

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
September 5, 2018
6:00 PM

A. CALL TO ORDER

Mr. Heath Richardson called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Heath Richardson
Rich Krapf
Tim O'Connor
Danny Schmidt
Jack Haldeman
Frank Polster
Julia Leverenz

Staff Present:

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

C. PUBLIC COMMENT

Mr. Richardson opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Rich Krapf stated that the Development Review Committee (DRC) met on August 22, 2018, to review three cases.

Mr. Krapf stated that the first case, Case No. C-18-0071, BASF Temporary Overhead Power Line was before the Committee because Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. Mr. Krapf stated that the applicant has requested a waiver to this requirement to allow a temporary overhead power line connection to a temporary construction trailer. Mr. Krapf noted that the waiver may be granted by approval of the Planning Commission per the recommendation of the DRC. Mr. Krapf stated that the Committee voted unanimously to recommend approval of the waiver with the condition that the overhead power line and all related infrastructure be removed by May 17, 2019, or within 60 days of the completion of construction, concurrent to the removal of the existing temporary construction trailer. Mr. Krapf further stated that the Committee requested that the Policy Committee consider whether the Zoning Ordinance should be amended to make a waiver for a temporary overhead powerline automatically approved with an approved permit for a temporary construction trailer.

Mr. Krapf stated that the Committee also reviewed Case No. C-18-0064, 7083 Menzels Road Minor Subdivision. Mr. Krapf stated that this case was before the Committee because Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. The applicant would like to have each lot served by an individual driveway and has requested an exception to this section of the Subdivision Ordinance. Mr. Krapf stated that staff recommended denial of the request as it does not meet exception criteria. Mr. Krapf stated that the Virginia Department of Transportation has expressed no concerns over the individual driveways. Mr. Krapf further stated that the applicant has proposed a modified plan which would provide four shared driveways along property lines. Mr. Krapf further stated that the shared drives would be constructed to facilitate the absorption of stormwater and decrease runoff. Mr. Krapf stated that the Committee voted unanimously to recommend approval of the exception as amended by the applicant.

Mr. Krapf further stated that the Committee reviewed Case No. S-0022-2018, 9812 Old Stage Road Minor Subdivision. Mr. Krapf stated that this case was before the Committee because Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. Mr. Krapf stated that the applicant has requested an exception to this section of the Subdivision Ordinance. Mr. Krapf stated that staff recommended approval of the exception request for the individual lot but not for the three contiguous parcels. Mr. Krapf stated that the Committee voted unanimously to recommend approval of the exception request for all four lots. Mr. Krapf noted that the individual driveways were less impactful to the environment due to reduced amounts of impervious cover and land clearing.

Mr. Jack Haldeman stated that the Policy Committee met on August 9, 2018. Mr. Haldeman stated that, in response to a request by the Board of Supervisors, the Committee continued to consider the process by which master plan consistency determinations are made. Mr. Haldeman stated that the Committee reviewed the flowchart outlining the process for review of development plans. Mr. Haldeman further stated that the Committee discussed the difficulty of objectively defining the term "significant" in matters involving a change in residential character. Mr. Haldeman stated that the Committee also revisited the discussion on the nature of a contract between the developer and a Homeowner's Association (HOA). Mr. Haldeman stated that staff pointed out that any change to the master plan that resulted in an increase in the number of houses automatically requires legislative action. Mr. Haldeman stated that the Committee decided to request additional guidance from the Board of Supervisors at the Joint Work Session on September 25. Mr. Haldeman stated that the Committee also discussed whether an application to reduce density or to cluster homes should be encouraged by reducing the steps and costs involved. Mr. Haldeman noted that more work will be needed to assess the risks and benefits of those changes.

E. CONSENT AGENDA

1. Development Review Committee Action Item: Case No. C-18-0071. BASF Temporary Overhead Power Line
2. Development Review Committee Action Item: Case No. C-18-0064. 7083 Menzels Road Minor Subdivision
3. Development Review Committee Action Item: Case No. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision
4. Minutes of the August 1, 2018 Regular Meeting

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

On a voice vote the Commission voted to approve the Consent Agenda (7-0).

F. PUBLIC HEARINGS

1. SUP-18-0010. Outdoor Flea Market at 6623 Richmond Road

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

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Leverenz, O'Connor, Polster, Richardson, Schmidt

Mr. José Ribeiro, Senior Planner II, stated that a Special Use Permit Application (SUP) has been submitted to allow an outdoor flea market at 6623 Richmond Road. Mr. Ribeiro stated that the front portion of the property is zoned B-1, General Business and the rear portion is zoned A-1, General Agricultural. Mr. Ribeiro stated that the property is designated Mixed Use on the 2035 Comprehensive Plan Land Use Map. Mr. Ribeiro further stated that Richmond Road is designated in the Comprehensive Plan as a Community Character Corridor (CCC). Mr. Ribeiro stated that an SUP is required for flea markets in the B-1 zoning district.

Mr. Ribeiro stated that the property is the site of a commercial office/warehouse complex. Mr. Ribeiro further stated that on August 8, 2006, the Board of Supervisors approved an SUP request for the redevelopment of the property. Mr. Ribeiro stated that the SUP proposed no additional square footage, only changes in use to the existing structure. Mr. Ribeiro stated that in the years since, the DRC has approved several master plan consistency requests for specific uses including switching the location of office and commercial space, placement of a roller-skating rink in an area previously identified for a skate park and placement of Sears Hometown and Outlet Store at a location previously identified on the Master Plan as a roller-skating rink.

Mr. Ribeiro noted that all SUP conditions associated with the addition of the skate park are outstanding; however, as the skate park was never pursued the conditions were never triggered. Mr. Ribeiro stated that the proposed flea market would provide space for up to 20 vendors to be located in the front parking area. Mr. Ribeiro stated that the flea market would operate Saturdays and Sundays from 6 a.m. to 4 p.m. year-round. Mr. Ribeiro further stated that no new permanent structure or building addition is proposed to be constructed as part of this SUP application. Mr. Ribeiro stated that the vendors would bring their own tables, which are later disassembled and removed from the site after the end of business hours.

Mr. Ribeiro stated that there are a total of approximately 180 parking spaces on the site. Mr. Ribeiro stated that 118 parking spaces are located in the commercial part of the complex and 62 parking spaces are located in the warehouse part of the complex. Mr. Ribeiro stated that a total of 158 parking spaces were originally calculated to be required to accommodate all the proposed uses.

Mr. Ribeiro noted that since approval of the SUP in 2006, the complex has never experienced full tenant occupancy. Mr. Ribeiro stated that according to the real estate agency responsible for leasing at the complex, the current tenant configuration includes an antique store, a youth baseball travel team, medical equipment office and storage and a nonprofit car club. Mr. Ribeiro stated that all storage/warehousing square footage is currently empty.

Mr. Ribeiro further stated that based on the Zoning Ordinance, staff calculates that a total of 100 parking spaces are required to meet the parking needs of existing tenants. Mr. Ribeiro

stated that the proposed flea market will occupy an area of approximately 7,000 square feet, which would require a total of 14 parking spaces. Mr. Ribeiro stated that the area occupied by the proposed flea market will take the space of a total of 27 parking spaces during the weekends. Mr. Ribeiro stated that the total number of parking spaces required for the existing uses and proposed outdoor flea market is 141 parking spaces. Mr. Ribeiro stated that based on the number of existing parking spaces, there are a total of 39 parking spaces left for the remaining uses on the property. Mr. Ribeiro stated that in order to ensure the availability of parking in the entire complex year-round, SUP Condition No. 8 requires that prior to any new tenant occupying the building a change of use application or parking verification must be submitted to the Director of Planning for review in order for staff to ensure the availability of parking spaces for all uses in accordance with the Zoning Ordinance. Mr. Ribeiro stated that the remaining empty spaces the property, mainly the warehousing and commercial uses, will be required to meet the minimum parking requirements of the Zoning Ordinance in order to be permitted.

Mr. Ribeiro stated that the Comprehensive Plan states that in the Lightfoot Mixed Use area, commercial uses should not develop in a strict commercial fashion and should emphasize shared access and parking, as well as consistent treatment for landscape and architecture. Mr. Ribeiro stated that no permanent structures will be constructed for this use and will use existing parking spaces. Mr. Ribeiro further stated that the existing landscaping will be supplemented and improved.

Mr. Ribeiro stated that the proposed SUP conditions have been developed to mitigate the impacts of the proposed use. Mr. Ribeiro further stated that staff finds the proposal to be compatible with surrounding zoning and development and that it is consistent with the 2035 Comprehensive Plan. Mr. Ribeiro stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Schmidt inquired if the proposed hours of operation included set-up and breakdown.

Mr. Ribeiro stated that he believed that the hours of operation included set-up and breakdown; however, he would defer to the applicant for confirmation.

The applicant's representative confirmed that the hours of operation included set up and break down.

Mr. Richardson opened the Public Hearing.

Mr. David Otey, Otey Smith & Quarles, representing the applicant, addressed the Commission in support of the application. Mr. Otey thanked staff for their efforts in bringing this case forward to the Commission. Mr. Otey noted that the applicant appreciated the thoughtful approach to the suggested SUP conditions. Mr. Otey stated that the proposed use would be weekend only, would not require additional infrastructure and would not place an additional burden on County services. Mr. Otey requested that the Commission recommend approval of the application.

Ms. Julia Leverenz inquired if the flea market would operate on holidays.

Mr. Neal Jones, applicant, stated that the flea market would not operate on weekday holidays.

Ms. Leverenz inquired if the vendors have made a request for additional operating days.

Mr. Jones stated that the parameters of the SUP would prohibit operating other than the specified weekend hours and that they fully intended to abide by the SUP conditions. As no one else wished to speak, Mr. Richardson closed the Public Hearing.

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

Mr. Krapf made a motion to recommend approval of the application subject to the proposed SUP conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-18-0010, Outdoor Flea Market at 6623 Richmond Road (7-0).

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - September 2018

Mr. Paul Holt, Director of Community Development and Planning, stated that he had nothing in addition to the report provided in the Agenda Packet.

Mr. Tim O'Connor inquired if the Oakland Pointe matter would be coming before the Commission again.

Mr. Holt stated that the applicant is still working to update the application and has not requested that it be scheduled for a hearing.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Richardson noted that three of the Commissioners have plans and obligations that will prevent them from participating in the October 3, 2018 meeting. Mr. Richardson stated that it would be important to ensure that there would be a quorum.

Mr. Holt requested that the Commissioners confirm with him whether they are or are not available to attend the October meeting.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:21 p.m.


Heath Richardson, Chair


Paul D. Holt, III, Secretary