

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
December 7, 2022
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Rich Krapf
Jack Haldeman
Frank Polster
Rob Rose
Barbara Null
Stephen Rodgers

Planning Commissioners Absent:

Tim O'Connor

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Josh Crump, Principal Planner
Thomas Wysong, Senior Planner
John Risinger, Senior Planner
Terry Costello, Senior Planner
Ben Loppacker, Planner

Mr. Polster acknowledged the 81st Anniversary of Pearl Harbor.

C. PUBLIC COMMENT

Mr. Polster opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Ms. Null stated that The Development Review Committee (DRC) met on November 16, 2022, to discuss Conceptual Plan C-22-0070, Monticello Avenue Shops, for a proposed commercial development located at 4744 Old News Road and 3897 and 3905 Ironbound Road submitted by Mr. Tim Trant of Kaufman & Canoles on behalf of Verdad Real Estate, Inc. Ms. Null stated that the proposal seeks to rezone the property from R-8, Rural Residential, to B-1, General Business, to allow the development of three 4,000-square-foot buildings to be used for office and retail uses.

Ms. Null stated that the Committee and the applicant team discussed the site layout, traffic, stormwater treatment, landscaping, and buffering. Ms. Null stated that the Committee noted

that there should be some harmony with the existing shopping center to preserve the viewshed. Ms. Null further stated that it was noted that reductions in the depth of the buffer are being requested due to the amount of Virginia Department of Transportation (VDOT) right-of-way on the parcels. Ms. Null stated that it was further noted that the buffer would contain the same number of plantings in a smaller footprint.

Ms. Null stated that the applicant team promised that it would conduct a robust public outreach regarding this project. Ms. Null stated that the applicant assured the Committee that the Planning Commission members would be made aware of public meetings so they could attend if desired. Ms. Null stated that since the applicant requested to discuss the project and seek input and questions from the Committee, no action by the DRC was required.

Mr. Haldeman stated that the Policy Committee met on November 10, 2022, to continue its discussion of the Board of Supervisors' Initiating Resolution pertaining to ORD-22-0001, Amendments for Scenic Roadway Protection.

Mr. Haldeman stated that preservation tools for roadways must be applied uniformly and categorically, according to the County Attorney's Office. Mr. Haldeman stated that since this initiative was to focus on Community Character Corridors (CCC) outside the Primary Service Area (PSA), the Committee removed Croaker Road, which is not a CCC, from consideration. Centerville Road and Colonial Parkway were also removed, as they are inside the PSA. Mr. Haldeman stated that the six roads remaining in the discussion about scenic protection are:

1. Forge Road (classified as "Open/Agricultural")
2. Old Stage Road (classified as "Open/Agricultural")
3. Richmond Road (classified outside the PSA as "Wooded")
4. Monticello Avenue (classified outside the PSA as "Wooded")
5. John Tyler Memorial Highway (classified outside the PSA as "Wooded")
6. Riverview Road (classified as "Wooded")

Mr. Haldeman stated that the Committee also removed mandatory clustering as a possible solution to scenic despoliation, because the new density requirements in the A-1 Zoning District and the proposed buffering and setbacks will prevent new residences from impacting scenic vistas. Mr. Haldeman noted that voluntary clustering remains under consideration.

Mr. Haldeman stated that the Committee considered staff's recommendation to increase setback requirements within the A-1 Zoning District, applying them only to those parcels adjacent to scenic roadways located outside the PSA. Mr. Haldeman stated that the recommendation was to apply a 400-foot setback to Open/Agricultural CCCs, exempting shallow parcels. Mr. Haldeman stated that there are few parcels larger than 25 acres along Forge Road and Old Stage Road, the only two roads for which this setback would apply. Mr. Haldeman stated that the Committee discussed several scenarios and realized that more information about the impact on smaller parcels was needed to make a decision. The Committee must also better define what these setbacks are meant to accomplish. Staff will continue its work and this will be back on the agenda for the January Policy Committee meeting and the Board of Supervisors' January Work Session.

Mr. Haldeman stated that the Committee also discussed staff's recommendation to change buffering along Wooded CCCs. Mr. Haldeman stated that buffering along commercial parcels would be increased from 50 feet to 100 feet; residential major subdivision parcels would be increased from no buffer to 200 feet; and there would remain no buffer requirements on Open/Agricultural Wooded CCCs where buffers might obscure the scenic vistas. Mr. Haldeman stated that the Committee unanimously recommends that the Planning Commission recommend approval of these three changes to the Board of Supervisors.

Mr. Haldeman stated that the Committee accepted staff's recommendation to implement buffering for timbering activities in the A-1 District, keeping the 50-foot buffer requirement along Wooded CCCs within the PSA and establishing a new 50-foot buffer requirement outside the PSA, and unanimously recommends that the Planning Commission recommend approval to the Board of Supervisors.

E. CONSENT AGENDA

1. Minutes of the November 2, 2022, Regular Meeting

Mr. Haldeman 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. AFD-22-0015. 999 Jolly Pond Road Cranston's Pond AFD Addition

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

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

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

Absent: O'Connor

Absent: O'Connor

Mr. John Risinger, Senior Planner, stated that Mr. Hunter Taylor has applied to enroll approximately 169.15 acres of land located at 999 Jolly Pond Road into the Cranston's Pond Agricultural and Forestal District (AFD). Mr. Risinger stated that the parcel is zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan. Mr. Risinger further stated that the parcel is located within one mile of the core of the Cranston's Pond AFD.

Mr. Risinger stated that a single-family dwelling has been constructed on the property; however, the property remains largely undeveloped. Mr. Risinger noted that a 30-acre portion of the property was timbered this past spring and summer. Mr. Risinger noted that a forest management plan has been prepared for the property to guide future timbering activities.

Mr. Risinger stated that the AFD Advisory Committee voted 7-0 to recommend approval of the application.

Mr. Risinger stated that staff finds that the proposed addition meets state and local requirements for inclusion in the AFD and recommends that the Planning Commission recommend approval of the application to the Board of Supervisors, subject to the proposed conditions.

Mr. Polster opened the Public Hearing.

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

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

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

On a roll call vote, the Commission voted to recommend approval of AFD-22-0015. 999 Jolly Pond Road Cranston's Pond AFD Addition. (6-0)

2. SUP-22-0018. 5477 Mooretown Road Williamsburg Place Pavilion & Farley Center Additions

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

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

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

Absent: O'Connor

Mr. Ben Loppacker, Planner, stated that Mr. Greg Stevens and Ms. Samantha Steketee have applied for a Special Use Permit (SUP) on behalf of The Pavilion at Williamsburg Place, Inc. for an SUP to allow for the expansion of the existing psychiatric and rehabilitation facility. Mr. Loppacker stated that the subject property is located at 5477 Mooretown Road, zoned M-1, Limited Business/Industrial, classified as Limited Industry on the 2045 Comprehensive Plan, and located inside the PSA.

Mr. Loppacker stated that the proposed expansion to the facility would add 41 inpatient beds, ten intermediate care beds, and 28 outpatient beds; remove four previously approved residential visitor units; add new office space for staff; and expand the indoor and outdoor dining and kitchen facilities. Mr. Loppacker further stated that this expansion would result in the facility having a total of 98 inpatient beds, 40 intermediate care beds, and 76 outpatient beds. Mr. Loppacker stated that according to the applicants, the expansion addresses the increasing demand for the need for mental health care and services in the community in large part to the ongoing effects of the COVID-19 pandemic.

Mr. Loppacker stated that Williamsburg Place has been an existing business within James City County since 1989 when the Board of Supervisors approved the first SUP for the facility and four separate SUPs for further expansion have been approved since.

Mr. Loppacker stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance.

Mr. Loppacker stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. Mr. Krapf noted that he would like to amend SUP Condition No. 4 to read: "In addition a majority of the trees, shrubs and supplemental ornamental plantings shall be native species to meet the requirements of Section 24-96 of the County Code."

Mr. Loppacker stated that staff concurred with the request.

Mr. Haldeman inquired about the word "Domiciliary" and how it applies in this context.

Mr. Loppacker stated that he would defer to the applicant.

Mr. Haldeman inquired about the square footage of the addition.

Mr. Loppacker stated that the total expansion would be 82,500 square feet.

Mr. Haldeman inquired if the 22 additional parking spaces were necessary.

Mr. Loppacker stated that this did not exceed the parking cap in County Code.

Mr. Haldeman inquired if it could be fewer than what is proposed.

Mr. Holt stated that it could be fewer as the use is not considered residential. Mr. Holt further stated that it is based on the equivalent of what would be required for a nursing home with one space per every four beds. Mr. Holt stated that that calculation is consistent with how the site has developed and the majority of it provides for the facility's staff needs. Mr. Holt stated that County Code allows for an administrative variance during site plan review should the applicant believe fewer parking spaces are needed.

Ms. Null inquired where the addition would be.

Mr. Loppacker stated that the expansion would be adding on to existing structures.

Mr. Loppacker stated that the applicant would elaborate on this in her presentation.

Mr. Polster called for disclosures from the Commission.

Mr. Krapf stated that he participated in a Zoom meeting with staff and the applicant.

There were no other disclosures.

Mr. Polster opened the Public Hearing.

Ms. Samantha Steketeer, Senior Land Use Planner, Hunton Andrews Kurth, LLP, made a presentation to the Commission in support of the project.

Mr. Krapf inquired if the applicant found the recommended change to the SUP conditions regarding the landscape plantings to be acceptable.

Ms. Steketeer stated that the change was agreeable.

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

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

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

On a roll call vote, the Commission voted to recommend approval of SUP-22-0018. 5477 Mooretown Road Williamsburg Place Pavilion & Farley Center Additions. (6-0)

3. SUP-22-0021. 8401 Hicks Island Road Tourist Home

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

AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Haldeman, Krapf, Null, Polster, Rose

Nays: Rodgers

Absent: O'Connor

Ms. Terry Costello, Senior Planner, stated that Mr. Stuart Evans of Evans Construction, Inc. has applied for an SUP to allow for the short-term rental of a four-bedroom single-family home at 8401 Hicks Island Road. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the Comprehensive Plan Land Use Map, and is located outside the PSA. Ms. Costello stated that the property is served by private well and private sewer. Ms. Costello stated that this SUP would allow for short-term rentals throughout the year. Ms. Costello noted that no changes to the footprint of the home are proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking, that the applicant has stated that he will obtain the proper licensing and inspections.

Ms. Costello stated that staff finds that the proposed use will not negatively impact surrounding property or development, nor is it expected to negatively impact levels of service for roads and other public services.

Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Therefore, staff is unable to recommend approval of this application.

Ms. Costello stated that should the Planning Commission recommend approval of this application, staff has included proposed conditions for consideration.

Mr. Haldeman inquired if there were any comments from adjacent property owners.

Ms. Costello stated that there were no comments.

Dr. Rose requested more detail on why staff found the proposal not consistent with the Comprehensive Plan.

Ms. Costello stated that the parcel is internal to an existing neighborhood and not on a major road.

Mr. Krapf asked for confirmation that the property owner would reside on the property.

Ms. Costello stated that the applicant owns several properties in the neighborhood and would reside on one of them.

Mr. Haldeman inquired if there had been tree clearing in the wetlands and Resource Protection Area (RPA) on the parcel.

Ms. Costello confirmed.

Mr. Haldeman inquired about mitigation.

Ms. Costello stated that the Stormwater and Resource Protection Division (SRP) is working with the applicant on mitigating any violations or damage.

Mr. Haldeman inquired if anything had been constructed in the RPA.

Mr. Polster noted that a dock and walkway had been built in the RPA.

Ms. Costello stated that the dock and walkway would need to be removed.

Ms. Null inquired which parcel the applicant would reside on.

Ms. Costello pointed out the parcel on the map.

Mr. Polster called for disclosures by the Commission.

There were no disclosures.

Mr. Polster opened the Public Hearing.

Mr. Stuart Evans, 1700 Old Williamsburg Road, applicant's representative, addressed the Commission in support of the application.

Mr. Steve Rogers, 8408 Hicks Island Road, addressed the Commission in support of the application.

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

Mr. Polster opened the floor for discussion.

Mr. Krapf noted that because the proposal does not meet at least two of the recommended performance standards along with the fact that SUPs run in perpetuity, he is not inclined to support the application.

Mr. Haldeman noted that the property owner will not be residing on the property. Mr. Haldeman stated that the recommended conditions are to ensure the residential character of

the neighborhood. Mr. Haldeman stated that he would not support the application.

Mr. Rodgers stated that he is not as concerned about the criteria that are not met because of the remote location and configuration of the parcel. Mr. Rodgers stated that he would support the application.

Mr. Polster stated that his greatest concern is that the property owner has stated that he will expand short-term rentals to the other parcels and that approving this application will set a precedent for those future applications.

Mr. Polster inquired where the applicant would reside if the other properties were approved for short-term rental.

Mr. Evans stated that there is a cabin on one of the other parcels that will not be rented and that is where the applicant will reside.

Mr. Polster noted that the applicant's narrative states that the plan is to replicate a short-term rental development that he has seen in another state.

Mr. Evans confirmed that intent.

Mr. Polster stated that he is not inclined to support the application.

Ms. Null stated that she has concerns about the complaints filed with SRP.

Mr. Krapf made a motion to not recommend approval of the application.

Mr. Holt clarified that the motion was to deny, so 'aye' votes would be to recommend denial.

On a roll call vote, the Commission voted not to recommend approval of SUP-22-0021. 8401 Hicks Island Road Tourist Home. (5-1)

4. Z-22-0003. 8005 & 8009 Hankins Industrial Park Road

Absent: O'Connor

Mr. Bruce Daniels of Daniels Welding & Tires Inc. has applied to rezone two parcels of land totaling approximately three acres from M-2, General Industrial to M-1, Limited Business/Industrial. Ms. Costello stated that the properties are located at 8005 and 8009 Hankins Industrial Park Road. Ms. Costello further stated that both properties are designated General Industry on the Comprehensive Plan Land Use Map and are located inside the PSA. Ms. Costello stated that the properties are served by public water and sewer.

Ms. Costello stated that the proposal is to allow for vehicle repair and service with major repair limited to a fully enclosed building and screened from adjacent properties. Ms. Costello further stated that the proposal will allow for the continued use of two local businesses that perform vehicle service and repair. Ms. Costello stated that vehicle service and repair is not a permitted nor specially permitted in the M-2 Zoning District.

Ms. Costello stated that staff finds this rezoning would not result in any anticipated negative impacts that would need to be mitigated. Ms. Costello stated that staff finds the rezoning consistent with the adopted 2045 Comprehensive Plan, the Zoning Ordinance, and with surrounding zoning and development.

Ms. Costello stated that staff recommends that the Planning Commission recommend approval

to the Board of Supervisors.

Mr. Polster opened the Public Hearing.

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

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

Mr. Krapf stated that he supports the application. Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of Z-22-0003. 8005 & 8009 Hankins Industrial Park Road. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - December 2022

Mr. Holt stated that there is a Policy Committee meeting on December 8 and that the next DRC meeting has been canceled.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

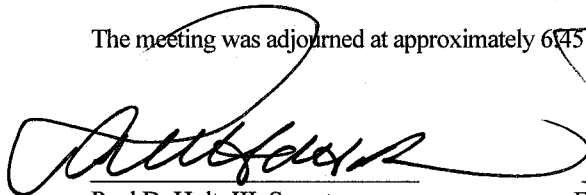
Mr. Polster stated that Mr. Krapf has the Board of Supervisors coverage for December.

Mr. Krapf wished the Commission a very happy holiday season.

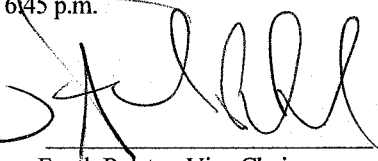
J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:45 p.m.



Paul D. Holt, III, Secretary



Frank Polster, Vice Chair