

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF JULY, TWO-THOUSAND AND FOURTEEN, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Tim O'Connor
Chris Basic
George Drummond
John Wright, III
Heath Richardson

Staff Present:

Paul Holt, Planning Director
Scott Whyte, Landscape Planner
Chris Johnson, Principal Planner
Leo Rogers, County Attorney

Absent:

Robin Bledsoe

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

2. PUBLIC COMMENT

Mr. Krapf opened the public comment.

There being none, Mr. Krapf closed the public comment.

3. CONSENT AGENDA

A. Minutes from June 4, 2014, Planning Commission meeting

Mr. Krapf noted that the line regarding the vote for Creative Kids Child Care referred to the case as an ordinance, when it should be a Special Use Permit.

Mr. Richardson noted that the date for D-Day should be June 6th.

B. Minutes from May 27, 2014 Joint Work Session meeting

C. Development Review Committee

i. Case No. S-0028-2014, Windmill Meadows Section 5 Perimeter Buffer Reduction

ii. Case No. C-0037-2014, Ford's Colony Westport Stormwater Modifications

iii. Case No. C-0013-2014, St. Bede Catholic Church Additions and Alterations

Mr. Basic moved to approve the Consent Agenda, with the recommended revisions to the minutes.

In a unanimous vote, the Commission approved the Consent Agenda 6-0; Ms. Robin Bledsoe being absent.

4. REPORTS TO THE COMMISSION

A. Policy Committee

Mr. Tim O'Connor stated that the Policy Committee did not meet in June.

B. Regional Issues Committee

Mr. Kraft stated that the Regional Issues Committee did not meet in June.

5. PUBLIC HEARING CASES

A. Case No. SUP-0007-2014, 131 Winston Drive Tourist Home

Mr. Scott Whyte, Planner, gave a summary of the staff report included in the Agenda Packet.

Mr. Krapf inquired regarding the process for an applicant to get their covenants changed and the number of residents who must agree to it.

Mr. Leo Rogers, County Attorney, stated that signatures would be required from a majority of the property owners in the neighborhood.

Mr. John Wright asked if the changes can be made at any time.

Mr. Rogers stated that the Code of Virginia allows those changes to be made at any time.

Mr. Tim O'Connor noted that Special Use Permits are for the property itself, and the next owner would be able to operate a tourist home as well. Mr. O'Connor inquired if a sunset clause could be included.

Mr. Rogers stated that it is possible, and a sunset clause would be appropriate in this situation.

Mr. O'Connor inquired if tourist homes are considered a commercial use.

Mr. Whyte confirmed that they are not considered residential because they are rented for a profit.

Mr. O'Connor asked if the same \$2.00 per night bed tax that is charged by hotels would be charged by this operation as well.

Mr. Whyte stated that the applicant has indicated that it would be charged.

Mr. Chris Basic asked if it would become a private matter if the application is approved, and the neighbors attempt to complain to Police or Zoning.

Mr. Rogers confirmed that it would not be violating any State or County Code.

Mr. Richardson inquired if the covenants are the only legal guidelines the neighborhood has because a homeowners' association does not exist.

Mr. Rogers stated that, because there is no homeowners' association, any neighbor who is also governed by the covenants could file a suit.

Mr. Krapf inquired if the Commissioners had any disclosures they would like to share.

There being none, Mr. Krapf opened the public hearing.

Ms. Joanne Arnall, 252 N. 6th Street, Indiana, PA, addressed the Commission giving an overview of the proposal. Ms. Arnall noted that the tourist home is not operating at this time, and that she would support a sunset clause.

Mr. O'Connor inquired who the other owners of the property are.

Ms. Arnall replied that the owners are herself, as well as her brother and sister.

Mr. O'Connor inquired if any of them are local.

Ms. Arnall replied that her brother lives next door and acted as the property manager when the tourist home had been operating in the past.

Mr. Basic inquired if there have been, or will be, any other attempts to contact the neighbors regarding the proposal.

Ms. Arnall stated that she is not planning anything at this time. Ms. Arnall stated that if she does not receive approval for the tourist home, she would most likely pursue short-term rentals.

There being no one else wishing to speak, Mr. Krapf closed the public hearing.

Mr. Richardson stated that he is pleased to hear that Ms. Arnall is flexible in regards to the use of the property. Mr. Richardson noted that it violates County policy to approve proposals that go against restrictive covenants.

Mr. Basic noted that he has gained a better understanding of the role covenants play in the Commission's decision based on the recent cases they have reviewed. Mr. Basic stated that approving an application an application in violation of covenants passes on any internal conflicts for the private individuals to solve on their own. Mr. Basic stated that he believes this would be irresponsible, and thus, he cannot support the application.

Mr. Krapf noted that there is a mechanism to resolve the issues with the restrictive covenants, and noted that a recent applicant was able to have hers changed. Mr. Krapf stated that it would not be in the best interest of the citizens to recommend approval of the application because it is in direct conflict with the neighborhood's covenants.

Mr. O'Connor stated that because tourists are transient, a tourist home is a commercial use.

Mr. O'Connor made a motion to recommend denial of the application.

On a roll call vote, the Planning Commission voted to recommend denial of the application by a vote of 6-0; Ms. Bledsoe being absent.

6. PLANNING COMMISSION CONSIDERATIONS

i. Case No. Z-0004-2014, Gatehouse Farms Proffer Amendment

Mr. Chris Johnson, Principal Planner, provided a brief history of the property and an overview of the proposal. Mr. Johnson stated that staff recommended approval of the proposed proffer amendment.

Mr. Richardson inquired regarding the typical number of units that would require a drainage study.

Mr. Johnson stated that it does not depend on the number of units, but the property itself, including the type of soil, topography, wetlands, and proximity to the floodplain. Mr. Johnson noted that the subject property, as well as the surrounding area, has known drainage issues.

Mr. Wright asked what amenities were promised to be on the recreational space.

Mr. Johnson stated that the proffers did not specify amenities, only the number of acres.

Mr. Wright inquired how many homes have been built.

Mr. Johnson stated that there are approximately 50 homes in Gatehouse Farms, and the property behind it could have accommodated another 136.

Mr. O'Connor inquired if the drainage study would have gone outside the boundaries of the property in question.

Mr. Johnson stated that the proffer was only applicable to the subject property.

Mr. O'Connor noted that the study would thus be of no benefit to the rest of Neck-O-Land Road.

Mr. Johnson confirmed.

Mr. Krapf stated that although there is no public hearing, the Commission will still vote on this case.

Mr. Drummond moved to approve the application.

On a roll call vote, the Planning Commission voted to recommend approval of the application by a vote of 6-0; Ms. Bledsoe being absent.

7. PLANNING DIRECTOR'S REPORT

Mr. Holt noted that there has been discussion of cancelling the work session previously scheduled for July 24th, and he will be sending out a formal notice in the near future.

8. COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor stated that in preparation of discussing chicken keeping at the upcoming Policy Committee meeting, it would be helpful for the other Commissioners to review the video of the Board of Supervisor's most recent discussion.

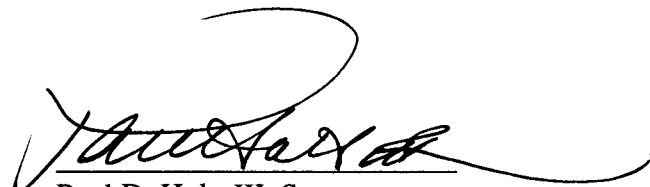
Mr. Krapf stated that Mr. George Drummond will be attending the July Board of Supervisors meetings.

9. ADJOURNMENT

Mr. Wright moved to adjourn the meeting.

The meeting was adjourned at approximately 7:35 p.m.


Richard Krapf, Chairman


Paul D. Holt, III, Secretary