Centerville Road.

Location: 6096 Centerville Road

Tax Map/Parcel No.: 3110100027

Project Acreage: +/- 4.52 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside
(PSA)

Staff Contact: Jose Ribeiro, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 7, 2019, 6:00 p.m.

Board of Supervisors: September 10, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, he will obtain the proper licensing and inspections through the County and will be subject to 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

- This proposal is to allow for the short-term rental of a one-bedroom detached accessory apartment as a tourist home. On January 8, 2019, the Board of Supervisors approved an SUP request (SUP-18-0026) to allow the construction of the detached accessory apartment at 6096 Centerville Road. At that time, the applicant indicated that the purpose of the apartment would be to provide a place for his grandmother to reside close by. The applicant has since then indicated that his grandmother would be

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-19-0014. 6096 Centerville Road Tourist Home

Staff Report for the August 7, 2019, Planning Commission Public Hearing

moving in at a later time and that they would like the flexibility to use the detached apartment as a tourist home until their grandmother moves in (see Attachment No. 5 for a narrative provided by the applicant).

- 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.”
- The ± 748-square-foot apartment will consist of a one-bedroom apartment and one kitchen/sitting room with an attached garage. This SUP request includes no changes to the size or footprint of the detached apartment. Should a future expansion add another bedroom, an SUP amendment would be required.
- The applicant has proposed a maximum occupancy of four people in the one-bedroom detached apartment. The Virginia Department of Health has issued a construction permit for a residential four bedroom system with a maximum capacity of eight people for the entire property (which includes the main house and the detached accessory apartment). According to the applicant, four people will reside in the three-bedroom house (Mr. and Mrs. Anderson and their two children); therefore they are requesting the flexibility to allow a maximum occupancy of up to four people in the detached apartment (SUP Condition No. 3).
- Vehicular ingress and egress for the entire property will be via Jones Drive (SUP Condition No. 4). The proposed paved driveway and attached garage will exceed the minimum parking requirement of one car.

PLANNING AND ZONING HISTORY

- Case No. S-0054-2004, 6096 Centerville Road Subdivision
- Case No. S-0069-2006, Bernard Bishop Boundary Line Adjustment
- Case No. S-0039-2011, Bishop Centerville Road Boundary Line Extinguishment
- Case No. S-0055-2013, Bishop Centerville Road Boundary Line Adjustment
- Case No. SUP-18-0026, 6096 Centerville Road Detached Accessory Apartment (Approved by the Board of Supervisors on January 8, 2019)

SURROUNDING ZONING AND DEVELOPMENT

- Located on Centerville Road.
- Surrounding Zoning Designations Include:
 - a. A-1, General Agricultural, to the north, south, and east; R-2, General Residential across Centerville Road to the west, primarily residential parcels.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all adjacent properties to the north, south, east, and west consisting of mostly residential properties.

Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and

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SPECIAL USE PERMIT-19-0014. 6096 Centerville Road Tourist Home
Staff Report for the August 7, 2019, Planning Commission Public Hearing

cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area. Attachment No. 4 shows the design of the accessory structure to be compatible with surrounding residential structures.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
- Generally be located on collector or arterial roads at intersections. Centerville Road (Route 614) is classified by the Virginia Department of Transportation as a minor arterial road. Access to and from the property is through a private gravel road located on a 50-foot private easement which connects to Centerville Road.
- Provide adequate screening and buffering to protect the character of nearby residential areas. There are existing mature vegetation on the north and east side of the property which would screen the detached accessory apartment from adjacent properties. Staff finds that the character of nearby residential areas will not be negatively affected.

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

- a. *Streets.* No impacts anticipated. The subject property is located on a minor arterial road and the proposal is not

anticipated to generate traffic exceeding a typical residential use.

- b. *Schools/Fire/Utilities.* No impacts anticipated. This proposal will not generate school children or other permanent residents utilizing social services, libraries, etc. Impact on utilities and emergency services are anticipated to be consistent with a typical residential use. This area of the County is served by Fire Station 4 on Olde Towne Road. This parcel is inside the PSA and is served by public water and private septic system. The Health Department has reviewed and approved the proposed septic system for the entire property to four bedrooms or a maximum occupancy of eight people. A Water Conservation Agreement has been previously reviewed and approved by the James City Service Authority for the entire property.

2. Anticipated Impact on Environmental/Cultural/Historical:

- a. *Environmental:* No impacts anticipated. The Stormwater and Resource Protection Division has reviewed the proposal and approved the application. Additional coordination will take place regarding the construction of the dwellings through inspections of the single-family construction.
- b. *Cultural/Historic:* No impacts anticipated. The subject properties are shown as moderately sensitive areas on the Comprehensive Plan's Archaeologically Sensitive Areas Map (CC-1, page 101).

3. Anticipated Impact on Nearby and Surrounding Properties: No impacts anticipated.

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-19-0014. 6096 Centerville Road Tourist Home
Staff Report for the August 7, 2019, Planning Commission Public Hearing

PROPOSED CONDITIONS

- Proposed conditions are provided in Attachment No. 1.

STAFF RECOMMENDATION

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

JR/md
SUP19-14CtrvilleRd

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Proposed Garage/Apartment Layout and Elevation
5. Applicant Letter

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.

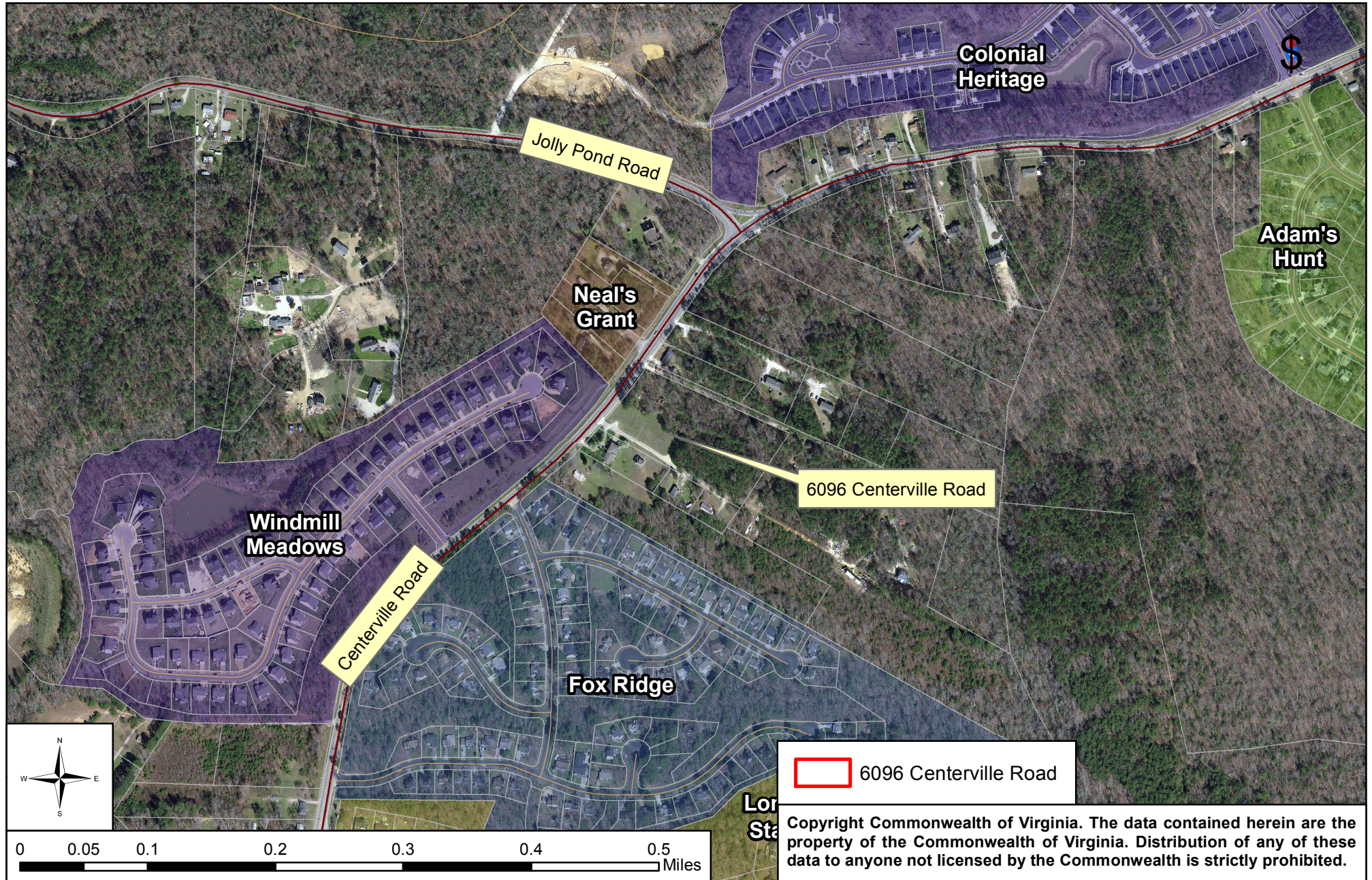
Draft Conditions – SUP-19-0014, 6096 Centerville Road, Tourist Home

1. **Master Plan.** This SUP shall permit a tourist home on property located at 6096 Centerville Road and further identified as James City County Real Estate Tax Map Parcel No. 3110100027 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “SUP-19-0014, 6096 Centerville Road Tourist Home” and date stamped July 03, 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 automatically become void.
3. **Number of rental rooms and occupants.** There shall be no more than one (1) bedroom available for rent to visitors and no more than four (4) 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. **Access:** No new ingress/egress points shall be created to Centerville Road. All ingress and egress to the Property shall be via the private right-of-way shown as Jones Drive on the Master Plan.
7. **Parking.** Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
8. **Lighting.** No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
9. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

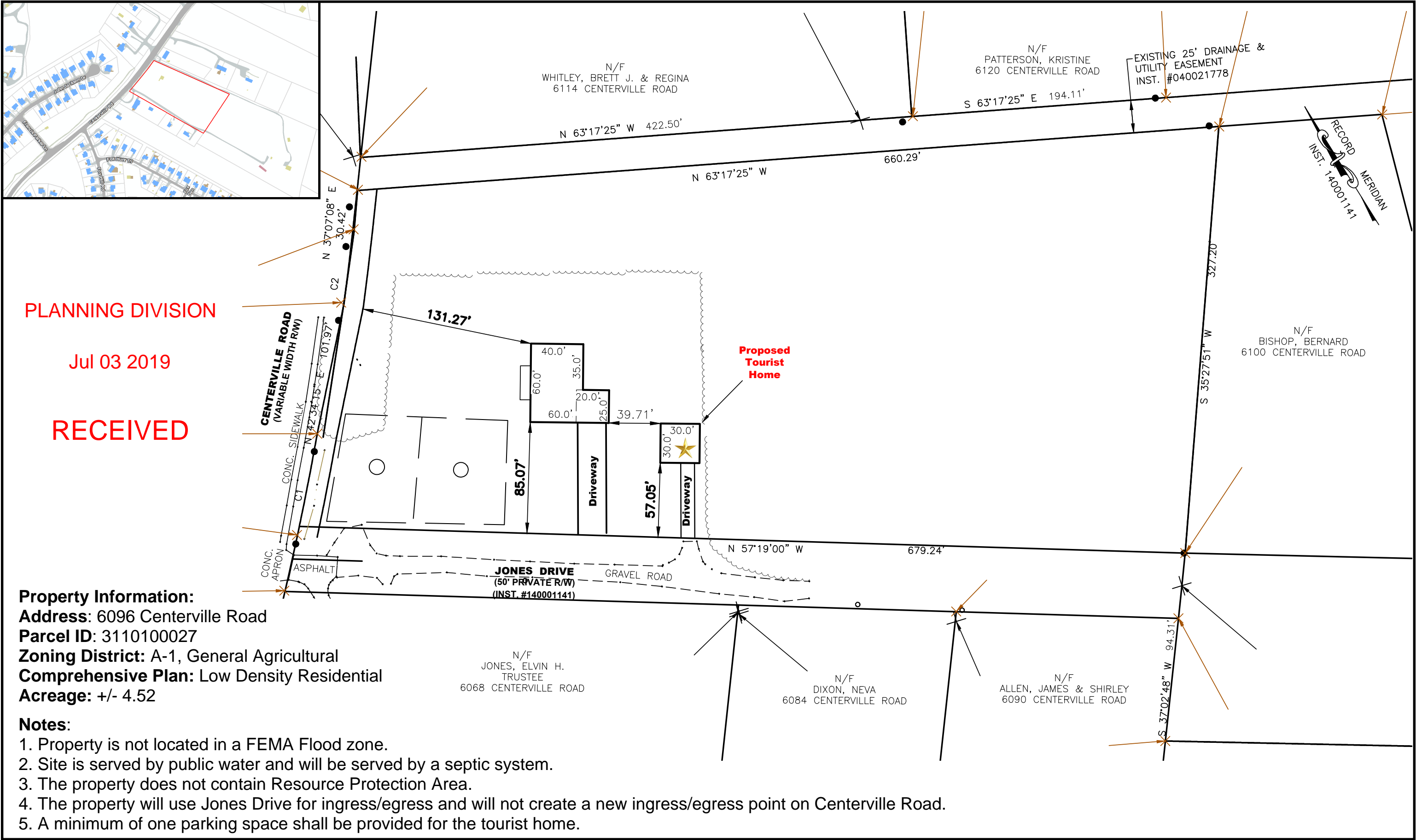
JCC-SUP-19-0014

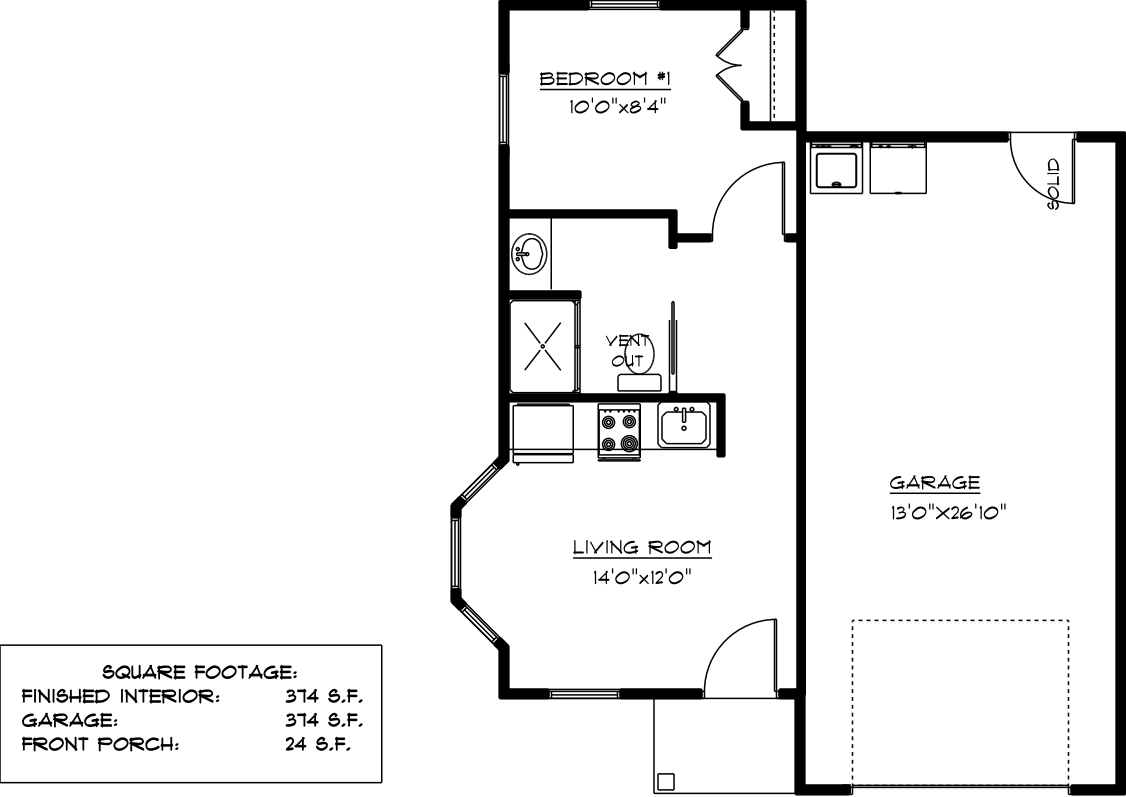
6096 Centerville Road

Tourist Home



SUP-19-0014, 6096 Centerville Road Tourist Home





FLOOR PLAN



FRONT ELEVATION

Board of Supervisors,

I would like to request a Special Use Permit (SUP) to utilize my detached accessory apartment as a tourist home.

My wife Tara Anderson and I would like to have the flexibility to conduct short-term rentals until it needs to be available for our grandmother's use. She currently is still independent in her own home in Michigan and we cannot predict when that may change. Along with renting it, we also plan to let our oldest son utilize it when he is home from college. When we are not using it to host friends and family, we would like to have the ability to make money while hosting tourists. We will be utilizing the main house on our property as our primary residence.

I appreciate your time reviewing this request for a Special Use Permit and I am extremely hopeful that you will grant it. I look forward to the feedback.

Thanks,

Antwyne Anderson Jr.

ITEM SUMMARY

DATE: 8/7/2019

TO: The Planning Commission

FROM: Tori Haynes, Planner

SUBJECT: SUP-19-0015. 4440 Ironbound Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Proposed SUP Conditions	Backup Material
▣	Attachment 2. Location Map	Backup Material
▣	Attachment 3. Master Plan	Backup Material
▣	Attachment 4. Applicant Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/31/2019 - 9:34 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 9:34 AM
Publication Management	Daniel, Martha	Approved	7/31/2019 - 9:42 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:14 AM

SPECIAL USE PERMIT-19-0015. 4440 Ironbound Road Tourist Home

Staff Report for the August 7, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant:	Ms. Charlene Chamberlayne
Land Owner(s):	Charlene Chamberlayne, Hampden Chamberlayne, and Christian Chamberlayne
Proposal:	To allow for the short-term rental of an entire two-bedroom residential home as a tourist home. The owners will live off-site.
Location:	4440 Ironbound Road
Tax Map/Parcel No.:	3910100049
Project Acreage:	± 0.21 acres
Zoning:	R-2, General Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission:	August 7, 2019, 6:00 p.m.
Board of Supervisors:	September 10, 2019, 5:00 p.m. (Tentative)

FACTORS FAVORABLE

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

2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.

FACTORS UNFAVORABLE

With the attached proposed conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of an existing two-bedroom home as a tourist home. This Special Use Permit (SUP), if granted, would allow short-term rentals throughout the year; however, per the applicant, the property will only be offered for short-term rentals during the summer months (June to mid-August), as the house is leased to the College of William & Mary students during the academic year. No changes to the footprint of the home are proposed.
- 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.” The proposed conditions limit the number of bedrooms available for rent to two, as there are two bedrooms in the existing home.

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-19-0015. 4440 Ironbound Road Tourist Home

Staff Report for the August 7, 2019, Planning Commission Public Hearing

Should a future expansion add another bedroom, an SUP amendment would be required.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential

East: MU, Mixed Use

South: MU, Mixed Use; R-2, General Residential

West: PL, Public Lands; M-1, Limited Business/Industrial

The subject property is a corner lot fronting on Ironbound Road with driveway access on Magazine Road. It is located between the Ironbound Village and Ironbound Square subdivisions. Single-family dwellings are located to the north and southeast. Across Ironbound Road to the west are the Virginia Department of Transportation (VDOT) offices and New Town Automotive.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all adjacent properties to the east of Ironbound Road. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be

similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.

- Generally be located on collector or arterial roads at intersections. The segment of Ironbound Road on which the subject property is located is classified by VDOT as a minor arterial road.
- Provide adequate screening and buffering to protect the character of nearby residential areas. The subject parcel does not currently contain mature vegetation or fencing; however, as existing landscaping on the property is typical of a single-family residence, staff finds that the residential character of the area will not be visually impacted negatively by this proposal.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities:

- *Streets.* No impacts anticipated. The subject property is located on a minor arterial road and the proposal is not anticipated to generate traffic exceeding a typical residential use.
- *Environment.* No impacts anticipated. The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.
- *Facilities.* No impacts anticipated. This proposal will not generate schoolchildren or other permanent residents utilizing social

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SPECIAL USE PERMIT-19-0015. 4440 Ironbound Road Tourist Home

Staff Report for the August 7, 2019, Planning Commission Public Hearing

services, libraries, etc. Impacts on utilities and emergency services are anticipated to be consistent with a typical residential use.

Anticipated Impact on Nearby and Surrounding Properties:

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

PROPOSED SPECIAL USE PERMIT CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

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

TH/nb
SUP19-15-4440IrnbdRd

Attachments:

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

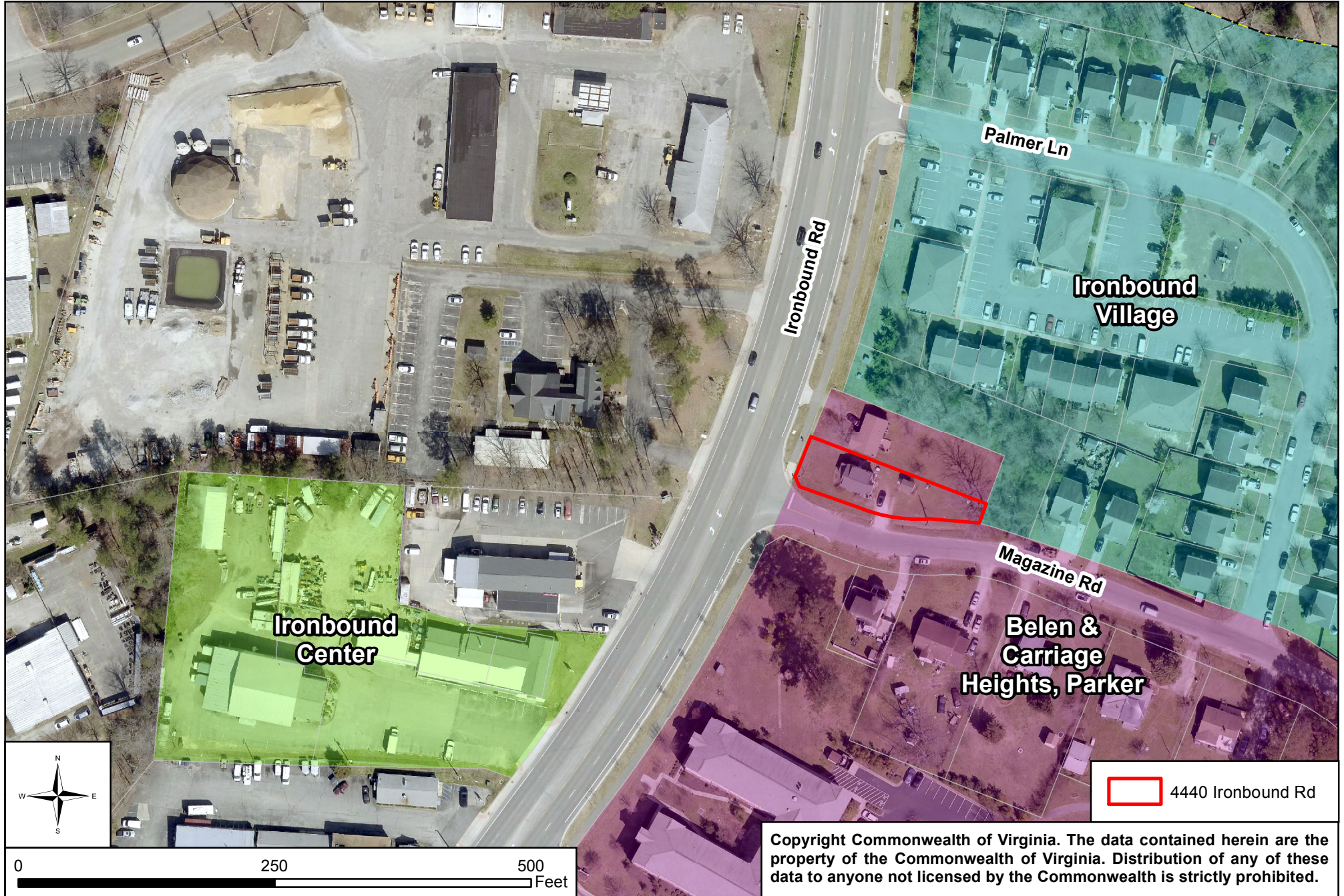
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Draft Conditions – SUP-19-0015, 4440 Ironbound Road Tourist Home

1. **Master Plan.** This SUP shall permit a tourist home on property located at 4440 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 3910100049 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “SUP-19-0015, 4440 Ironbound Road Tourist Home” and date stamped July 12, 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 this SUP or this SUP shall become void.
3. **Number of rental rooms and occupants.** There shall be no more than two (2) 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 associated with rental occupants of the tourist home such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
7. **Lighting.** No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
8. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-19-0015

4440 Ironbound Rd. Tourist Home



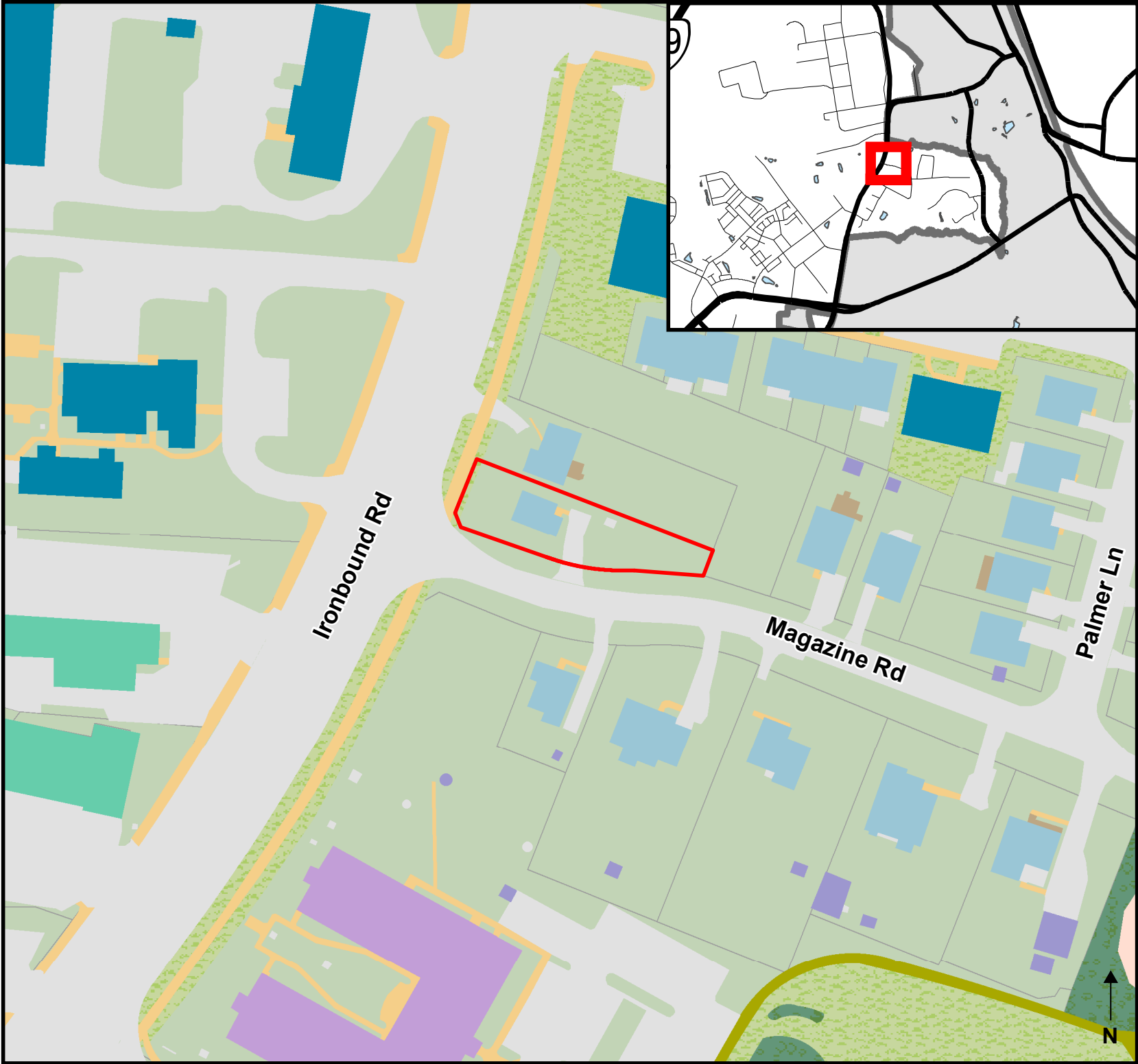
SUP-19-0015, 4440 Ironbound Road Tourist Home

Property Information

PIN 3910100049
4440 Ironbound Road
CHAMBERLAYNE, CHARLENE &
CHAMBERLAYNE, HAMPDEN &
CHAMBERLAYNE, CHRISTIAN
Zoning: R-2, General Residential
Comp. Plan: Low Density Residential
Acres: ±0.21

General Notes

1. Site is served by public water and sewer.
2. Property is located in Zone X per FIRM 51095C0136D dated 12/16/15.
3. The property does not contain Resource Protection Area.
5. A minimum of two (2) off-street parking spaces shall be provided.



Not To Scale

Adjacent Properties

3910100048 David L Hertzler 4442 Ironbound Rd Williamsburg, VA 23188 R-2, General Residential	3910100004 VDOT 4451 Ironbound Rd Williamsburg, VA 23188 PL, Public Lands
3911400001A James City County 106 Magazine Rd Williamsburg, VA 23188 MU, Mixed Use	3911600002 Bay Aging Apartments 100 Carriage Rd Williamsburg, VA 23188 MU, Mixed Use
3910100006 JRJ Real Estate Ventrues 4407 Ironbound Rd Williamsburg, VA 23188 M1, Limited Bus/Industrial	3911600004 Cindy Febrez 103 Magazine Rd Williamsburg, VA 23188 MU, Mixed Use
3910100060 Forbes & Fenner 105 Magazine Rd Williamsburg, VA 23188 R2, General Residential	

Sheet Index

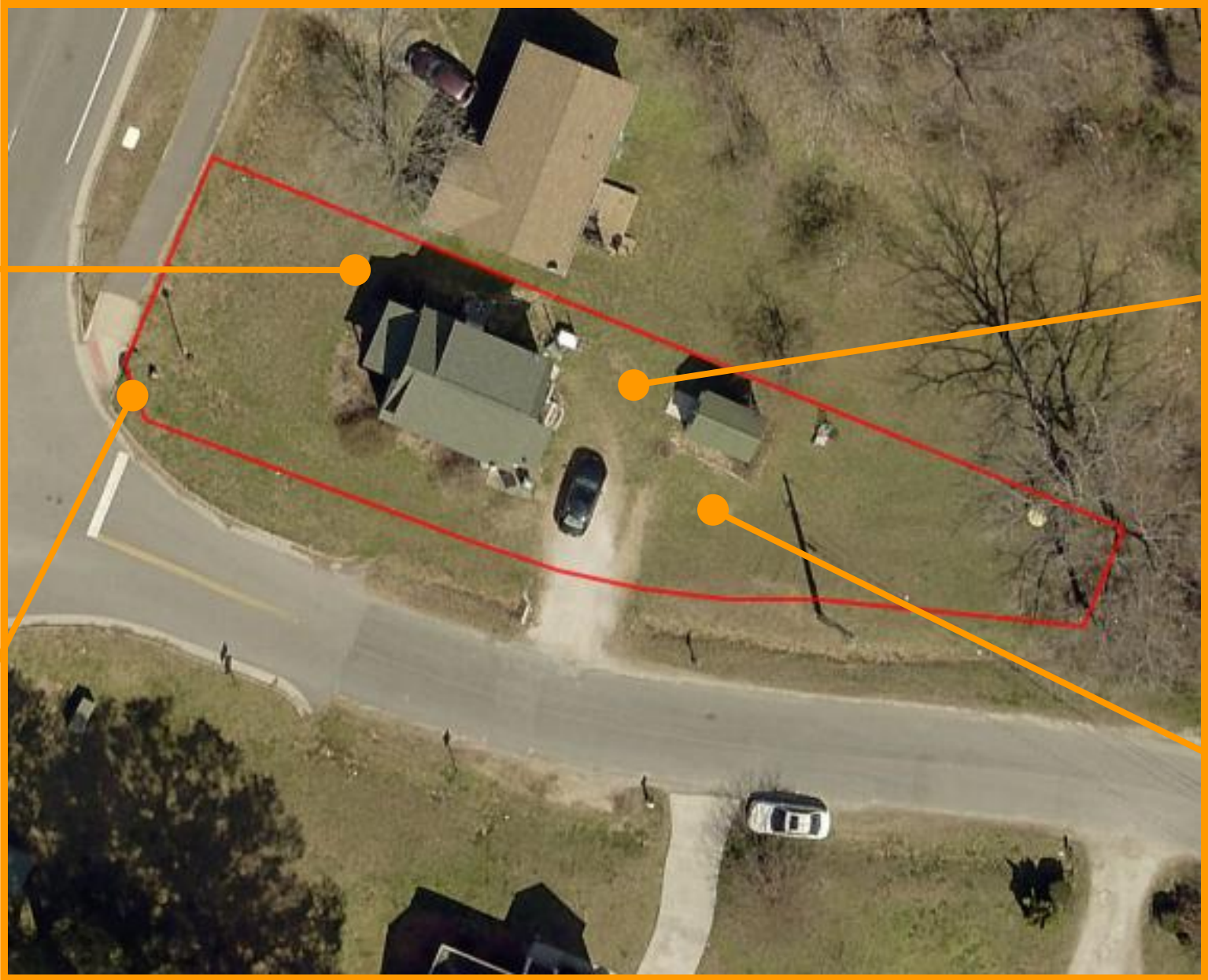
1. Cover Page
2. Site Photos

PLANNING DIVISION

Jul 12 2019

RECEIVED

JCC SUP-19-0015
4440 Ironbound Rd. Tourist Home



July 2, 2019

RE: Special Use Permit Request #19-0015

Request: Permission to use property as short-term rental for 10 weeks during the months of June, July, and August each summer

Property Address: 4440 Ironbound Road, Williamsburg VA 23188

Dear James City County Review Board,

Thank you for considering our Special Use Permit Request #19-0015 for the property we own at 4440 Ironbound Road, Williamsburg, VA 23188. I would like to apologize for using the property as a short-term rental during the summer of 2018 (June through mid-August) and this current summer (June through mid-August). I was unaware that I needed to follow a different process for the summer months rental than I do for the academic school semesters (mid-August through May). Upon discovering my error two weeks ago, I have contacted both the local and state treasurers' offices and paid all taxes and penalties, connected with the short-term rental use of the property, and applied for this permit.

We rented out our property in Norfolk to college students at ODU from 1993 through 2011. In 2011 we sold that property and used the proceeds to purchase a home, 4440 Ironbound Road, for our 18 year-old son who was at that time a Freshman at W&M. He renovated the house and lived in it as owner/occupied for 4 years. He graduated in May of 2015 and immediately matriculated on his Doctorate Degree in California at Stanford. In June of 2015 we rented the property to his friends, students at W&M, on a 9-month lease and placed it in service as a rental property, filing taxes on the Federal Schedule E. Some of them stayed over the summer and the second bedroom was rented out at \$150/week to other college students who arrived in Williamsburg for 6 to 12 week long summer internships. Last summer, in May of 2018, one of the two college students renting the house graduated and accepted a job out of state. The remaining student accepted a summer internship in New York City and returned to the property in mid-August 2018 for her senior year of college. Faced with an empty, furnished house for 10 weeks, with the tenant returning after that time, we decided to try our hand at short-term renting through Airbnb.

In order to upgrade the property for Airbnb hosting, we replaced the 8 year-old central AC and Heat unit (\$7,000), replaced and upgraded the water heater (\$3,000), and landscaped the outside of the house (1,000). We purchased the house for \$60,000 in 2011. Initial renovations, including adding an exterior storage shed, gravel driveway, garden, putting electricity underground & upgrading it, adding a washer & dryer onsite, and ensuring property safety measures including hardwired smoke detectors and carbon monoxide detectors totaled about \$15,000. We then raised the roof, refinishing the attic into two "bedrooms", replaced the supporting beams of the living room ceiling, repaired the front porch, and repaired the back steps at a cost of about \$25,000. This spring, 2019, we replaced the downstairs interior flooring in 2 rooms, upgrading it from linoleum to wood, and installed a dishwasher (\$2,000). Thus, since 2011, we have significantly improved the house and property and have invested over \$113,000 in it.

The house is rented on a 9 month lease (August 20th, 2019 through May 20th 2020) to two William & Mary seniors at \$1,500/month (\$750 each). The house is fully furnished and we pay all taxes, utilities, internet, and services (including contracted yearly inspections of the AC/Heat Unit & pest inspections). Our monthly expenses, as landlords, including the above, maintenance, the mortgage, insurance, and taxes runs about \$1,400/month. We are essentially breaking even or losing money on this property. Our initial plan was that our other 3 children would also attend W&M and live in the house. Unfortunately, children #2 and 3, while accepted to the college,

attended elsewhere (the W&M tuition payments were too high for us). Our fourth, and youngest child, is a rising high school junior. It is our hope that he will be accepted at William and Mary and that we will be able to afford the tuition in August of 2021. Ideally, he would then live in the house for 4 years while attending college. Meanwhile, we would like to continue renting the house to the college students.

I am unwilling to place the college students on a 12-month lease. I believe to do so would place an undo financial burden on them (the bulk of them are going out of state for summer internships or overseas for a summer or semester abroad studies). It is becoming increasingly common for college students to pay "double rent" during the summer months. Their first rent is to their college location to hold their rental for their return in the fall (which sits empty in their absence) and the second is to their internship location. Instead of forcing the students to pay for the summer (while they are gone), I would like to rent the property from June to mid-August each summer as a short-term rental. I would prefer to rent through Airbnb for the summer weeks for the summer of 2019, 2020, and 2021. Hopefully, our son will be living there starting August 2021 and it would revert to being year-round, owner occupied, college rental. We make about twice the amount on Airbnb for the summer compared to the summer rate for a student. We have invested 100% of the profit from the property into paying for it and improving it for the past 8 years and intend to continue to do so. Our future plans for property improvements include a paved driveway, a ground level deck/patio out back, and a partially fenced yard. Down the road, we envision requesting permission to close in the front porch and possibly add a second bathroom above it. Due to setbacks (we are a corner lot), we are unable to expand the house beyond its existing footprint.

The neighbors refer to the house and its tenants as "The WilliamAndMarians". They have been very friendly and supportive of us. Our neighbors on Ironbound Road are a rental house occupied by a senior citizen on the left and a retirement home on the right. Our neighbor directly across Ironbound Road is VDOT and a Firestone. We are located between Newtown Shopping Center and The Baseball Complex for W&M (Dillard area). When my son lived there, he rode his bike to the college campus. Most of our student renters have cars. We rent to two or three students at a time and our gravel driveway can easily accept 4 vehicles.

Our summer Airbnb tenants have rated us very highly (please visit the Airbnb website to read their reviews). Most of them have chosen our house (rented for a minimum of 3 nights at \$98/night) because they are families with 3 children. We provide a house with toys, games, arts & crafts, full kitchen & laundry, separate sleeping room for kids, outdoor grill, and age appropriate movies. I do not believe we are competing with the hotels for the same clientele. These families exceed the hotel limit of 4 people per room. Starting July 1, 2019 (yesterday) Airbnb will be collecting the state taxes for the rental for the historic triangle. We are, of course, still responsible for the local and occupancy taxes. These families spend a considerable amount of money on local attractions, including the Historic Triangle and Busch Gardens. I think renting to them is a win-win-win situation: they have an affordable option for visiting the region, the regional businesses are patronized by them, and we earn some rental income, which we use to improve the property. In addition to vacationing families, we have also rented to several families that were moving to the area but arrived prior to their house being ready for them to live in. Our house was a welcoming and pleasant introduction for them to the area.

Thank you for considering our request.

Charlene Chamberlayne

(757) 281-8107

ITEM SUMMARY

DATE: 8/7/2019

TO: The Planning Commission

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

SUBJECT: Planning Director's Report - August 2019

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:15 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:15 AM
Publication Management	Daniel, Martha	Approved	7/31/2019 - 11:28 AM
Planning Commission	Holt, Paul	Approved	7/31/2019 - 11:28 AM

PLANNING DIRECTOR'S REPORT

August 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:**

- July 9, 2019**

- SUP-19-0010. Norge Dental Center Expansion
(Approved 5-0)
 - Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments
(Deferred to September 10, 2019)

- **Community Development**

- **Special Events**

Upcoming events in the process of receiving final approval include:

SE-19-0028	Scares that Care 5k	8/3/2019
SE-19-0030	Beak of the Chick Rowing Regatta	8/3/2019
SE-19-0040	Virginia Duathlon	8/4/2019
SE-19-0053	WISC Annual Family Festival	8/10/2019
SE-19-0054	CDR SuperHero 5K	8/10/2019
SE-19-0035	Reggae Fest	8/17/2019
SE-19-0042	Uncorked & Unplugged	8/24/2019
SE-18-0130	Democracy Dash 10K.	8/24/2019
SE-18-0102	Patriots Triathlon - 2019	9/8/2019
SE-19-0056	W&M Cross Country Invitational	9/14/2019
SE-19-0045	40th Annual Williamsburg Kiwanis Shrimp Feast	9/14/2019
SE-18-0091	Colonial Relay	9/14/2019
SE-19-0052	Harvest Festival	9/21/2019
SE-19-0001	Parkinson's Moving Day	9/21/2019
SE-18-0133	James Riverfest	9/28/2019
SE-18-0132	Boo Bash at the Beach	10/19/2019
SE-19-0057	2019 Williamsburg Walk to End Alzheimer's	10/26/2019
SE-19-0025	Chickahominy Day Parade & Celebration	10/26/2019
SE-19-0015	Billsburg Birthday Bash	10/26/2019
SE-19-0046	Head of the Chick Regatta	11/9/2019
SE-19-0016	Chili Cook Off for Alzheimers	11/26/2019
SE-19-0041	Big Turkey Burn Turkey Trot 5k	11/30/2019

New Cases for August 2019

Case Type	Plan Number	Case Title	Address	Description	Assigned To	District
Agricultural and Forestal District	AFD-19-0001	7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal	7150 RICHMOND RD	Proposed withdrawal of 150 acres from the Hill Pleasant Farm AFD at 7150 Richmond Road for a proposed solar farm.	Thomas Leininger	Stonehouse
	AFD-19-0002	9896 Sycamore Landing Rd. Croaker AFD Addition	9896 SYCAMORE LANDING RD	Proposed addition of 3.85 acres to the Croaker AFD at 9896 Sycamore Landing Road.	Tori Haynes	Stonehouse
Conceptual Plan	C-19-0043	2604 John Tyler Hwy Additional Dwelling	2604 JOHN TYLER HWY	Conceptual plan to construct an additional dwelling at 2604 John Tyler Highway.	Tori Haynes	Berkeley
	C-19-0055	Monticello Avenue Shops	4744 OLD NEWS RD	Conceptual plan for a commerical development on 3 parcels at the intersection of Monticello Avenue and Windsormeade Way.	Thomas Leininger	Jamestown
	C-19-0056	4059 Ironbound Rd. Fuel Tank Replacement	4059 IRONBOUND RD	Conceptual plan to replace an existing private service underground fuel tank with an above ground fuel tank at 4059 Ironbound Road.	Tori Haynes	Jamestown
	C-19-0058	6640 Mooretown Rd Car Wash (York Co. Courtesy Review)	101 MOUNTS BAY RD	York County courtesy review for a car wash at 6640 Mooretown Road. Plan has been reviewed and approved.	Scott Whyte	Roberts
Subdivision	S-19-0050	4551 John Tyler Hwy. Branscome Office BLA	4551 JOHN TYLER HWY	Boundary line adjustment between 4551 and 4603 John Tyler Highway.	Thomas Leininger	Berkeley
	S-19-0051	New Town Sec. 8, Parcel D, Ph. II	5335 SETTLERS MARKET BLVD	Subdvision application to create 40 lots at New Town Section 8, Parcel D, Phase II.	Alex Baruch	Jamestown
	S-19-0052	Governor's Grove at Five Forks, Phase 17A - Courthouse Plat	4360 JOHN TYLER HWY	Courthouse plat for Governor's Grove at Five Forks, Phase 17A.	Ellen Cook	Berkeley
	S-19-0053	8856 & 8864 Richmond Rd. BLA	8856 RICHMOND RD	Boundary line adjustment between 8856 and 8864 Richmond Road.	Tori Haynes	Stonehouse
	S-19-0054	New Town Sec. 3&6 Block 21 Parcels 21C &21C2 BLA	5501 DISCOVERY PARK BLVD	Boundary line adjustment bewteen 5501 5585 Discovery Park Boulevard.	Jose Ribeiro	Jamestown
	S-19-0063	Lifepointe Christian Church BLE	8851 RICHMOND RD	Boundary line extinguishment bewteen 8851 and 8841 Richmond Road for Lifepointe Christian Church.	Thomas Wysong	Powhatan
Site Plan	SP-19-0040	256 Archer's Mead Sunroom SP Amend.	256 ARCHERS MEAD	Site plan amendment to add a sunroom at 256 Archer's Mead.	John Risinger	Roberts
	SP-19-0048	Lightfoot Marketplace Sidewalk SP Amend.	6401 RICHMOND RD	Site plan amendment to add a sidewalk outside of Building 3 at Lightfoot Marketplace.	Jose Ribeiro	Stonehouse
	SP-19-0050	Governor's Land Pickleball Courts SP Amend.	2710 TWO RIVERS RD	Site plan amendment to add 4 Pickleball courts at the Governor's Land Recreation Facility.	John Risinger	Berkeley
	SP-19-0051	Paul's Deli Patio Enclosure - SP Amend.	4345-100 NEW TOWN AVE 100	Site plan amendment to enclose a patio at 4345 New Town Avenue.	Alex Baruch	Jamestown
	SP-19-0052	3116 Ironbound Rd. Parking SP Amend.	3116 IRONBOUND RD	Site plan amendment to remove 1 parking space at 3116 Ironbound Road.	Jose Ribeiro	Berkeley
	SP-19-0053	Ford's Colony Maintenance Facility SP Amend.	100 MANCHESTER	Site plan amendment to expand the parking area at the Ford's Colony Maintenance Facility.	Thomas Wysong	Powhatan
	SP-19-0054	First Colony Pool - SP. Amend.	125 PASBEHEGH DR	Site plan amendment to add 2 light poles at the First Colony Pool. Plan has been reviewed and approved	Scott Whyte	Berkeley
	SP-19-0058	Settler's Market Walmart Crosswalk SP Amend.	4670 CASEY BLVD	Site plan amendment to remove a crosswalk shown on previously approved plan at the Settler's Market Walmart.	Thomas Wysong	Jamestown
	SP-19-0059	144 Tewning Rd. Gymnastics Center SP Amend.	144 TEWNING RD	Site plan amendment to add a landscape island in the parking lot at 144 Tewning Road.	Thomas Leininger	Jamestown
	SP-19-0060	7131 Merrimac Trl, Cochon on 2nd - SP Amend.	7131 MERRIMAC TRL	Site plan amendment to add a walk-in cooler at 7131 Merrimac Trail.	Alex Baruch	Roberts
	SP-19-0061	New Town Sec. 2 & 4, Block 3, Parcel B Parking SP Amend.	5309 DISCOVERY PARK BLVD	Site plan amendment to add 2 handicap parking spaces at 5309 Discovery Park Boulevard.	Thomas Wysong	Jamestown
Special Use Permit	SUP-19-0014	6096 Centerville Rd. Tourist Home	6096 CENTERVILLE RD	Special use permit to allow for a tourist home use in detached accessory apartment at 6096 Centerville Road.	Jose Ribeiro	Powhatan
	SUP-19-0015	4440 Ironbound Rd. Tourist Home	4440 IRONBOUND RD	Special use permit to allow for a tourist home use at 4440 Ironbound Road.	Tori Haynes	Jamestown