

**MINUTES**  
**JAMES CITY COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**June 1, 2022**  
**6:00 PM**

**A. CALL TO ORDER**

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

**B. ROLL CALL**

**Planning Commissioners Present:**

Tim O'Connor  
Rich Krapf  
Jack Haldeman  
Frank Polster  
Barbara Null  
Rob Rose  
Stephen Rodgers

**Staff Present:**

Paul Holt, Director of Community Development and Planning  
Adam Kinsman, County Attorney  
Terry Costello, Senior Planner  
Suzanne Yeats, Planner

**C. PUBLIC COMMENT**

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

**D. REPORTS OF THE COMMISSION**

Ms. Barbara Null stated that the Development Review Committee (DRC) met on April 20, 2022, to consider C-22-0019. 7607 Richmond Road - Oakland Farm Residential Rezoning.

Ms. Null stated that this item is on the Committee's Agenda to have a high-level discussion of the project before starting detailed design work. Ms. Null noted that no action by the DRC is required.

Ms. Null stated that Mr. John Risinger, Planner, made a presentation to the Committee on the applicant's proposal for a residential development located at 7607 Richmond Road that would have a density of 2.5 to three units per acre, with a mixture of single-family and multifamily units.

Ms. Null stated that Mr. John Grier, Plus Management Commercial Real Estate, addressed the Committee stating that the estate owner contacted him to help understand the land use designation change from Moderate Density Residential to Low Density Residential (LDR) during the recent Comprehensive Plan update.

Ms. Null stated that Mr. Grier provided an initial civil engineer drawing of what he said could be developed on the property. Ms. Null stated that the applicant believes that with the approved apartments next door, it is an emerging growth area but with a rural context. Ms. Null stated that the applicant recognized that a development plan should still try to account for the history and layout of the property.

Ms. Null stated that the applicant also showed the Committee photos of the existing property, trees, and road procession to the Oakland subdivision along with an alternative design for the development which incorporates the existing Oakland Drive and tree clusters.

Ms. Null stated that Mr. Polster expressed concerns about the impacts of the proposed density of 270 new units, in addition to the 126 approved apartment units and the existing 40-50 homes in the Oakland subdivision, and the existing traffic issues for the Richmond Road and Croaker Road corridors.

Ms. Null stated that Mr. Polster suggested that any new design should fit the aesthetics of the planned landscaping, roadways, and bikeways of the apartment development. Ms. Null stated that Mr. Polster envisioned an R-1, Limited Residential zoning for the property but suggested the applicant consider the impacts and what design guidelines, benefits, or proffers might be proposed to offset another proposed zoning.

Ms. Null stated that the Board of Supervisors has already received comments on the proposal from concerned citizens. Ms. Null expressed concern about the proposed density, the traffic impacts, and possible requirements for additional schools.

Ms. Null stated that the applicant inquired about what would be considered preservation of the rural character.

Ms. Null stated that Mr. Polster suggested limiting zoning to R-1, Limited Residential, with one-acre lot density and a cap on traffic impacts to keep the same level of service.

Ms. Null stated that Mr. Crump suggested looking at the net developable area when considering density.

Ms. Null stated that Dr. Rose commented the existing community will likely be concerned with the new development and fencing.

Ms. Null stated that Mr. Haldeman asked about the driveways for proposed lots near the entrance.

Ms. Null stated that the applicant replied they would likely use a slip road.

Ms. Null stated that Mr. Polster suggested exploring the idea of rural clustering.

Ms. Null stated that the applicant mentioned the concept of rural hamlets as used in Loudoun County, Virginia.

Ms. Null stated that Mr. Polster also noted that extended Resource Protection Area buffers could be considered a public benefit along with the potential to locate trails in that area.

Ms. Null stated that the applicant inquired if keeping the existing Oakland Drive layout is the right solution.

Ms. Null stated that Mr. Polster replied that it would depend on the settings and what

development is proposed to keep the aesthetics of the area and mitigate traffic concerns.

Ms. Null stated that the meeting was adjourned at 5:00 p.m.

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

##### **1. Minutes of the April 6, 2022 Regular Meeting**

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

On a voice vote, the Commission approved the Consent Agenda. (7-0)

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

##### **1. SUP-22-0003. 7683 Richmond Road Kettle Corn Food Processing and Storage**

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

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

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

Ms. Suzanne Yeats, Planner, stated that Mr. David Tuftee, has applied for a Special Use Permit (SUP) on behalf of Uncle Dave's Kettle Korn to change the existing contractor's office and warehouse use at 7683 Richmond Road to allow the use of the property for food processing and storage. Ms. Yeats stated that the property is zoned A-1, General Agricultural, designated Low Density Residential, and is inside the Primary Service Area (PSA).

Ms. Yeats stated that the property consists of approximately 1.95 acres with a 5,560 square-foot building. Ms. Yeats further stated that the interior of the building is divided by use in the following categories: administrative purposes, storage of inventory, repair, and restoration of kettles, and finally processing, packaging, and distribution of kettle corn and pork rinds. Ms. Yeats noted that previously, the warehouse space was used to hold contractor trucks and equipment.

Ms. Yeats stated that conditions have been included to reduce impacts to the adjacent residential properties including limitations on hours of operation, increased requirements regarding outdoor storage, screening all dumpster and HVAC units, and limiting the preparation, heating, or processing of kettle corn and pork rinds to a fully enclosed building utilizing an activated carbon filtration system.

Ms. Yeats stated that staff finds this proposal to be compatible with surrounding development and consistent with the James City County 2045 Comprehensive Plan and Zoning Ordinance. Ms. Yeats stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Jack Haldeman inquired about any changes to the footprint of the building.

Ms. Yeats stated that there were no changes to the footprint of the building.

Mr. Stephen Rodgers inquired about response to any public outreach.

Ms. Yeats stated that letters had been sent to adjacent property owners as required by State Code and there had been no comments from the neighbors.

Mr. O'Connor opened the Public Hearing.

Mr. David Tuftee, 1928 Forge Road, applicant, addressed the Commission in support of the application.

Dr. Rose inquired if there would be any noise generated that would be noticeable outside the building.

Mr. Tuftee stated that the building was insulated and there would not be any excessive noise.

Mr. Rodgers inquired about the carbon filters.

Mr. Tuftee stated that he has not used carbon filters before but even though the odor is minimal, he is willing to use them to mitigate any potential impact on the adjacent properties.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Krapf stated that he is pleased to see that a local business is successful and would support the application so the business can expand.

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

On a roll call vote, the Commission voted to recommend approval of SUP-22-0003. 7683 Richmond Road Kettle Corn Food Processing and Storage. (7-0)

2. SUP-22-0004. 4451 Longhill Road Life Church Daycare Program SUP Amendment

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, Null, O'Connor, Polster, Rodgers, Rose

Ms. Terry Costello, Senior Planner, stated that Ms. Carla Javier of Child Development Resources (CDR) has applied to amend a previously approved SUP for a daycare located at 4451 Longhill Road. Ms. Costello stated that this is the current location of Life Church. Ms. Costello further stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map and is located inside the PSA. Ms. Costello stated that surrounding development includes Windsor Forest, Season's Trace, and Lafayette High School.

Ms. Costello stated that the Christian Life Center, known as Life Church, has occupied this facility since March 2000. Ms. Costello further stated that in March 2020, an SUP was approved for the church to bring it into conformance with the Zoning Ordinance, and to allow a daycare for up to 30 children. Ms. Costello noted that due to COVID 19 and other issues, the program never began.

Ms. Costello stated that in lieu of the church operating a daycare program, the Head Start program, operated by CDR, will be moving into this location. Ms. Costello stated that currently this program is operating at Lafayette High School which is located at 4460 Longhill Road. Ms. Costello further stated that CDR is proposing to have a maximum of 32 children with the operating hours of 7 a.m. -5 p.m.

Ms. Costello stated that this SUP will amend the previous one approved in 2020 with the following changes:

1. Increasing the maximum number of children from 30 to 32

2. Expanding the hours to 7 a.m. – 5 p.m. (previously the hours were 8:30 a.m. – 1:30 p.m.)
3. Adding a condition that mitigates noise since there is an outdoor play area proposed with this application.

Ms. Costello stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance.

Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor closed the Public Hearing. Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Haldeman made a motion to recommend approval of the application subject to the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0004. 4451 Longhill Road Life Church Daycare Program SUP Amendment. (7-0)

#### **G. PLANNING COMMISSION CONSIDERATIONS**

There were no items for Planning Commission consideration.

#### **H. PLANNING DIRECTOR'S REPORT**

1. Planning Director's Report - June 2022

Mr. Holt stated that he wanted to highlight the Natural and Cultural Assets Open House on June 29, 2022, from 4-7 p.m. at the James City County Recreation Center. Mr. Holt stated that James City County is a special place due to its rich natural and cultural landscape. Mr. Holt further stated that community members are encouraged to attend the Open House to learn more about the County's natural and cultural assets and comment on strategies to restore or protect them.

#### **I. PLANNING COMMISSION DISCUSSION AND REQUESTS**

There were no Commission discussions or requests.

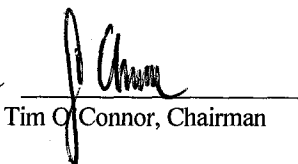
#### **J. ADJOURNMENT**

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 6:28 p.m.



Paul D. Holt, III, Secretary



Tim O'Connor, Chairman