

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
May 6, 2020
6:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 6:00 p.m.

1. This meeting will be held electronically pursuant to a Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. Citizens may attend and participate in the electronic meeting via Zoom at: <https://zoom.us/j/92299519599?pwd=cStlZDgwVmtwT2lnTkNZaDI2K0FHdz09>, or dial any of the following numbers for listen-only audio of the meeting: 929-205-6099, 312-626-6799, 301-715-8592, 346-248-7799, 669-900-6833, or 253-215-8782 using Webinar ID: 922 9951 9599. To attend the meeting via Zoom, please call 757-253-6750 for the meeting password. Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Any public comment received through the above means will be shared at the meeting. Citizens using the link above who would like to speak during public comment and any public hearing will also be able to speak during those times.
2. Zoom Meeting Instructions

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Rob Rose
Barbara Null

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Christy Parrish, Zoning Administrator
Thomas Wysong, Senior Planner
Thomas Leininger, Planner

1. Virtual Meeting Resolution

A motion to Approve was made by Jack Haldeman, the motion result was Passed.
AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Krapf provided a summary of the resolution allowing the Planning Commission to hold the virtual meeting.

Mr. Jack Haldeman made a motion to approve the resolution.

On a roll call vote the Commission voted to approve the resolution. (7-0)

C. PUBLIC COMMENT

Mr. Krapf opened Public Comment.

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

D. REPORTS OF THE COMMISSION

(Secretary's Note: The Reports of the Commission were given under the Planning Commission Discussion and Requests agenda item.)

E. CONSENT AGENDA

1. Minutes of the April 1, 2020 Regular Meeting
2. S-0046-2015. Colonial Heritage Deer Lake Estates Construction Plan

Ms. Julia Leverenz 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-20-0005. 230 Peach St. Tourist Home

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Polster, Rose

Nays: Leverenz, Null, O'Connor

Mr. Tom Leininger, Planner, stated that Mr. Gary Campbell has applied for a Special Use Permit (SUP) to allow for the short-term rental of an entire 4-bedroom home located at 230 Peach Street. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live off-site during the time of rentals. Mr. Leininger stated that the property is zoned A-1, General Agriculture, is designated Economic Opportunity in the Comprehensive Plan, and is located outside the Primary Service Area (PSA).

Mr. Leininger stated that if the SUP is granted, it would allow short-term rentals of three of the four bedrooms throughout the year. Mr. Leininger further stated that the applicant can receive approval to rent the fourth bedroom once approval is granted by the Virginia Department of Health (VDH). Mr. Leininger stated that the home is currently occupied by the applicant and would be rented out when the applicant is not in residence. Mr. Leininger stated that no

changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired about a discrepancy in the number of bedrooms to be rented.

Mr. Leininger stated that the proposal is to rent three bedrooms with the possibility of renting a fourth bedroom if approved by the state.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

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

Ms. Null inquired about management of the property when the owner was away.

Mr. Gary Campbell, 230 Peach Street, Applicant, clarified that the house has only three bedrooms currently and that the possible fourth bedroom is unfinished, but may be considered for use at a future time. Mr. Campbell further stated that the property is owned by his parents. Mr. Campbell stated that he and his wife would be managing the property.

Mr. Haldeman sent a message to Mr. Krapf via the Zoom meeting chat function to let him know that the Reports of the Commission had been omitted.

Mr. Rob Rose inquired about how the SUP conditions would be enforced if the application is approved.

Mr. Holt stated that some of the items are required prior to a business license being issued, and others are enforced on a complaint based system. Mr. Holt further stated that at current staffing levels, it is not feasible to do regular follow-up; however, complaints are investigated and the SUP conditions can be enforced.

Mr. Tim O'Connor stated that he remains steadfast in the opinion that short-term rentals are not in keeping with the goals of the Comprehensive Plan. Mr. O'Connor further stated that the property is adjacent to the railroad tracks and is located on an unimproved road which does not represent the County well for visitors to the area. Mr. O'Connor stated that he cannot continue to support these types of applications.

Mr. Haldeman made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0005. 230 Peach St. Tourist Home. (4-3)

2. SUP-20-0007. 805 Arlington Island Road Tourist Home

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

AYES: 4 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Polster, Rose

Nays: Leverenz, Null, O'Connor

Mr. Tom Leininger, Planner, stated that Mr. Michael Hipple has applied for an SUP to allow for the short-term rental of an entire four-bedroom home located a 805 Arlington Island Road. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live off-site during the time of rentals. Mr. Leininger stated that the property is zoned A-1, General Agriculture, is designated Rural Lands in the Comprehensive Plan, and is located outside the PSA.

Mr. Leininger stated that if this SUP is granted, it will allow short-term rentals of two of the three bedrooms throughout the year. Mr. Leininger further stated that the applicant can receive approval of the third bedroom once approval from the Virginia Department of Health for the third bedroom is submitted. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

Mr. Leininger stated that staff finds the proposal to be compatible with the 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 proposed conditions.

Ms. Leverenz inquired who would be responsible for maintaining the property.

Mr. Leininger stated that the applicant would be responsible for the property and resides on the parcel just to the east of the subject property.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Michael Hipple, 821 Arlington Island Road, stated that he lives adjacent to the subject property and would be overseeing the rentals. Mr. Hipple stated that the home was purchased with the understanding that it is a three-bedroom dwelling; however, the Virginia Department of Health (VDH) has it designated as only two bedrooms. Mr. Hipple stated that he has

initiated a review of the septic system and once it is confirmed to be satisfactory, the necessary information will be submitted to VDH for their guidance and action. Mr. Hipple stated that the property is in a wooded setting and there is a substantial buffer between the subject property and the adjacent properties. Mr. Hipple stated that his purpose in making the property available to rent is to provide tourists with an opportunity to experience and enjoy the rural character of the County with the natural setting and abundant wildlife.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

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

Mr. Polster noted that short-term rentals have been the subject of many discussions over the last two years. Mr. Polster noted that the difficulty with these applications is not having sufficient criteria to guide consideration of the applications. Mr. Polster further stated that he hopes the criteria that is ultimately developed for evaluating short-term rentals will take into account the nature of the area and the opportunity for visitors to experience something different.

Ms. Leverenz stated that there have been a number of these applications recently. Ms. Leverenz stated that it is necessary to consider whether approval would set a precedent and how the use of the property would affect the affordable housing stock. Ms. Leverenz further stated that she believes it is time to take an in-depth look at how these applications should be evaluated. Ms. Leverenz further stated that she concurs with the idea of placing a time limit on the SUP so that it could be re-evaluated periodically. Ms. Leverenz stated that she would reluctantly oppose this application.

Mr. Krapf stated that he relies on the Comprehensive Plan and the existing guidelines to evaluate the applications. Mr. Krapf stated that he finds the application to be in keeping with both the Comprehensive Plan and the existing guidelines. Mr. Krapf stated that he does concur with the need to look at regulations for Tourist Homes and Rental of Rooms as part of the 2040 Comprehensive Plan review. Mr. Krapf stated that he will support this application based on the existing criteria.

Mr. Polster made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0007. 805 Arlington Island Road Tourist Home. (4-3)

3. ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District

A motion to Approve was made by Julia Leverenz, the motion result was Passed.

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

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Mr. Thomas Wysong, Senior Planner, stated that on August 13, 2019, the Board of Supervisors adopted an Initiating Resolution directing staff to explore the impacts of amending

the Zoning Ordinance to either remove warehouses, storage, and distribution centers from the Mixed Use (MU) District or allow this use as a specially permitted use.

Mr. Wysong stated that the Mixed Use Zoning District was added to the Zoning Ordinance in 1992. Mr. Wysong further stated that warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” has been consistently listed as a permitted use since the adoption of this district and as a result, there are Mixed Use developments in the County that include this use as a component with self-storage being the most prominent example.

Mr. Wysong stated that staff finds that warehouse, storage, and distribution centers are not a use that most fully fulfills the intent of the Mixed Use District which is to promote multiuse, master planned communities characterized by convenient and harmonious groupings of uses, structures, facilities, open space, and pedestrian walkways and/or bicycle paths. Mr. Wysong stated that it is, however, possible that the County could receive a proposal in which this use is appropriately scaled, designed and fittingly located as one component within a Mixed Use development and could potentially serve as a support use for other uses allowed in the Mixed Use District, such as light industrial or research and development uses. Mr. Wysong stated that if this use were to be removed from the district, such applications could not be submitted. Mr. Wysong further stated that if the County were to reclassify “warehouse, storage, and distribution centers with storage under cover or screened with landscaping from adjacent property” from a permitted use to a specially permitted use, existing facilities that fall under this category would become legally non-conforming. Future expansion of existing facilities could be approved, but only through an SUP. Mr. Wysong stated that new facilities on existing Mixed Use zoned land could also be pursued but only through the SUP process. Mr. Wysong further stated that for existing Mixed Use developments in which warehouse and storage uses are shown on the Master Plan, this would create an additional public review that would allow for the County to consider whether this use is appropriate and put in place the appropriate conditions needed to mitigate negative impacts.

Mr. Wysong stated that staff presented this analysis to the Policy Committee at its November 14 and December 12 meetings in 2019. Mr. Wysong stated that the Policy Committee voted unanimously to forward the draft language to the Planning Commission for review.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of the Ordinance Amendment to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

Ms. Leverenz made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote, the Commission voted to recommend approval of ORD-19-0007. Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District. (7-0)

4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

Ayes: Haldeman, Krapf, Leverenz, Null, O'Connor, Polster, Rose

Ms. Christy Parrish, Zoning Administrator, stated that the proposed Zoning Ordinance Amendments are designed to address two issues: the keeping of inoperative motor vehicles on residential, agricultural and commercial properties and the keeping of oversized vehicles in residential areas.

Ms. Parrish stated that to effectively address inoperative motor vehicles, the County requested and received a Charter Amendment from the 2019 General Assembly. Ms. Parrish further stated that this Charter Amendment grants additional authority to the County under Section 15.2-905 of the Code of Virginia to regulate the keeping of inoperative motor vehicles on residential, commercial, and agricultural zoned properties two acres in area or smaller.

Ms. Parrish stated that currently, the Zoning Ordinance regulates inoperable vehicles which are not shielded or screened from view in areas zoned residential or commercial. Ms. Parrish stated that properties zoned A-1, General Agricultural, may have up to five inoperable vehicles. Ms. Parrish stated that properties with more than five inoperable vehicles would constitute a vehicle graveyard.

Ms. Parrish stated that an inoperative vehicle, which is not shielded or screened from view, is defined as any motor vehicle which is not in operating condition or which for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.

Ms. Parrish stated that the recent Charter Amendment permits additional authority which allows James City County to regulate inoperative vehicles for properties zoned agricultural less than two acres and vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that this change will allow staff to more effectively address citizen complaints received which will enhance and protect the visual character of the community.

Ms. Parrish stated that the substantive changes propose to incorporate the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres and for those vehicles which do not display a valid license plate or valid inspection. Ms. Parrish stated that the changes will: separate the inoperative motor vehicle definition into two subsections and added properties zoned for agricultural less than two acres; redefine language for inoperative motor vehicles to mean any motor vehicle which is not in operating condition or does not display valid license plates or does not display any inspection decal that is valid for more than 60 days for properties less than two acres in size and zoned for agricultural, residential, or commercial purposes; add a definition of "shielded or screened from view" to mirror State Code; and clarify that the civil penalty applies only to inoperative motor vehicles located on properties zoned for residential or commercial purposes. Ms. Parrish further stated that it is important to mention that the County does not regulate the keeping of vehicles that are under active restoration, shielded from view, or vehicles bearing Antique or Farm Use license plates issued by the Department of Motor Vehicles.

Ms. Parrish stated that the second part of this Zoning Ordinance amendment addresses oversized vehicles.

Ms. Parrish stated that over the years, staff has received various concerns and complaints with the parking and keeping of oversized vehicles on properties zoned for residential purposes.

Ms. Parrish noted that complaints include parking large dump trucks and tractor trailer trucks on property in residential neighborhoods when they are not in use. Ms. Parrish stated that at this time the Zoning Ordinance does not address this issue and has limited ability to address the concerns when the oversized vehicle is not associated with a business activity on the property. Ms. Parrish stated that during the review, it was determined that an update to the Zoning Ordinance to address this issue will only apply to private property. Ms. Parrish stated that staff discussed concerns with parking oversized vehicles along the rights-of-way in residential areas with County Administration, the County Attorney's Office, and the Police Department. Ms. Parrish stated that it was determined that Chapter 13, Motor Vehicles and Traffic should also be reviewed.

Ms. Parrish stated that the recommended changes to the Zoning Ordinance to establish regulations for the parking of certain oversized vehicles on private property zoned for residential purposes includes: renaming and incorporating regulations into Section 24-37; identifying the certain oversized vehicle types that are being regulated; and listing exceptions to common and expected parking of oversized vehicles in residential areas.

Ms. Parrish stated that it is important to note that staff is not recommending any regulations when an oversized vehicle(s) is located and used on a farm, parked near the location where it used for work, or parked temporarily for loading or unloading items.

Ms. Parrish stated that the changes to Chapter 13, Motor Vehicles and Traffic include: creating Section 13-36.1 Restricted parking in certain areas; defining oversized vehicle; and listing exceptions to common and expected parking of oversized vehicles along public rights-of-way in residential districts.

Ms. Parrish stated that it is important to note that the proposed amendment will prohibit the parking of certain types of vehicles along residential streets County-wide.

Ms. Parrish stated that at its December 12, 2019 meeting, the Policy Committee reviewed the draft Ordinance language and voted 3-0 to approve the amendments.

Ms. Parrish stated that staff recommends the Planning Commission recommend approval of the attached Ordinance revisions to the Board of Supervisors.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

As no one wished to speak,

Mr. Krapf closed the Public Hearing.

Ms. Null made a motion to recommend approval of the Ordinance Amendment.

On a roll call vote the Commission voted to recommend approval of ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission Consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - May 2020

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

Mr. Holt stated that he wanted to express his appreciation to staff who have provided the support for the electronic meeting.

Mr. Krapf stated that he echoed that appreciation on behalf of the Commission.

Mr. Haldeman inquired if there was a reason that Reports of the Commission had been omitted.

Mr. Krapf thanked Mr. Haldeman for the reminder.

Mr. Krapf stated that the Reports of the Commission would be addressed during the Planning Commission Discussion and Requests.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Krapf called on Mr. Polster for the Policy Committee report.

Mr. Polster stated that the Policy Committee will meet on May 14, 2020.

Mr. Krapf called on Mr. Haldeman for the Development Review Committee (DRC) report.

Mr. Haldeman stated that the DRC met electronically under the County's Continuity of Government Resolution on April 22, 2020.

Mr. Haldeman stated that the Committee considered Case No. C-20-0034. 3889 News Road Ford's Bluff, a proffer and master plan amendment to Z-0008-2007, The Village at Ford's Colony. Mr. Haldeman stated that this area is south of the Firestone Road entrance into Ford's Colony and located on News Road between its intersections with Centerville Road and Monticello Avenue. Mr. Haldeman stated that the property is approximately 180 acres and is currently zoned R-4 and is designated Low Density Residential by the 2035 Comprehensive Plan. Mr. Haldeman stated that the applicant submitted a conceptual master plan, land use narrative, and brochure detailing the plans to use green building techniques and adjust the footprint of the development to allow for more open space. Mr. Haldeman stated that this item was on the DRC agenda in order to discuss the project and seek input and questions from the DRC members. Mr. Haldeman stated that no action by the DRC was required.

Mr. Krapf noted that the Joint Work Session with the Board of Supervisors on May 26, 2020 would most likely be canceled.

Mr. Krapf stated that Mr. Haldeman has Board of Supervisors coverage for May.

J. ADJOURNMENT

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 6:40 p.m.

Paul D. Holt, III, Secretary


Rich Krapf, Chair