

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
November 3, 2021
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
Frank Polster
Julia Leverenz
Barbara Null
Rob Rose Planning

Commissioners Absent:

Tim O'Connor

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Terry Costello, Deputy Zoning Administrator
Thomas Wysong, 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

Ms. Barbara Null stated that the Development Review Committee did not meet in October.

Mr. Frank Polster stated that the Policy Committee did not meet in October.

E. CONSENT AGENDA

1. Minutes of the October 6, 2021 Regular Meeting

Ms. Julia Leverenz 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. ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-Residential Districts

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

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

Ayes: Haldeman, Krapf, Leverenz, Null, Polster, Rose

Absent: O'Connor

Ms. Terry Costello, Deputy Zoning Administrator, stated that on September 8, 2020, the Board of Supervisors approved the keeping of bees in Residential Districts with Performance Standards. Ms. Costello stated that during the process leading up to that approval, there were discussions about permitting beekeeping in non-residential districts. Ms. Costello stated that, as a result of the discussions, the Board of Supervisors adopted an Initiating Resolution to address this use.

Ms. Costello stated that staff conducted research on other localities similar to what was done previously. Ms. Costello stated that of the few localities that do permit this use in non-residential districts, the standards were the same for residential and non-residential districts.

Ms. Costello stated that the Policy Committee met three times to consider the research conducted as well as reviewing the current residential standards. Ms. Costello stated that Performance Standards were then developed for ground mounted hives as well as rooftop hives.

Ms. Costello stated that the draft Ordinance requires properties in these non-residential districts to adhere to the standards for residential properties as well as additional ones, which include signage for both rooftop and ground hives, specified distances from the edge of the roof, and the requirement of a strapping system for the rooftop.

Ms. Costello stated that at its September 9, 2021 meeting, the Policy Committee unanimously recommended approval of the draft Ordinance to the Planning Commission.

Ms. Costello stated that staff recommends that the Planning Commission forward a recommendation of approval to the Board of Supervisors.

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. Polster made a motion to recommend approval of the Ordinance amendment.

On a roll call vote, the Commission voted to recommend approval of ORD-20-0015. Zoning Ordinance Amendments to Address the Keeping of Bees in Non-Residential Districts. (6-0)

2. SUP-21-0016. Williamsburg Unitarian Church 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

Ms. Terry Costello, Deputy Zoning Administrator, stated that Mr. Joe Cross, Williamsburg Unitarian Universalist Church, has applied for an SUP to allow for a school within the existing church structure located at 3051 Ironbound Road. Ms. Costello stated that the property is zoned R-8, Rural Residential, and designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map and is located inside the Primary Service Area.

Ms. Costello further stated that the Church has occupied this building since January 1997. Ms. Costello further stated that an SUP was approved in 2015 to expand the building and parking area, and permit the two other structures on the property as accessory to the Church.

Ms. Costello stated that the school will have a maximum of 30 students and five staff members. Ms. Costello further stated that the children will range in age from Pre-K through Kindergarten.

Ms. Costello stated that the hours of operation will be from 7:30 a.m. until 6 p.m. Monday through Friday. Ms. Costello stated that the hours of instruction will be 8:30 a.m. through 3 p.m. Ms. Costello stated that there would be very limited daycare before 8:30 a.m. and after 3 p.m. Ms. Costello stated that the children will be picked up in a car line similar to other schools. Ms. Costello stated that the school will be operated within the current facility and use the existing outdoor play area.

Ms. Costello stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan. Ms. Costello stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors subject to the proposed conditions.

Mr. Haldeman inquired if there would be any new construction.

Ms. Costello confirmed that there would not be any new construction.

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. Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-21-0016. Williamsburg Unitarian Church School. (6-0)

3. Z-21-0012 and MP-21-0003. Proffer and Master Plan Amendment for the Continuing Care Retirement Facility at Ford's Colony (Ford's Village)

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

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

Ayes: Haldeman, Krapf, Leverenz, Null, Polster, Rose

Absent: O'Connor

Mr. Thomas Wysong, Senior Planner, stated that after this case was advertised for a Public Hearing, the applicant requested a deferral of this case until the December 1, 2021, Planning Commission meeting. Mr. Wysong stated that the applicant requested the additional time to

prepare revised Proffers. Mr. Wysong further stated that the revised Proffer document will assist staff in completing a comprehensive review and evaluation of the proposal and determine if impacts are adequately mitigated.

Mr. Wysong stated that staff concurs with the request for deferral and recommends that the Planning Commission defer this application to its December 1, 2021, Regular Meeting.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Haldeman stated that the Commission would hear anyone who wished to speak; however, they would not be allowed to speak again at the December meeting.

No one wished to speak.

Ms. Null made a motion to postpone consideration of the application.

On a roll call vote, the Commission voted to postpone consideration of Z-21-0012 and MP-21-0003. Proffer and Master Plan Amendment for the Continuing Care Retirement Facility at Ford's Colony (Ford's Village). (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Updates to the Remote Participation Policy and the Bylaws of the Planning Commission of James City County, Virginia

Mr. Holt stated that the currently adopted Bylaws of the James City County Planning Commission provide that a quorum of the Commission shall consist of a majority of the members of the Commission and a physical quorum is required. Mr. Holt further stated that Planning Commissioners may participate in any meeting wherein the public business is discussed or transacted through electronic communication in accordance with § 2.2-3708.1 of the Code of Virginia. Mr. Holt stated that pursuant to those provisions, the Planning Commission adopted a policy governing remote participation in meetings by Commission members due to personal matters or a disability or medical condition (the "Policy").

Mr. Holt stated that the 2021 General Assembly amended § 2.2-3708.2 of the Code of Virginia to add language allowing for remote participation when a family member's medical condition requires the participant to provide care for such family member, thereby preventing the participant's physical attendance. Mr. Holt noted that the legislation also amended the limitation for personal matters to two, or 25 % of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Mr. Holt noted the Policy must be amended and readopted to reflect the changes made by the new legislation. Mr. Holt further noted that given the updated Code reference, the Planning Commission Bylaws must be amended also.

Mr. Holt stated that the proposed draft revised Policy and Bylaws are in conformance with the new legislation. Mr. Holt noted that there are also minor revisions to clarify certain portions of

the Policy.

Mr. Holt stated that procedurally, the Bylaws require a minimum of 30 days' notice and that action be taken at a regularly scheduled meeting. Mr. Holt further stated that this discussion item is to begin that notification period and no vote is requested at this meeting. Mr. Holt stated that staff will return to the regularly scheduled meeting of the Planning Commission in January 2022 for action on these items.

2. Planning Director's Report - November 2021

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

1. Final Planning Commission Working Group (PCWG) Meeting

Mr. Holt stated that at the request of the Planning Commission Chair, this item is on the Agenda to allow Commissioners to provide guidance on the structure of November 10, 2021 PCWG Agenda. Mr. Holt stated that at that meeting, staff will be prepared to provide a brief update which includes Board discussion outcomes but otherwise there are no presentations or substantive updates to provide. Mr. Holt further stated that staff envisions the meeting to simply be a time for the PCWG to reflect on the 2045 update process and to solicit general feedback on what went well and what might be helpful to change or fine-tune in future Comprehensive Plan update processes.

Mr. Holt stated that staff recommends the following Agenda for the November 10, 2021 PCWG meeting:

A.) A short update by staff

B.) Discussion by PCWG members:

- i. what went well and what to incorporate into the next Comprehensive Plan update process
- ii. what iterative process improvements the PCWG would like to see as part of the next Comprehensive Plan update process?

Mr. Polster stated that he is also interested in the staff perspective on the process since the entire process, including public engagement, was entirely new due to the pandemic.

Ms. Leverenz inquired if the Commissioners should still provide input for the meeting by November 5, 2021.

Mr. Polster stated that he had already provided his comments.

Mr. Rose stated that he would not be able to get his thought on paper for that deadline, but would have them for discussion at the meeting.

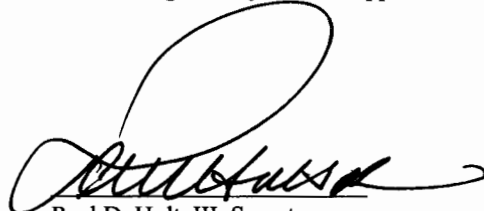
Mr. Holt noted that in order to meet public notice requirements, the Agenda packet would need to be published on November 4, 2021. Mr. Holt stated that staff would move forward with the agenda as set forth; however, this is just the framework a comprehensive discussion. Mr. Holt stated that the important aspect was capturing the Commissioners' thoughts on how the process played out and what could be improved.

Mr. Haldeman noted that Ms. Null would represent the Commission at the November Board of Supervisors meeting.

J. ADJOURNMENT

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 6: 24 p.m.



Paul D. Holt, III, Secretary



Jack Haldeman, Chair