

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, Va 23185
July 5, 2023
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

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

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Thomas Wysong, Senior Planner
Ben Loppacker, 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 on June 21, 2023, to discuss C-23-0032. Kingsmill Master Plan Conceptual Plan submitted by Mr. Jason Grimes of AES Consulting on behalf of Escalante Kingsmill Development, LLC, and Escalante Kingsmill Resort, LLC. Mr. Rodgers stated that the conceptual plan indicates several proposed residential and recreational developments throughout the Kingsmill Master Plan area which consist of property zoned R-4, Residential Planned Community, and M-1, Limited Business/Industrial, designated Low Density Residential (LDR) and Limited Industry on the 2045 Comprehensive Plan. Mr. Rodgers further stated that all parcels are located inside the Primary Service Area (PSA). Mr. Rodgers stated that this application is currently under review by agency and County staff to assess compliance with County Code and other regulations. Mr. Rodgers stated that the applicant had requested that this item be placed on the DRC Agenda as part of the initial review process to seek input and questions from the DRC members.

Mr. Rodgers stated that the DRC expressed concerns about several things that it felt would

affect not only the Kingsmill residents, but the area being developed as well. Mr. Rodgers stated that these concerns included possible encroachment into the Resource Protection Area (RPA); and whether lots might be placed to preserve wildlife in areas where there are steep slopes. Mr. Rodgers stated that the DRC also discussed whether the suggested buffers will adequately mitigate the noise level from the new development as well as the existing Brewery complex and amusement park. Mr. Rodgers stated that the DRC discussed possible traffic flows and whether any of the Escalante proposals might require existing land uses to be rezoned.

Mr. Rodgers noted that since this was a discussion item, no action and no vote were required.

Mr. Rogers stated that the DRC was honored to have Kingsmill residents attend the meeting to hear the discussion. Mr. Rodgers stated that the DRC agreed to allow public comment after the Agenda items had been discussed and several citizens voiced comments, questions, and concerns about the proposal. Mr. Rodgers noted that many of the Kingsmill resident comments echoed those made by the DRC members.

E. CONSENT AGENDA

Mr. Polster requested to pull SPLN-22-0001 and SPLN-22-0003 for discussion.

Mr. Haldeman made a motion to approve the Minutes of the June 7, 2023, Regular Meeting.

On a voice vote, the Commission approved the Minutes of the June 7, 2023, Regular Meeting. (7-0)

Mr. Poster called Mr. Thomas Wysong, Senior Planner, to the podium.

Mr. Polster inquired about the number of residential units being developed with SPLN-22-0001 and SPLN-22-0003.

Mr. Wysong stated that it was more than 1,000 dwelling units.

Mr. Polster stated that he pulled these items because of interest in the traffic issues associated with Stonehouse and other development in the area. Mr. Polster requested that Mr. Wysong elaborate on the roads where the triggers outlined in the proffers have been met for traffic signals.

Mr. Wysong stated that there are multiple traffic improvements in the proffers. Mr. Wysong stated that the trigger point for a signal at State Route 30 and Fieldstone Parkway has been met and the state of good repair analysis has been done. Mr. Wysong further stated that the study for improvements for the Interstate 64 (I-64) on and off ramps at Route 30 has been triggered as well as the study for Route 30 and La Grange Parkway. Mr. Wysong stated that the study for the portion of Mount Laurel Road that is subject to improvements has been done. Mr. Wysong noted that staff has been diligent in applying the proffer during plan review.

Mr. Polster inquired if any of the proffers for workforce housing have been completed.

Mr. Wysong stated that 70 of the proffered units have been constructed in Tract 3 leaving 15 remaining to be constructed.

Mr. Polster stated that he appreciates how well staff keeps track of the proffer requirements during plan review.

Mr. Polster further stated that the County knows that there will be more growth in that area and that there is already a concern with the intersection of Rochambeau Drive and Old Stage Road where Stonehouse Elementary School and Williamsburg Christian Academy are located, so the County would be wise to set funding aside to address this concern.

Mr. Haldeman noted that when considering cumulative impacts, there are also residential developments in progress along Richmond Road as well as areas around Anderson's Corner with low density and mixed use designations that could be developed. Mr. Haldeman stated that he appreciated the discussion on the issue.

Mr. Krapf made a motion to approve SPLN-22-0001. Stonehouse Tract S Phase and SPLN-22-0003. Stonehouse Tract 11.

On a voice vote, the Commission approved SPLN-22-0001. Stonehouse Tract S Phase and SPLN-22-0003. Stonehouse Tract 11. (7-0)

1. Minutes of the June 7, 2023, Regular Meeting
2. SPLN-22-0001. Stonehouse Tract S Phase 1
3. SPLN-22-0003. Stonehouse Tract 11

F. PUBLIC HEARINGS

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

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

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

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

Nays: O'Connor

Mr. Ben Loppacker, Planner, stated that Ms. Sharon Elliot has applied for a Special Use Permit (SUP) to allow the short-term rental of one bedroom within the existing three-bedroom single-family home at 7649 Cypress Drive.

Mr. Loppacker stated that the property is zoned A-1, General Agricultural, is designated Rural Lands on the 2045 Comprehensive Plan Land Use Map and is located outside the PSA. Mr. Loppacker stated that the property is served by private well and septic.

Mr. Loppacker stated that if granted, this SUP would allow for short-term rentals throughout the year.

Mr. Loppacker noted that no changes to the footprint of the home are proposed.

Mr. Loppacker stated that staff finds some favorable factors for this application, such as there being adequate off-street parking and that the applicant has stated that she will obtain the proper licensing and inspections. Mr. Loppacker further stated that staff finds 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.

Mr. Loppacker 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 and therefore, staff is unable to

recommend approval of this application.

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

Ms. Null inquired about the criteria that were not being met.

Mr. Loppacker stated that the parcel is internal to a subdivision and is not located on a main road.

Mr. Polster opened the Public Hearing.

Ms. Sharon Elliot, 7649 Cypress Drive, Applicant, 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 by the Commission.

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

Mr. Krapf noted that in regard to the ongoing struggle to evaluate these applications, the economic reasons cited by the applicant were very similar to those cited by a previous applicant. Mr. Krapf stated that he would support the application. Mr. Krapf further stated that renting one bedroom would not create any more traffic than when the applicant's son was in residence.

Mr. Polster stated that he concurred with the similarity of this request and that he was pleased that the previous application received approval from the Board of Supervisors. Mr. Polster stated that he was impressed by the letters of support this applicant received from the adjacent property owners. Mr. Polster stated that he intends to support the application.

Mr. O'Connor stated that his ongoing concern is that this and similar properties can be rented longer term and that approving the short-term rental is removing affordable housing stock. Mr. O'Connor stated that he will not support the application.

Mr. Haldeman stated that he intends to support the application. Mr. Haldeman stated that the difficulty is that there is not a clear policy and that the recommendations change each time even on similar applications.

Mr. Polster stated that the Commission has not received clear guidance on how to evaluate these applications.

On a roll call vote, the Commission voted to recommend approval of SUP-23-0014. 7649 Cypress Drive Rental of Rooms. (6-1)

2. SUP-23-0011. Stonehouse Water & Sewer Improvements.

A motion to Approve w/ Conditions 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

A motion to Approve w/ Conditions 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

Mr. Thomas Wysong, Senior Planner, stated that Mr. Jeff Huentelman of Land Planning Solutions has applied on behalf of the property owner for an SUP to extend an off-site water main and sewer force main north from Rochambeau Drive, traversing beneath I-64, and west along Mount Laurel Road to serve the Stonehouse Development.

Mr. Wysong stated that the subject parcels located at 3820 Rochambeau Drive and 170 Sand Hill Road account for approximately 90.46 acres, and are zoned PUD-C, Planned Unit Development Commercial. Mr. Wysong stated that the majority of the subject parcels which comprise the portion the of the property subject to the SUP is located inside the PSA and is designated Low Density Residential, while a minority of this acreage is designated Rural Lands on the 2045 Comprehensive Plan and is located outside the PSA. Mr. Wysong stated that staff has included an SUP condition prohibiting connections from these proposed mains to any property located outside of the PSA.

Mr. Wysong stated that Section 15.2-2232 of the Code of Virginia states, in part, that no public facility be allowed unless the Planning Commission finds the location of the facility "substantially" consistent with the adopted Comprehensive Plan.

Mr. Wysong stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions and find this proposal to be consistent with the adopted Comprehensive Plan.

Mr. Polster inquired about how the line would cross I-64.

Mr. Wysong stated that the plan was for jack and bore; however, that could change.

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.

Mr. O'Connor noted that during the last Comprehensive Plan update there was discussion about the PSA and an inability to provide water and sewer to parcels along Croaker Road due to the inability to take water and sewer under I-64.

Mr. Holt stated that it was not necessarily the inability to bring the facilities across I-64, but the fact that the infrastructure is not there. Mr. Holt noted that the proffers for the property require connection to water and sewer and that it would be a cost borne by the developer.

Mr. Haldeman made a motion to find the proposal is consistent with the Comprehensive Plan.

On a roll call vote, the Commission found the public facilities to be consistent with the Comprehensive Plan. (7-0)

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

On a roll call vote, the Commission voted to recommend approval of SUP-23-0011. Stonehouse Water & Sewer Improvements. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

1. Powhatan Creek Watershed Management Plan Update

Mr. Daniel Proctor, Stantec, 5209 Center Street, made a presentation to the Commission on the Powhatan Creek Watershed Management Plan. Mr. Proctor stated that the following goals have been proposed: Improve water quality in Powhatan Creek to satisfy Total Maximum Daily Loads (TMDL) and remove impairments; Maintain biological and habitat diversity and connectivity by protecting wildlife corridors and other vital areas of undeveloped land, as identified within the conservation priorities of this Plan, the County's Natural and Cultural Assets Plan, and other relevant Virginia data sets; Refine the County stormwater requirements and Ordinances to not only offset the effects of further development but create opportunities to improve upon existing degraded areas; Continue the tracking and prioritization of existing stormwater maintenance; Promote watershed awareness and active stewardship among residents, community associations, businesses, and seasonal visitors through educational programs, recreational opportunities, and participatory watershed activities; Restore degraded streams where possible and continue to protect high-quality streams and wetlands; Develop a resilience plan to understand current and future flood risks and identify a phased implementation approach for effective and practical long-term community flood-risk reduction; and Preserve and improve public access to meaningful and safe outdoor recreation throughout the watershed.

Mr. Polster opened the floor for questions from the Commission.

Mr. Haldeman inquired if there is a timeline and plan in place to meet the TMDL goals. Mr. Haldeman noted that it is necessary to not only stop the momentum but also to remediate the damage that has been done.

Mr. Proctor stated that the Impervious Cover Model (ICM) categorizes stream health based on percentage of impervious cover in the watershed; therefore, areas with the greatest development have the highest risk of poor stream quality. Mr. Proctor stated that the ICM does not account for stormwater treatment practices, the increasing intensity of stormwater treatment practices over time, and does not account for all sources of pollution; however, it is still a good indicator when used in conjunction with other analyses.

Mr. Haldeman inquired if there was a goal based on actual pollution measurements, not just a model.

Mr. Proctor stated that there is limited monitoring data. Mr. Proctor stated that they did look at the monitoring data as well as the actual stream health.

Mr. Polster inquired about the New Town monitoring data.

Mr. Proctor stated that three out of the four monitoring stations, three showed that the water quality remained stable after the development of New Town.

Mr. Polster inquired why the 2022 assessment shows that the conditions are nonsupportable and how that related to the monitoring data.

Mr. Proctor stated that the data show that the water quality is in the sub-optimal range and is not trending downward.

Mr. Polster noted that this proves that the impervious cover associated with the development of New Town has negatively impacted the watershed and there is no strategy in place to

mitigate the damage or damage from further development.

Mr. Polster inquired about the conditions of the stream bed coming from Eastern State into Chisel Run and the Longhill Swamp.

Mr. Proctor stated that the stream coming out of Eastern State was rated as poor and the other streams are marginal.

Mr. Polster reiterated the question of how the existing conditions can be mitigated other than doing costly stream restoration.

Mr. O'Connor inquired if the data was based on an equation from the amount of impervious cover.

Mr. Polster stated that it was the volume of stormwater going into the streams and destroying the ecosystem. Mr. Polster stated that there is a direct correlation between the amount of impervious cover and the amount of water entering the watershed and the effect on the streams.

Mr. O'Connor commented that the projections do not take into account stormwater practices.

Mr. Polster noted that specifically in New Town it does account for having good stormwater mitigation. Mr. Polster stated that what the assessments show is the cumulative impact of growth on the environment. Mr. Polster stated that the question is how the cumulative impacts can be mitigated because growth will not stop. Mr. Polster stated that he was interested in the policy issues that need to be considered.

Ms. Toni Small, Director of Stormwater and Resource Protection, stated that the current plan needed to be updated due to the growth that has occurred. Ms. Small further stated that the Special Stormwater Criteria (SSC) identified in the 2001 plan were not addressed throughout the entire Powhatan Creek Watershed. Ms. Small stated that one of the recommendations is to apply the SSC to the entire watershed which will make an immediate difference. Ms. Small stated that in addition the programmatic changes and regulatory proposals will also be incorporated. Ms. Small stated that the draft Watershed Plan is being presented for public comment so that staff can move forward to ensure that new development does not further damage the watershed and that, further steps can be taken to remediate the existing damage.

Mr. Polster inquired when the updated recommendations will be in place since there are proposals in the works for further development. Mr. Polster stated that he wants to see policies developed in a timely fashion so that the Board of Supervisors can adopt policies for stormwater management that will be applied to the anticipated development.

Mr. Polster further commented on the potential impacts of sea level rise on the water and sewer infrastructure that lies in the low-lying areas of the Powhatan Creek Watershed.

Ms. Small stated that because all of the watershed management plans are being updated, staff hopes to wait until spring of 2024 to update the SSC so that all recommendations can be addressed at once.

Mr. Polster stated that he is concerned that decisions will be made on new development without updated criteria.

Mr. Holt stated that in anticipation of various legislative applications, the Board of Supervisors asked staff and the consultant to prioritize analyses of the subwatersheds so that the information at this level could be passed on to the applicants for consideration as they prepare

the submittal documents.

Mr. Polster inquired about the findings related to the water and sewer infrastructure.

Mr. Proctor stated that the James City Service Authority has waterproofed most of the manholes in those areas. Mr. Proctor further stated that there is a recommendation to reinspect these areas to ensure the work is adequate and to revisit the mapping to determine the potential extent of the impacts.

Mr. Polster stated that once again, that there will need to be policy decisions made that may have cost implications. Mr. Polster noted that funds need to be set aside so that these situations can be dealt with as they arise.

Mr. O'Connor stated that now there seems to be a disparity between the Comprehensive Plan that guides growth to the PSA and the modeling for stormwater that shows development to be detrimental.

Mr. Polster stated that he is looking for updates to the SSC that would allow that development to go forward. Mr. Polster stated that he would also consider extensions to the RPA buffers or a proffer that would address stream restoration downstream from the development.

Mr. O'Connor noted concerns about increasing the cost of development.

Mr. Polster stated that the cost might in part be borne by the developer, but it would also be borne by the citizens with Capital Improvements Program applications for stream restorations.

Mr. Haldeman clarified that the level of growth within the PSA needs to be manageable. Mr. Haldeman stated that it does not appear to be manageable within the Powhatan Creek Watershed.

Mr. Haldeman inquired about a connectivity plan and natural corridors.

Mr. Polster stated that the Longhill Swamp is a natural corridor for wildlife.

Mr. Proctor stated that the recommendations provide information on the prioritized areas and how to move forward through the various County programs.

Mr. Polster inquired if the low-cost path from the Natural and Cultural Assets Plan was used to determine the connectivity.

Mr. Proctor stated that the recommendations were based on the same process used in 2000 and overlaid it with the Natural and Cultural Assets Plan to find opportunities to align the connectivity.

Mr. Haldeman inquired if wildlife could completely cross the Powhatan Creek Watershed.

Mr. Proctor stated that there are large areas where it is possible; however, there are some disruptions due to roadways and previous development.

Mr. Haldeman inquired if it was accurate to say that wildlife could not completely cross the watershed.

Mr. Proctor stated that it was an accurate statement; however, there were many areas of connectivity in the interior of watershed.

Mr. Haldeman inquired about migration routes.

Mr. Proctor stated that there are migrations routes, but they are disrupted.

Mr. Haldeman inquired about an ongoing plan to promote watershed awareness.

Mr. Proctor stated that there are recommendations included in the Watershed Management Plan.

Mr. Krapf if there were any recourse if the applicant does not come forward with satisfactory stormwater management.

Mr. Holt stated that while the analysis would need to be based on existing policy, the Commission could always forward its concerns about a specific proposal to the Board of Supervisors along with its recommendation.

Mr. Polster noted that Mr. Haldeman would represent the Commission at the July Board of Supervisor's meeting.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - July 2023

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

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman inquired if the Commission risked being forced to approve a short-term rental application for precedent.

Mr. Holt noted that this should not be a concern because all applications are unique and are evaluated individually.

Mr. Holt noted that in regard to earlier discussion, the County does have a number of intersection improvements in design including School House Lane.

Mr. Polster inquired if the Airport Road and Mooretown Road intersection would be a traffic circle.

Mr. Holt confirmed. Mr. Holt noted that it was a funded Smart Scale application.

Mr. O'Connor recommended that the Williamsburg-James City County Schools and the Virginia Department of Transportation consider the amount of traffic generated by children being driven to school when building schools and improving roadways.

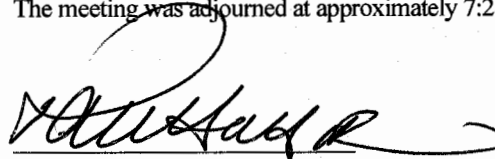
Ms. Null inquired about the other intersections in design.

Mr. Holt stated that they were Rochambeau Drive and Old Stage Road and Centerville and Route 5.

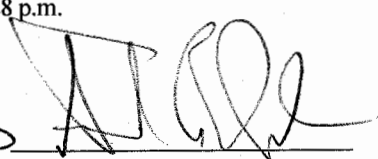
J. ADJOURNMENT

Ms. Null made a motion to adjourn.

The meeting was adjourned at approximately 7:28 p.m.



Paul D. Holt, III



Frank Polster, Chairman