

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, Va 23185
June 7, 2023
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Mr. Holt stated that Mr. Stephen Rogers has requested to participate in the meeting remotely from his home through electronic communications due to medical reasons. Mr. Holt noted that under these circumstances, the Commission did not need to vote on the remote participation.

Planning Commissioners Present:

Tim O'Connor
Jack Haldeman
Rich Krapf
Frank Polster
Barbara Null

Planning Commissioners Participating Remotely:

Stephen Rodgers

Planning Commissioners Absent:

Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Terry Costello, Senior Planner
John Risinger, Senior Planner

C. PUBLIC COMMENT

Mr. Polster opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that the Development Review Committee (DRC) met at approximately 4 p.m. on May 24, 2023, to discuss three cases.

Mr. Rodgers stated that C-23-0030. JCSA Five Forks Water Treatment Plant Building Addition proposes an addition of approximately 1,800 square feet to the main facility for the storage of chemicals. Mr. Rodgers stated that the previously adopted Special Use Permit (SUP) conditions require DRC review of any proposed accessory structures or minor changes to the facility to determine the consistency with the curated development plan.

Mr. Rodgers further stated that the addition is proposed at the back of the main treatment facility building, where an existing slab is currently located. Mr. Rodgers stated that the addition to the building, will result in the loss of a few parking spaces, while also reducing the amount of space for large trucks to be able to drive up to the loading dock. Mr. Rodgers stated that to create additional parking and adequate truck turnaround, minor paving improvements will be necessary at the front of the building.

Mr. Rodgers stated that staff finds the proposed addition to be considered an accessory structure and consistent with the adopted SUP conditions and development plan. Mr. Rodgers stated that the proposed construction is not visible from the public right-of-way, is in an area that was previously disturbed, and does not change the basic characteristics or concept of the development.

Mr. Rodgers stated that a motion to was made to recommend approval of the additions to the James City Service Authority (JCSA) Five Forks Water Treatment Facility. Mr. Rodgers stated that the motion passed by a vote of 4-0.

Mr. Rodgers stated that SP-23-0024. LifePointe East Parking proposes additional on-site parking lot that does not fully align with the original approved Master Plan for LifePointe Christian Church. Mr. Rodgers stated that the proposed adjustment consists of a parking area that exceeds the areas shown on the Master Plan and encroaches on an area designated for wooded preservation and buffering.

Mr. Rodgers stated that the addition is proposing an additional 116 parking spaces in the East Parking Area to accommodate the use of the church. Mr. Rodgers stated that the significant increase in attendance over the last two years, the need for additional parking has prompted the parking adjustment request.

Mr. Rodgers stated that following discussion, the DRC determined that the presented alternate parking lot is not expected to negatively impact neighboring property owners or negatively impact the rural character of area. Mr. Rodgers stated that staff recommended approval of the alternate layout with the condition that additional landscaping and buffering adjacent to the parking lot be reviewed by the Planning Director as part of the site plan review process to ensure the mitigation of impacts to neighboring properties and preservation of rural character.

Mr. Rodgers stated that a motion was made to recommend approval of the additions to the LifePointe Christian Church East Parking Lot with the condition of enhanced landscaping. Mr. Rodgers stated that the motion passed by a vote of 4-0.

Mr. Rodgers stated that SPLN-22-0006. The Settlement at Powhatan Creek Phase 4 Waterline Exception proposes the installation of a waterline within a landscape buffer. Mr. Rodgers stated that due to the size of the proposed development an additional waterline is required. Mr. Rodgers stated that the applicant has requested the waterline to be located within the landscape buffer of the proposed subdivision.

Mr. Rodgers stated that the proposed additions consist of 68 townhouses located in the area designated Phase IV. Mr. Rodgers stated that the applicant is requesting to run a JCSA waterline through a 150-foot buffer located along Monticello Avenue.

Mr. Rodgers stated that according to the 2045 Comprehensive Plan, the development fronts on Monticello Avenue which is designated as a Community Character Conservation, Open Space, or Recreation. Mr. Rodgers stated that the request also calls for the removal of three trees located within the 150-foot buffer.

Mr. Rodgers stated that staff has concluded the disturbance proposed within the designated 150-foot buffer is consistent with the Master Plan. Mr. Rodgers stated that staff recommends approval of the request to allow the waterline to be run through the 150-foot buffer along Monticello Avenue.

Mr. Rodgers stated that a motion was made to recommend approval of the additions to The Settlement at Powhatan Creek Phase IV with the condition of the replacement of the trees that were in the area. Mr. Rodgers stated that the motion passed by a vote of 4-0.

The Policy Committee did not meet in May and therefore there was no report.

E. CONSENT AGENDA

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

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

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

Absent: Rose

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

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

Ayes: Haldeman, Krapf, Null, Polster, Rodgers

Abstain: O'Connor

Absent: Rose

Mr. O'Connor requested to remove SPLN-22-0006. Settlement at Powhatan Creek Phase 4 Waterline Exception. Mr. O'Connor stated that his firm manages this property, and he would like to recuse himself from any discussion or vote in order to avoid any appearance of a conflict of interest.

On roll call vote, the Commission voted to approve the May 3, 2023, Regular Meeting, SPLN-22-0005. Stonehouse Tract 10A, DRC Action Item: C-23-0030. JCSA Five Forks Water Treatment Plant Building Addition, and DRC Action Item: C-23-0030. JCSA Five Forks Water Treatment Plant Building Addition. (6-0)

Mr. Polster inquired if there was any discussion on DRC Action Item: SPLN-22-0006. Settlement at Powhatan Creek Phase 4 Waterline Exception.

Mr. O'Connor stated that he did not need any discussion.

Mr. Haldeman made a motion to approve DRC Action Item: SPLN-22-0006. Settlement at Powhatan Creek Phase 4 Waterline Exception.

On a roll call vote, the Commission voted to approve DRC Action Item: SPLN-22-0006. Settlement at Powhatan Creek Phase 4 Waterline Exception. (5-1-0)

1. Minutes of the May 3, 2023, Regular Meeting
2. SPLN-22-0005. Stonehouse Tract 10A
3. Development Review Committee Action Item: C-23-0030. JCSA Five Forks Water Treatment Plant Building Addition
4. Development Review Committee Action Item: SP-23-0024. LifePointe Christian Church East Parking Area
5. Development Review Committee Action Item: SPLN-22-0006. Settlement at Powhatan Creek Phase 4 Waterline Exception

F. PUBLIC HEARINGS

1. SUP-23-0014. 7649 Cypress Drive Rental of Rooms

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

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

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

Absent: Rose

Mr. Holt stated that the applicant requested to postpone consideration of this item to the Commission's July 5, 2023, Regular Meeting. Mr. Holt stated that the applicant is still working on resolving some comments received from the Virginia Department of Health during the initial plan review and need additional time bring the resolution to fruition. Mr. Holt noted that the case has been advertised; therefore, it would be necessary to open the Public Hearing and continue the Public Hearing to a date and time certain.

Mr. Polster opened the Public Hearing.

No one wished to speak at this meeting.

Mr. Krapf made a motion to continue the Public Hearing to the Planning Commission's July 5, 2023, Regular Meeting.

On a roll call vote, the Commission voted to continue SUP-23-0014. 7649 Cypress Drive Rental of Rooms to July 5, 2023. (6-0) The Public Hearing remained open.

2. SUP-23-0015. David A. Nice Builders Office and Parking Expansion

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, O'Connor, Polster, Rodgers

Absent: Rose

Ms. Terry Costello, Senior Planner, stated that Mr. Brandon Nice of David A. Nice Builders has applied for an SUP to allow for the expansion of a contractor's office on two parcels located at 4575 & 4579 Ware Creek Road. Ms. Costello stated that the combined acreage of the parcels is 3.93 acres. Ms. Costello further stated that the parcels are zoned A-1, General Agricultural and designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Ms. Costello stated that a contractor's office and storage is a specially permitted use in the A-1 Zoning District.

Ms. Costello stated that the 2,000-square-foot expansion would bring the existing 6,100-square-foot building to a total of 8,100 square feet. The proposal also includes additional parking spaces. Ms. Costello stated that when the building at 4575 Ware Creek Road was first used as an office, in 1988, a contractor's office and warehouse was a permitted use in the A-1 District. Ms. Costello further stated that the Zoning Ordinance was amended in 1989 to require an SUP for this use. Ms. Costello stated that the building has been expanded three times, receiving SUPs in 1999, 2003, and 2012.

Ms. Costello stated that per the adopted Comprehensive Plan, retail and other commercial uses are encouraged to be located at planned commercial locations on major thoroughfares inside the primary Service Area (PSA); however, certain commercial uses which require very low intensity settings relative to the site in which it will be located, may be considered on a case-by-case basis, provided such uses are compatible with the natural and rural character of the area and are in accordance with the Rural Lands Development Standards.

Ms. Costello stated that the current proposal will bring the office use to 8,100 square feet, with 30 employees and customers who visit the site. Ms. Costello stated that typically office uses of this size and nature are encouraged to be located inside the PSA. Ms. Costello noted that expansions of this nature may begin to affect the compatibility of this use with the natural and rural character of this area.

Ms. Costello stated that staff finds that the following elements are consistent with the Rural Lands guidance:

- The boundary line extinguishment with the adjacent property would mean that the use is on a larger amount of acreage, more consistent with the guidance regarding low intensity settings.
- Staff finds that the existing office has the appearance of a single-family residential structure which complements the rural character of the area. The expansion will match the materials and colors of the existing structure.
- The tree line will largely remain undisturbed except for any clearing needed for the Best Management Practice, this is noted in Condition No. 9.
- Landscaping will be added to screen the additional parking and structure from Ware Creek Road with Condition No. 8.
- The proposal would not be located in an environmental sensitive area, would not include any new driveways, and will have lighting that complies with Condition No. 5.
- The scale of the use does not necessitate any capacity improvements to Ware Creek Road.

Ms. Costello stated that staff finds that the proposal is compatible with surrounding zoning and development and generally consistent with the 2045 Comprehensive Plan. Ms. Costello further stated that staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

Mr. O'Connor inquired whether the SUP condition limiting the hours of operation was for the office use only or the entire operation of the business.

Ms. Costello stated that the office hours are 8 a.m.-5 p.m., so the SUP condition was set to allow for staff arriving up to a half hour early and leaving up to a half hour later.

Mr. O'Connor inquired whether this would preclude the occasional use outside those hours.

Ms. Costello stated that it would not preclude occasional use outside the stated hours when necessary to meet deadlines.

Mr. Polster opened the Public Hearing.

Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, applicant, addressed the Commission in support of the application.

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

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

Mr. O'Connor noted that he was not in favor of limiting the hours of operation when it pertains to construction businesses which may occasionally need to operate at other times to meet deadlines. Mr. O'Connor inquired if the conditions could be modified to ensure that the business could operate when needed.

Mr. Holt stated that this was a staff recommendation, in deference to the adjacent residential uses and maintaining the rural character of the area.

Mr. Haldeman inquired if the applicant was agreeable to the condition.

Mr. Brandon Nice, 4571 Ware Creek Road, owner, stated that currently it is just the office staff at the location. Mr. Nice further stated that the construction equipment is stored at a different location. Mr. Nice stated that while he does not object to the condition, he would prefer not to have the restrictions.

Mr. Krapf inquired if, should the condition limiting hours of operation be removed, a different business could later acquire the property and operate at all hours.

Mr. Holt confirmed that without an SUP condition, a future business could operate at any and all hours.

Mr. Haldeman stated that he believes the SUP condition limiting the hours of operation should not be removed.

Ms. Null 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-23-0015. David A. Nice Builders Office and Parking Expansion. (6-0)

3. Z-23-0003/SUP-23-0013. The Overlook at Rochambeau

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, O'Connor, Polster, Rodgers

Absent: Rose

Mr. John Risinger, Senior Planner, stated that Mr. Howard Price of AES Consulting Engineers has applied on behalf of Ms. Jessica Aikens of Wedding Company of Williamsburg, LLC, for an SUP and Rezoning to develop an event facility at 4097 Rochambeau Drive. Mr. Risinger stated that the property is 15.02 acres in size and currently zoned A-1, General Agricultural, designated Rural Lands on the 2045 Comprehensive Plan, and is located outside the PSA. Mr. Risinger stated that this segment of Rochambeau Drive is considered to be a major collector road. Mr. Risinger further stated that the proposed event facility would include an 11,105-square foot event venue building, two 1,284-square foot accessory cottages, and an outdoor ceremony area with a pavilion to host weddings and other events with a maximum of 300 attendees including staff and vendors.

Mr. Risinger stated that in the A-1 Zoning District event facilities are considered as places of public assembly used primarily as event facilities which are subject to performance standards in the Zoning Ordinance. Mr. Risinger stated that SUPs are required for event facilities which do not meet all of the performance standards. Mr. Risinger stated that accordingly, this proposal requires an SUP because the property is not located along an arterial road and the proposed structures and parking areas are located on soils which are considered to be farmland of statewide importance by the United States Department of Agriculture. Mr. Risinger further stated that an SUP is required for the project as it includes more than 10,000 square feet of commercial floor area and more than 100 additional peak hour trips to the property.

Mr. Risinger stated that along with the SUP, the applicant has applied to rezone the property from A-1, General Agricultural to A-1, General Agricultural, with proffers. Mr. Risinger stated that the voluntary proffers would require that the accessory cottages only be used by event attendees and not as dwelling units or short-term rentals.

Mr. Risinger stated that staff has proposed SUP conditions to mitigate potential impacts of the proposal including limiting the maximum number of event attendees to 300, restricting the hours of operation to be between 9 a.m. and 11 p.m., requiring a 75-foot vegetated buffer around the perimeter of the property, and requirements for stormwater management.

Mr. Risinger stated that the proposed access to the site is a right-in-right-out entrance on eastbound Rochambeau Drive. Mr. Risinger stated that vehicles traveling to the site on westbound Rochambeau Drive would turn left onto the eastbound lanes at an existing median break approximately 500 feet west of the entrance to the property. Mr. Risinger further stated that all vehicles leaving the site would be required to turn right onto eastbound Rochambeau Drive to the intersection with Croaker Road. Mr. Risinger stated that a Traffic Impact Analysis was completed for this proposal, which recommends the installation of a left-turn lane on westbound Rochambeau Drive at the existing median break and a right-turn lane on eastbound

Rochambeau Drive at the proposed entrance to the property. Mr. Risinger stated that staff has proposed an SUP condition to require the turn lane improvements be bonded prior to final site plan approval and installed prior to the issuance of any certificate of occupancy. Mr. Risinger stated that the SUP conditions would also require that signage stating that U-turns are prohibited be installed where Rochambeau Drive converges to a two-lane road east of the property.

Mr. Risinger noted that as stated in an email provided to the Planning Commission prior to this meeting, staff, Virginia Department of Transportation (VDOT) and the applicant team met to discuss the proposed access to the site. Mr. Risinger stated that it was determined that the proposed entrance location is acceptable without being aligned with a median break. Mr. Risinger stated that the applicant also intends to move the curb cut of the entrance approximately 125 feet west of where it is currently shown on the Master Plan so that it would not require an access management exception. Mr. Risinger stated that if that approach is feasible, staff will work with the applicant to have that adjustment shown on the Master Plan prior to the Board of Supervisors meeting.

Mr. Risinger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Risinger further stated that with the additional coordination regarding site access, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions and voluntary proffers.

Ms. Null inquired about the option to move the driveway.

Mr. Risinger indicated the location of the proposed driveway location on the applicant's map and noted that it would be just slightly to the west to provide the separation from the church driveway.

Mr. Polster opened the Public Hearing.

Ms. Jessica Aiken, 8415 Attleborough Way, applicant, addressed the Commission in support of the application.

Mr. Howard Price, AES Consulting Engineers, addressed the Commission on the updated access point and noted that this would alleviate the need for an access management exception.

Mr. Scott Bowser, 5404 Mary Lane, addressed the Commission on behalf of Faith Baptist Church. Mr. Bowser did not note any opposition.

Ms. Odessa Braxton-Strong, 4029 Rochambeau Drive, addressed the Commission with concerns about impacts to her property which is adjacent to the subject property.

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

Mr. Polster requested that staff discuss the proposed SUP conditions that would address concerns about impacts to adjacent properties.

Mr. Risinger stated that the facility would be subject to the County's Noise Ordinance which restricts noise that is audible across property lines between 11 p.m. and 7 a.m. Mr. Risinger further stated that the SUP conditions prohibit noise before 9 a.m. and after 11 p.m. and requires that event attendees depart by 11 p.m.

Mr. Polster inquired about light trespass.

Mr. Risinger stated that the SUP conditions limit the height of light poles to 20 feet which is 10 feet less than what is required by the Zoning Ordinance. Mr. Risinger stated that the SUP conditions also prohibit light trespass over property lines.

Mr. Polster inquired whether there had been any discussion with VDOT regarding the turn lane for the front property.

Mr. Risinger stated that VDOT would prefer that there be a shared access for the property. Mr. Risinger stated that if the property is developed for a commercial use, VDOT would want an access management plan; however, that would not apply to residential uses.

Ms. Null 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 Z-23-0003/SUP-23-0013. The Overlook at Rochambeau. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

Mr. Polster stated that Mr. Haldeman is scheduled to represent the Planning Commission at the July Board of Supervisors meeting and Mr. Krapf will represent the Commission at the June Board of Supervisors meeting.

H. PLANNING DIRECTOR'S REPORT

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

1. Planning Director's Report - June 2023

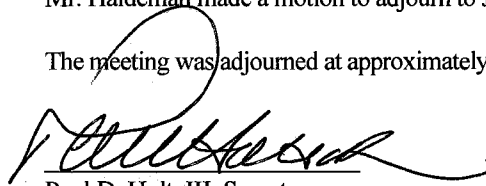
I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion and no requests from the Commissioners.

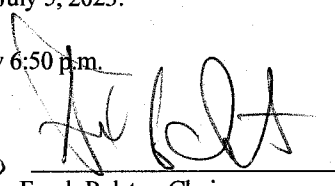
J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn to July 5, 2023.

The meeting was adjourned at approximately 6:50 p.m.



Paul D. Holt, III, Secretary



Frank Polster, Chair