

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

August 7, 2024

6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor, Chair
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye

Planning Commissioners Absent:

Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Thomas Wysong, Principal Planner
Jose Ribeiro, Senior Planner/Landscape Planner
Tess Lynch, Senior Planner
Ben Loppacker, Planner
Will Albiston, Community Development Assistant

C. PUBLIC COMMENT

Mr. O'Connor stated that the third public hearing item on the Agenda, ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection, would not be opened at this meeting and would be readvertised and scheduled for the September Regular Meeting of the Planning Commission. He stated that the upcoming Public Comment portion of the meeting would be the time for anyone to speak regarding that item at this meeting.

Mr. O'Connor opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that the Development Review Committee (DRC) met on Wednesday July 24, 2024, at 4 p.m. with two New Business items.

Mr. Rodgers stated that the first item was a Conceptual Development Plan review for proposed new development of Stonehouse Tract 10B. The 2019 Stonehouse Proffers and Master Plan

required this review to ensure consistency with the Zoning Ordinance, Proffers, and Master Plan. The Plan includes 100 residential units, broken down into 32 single-family units and 68 multifamily units, as well as a 9-acre commercial parcel, a 20-acre recreation area, and an interpretive kiosk. The staff's review found that the plan was generally consistent with the Zoning Ordinance, Proffers, and Master Plan. He stated that the Committee voted unanimously to find the plan consistent with the Zoning Ordinance, Proffers, and Master Plan.

Mr. Rodgers stated that the second New Business item was an appeal of a determination made by the Planning Director. He further stated that upon administrative review of SP-23-0051 for a RV and boat storage site at 7816 Richmond Road, staff determined that, for the site plan to be approved, a bike lane was required to be built to VDOT standards in the VDOT right-of-way pursuant to Section 24-35 in the Zoning Ordinance titled "Pedestrian and bicycle accommodations." However, the right-of-way appeared not wide enough to accommodate a bike path built to Virginia Department of Transportation (VDOT) standards. Section 24-35 allows for an exception to be granted by the Planning Director if she were to determine any of the following three criteria are met: 1) pedestrian or bicycle accommodation otherwise required would be substantially damaged or need to be replaced as a result of a fully engineered roadway construction project; 2) where topographical conditions make construction of pedestrian or bicycle accommodations impractical; or 3) pedestrian or bicycle accommodations are shown on a master plan or corridor plan that differs from the regional bikeways plan. If these criteria existed and if this exception is granted the applicant would be required to pay into the pedestrian or bicycle accommodation construction and maintenance fund. This section also allows the applicant to appeal the Planning Director's determination to the DRC to make a recommendation to the Planning Commission. The Planning Director determined that none of the criteria were met to grant the exception. The Planning Director specifically noted that the exception in Section 24-35 for "circumstances where topographical conditions make construction of pedestrian or bicycle accommodations impractical" did not apply because the lack of a right-of-way is not a topographical condition. The applicant based his appeal on that determination.

Mr. Rodgers stated that the DRC voted 2-1 to recommend the Planning Commission approve the appeal to grant the exception with the proviso that VDOT waive its existing bike lane standards to accommodate a narrower bike path. A memorandum submitted to the Planning Commission from Mr. Ribeiro, Senior Planner/Landscape Planner dated August 7, 2024, stated that an engineer from VDOT had reviewed the request submitted via email by the applicant and there was not a waiver for this type of request. Furthermore, VDOT believed the current conditions on the site do not support installation of a 5-foot-wide bike lane within VDOT's existing right-of-way. Because the proviso had not been met, the decision of the Planning Director would stand.

Mr. Haldeman stated that the Policy Committee met on July 11, 2024, with a quorum present. The Committee was tasked by the Board of Supervisors with implementing Land Use Goals, Strategies, and Action 6.3 by amending the Zoning Ordinance to create an Overlay District to protect and preserve scenic roadways. Parcels included in the new district would be those over 40 acres outside the Primary Service Area (PSA) with frontage on Forge Road, Diascund Road, and North Riverside Drive. Staff had prepared maps of the effected areas and a draft Ordinance that included tiered setbacks of up to 400 feet for structures to be applied to unimproved parcels that would be rezoned to the Overlay District. This tiered approach would specify lots with a depth greater than 300 feet and up to and including 500 feet to have a setback requirement of 200 feet and lots with a depth greater than 500 feet to have a 400-foot setback. Lots with a depth of 300 feet or less and flag lots would continue to have setbacks determined by the underlying Zoning District. After studying the maps and discussing the draft Ordinance the Committee decided that the limited benefit provided by the new Ordinance was not worth the significant negative impact to the selected few property holders and the Committee therefore voted unanimously to recommend the full Planning Commission recommend denial to the Board of Supervisors. The enhanced buffering of the four Wooded Community Corridors as

unanimously recommended by the Policy Committee at its November 10, 2022, meeting would be advanced to the Planning Commission for its consideration. The Policy Committee adjourned at 3:26 p.m.

E. CONSENT AGENDA

1. Minutes of the July 2, 2024, Regular Meeting
2. Development Review Committee Action Item: C-24-0001. Stonehouse Tract 10B
3. Development Review Committee Action Item: SP-23-0051. Toano RV Storage at 7816 Richmond Road - Appeal of the Director of Planning

Mr. Polster requested to pull Development Review Committee Action Item: SP-23-0051. Toano RV Storage at 7816 Richmond Road - Appeal of the Director of Planning from the Consent Agenda. There were no objections.

On a voice vote, the Commission voted to approve the remaining Consent Agenda items. (7-0)

Mr. Polster provided his perspective on the background of the case.

Mr. Polster made a motion to uphold the Director of Planning's decision in SP-23-0051. Toano RV Storage at 7816 Richmond Road and deny the appeal.

The motion passed 6-0.

F. PUBLIC HEARING(S)

1. SUP-24-0010. 724 Arlington Island Road Tourist Home

Ms. Tess Lynch, Senior Planner, stated that Mr. Cory Pignone applied for a Special Use Permit (SUP) to allow a Short-Term Rental for a one-bedroom home. Ms. Lynch stated the property is located at 724 Arlington Island Road, Zoned, A-1 General Agricultural, and is designated Rural Lands on the Comprehensive Plan Land Use Map. She noted that if granted, this SUP would allow for Short-Term Rentals throughout the year and no changes to the footprint of the home were proposed. Ms. Lynch stated staff finds some favorable factors for this application such as the presence of adequate off-street parking and that the applicant has stated that he would obtain the proper licensing and inspections. Ms. Lynch stated staff finds that this proposal is not fully consistent with the adopted Comprehensive Plan recommendations for Short-Term Rentals and staff is unable to recommend approval of this application. Ms. Lynch stated that should the Planning Commission recommend approval of this recommendation; staff has included proposed conditions for consideration.

Mr. Everson asked if it was correct that the Short-Term Rental was operating without an SUP after the applicant was notified that he needed one.

Ms. Lynch stated that the applicant applied for an SUP for a Short-Term Rental for the property in 2023 but withdrew it. He was operating the Short-Term Rental at that time and was issued a Zoning notification this year.

Mr. Everson asked if the applicant continued to operate after receiving the Zoning notification.

Ms. Lynch stated that the Airbnb listing was still active and showing as available to be rented.

Mr. Everson stated that the applicant clearly knew in 2023 that he needed an SUP and that in 2024 and it is currently posted on Airbnb.

Mr. Everson inquired about the absence of a Building Permit associated with the property.

Ms. Lynch stated that there was a set of stairs leading to the water which was rebuilt without the proper permits. She further stated an application for a permit through the Building Safety and Permits Division was submitted on July 19, 2024, and the Chesapeake Bay Permit had been applied for and it did not appear that the State Permit had been applied for yet.

Mr. Everson asked if any of these actions carried penalties.

Ms. Lynch stated that penalties are not levied while there is an active legislative process to rectify the situation.

Mr. Everson asked if staff became aware of the posting of the Airbnb listing after the applicant submitted his second application for an SUP.

Ms. Lynch stated that staff was aware of the listing before the second SUP was submitted and that was what prompted the Zoning notification.

Mr. Everson asked if it was correct that there is no penalty because the applicant is applying for the SUP.

Ms. Lynch stated yes.

Mr. Everson asked if there was no penalty even though the applicant withdrew the first application.

Ms. Lynch stated yes.

Mr. Everson asked if there was a penalty for not applying for the Building Permit or if there was a penalty for not applying for or receiving the Chesapeake Bay Permit.

Ms. Lynch stated that she was unsure and would have to check.

Mr. Maye asked if the property has deeded access to a boat ramp on an adjacent property.

Ms. Lynch replied that the landowner who stated that at the previous meeting did not respond to staff's outreach to provide confirmation.

Mr. Haldeman asked if the stairs discussed earlier lead to a dock.

Ms. Lynch stated yes.

Mr. O'Connor reopened the Public Hearing which was opened at the previous meeting.

Mr. Cory Pignone, 1305 Hampton Street, Richmond, VA, gave a presentation in support of the application.

Mr. Maye asked if the gravel road was maintained privately and not by the State.

Mr. Pignone stated yes and that there was no formal agreement but that one neighbor coordinates the gravel. He stated that he contributed to last year's fund and that he plans to contribute twice as much if it is an operating Airbnb.

Mr. Rodgers asked about the co-host shown on the Airbnb listing.

Mr. Pignone stated that the co-host also lives in Richmond, and they work together on other business ventures. He further stated that the co-host functions as a backup in case Mr. Pignone is unable to respond to messages in a timely manner.

Mr. Everson asked what the typical reservation size was.

Mr. Pignone stated that one or two guests was most common but that there was a family with several kids that stayed once.

Mr. O'Connor closed the Public Hearing.

Mr. Rodgers asked about the public content of the comment made at the previous meeting regarding this case.

Mr. O'Connor stated that his understanding was that the comment was made by a neighbor with a boat launch who stated that there was an easement to his boat launch for the owner of the applicant's property and not for guests. Mr. O'Connor noted that he did not believe that the subject was the purview of the Planning Commission.

Mr. Everson stated that he was troubled by the history of Short-Term Rentals and permits on the property and that he felt there should be a penalty.

Mr. Polster provided background on the County's outreach to property owners operating Short-Term Rentals without SUPs. He stated that as a result of the outreach, property owners have sought to rectify those issues. He stated that he ascribes no ill intent to the applicant's actions. He noted the application is not on a major road and that the owner does not live on-site, both of which are inconsistent with the Comprehensive Plan's guidelines for Short-Term Rentals.

Mr. Haldeman stated that if there were violations of the County Code or Chesapeake Bay regulations that the Planning Commission was not the entity that would issue punitive action.

Mr. O'Connor reiterated that the Planning Commission's job was not punitive.

Mr. Rodgers noted his concern that two of the four criteria in the Comprehensive Plan for Short-Term Rentals were not met.

Discussion ensued between the Commissioners regarding the Comprehensive Plan's Short-Term Rental guidelines.

Mr. Polster made a motion to approve SUP-24-0010. 724 Arlington Island Road Tourist Home with the proposed conditions.

The motion did not pass (3-3).

Mr. O'Connor stated that the Planning Commission had no recommendation for the Board of Supervisors.

2. SUP-24-0014 111 Druid Drive Rental of Rooms

Mr. Ben Loppacker, Planner, stated that Ms. Roberta Valentine applied for an SUP to allow for the short-term rental of one bedroom in a four-bedroom single-family home located at 111 Druid Drive. He stated that the property is zoned R-1, Limited Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map and is located inside the PSA. He noted if granted, this SUP would allow for short-term rentals throughout the year.

Mr. Loppacker stated that staff found some favorable factors for this application, such as the owner living on-site during the time of rentals; however, staff found the proposal not fully consistent with the recommendations for Short-Term Rentals in the Comprehensive Plan. Therefore, staff was unable to recommend approval of this application. He noted that staff included proposed conditions for consideration.

Mr. Everson asked if a letter from the County was sent to the applicant in 2022 notifying her that she was in violation of the Short-Term Rental policy.

Mr. Loppacker stated yes.

Mr. Everson asked if the Short-Term Rental was operating in 2023 and 2024 without an SUP

Mr. Loppacker stated yes.

Mr. Everson asked if he correctly understood that four off-street parking spaces were needed if the SUP was approved.

Mr. Loppacker stated yes. He further stated that two spaces are currently required for the single family home and that an additional two would be required for the Rental of Rooms.

Mr. Everson asked how the spots would be configured.

Mr. Loppacker stated that the location of the spots was up to the applicant but that the proposed conditions would require the applicant to submit a parking plan for approval prior to the issuance of a Certificate of Occupancy for the Short-Term Rental.

Mr. O'Connor asked for confirmation that if the applicant wished to rent for periods longer than 30 days then an SUP would not be needed.

Mr. O'Connor opened the Public Hearing.

The applicant, Ms. Roberta Valentine, 111 Druid Drive, gave a presentation to the Commission in support of the application.

Ms. Lisa Garber, 115 Kingspoint Drive spoke in support of the application.

Ms. Joyce S. Hedgepeth, 116 Druid Drive spoke in support of the application.

Ms. Dawn Ciliberto, 409 Tyler Street spoke in support of the application.

Mr. Joe Ziarko, 456 Crooked Stick spoke in support of the application.

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

Mr. O'Connor asked for any disclosures.

Mr. Polster recused himself from this case.

Mr. O'Connor asked if the SUP and its proposed conditions would affect the possibility of

rentals for more than 30 days.

Mr. Loppacker stated that it would not and that any rental beyond 30 days would be a by-right use.

Mr. Everson stated his belief that if four parking spots were created on the property it would look almost like a neighborhood commercial use with that much parking in the front yard.

Mr. Everson inquired about how frequently rentals were under and over 30 days.

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

Mr. Everson inquired if a variance is possible for the parking requirements.

Mr. Thomas Wysong, Principal Planner, stated that the Zoning Ordinance does not allow a variance for this purpose.

Mr. Everson stated his concern about the applicant having to pay for the creation of the required four parking spaces.

Mr. O'Connor stated his understanding was that the Ordinance allows for residential parking to be configured two spaces deep by two spaces wide and that four spaces wide was not required in this instance.

Mr. Everson asked if there was enough space for the two-by-two configuration.

Mr. Loppacker stated that staff measured the proposed parking area and stated that there would be enough space for that configuration.

Mr. Haldeman stated that the property is not in Rural Lands, is not on a main road, and is internal to a neighborhood. He further stated that this case was difficult for him because he felt he understood the personal economic situation. He noted that he was on the Policy Committee at the time the Short-Term Rental policy was discussed. Mr. Haldeman finished by stating that this case does not meet three of the four requirements for Short-Term Rental in the Comprehensive Plan.

Mr. Rodgers stated that he was not as concerned with the potential for this property to operate Short-Term Rentals as much as he was concerned about the precedent set by allowing a Short-Term Rental in a residential neighborhood. Mr. Rodgers also sought confirmation that any action on this case would not affect long-term rentals for this property.

Mr. O'Connor confirmed that fact.

Mr. Haldeman made a motion to recommend approval of the case to the Board of Supervisors.

The motion failed 0-5.

Mr. Haldeman made a motion to recommend denial of this case to the Board of Supervisors.

The motion passed 5-0.

3. ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

Mr. O'Connor noted this case would be heard at the September 4, 2024, Regular Meeting.

4. Z-23-0001/SUP-23-0031 Monticello Avenue Shops

Mr. Ben Loppacker, Planner, stated that Mr. Tim Trant, Kaufman & Canoles, P.C. on behalf of Mr. Brett Skinner of Verdad Real Estate Development, applied for a Rezoning and a commercial SUP for the development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. The three parcels are currently zoned R-8, Rural Residential, and are designated Neighborhood Commercial by the Comprehensive Plan Land Use Map.

Mr. Loppacker stated that the proposal is to rezone 2.75 acres from R-8, Rural Residential, to B-1, General Business, with Proffers. The commercial SUP is to permit more than 10,000 square feet of commercial development of three 4,000-square-foot buildings fronting Monticello Avenue with shared parking. Mr. Loppacker noted that the applicant has indicated there is no specific commercial or office user at this point and the proposed site would take access from the existing right-in/right-out intersection located between the project area and Monticello Marketplace Shoppes.

Mr. Loppacker stated that the proposed site is located along the Monticello Community Character Corridor and is within the New Town Community Character Area. Mr. Loppacker stated that the applicant provided proffered design guidelines to ensure consistency with the character of the area.

Mr. Loppacker stated that staff finds this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. He stated that staff recommends that the Planning Commission recommend approval to the Board of Supervisors subject to the proposed proffers and SUP conditions. He further stated that staff also recommend modifying Condition No. 2 to require architectural elevations to be approved by the Director of Planning with consultation from the New Town Design Review Board (DRB).

Mr. Polster asked if the condition regarding maximum vehicle trips of 72 PM peak hour trips for this site would restrict the approval of the development of the adjoining parcel to the east if the potential new project led to an estimated PM peak hour trip count of over 72 for both sites.

Mr. Loppacker stated that the condition only applies to the three parcels included in this case. He further stated that the intent of the condition is that if a future proposed commercial use at the adjoining site were to cause the combined site to exceed 72 PM or 48 AM peak hour trips staff would be able to enforce that limit upon the submittal of a site plan. Mr. Loppacker further noted that not all changes of use on this site would require a site plan.

Mr. Polster stated he was concerned about how or if the condition in this SUP regarding vehicle trips would affect a potential future SUP for the adjoining parcel to the east of this site.

Mr. Loppacker stated that any future commercial use on that property would likely require a rezoning which would need to go before the Planning Commission and receive Board approval. He stated that he would have to double check if the vehicle trip cap condition for this SUP would apply to the adjoining parcel.

Mr. O'Connor opened the Public Hearing.

Mr. Trant, Kaufman & Canoles P.C., 4801 Courthouse Street, Suite 300, made a presentation to the Commission in support of the project.

Mr. Haldeman noted his concern about the required sidewalk on the southern side of the site.

Mr. Trant stated that the applicant was willing for that to not be included but his understanding was that it is required by the Ordinance and cannot be waived.

Mr. Polster stated he had concerns regarding the traffic impacts that this project would have. He referred to Table 3 on Page 8 of the project's Traffic Impact Analysis (TIA) which shows many traffic movements after the project is built with Level of Service ratings of D, E, and F. He noted that the County's Comprehensive Plan calls for ratings of C and above.

Mr. Trant stated that the ratings describe measures or ranges of delay at specific intersections. Mr. Trant stated that at the Monticello Avenue and Monticello Marketplace intersection the AM rating is C and the PM rating is D in both the build and no-build projections. Mr. Trant stated that he believes the only traffic movement that is notably impacted in the TIA is the westbound left turn lane on Monticello Avenue at the Monticello Avenue and Monticello Marketplace intersection. He stated that he believed this was because the entrance to the site was right-in/right-out and could not be directly entered from the west. He stated that the impact on that movement from the build to no-build projection was 34.6 seconds in the no-build projection to 37.5 seconds which he noted was less than 3 seconds.

Mr. Rodgers asked what was the maximum peak hour trips generated by the existing site to the west of this case's site.

Mr. Trant stated it was significantly more than 72 but he did not know the specific number.

Mr. Haldeman asked if Mr. Trant knew if any of these three parcels were previously taken to expand Monticello Avenue.

Mr. Trant stated that he did not know the answer but that Ms. Sutherland, who is a member of the family that owns two of the parcels, intends to speak to the Commission and that she may know the answer.

Mr. O'Connor asked if vape shops or CBD shops would be a permitted use if this case is approved with the proposed proffers and conditions.

Mr. Trant stated that he did not see either of those uses in the prohibited use list in the proffers but that it was not an intentional omission.

Mr. O'Connor stated that he views those uses as inconsistent with the Neighborhood Commercial designation.

Mr. Loppacker stated that vape shops and CBD shops would require a SUP to operate in the B-1 District which the applicant has requested for the rezoning of the properties.

Mr. O'Connor thanked Mr. Loppacker.

Mr. Polster asked Mr. Jason Grimes about the planned stormwater management measures for the site.

Mr. Grimes, AES Consulting Engineers, 5248 Olde Towne Road, Suite 1, stated that the intent was to manage the stormwater on-site as opposed to directing or sending it to any nearby sites. He further stated that the stormwater management for the site has not been fully designed and that it was purposefully not depicted on the Master Plan for this case because of the present state of flux that the State and County stormwater regulations were in. Mr. Grimes noted that if it were included there was the possibility that what was shown might not comply with the new regulations which would require an amendment to the Master Plan. Mr. Grimes stated that some of the stormwater management concepts they are considering are underground storage, manufactured treatment devices built for smaller footprints, and small rain gardens.

Mr. Polster asked if the drainage of any stormwater would go to the nearby VDOT drainage area.

Mr. Grimes stated yes and further described the current stormwater flow on the property.

Ms. Miriam Zumbrum, 101 Indigo Dam Road, spoke about her thoughts and concerns regarding the application.

Ms. Cheryl Ertl Sutherland, 1010 Brandon Court, Danville, VA, spoke in support of the application.

Mr. Leonard Sazaki, 3927 Ironbound Road, spoke about his thoughts on the application.

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

Mr. Polster spoke about the history of a similar project at this property and the traffic conditions and projections on Monticello Avenue near the project site. Mr. Polster stated that the Powhatan Creek subwatershed is rated suboptimal by the Powhatan Creek Watershed Management Plan due to the amount of impervious surface and that this project would compound the issue. He stated his wish that the forest area be preserved while compensating the landowners for the commercial value of the property. He recognized that option carries its own issues.

Mr. Everson inquired about how projected traffic impacts factor into the recommendation made by staff.

Mr. Loppacker stated that staff is guided by the Traffic Impact Analysis Submittal Requirements Policy which describes the Adequate Transportation Facilities Test for rezonings and SUPs. He stated that this test is passed if either no off-site improvements are required by the TIA approved by VDOT and the Planning Director, which he noted is not the case for this project, or all off-site improvements that are recommended by the approved TIA report are guaranteed in a form approved by the Planning Director and the County Attorney. Mr. Loppacker stated that the only warranted improvement by the TIA report was the construction of a 100-foot eastbound right turn taper at the right-in/right-out intersection that accesses the site. Mr. Loppacker stated that the improvement was shown on the Master Plan, which means that the Adequate Transportation Facilities Test was passed. Mr. Loppacker noted that the passing of the test was noted in the Factors Favorable section of the staff report.

Mr. Polster asked if it was correct that the Comprehensive Plan has a traffic service goal of a C rating.

Mr. Loppacker stated yes.

Mr. Haldeman asked if it was correct that the intersections would not pass the test regardless of whether the project is built.

Mr. Loppacker stated yes.

Mr. Everson stated that the previous application for this property was the last case he voted on during his previous time on the Planning Commission and that he regretted his vote. He stated that the area surrounding the project was prone to high traffic due to its somewhat urban nature. He stated the area is roughly the same size as the commercial area near Patrick Henry Mall and Oyster Point Road in Newport News. Mr. Everson stated that at the time the area surrounding the project site was developed the high traffic was expected to be a result. He stated he saw two options for this property; either the County purchases the site or a project like this one is approved because he believes nothing would be made worse. He stated that he thought the required sidewalk did not make sense and asked if there was any possibility to waive it.

Mr. Loppacker stated that it is a requirement in the County's Ordinance but that there were

specific exceptions and exemptions in Section 24-35 that he would double check to ensure they were not possible.

Mr. Haldeman spoke about the previous application for this property. He noted that he supported the previous application. He stated that the current traffic conditions on Monticello Avenue are the result of James City County's Land Use policies of the last 50 years. He stated that the intent of New Town and the Monticello Avenue corridor was to concentrate commercial and residential development to create a close-knit community without sprawl. He noted that sprawl developed nonetheless and has added to traffic issues in the area. He noted the Comprehensive Plan's TIA from 2017 found that on Monticello Avenue from News Road to Ironbound Road there were 43,254 average daily trips and it projected 69,000 average daily trips for that same area in 2045 which is a 60% increase. He stated that on Ironbound Road from John Tyler Highway to Monticello Avenue the average daily trips were 13,700 in 2017 while projecting 18,436 for 2045 which is a 40% increase. He noted that both of those projections would lead to a rating of severe for those roads and that the scope of these projections outweigh the traffic impacts of this application. He stated his belief that the owners of the properties in the application have been treated unfairly and that they deserve an opportunity to sell their properties. He noted his support for the application.

Mr. O'Connor noted his agreement with Mr. Haldeman about the responsibility of finding a way for the project to make sense for the property owners as well as the community. He thanked the applicant for the thoughtful nature of the application. He noted his preference for an exit onto Ironbound Road while acknowledging the benefits of the right-in/right-out on Monticello Avenue. He stated that he felt this was a smart use for the properties.

Mr. Rodgers stated that he felt this application was a no brainer due to its proximity to Route 199 and Monticello Avenue. He stated that since these are low density businesses this project would be the lesser of evils.

Mr. O'Connor asked for disclosures and apologized for not asking sooner.

Mr. Haldeman, Mr. Polster, and Mr. Maye each stated that they spoke with Mr. Trant earlier in the day.

Mr. Rodgers made a motion to approve Z-23-0001/SUP-23-0031. Monticello Avenue Shops with the attached conditions.

The motion passed 6-0.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - August 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet.

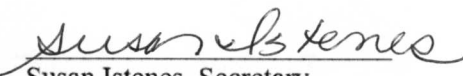
I. PLANNING COMMISSION DISCUSSION AND REQUESTS

There were no items for discussion and requests.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 8:45 p.m.


Susan Istenes, Secretary


Tim O'Connor, Chair