

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
Legacy Hall
4301 New Town Avenue, Williamsburg, VA 23188
August 4, 2021
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Frank Polster
Julia Leverenz
Barbara Null
Rob Rose

Planning Commissioners Absent:

Tim O'Connor

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Assistant County Attorney
Tori Haynes, Senior Planner
Tom Leininger, Senior Planner
John Risinger, 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

Ms. Barbara Null stated that the Development Review Committee (DRC) met on July 21, 2021, to review the James City County Parks Master Plan Update. Ms. Null stated that the three parks reviewed were Upper County Park, the James City County Recreation Center, and the Warhill Sports Complex.

Ms. Null stated that as the oldest of the three parks, proposals for Upper County Park include: replacement of the toddler pool, a one-half mile paved multiuse trail, a gymnasium, an off-leash dog park, an archery range, a maintenance/storage area, and increased parking.

Ms. Null stated that proposals for the James City County Recreation Center include expansion of the skate park, a picnic shelter, an off-leash dog area, restroom/parking for new additions, and a restroom/concession building near the athletic field.

Ms. Null stated that proposals for the Warhill Sports Complex include a synthetic turf field complex with two lighted softball/multiuse fields and two lighted large baseball/softball fields, restrooms/concession stands, stadium complex with one baseball and one softball field, re-design of the connector road from Longhill Road to Opportunity Way, update existing indoor private pool facility, lighted pickle ball/tennis courts, update existing community garden, update existing General Service maintenance facility, and additional parking for the new amenities. Ms. Null further stated that along with the additions, the proposal recommends eliminating the following: one large field from present use to expand parking, seven multipurpose rectangle fields, proposed indoor sports facility, the BMX Park, and the running center.

Ms. Null stated that the DRC was generally supportive of the changes and made some recommendations that will be discussed by staff. Ms. Null stated that the Master Plan Update is slated to be presented to the Planning Commission at its September 1, 2021, meeting.

Mr. Frank Polster stated that the Policy Committee met on July 15, 2021, to review Phase II language regarding the keeping of bees in non-residential areas. Mr. Polster stated that in October 2020, the Policy Committee reviewed and discussed amendments to the Zoning Ordinance regarding keeping of bees in non-residential areas. Mr. Polster further stated that staff had been asked to develop performance standards applicable to non-residential properties, similar to those developed for residential properties.

Mr. Polster stated that staff proposed to use the same standards for ground-mounted hives approved for residential beekeeping and additional standards for roof-mounted hives and recommended beekeeping as a use for properties zoned Residential Planned Community (R-4, Commercial Uses), Limited Business (LB), General Business (B-1), Limited Business/Industrial (M-1), General Industrial (M-2), Planned Unit Development (PUD-R, Commercial Uses), Planned Unit Development (PUD-C), Research and Technology (RT), Mixed Use (MU), and Economic Opportunity (EO) Zoning Districts.

Mr. Polster stated that staff requested clarification on: 1) whether beekeeping should be allowed only as an accessory use; and 2) whether there should be a limit on the size of the colony on a property of one acre or less since the public is more likely to visit commercial properties than residential properties.

After discussion, the Committee provided guidance on additional performance standards for roof-top beehives and the addition of beekeeping to the use list for R-4, LB-1, M-1, M-2, PUD-R, PUD-C, RT, MU, and EO with no limit on the number of beehives.

E. CONSENT AGENDA

1. Minutes of the July 7, 2021 Regular Meeting
2. June 24, 2021 Meeting Minutes

Ms. Null made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the consent agenda. (6-0)

F. PUBLIC HEARINGS

1. SUP-21-0013. 2631 Lake Powell Road Tourist Home

A motion to Approve was made by Julia Leverenz, the motion result was Passed.
AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1

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

Mr. Tom Leininger, Senior Planner, stated that Mr. Brandon Lapetina has applied for a Special Use Permit (SUP) to allow for an entire three-bedroom home to be used as a tourist home. Mr. Leininger stated that the property is located at 2631 Lake Powell Road. Mr. Leininger further 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 R-2, General Residential, is designated Low Density Residential in the Comprehensive Plan, and is located inside the Primary Service Area (PSA).

Mr. Leininger stated that no changes are proposed for the footprint of the home. Mr. Leininger further stated that the owner of the home resides at the adjacent property.

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 stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home, including restrictions on commercial signage and lighting, and any future expansions of the use would require an SUP amendment.

Mr. Leininger 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 proposed conditions.

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.

Ms. Leverenz stated that she wished the moratorium on Tourist homes had remained in place until the 2045 Comprehensive Plan was adopted; however, this application seemed to be consistent with the proposed language.

Ms. Leverenz made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-21-0013. 2631 Lake Powell Road Tourist Home. (6-0)

2. SUP-21-0015. Crosswalk Community Church Daycare and School

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

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

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

Mr. John Risinger, Planner, stated that Mr. Caleb Hurst of Draper Aden Associates has applied on behalf of Crosswalk Community Church and Greenwood Christian Academy for an SUP to allow the operation of a child day care center and school, the installation of two temporary classroom trailers for the 2021/2022 school year, the installation of one permanent modular building, and the continued operation of a place of public assembly at 5100 John Tyler Highway. Mr. Risinger stated that the property is zoned R-1, Limited Residential, is

designated Low Density Residential in the adopted 2035 Comprehensive Plan, and is located inside the PSA. Mr. Risinger further stated that surrounding development includes the Williamsburg Crossing Shopping Center, and the Jamestown Farms and Indigo Park subdivisions.

Mr. Risinger stated the property has had two approved SUPs for child day care center and school use. Mr. Risinger stated that in 2002, SUP-0030-2001 was approved to allow a preschool with a maximum capacity of 200 students within the existing church building. Mr. Risinger further stated that in 2008, SUP-0009-2008 was approved to amend SUP-0030-2001 to allow the operation of an elementary school until June 30, 2010, in addition to the preschool.

Mr. Risinger stated that for the current proposal, the applicant anticipates using temporary classroom trailers for the elementary school for the 2021/2022 school year and using the permanent school building for preschool starting in the 2022/2023 school year.

Mr. Risinger stated that staff is recommending conditions that would mitigate the impacts of the use and replace the conditions of SUP-0009-2008. Mr. Risinger stated that with the conditions, the child day care center and school uses on the property would be limited to a total enrollment capacity of 200 students, pre-Kindergarten through eighth grade, with hours of operation from 7 am to 6 pm, Monday through Friday. Mr. Risinger stated that the temporary classroom trailers would be removed from the property prior to September 1, 2022. Mr. Risinger further stated that additional conditions are proposed regarding landscaping, exterior lighting, outdoor noise, and signage. Mr. Risinger stated that the proposed conditions would allow the continued operation of the church as a place of public assembly.

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

Ms. Leverenz inquired if there is a provision to ensure that the modular building is of good quality and be serviceable for a number of years.

Mr. Risinger stated that the building must meet all aspects of the Building Code and would be subject to remediation if it fell into a state of disrepair.

Mr. Polster inquired about the buffering for the back area.

Mr. Risinger stated that the buffer would be reviewed during site plan review and would be subject to Planning Director approval. Mr. Risinger stated that this would also include preservation of existing vegetation.

Mr. Polster inquired about the four-foot vinyl screen shown on the Master Plan and the buffering on either side.

Mr. Risinger stated that the vinyl screen is existing and would remain in place. Mr. Risinger further stated that the area on either side were the 15-foot side setbacks for the property and that there is a 35-foot rear setback as well. Mr. Risinger stated that any landscaping would be done in addition to what currently exists.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures. Mr. Haldeman opened the Public Hearing.

Mr. Mark Thornblom, President of the School Board for Greenwood Christian Academy, addressed the Commission in support of the application.

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

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

On a roll call vote, the Commission voted to recommend approval of SUP-21-0015, Crosswalk Community Church Daycare and School. (6-0)

3. Z-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse)

Nays: Leverenz

Abstain: Rose

Absent: O'Connor

Ms. Tori Haynes, Senior Planner, stated that Mr. Vernon Geddy has applied on behalf of Mr. Conor Halfpenny to rezone approximately 3.4 acres of land located at 1826 Jamestown Road and 259 Sandy Bay Road from B-1, General Business, and LB, Limited Business, to B-1 with Proffers. Ms. Haynes stated that the site is located inside the PSA and is designated Neighborhood Commercial in both the current 2035 and draft 2045 Comprehensive Plans. Ms. Haynes stated that the proposed use is a small-scale brewery with a taproom and coffee shop, which will be known as Frothy Moon Brewhouse.

Ms. Haynes stated that the boundary line between the two parcels will be extinguished to create one cohesive site. Ms. Haynes stated that about half of the existing 5,000-square-foot building will contain the brewing and production facilities. Ms. Haynes further stated that the other half will house a taproom, coffee shop, and retail space, along with offices and storage. Ms. Haynes noted that meal options will be provided by a third-party food truck on-site. Ms. Haynes stated that the outdoor area includes an existing patio and open-air roofed structure, which will be used as a patron space with seating and outdoor game areas.

Ms. Haynes stated that the proposal includes improvements to the 50-foot Community Character Corridor buffer along Jamestown Road and consolidation of the existing entrances to better manage traffic flow. Ms. Haynes stated that a shared parking agreement with the adjacent property is proposed as an overflow parking option. Ms. Haynes further stated that the applicant has proffered to restrict access from Sandy Bay Road, to provide additional turn lane warrants should there ever be a future expansion, to complete water conservation standards with James City Service Authority (JCSA), and to limit by-right B-1 uses to be more in keeping with LB.

Ms. Haynes stated that staff finds the proposed rezoning will not negatively impact surrounding development, and the proposed proffers mitigate impacts generated by the proposal. Ms. Haynes stated that the redevelopment of the parcel for a brewery and taproom is consistent with both the adopted 2035 and draft 2045 Comprehensive Plans' recommended uses and Goals, Strategies, and Actions (GSAs).

Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of the application and acceptance of the voluntary proffers to the Board of Supervisors.

Mr. Krapf requested that Ms. Haynes elaborate on how the existing tree buffer and distance

from any residence might mitigate noise from outdoor entertainment.

Ms. Haynes stated that staff considered several items for sound mitigation during the review. Ms. Haynes stated that the transitional buffer at the rear of the property must be at least 35 feet under the Zoning Ordinance and would be at least 60 feet as indicated in the application. Ms. Haynes further stated that staff considered the four homes in proximity to the subject parcel. Ms. Haynes stated that the closest residence is approximately 25 feet from the outdoor entertainment area, and the farthest is approximately 1,400 feet away. Ms. Haynes stated that the James City County Noise Ordinance requires that any sound audible at 100 feet be discontinued at 9 p.m. Ms. Haynes stated that staff found that those factors should mitigate any noise generated.

Ms. Leverenz inquired about the proposed hours of operation.

Ms. Haynes stated that she would defer to the applicant for that question.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf stated that he spoke with the applicant's attorney.

Ms. Leverenz stated that she spoke with Mr. Geddy as well.

Mr. Polster stated that he spoke with Mr. Geddy prior to the meeting.

Mr. Haldeman stated that he also spoke with Mr. Geddy.

There were no further disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, III, Geddy Harris Franck & Hickman, 1177 Jamestown Road, made a presentation to the Commission in support of the application. Mr. Geddy stated that he is aware of the noise concerns and has spoken with the adjacent property owners. Mr. Geddy stated that the applicant is willing to mitigate noise impacts and be a good partner in the community.

Ms. Leverenz stated she was concerned about the noise impacts mentioned by adjacent property owners, not just from music but also from food trucks. Ms. Leverenz noted that some of the adjacent property owners had suggested having restrictions on food trucks on the property. Ms. Leverenz inquired if the applicant would consider putting something in writing about directing amplified and live music towards Jamestown Road.

Mr. Geddy stated that the applicant would be willing to stipulate to directing the music toward Jamestown Road. Mr. Geddy further stated that restriction on food trucks would prove problematic to the applicant. Mr. Geddy stated that the County's Food Truck Ordinance was designed for food trucks to go into residential areas. Mr. Geddy further stated that the ability to use food trucks to provide meal service is integral to the business. Mr. Haldeman inquired if it is part of the business plan to have live music during the day. Mr. Geddy stated that there might be outdoor music on weekends in the afternoon. Mr. Geddy further stated that there would be background music for ambiance in the taproom and the gazebo; however, the volume would be minimal.

Mr. Rose inquired about preventing overflow parking at the small park across Jamestown Road.

Mr. Holt stated that the applicant has worked out an agreement with the adjacent business for a shared parking plan.

Mr. Haldeman stated that he would like to find a way to reduce noise impacts for this proposed use and future uses on the property. Mr. Haldeman inquired if the applicant would be willing to provide written assurance that there would not be live music on the property prior to 6 p.m. on weekdays.

Mr. Geddy stated that he could not make that commitment on the spot and would need to discuss the matter with the applicant.

Mr. Polster inquired if there was a difference between what Ms. Leverenz proposed and what Mr. Haldeman proposed.

Ms. Leverenz stated that she was referring to the direction of the sound.

Mr. Haldeman stated that his suggestion included the direction of the sound, the volume, and the time of day.

Mr. Polster inquired if the applicant was agreeing to proffer the volume and direction of the sound.

Mr. Geddy stated that the applicant was willing to proffer the direction of the sound. Mr. Geddy further stated that he was not sure how the volume could be addressed.

Mr. Polster inquired about the business plan for the area with the gazebo and food trucks.

Mr. Geddy stated that the majority of the time, it will be soft background music similar to a coffee shop. Mr. Geddy further stated that there may be times during the week and certainly times over the weekend when there would be live music. Mr. Geddy stated that this is not a concert venue for large bands, but certainly for smaller musical groups.

Mr. Polster inquired if the plan was to have live music indoors and outdoors. Mr. Geddy stated that the outdoor music would be weather dependent.

Mr. Ken Goldsmith, 258 Sandy Bay Road, addressed the Commission in opposition to the application.

Mr. Steve Sieling, 4108 Longview Landing, addressed the Commission in support of the application.

Celia Cackowski, 206 London Company Way, addressed the Commission in support of the application.

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

Mr. Krapf inquired if the Noise Ordinance addressed decibel levels.

Ms. Haynes stated that the Ordinance does not specify decibel levels, but does use the language "plainly audible" which is defined as any sound that can be detected by a person using his or her unaided hearing faculties. Specific words or phrases need not be discernable. The detection of bass reverberations is sufficient to constitute a plainly audible sound."

Mr. Krapf noted that this applied to noise after 9 p.m. Mr. Krapf inquired about regulations on noise between 7 a.m. and 9 p.m.

Ms. Haynes stated that there are several categories for addressing noise before 9 p.m. Ms. Haynes further stated that there is nothing in the Ordinance that addresses noise prior to 9 p.m. for this use in this location.

Ms. Null inquired if there would be any restrictions related to events held on the property.

Ms. Haynes stated that events that met the parameters to require a Special Event Permit would be governed by those restrictions. Ms. Haynes further stated that there generally are no proffers regarding events.

Mr. Haldeman stated that he believes this is an excellent proposal for the location and has many benefits for the community. Mr. Haldeman further stated that he would like to see the applicant include proffer language regarding noise that encompasses daytime hours.

Ms. Leverenz stated that she also has concerns over daytime noise and the impacts on those using the Powhatan Creek Park. Ms. Leverenz stated that future use of the property is also a concern. Ms. Leverenz further stated that even voices can carry across a distance.

Mr. Krapf stated that the proposed project is supportive of the Comprehensive Plan and is an excellent re-use of the property. Mr. Krapf further stated that he appreciates the applicant being willing to make assurances about the direction of the noise. Mr. Krapf stated that he is concerned that the Commission is overreaching in trying to restrict daytime noise. Mr. Krapf noted that it would be difficult to develop restrictions that were fair and equitable. Mr. Krapf stated that he finds established safeguards to be satisfactory.

Mr. Polster stated that he also supports the application. Mr. Polster stated that the proposal supports the Comprehensive Plan in a number of ways, not the least of which is supporting eco-tourism by providing additional food and drink resources for people using the blueway and the Capital Trail.

Ms. Null stated that she supports the application and is looking forward to the revitalization of the area.

Mr. Rose stated that he wanted to disclose that a conflict of interest has been identified and that he would abstain from voting.

Mr. Haldeman inquired if Mr. Rose wished to elaborate on the conflict.

Mr. Rose stated that his conflict comes from negative interaction with the owner of Aromas, which is partnering with Frothy Moon to provide coffee. Mr. Rose stated that he was concerned that the owner of Aromas would not honor the intent to be good neighbors in the community.

Mr. Polster made a motion to recommend approval of the application with the understanding that the applicant will work with staff to include a proffer related to the direction of noise away from Sandy Bay Road.

On a roll call vote, the Commission voted to recommend approval of Z-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Brewery and Taproom (Frothy Moon Brewhouse). (4-1-1)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2021

Mr. Holt stated that he had nothing to add to what was provided in the agenda packet.

Mr. Polster inquired if a date had been set for the review of the Comprehensive Plan Process.

Mr. Holt stated that it was on the list of items to do but a date had not been set. Mr. Holt stated that staff should be able to propose some options soon.

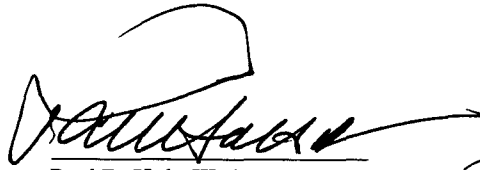
I. PLANNING COMMISSION DISCUSSION AND REQUESTS

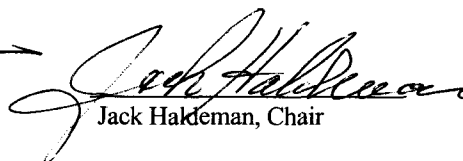
Mr. Haldeman stated that the Board of Supervisors does not meet in August so there was no one scheduled for Board coverage.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn.

The meeting was adjourned at approximately 7:01 p.m.


Paul D. Holt, III, Secretary


Jack Haldeman, Chair