

**MINUTES**  
**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**

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

**B. ROLL CALL**

**Planning Commissioners Present:**

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

**Planning Commissioners Absent:**

Odessa Dowdy

**Staff Present:**

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

**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 on July 24, 2019 to consider Case No. C-19-0055. Monticello Avenue Shops. Mr. Polster stated that the case was presented to the DRC as a conceptual plan for rezoning and development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road.

Mr. Polster stated that the applicant requested the item on the DRC calendar to discuss the project and seek input and questions from the DRC members. Mr. Polster further stated that no action by the DRC was required.

Mr. Polster stated that the parcels are currently zoned R-8 and designated Neighborhood Commercial on the 2035 Comprehensive Plan Land Use Map. Mr. Polster further stated that the applicant proposes to rezone the parcels to B1 to accommodate a retail facility, a restaurant, and a quick service automobile commercial facility. Mr. Polster stated that the adjacent property on the east is currently zoned R-8. Mr. Polster further stated that if the B-1

rezoning request is granted, the proposed conceptual plan does not meet the minimum buffer requirement of the Zoning Ordinance.

Mr. Polster stated that staff was also concerned with other building setbacks and landscape buffers that the proposal did not meet. Mr. Polster stated that staff and the applicant agreed that waivers could be requested and the Planning Commission could recommend approval of those exceptions for those building setbacks and landscape buffers requirements.

Mr. Polster stated that the one unresolved issue is whether the Special Use Permit (SUP) per Section 24-11 of the Zoning Ordinance could permit an exception to the buffer requirement for the B-1 and eastern R-8 parcel. Mr. Polster stated that the issue requires additional study and discussion between the staff and applicant.

Mr. Polster stated that based on the discussion, the DRC consensus was supportive of recommending an exception to the B-1 buffer, building setbacks, and landscape buffers requirements of Section 24-11 of the Zoning Ordinance.

Mr. Polster stated that other items of discussion were traffic impacts on Monticello Avenue, stormwater, and a Virginia Department of Transportation (VDOT) proposal to close the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes. Mr. Polster stated that the applicant and the management of Monticello Marketplace Shoppes were not supportive of that proposal

#### **E. CONSENT AGENDA**

Ms. Julia Leverenz made a motion to approve the Consent Agenda.

On a voice vote, the Commission approved the Consent Agenda.

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

Ms. Julia Leverenz made a motion to approve the Consent Agenda.

On a voice vote, the Commission approved the Consent Agenda.

#### **F. PUBLIC HEARINGS**

1. SUP-19-0014. 6096 Centerville Road Tourist Home

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

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

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

Absent: Dowdy

Mr. José Ribeiro, Senior Planner, stated that Mr. Antwyne Anderson Jr. has applied for an SUP to allow for the operation of a short-term rental of a one-bedroom detached accessory apartment at 6096 Centerville Road. Mr. Ribeiro stated that the property is located inside the Primary Service Area, zoned A-1, General Agricultural and is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Mr. Ribeiro stated that on January 8, 2019, the Board of Supervisors approved an SUP request to allow the construction of the detached accessory apartment on the property. Mr. Ribeiro stated that at that time, the applicant indicated that the purpose of the apartment would be to provide a place for his grandmother to reside. Mr. Ribeiro stated that the applicant has since then indicated that his grandmother would be moving in at a later time and that the applicant would like the flexibility to use the detached apartment as a tourist home until his grandmother moves in. Mr. Ribeiro stated that both the detached accessory apartment and the main residence have been built.

Mr. Ribeiro stated that staff considers the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Ribeiro stated that the existing driveway and attached garage will exceed the minimum parking requirement. 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 restrictions on commercial signage and lighting, and any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired if the garage and accessory apartment have been built.

Mr. Ribeiro confirmed.

Ms. Leverenz inquired if the garage would be available to the guests.

Mr. Ribeiro confirmed.

Mr. Tim O'Connor inquired if it was standard practice to consider the tourist home use separately from the accessory apartment.

Mr. Holt stated that each use required an individual SUP and that, timing notwithstanding, the two applications would be processed concurrently.

Mr. Danny Schmidt inquired if any adjacent property owners had expressed concerns.

Mr. Ribeiro stated that staff did not receive any comments from neighbors.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

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 the application. On a roll call vote, the Commission voted to approve SUP-19-0014. 6096 Centerville Road Tourist Home. (6-0)

2. SUP-19-0015. 4440 Ironbound Road Tourist Home

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

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

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

Absent: Dowdy

Mr. Ribeiro stated that Ms. Charlene Chamberlayne has applied for an SUP to allow for the short-term rental of an entire two-bedroom home located at 4440 Ironbound Road. Mr. Ribeiro stated that this use is considered a Tourist Home because the owner will live off-site during the time of rentals. Mr. Ribeiro stated that the property is zoned R-2, General Residential, is designated Low Density Residential in the Comprehensive Plan, and is located inside the Primary Service Area.

Mr. Ribeiro stated that this SUP would allow short-term rentals throughout the year; however, the property will primarily be offered for short-term rentals during the summer months, as the house is leased to college students during the academic year. Mr. Ribeiro stated that no changes to the footprint of the home are proposed.

Mr. Ribeiro stated that staff considers the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Ribeiro stated that the property has an existing driveway and parking area sufficient to accommodate guests. 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 restrictions on commercial signage and lighting, and any future expansions of the use would require an SUP amendment.

Mr. Ribeiro stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application, subject to the conditions included in the Agenda Packet.

Ms. Julia Leverenz inquired if there were any concerns from adjacent property owners.

Mr. Ribeiro stated that there were no comments from neighbors.

Mr. Haldeman opened the Public Hearing.

1. Ms. Charlene Chamberlayne, 4915 Gosnold Avenue, Norfolk, Virginia, Applicant, addressed the Commission in support of the application.

Mr. Haldeman closed the Public Hearing.

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

Mr. Schmidt expressed appreciation for both applicants abiding by the Zoning Ordinance and working through the SUP process.

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

On a roll call vote, the Commission voted to recommend approval of SUP-19-0015. 4440 Ironbound Road Tourist Home. (6-0)

**G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for consideration.

**H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - August 2019

Mr. Holt stated that he had nothing in addition to what was provided in the report.

**I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

Mr. Haldeman stated that Ms. Leverenz is the Planning Commission representative to the Board of Supervisors for August.

Mr. O'Connor stated that he is concerned that the County is making land use decisions regarding short-term rentals that will have long-term impacts on the communities where they are located. Mr. O'Connor further stated that he believes the use is not consistent with the Comprehensive Plan. Mr. O'Connor noted that the Comprehensive Plan talks about tourism, meaning hotels and restaurants, which are the third leading employer in the County. Mr. O'Connor stated that the Comprehensive Plan talks about supporting tourism and creating jobs with benefits. Mr. O'Connor stated that he feels the short-term rentals are chipping away at the Comprehensive Plan goals. Mr. O'Connor noted that he understands eco-tourism and agri-tourism and finding uses in rural lands to generate income from the property. Mr. O'Connor stated that the subject had been discussed in Policy Committee several years ago and that it may be time to revisit the discussion in light of all the applications coming forward. Mr. O'Connor noted that he would be more inclined to support these applications if there were a limit on the duration of the SUP since it is difficult to predict what the economy will look like 15 or 20 years in the future.

Mr. Krapf stated that the idea of a sunset clause is interesting to him as long as the applicant is not making investment in material changes to the property such as expanding the building footprint. Mr. Krapf stated that he was including all SUPs, not just the short-term rentals. Mr. Krapf noted that short-term rentals might be a good starting point to consider limitations on SUPs. Mr. Krapf stated that since SUPs convey with the land in perpetuity, the property could change hands many times and the quality of the management and the impacts on the neighborhood could change dramatically over time. Mr. Krapf stated that there may be some SUPs where a sunset clause would be appropriate.

Ms. Leverenz stated that she supports considering how these SUPs are handled. Ms. Leverenz noted, however, that there still needs to be a mechanism to review and regulate these uses.

Mr. Schmidt stated that he feels the recent applications have been similar in nature without impacts on established neighborhoods. Mr. Schmidt noted that the cost of staying in a hotel can be prohibitive for young families and that short-term rentals are a more budget-friendly option. Mr. Schmidt noted that even before the advent of the shared economy, he has seen a number of hotels close due to lack of business. Mr. Schmidt noted that this is something that could be addressed more fully during the Comprehensive Plan review.

Mr. Haldeman stated that the shared economy is beneficial to single-family affordable housing, allowing homeowners to derive additional income to make ends meet and afford the mortgage payment. Mr. Haldeman noted that he appreciates the points the Commissioners have brought forward.

Mr. Polster noted that it is not only hotels, but also timeshares that are impacted. Mr. Polster

stated that the County has almost as many timeshares as Orlando, Florida.

Mr. O'Connor stated that the economy has shifted from hotels to timeshares and is now shifting from timeshares to short-term rentals.

Mr. Polster stated that a sunset clause for the SUP would allow the County to revisit the use and consider growth, changes to the economy, and impacts on the neighborhood.

Mr. O'Connor commented that the Comprehensive Plan also talks about sports-tourism which requires a critical mass of hotel rooms to support the visitors who then go to the restaurants and patronize the stores. Mr. O'Connor further stated that the sort-term rentals would also chip away at the opportunity for year-round full-time gainful employment.

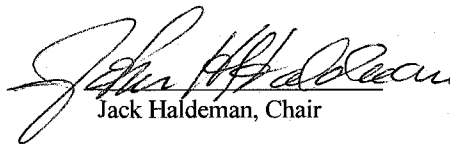
Ms. Leverenz noted that many of the timeshares are operating as short-term rentals.

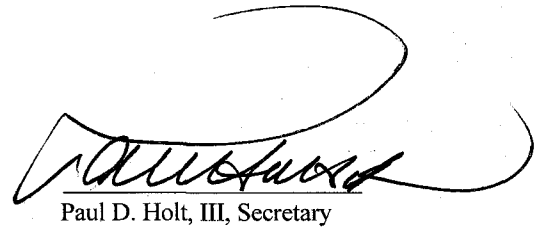
Mr. O'Connor stated that he did not want to open a Pandora's Box, but rather to look for direction from the Board of Supervisors on whether this should be a subject of discussion during the Comprehensive Plan review. Mr. Holt stated that he would add this to the list of items for the Board to consider when providing direction on the Comprehensive Plan review.

**J. ADJOURNMENT**

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 6:35 p.m.

  
Jack Haldeman, Chair

  
Paul D. Holt, III, Secretary