

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