

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
December 4, 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
Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Morgan Risinger, Senior Planner
Roberta Sulouff, Planner
Will Albiston, Community Development Assistant
Linda Titus, Community Development Assistant

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. O'Connor stated that the Development Review Committee (DRC) and the Policy Committee did not meet this month.

E. CONSENT AGENDA

1. Minutes of the November 6, 2024, Regular Meeting

Mr. Rodgers made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the motion. (7-0)

F. PUBLIC HEARING(S)

1. ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance

Ms. Liz Parman, Deputy County Attorney, stated that the proposed Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance was largely a housekeeping measure to update the County Code to conform with the Virginia State Code. She noted that Section 24-24 currently allows the County to require Land Use applicants to certify that all delinquent real estate taxes have been paid. She further noted that the Virginia Code allows the County to require certification that all real estate taxes and nuisance charges, stormwater management utility fees, and any other charges owed to the County that constitute a lien on the property have been paid. Ms. Parman stated that staff recommended approval of this draft Ordinance to align the County Code with the State Code.

Mr. O'Connor opened the Public Hearing.

Mr. O'Connor closed the Public Hearing as there were no speakers.

Mr. Polster made a motion to approve the Initiating Resolution for ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance.

On a roll call vote, the Commission voted to approve the motion. (7-0)

Mr. Polster made a motion to recommend approval of ORD-24-0004. Ordinance to Amend and Reordain Section 24-24 of the James City County Zoning Ordinance to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

2. SUP-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility

Ms. Morgan Risinger, Senior Planner, addressed the Commission stating that Ms. Jessica Lasris of Ziegler Plumbing & Sewer, Inc., has applied for a Special Use Permit (SUP) to construct and operate a resource recovery facility at 1671 Green Mount Parkway. She noted the property is 96.36 acres in size and currently zoned M2, General Industrial, designated General Industry on the Comprehensive Plan, and is located inside the Primary Service Area (PSA). Ms. Risinger stated that the proposed operation included transporting organic waste materials from grease traps, septic tanks, and sewer basins to the property to be separated into liquid and solid waste materials. She noted that the liquid waste material would be discharged into the Hampton Roads Sanitation District sewer system and the solid waste material would be processed with bulk vegetative material to create a compost product to be wholesaled.

Ms. Risinger stated that staff had proposed SUP conditions to mitigate potential impacts of the proposal including prohibiting retail sales on the property, requiring vegetative buffers and fencing for the purpose of screening, requiring air filtration systems in buildings where the materials are processed, limiting the size and spacing of storage piles for compost and bulk vegetative products, and requiring plans be developed for the purpose of fire safety, spill prevention, and restoration of the property if the use was discontinued. Ms. Risinger further noted that staff found the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. She added that staff recommended the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Haldeman asked Ms. Risinger to clarify the County easement that would be used to access

the property as noted in the staff report.

Ms. Risinger stated that the existing Green Mount Parkway right-of-way ends with the cul-de-sac that is shown in the top left of the Master Plan and that the proposed easement in question would extend beyond the cul-de-sac and past the project site. She stated that a condition of the SUP would require the easement to be established legally through a deed before a site plan is approved to ensure the land remains available for the extension of the Green Mount Parkway right-of-way.

Mr. O'Connor opened the Public Hearing.

Ms. Jessica Lasris, Mr. Clark Siebels, and Mr. Will Siebels, Ziegler Plumbing & Sewer, Inc., 15324-A Warwick Boulevard, Newport News, VA, addressed the Commission in support of the application as members of the applicant team. They described the standard operations of the Environmental Division which includes maintaining septic tanks, grease traps, and pump basins. The applicants also discussed their reasoning in pursuing this project and how the site would operate.

Mr. Polster noted his support for the project. He asked the applicant team to describe the Stormwater Management Facility No. 1 as noted on the Master Plan. Mr. Polster also asked the applicant to address concerns surrounding runoff into and erosion of the ravine to the south of the Phase 1 portion of the site during intense rain events.

The site engineer for the applicant team, Mr. Kyle LaClair, Geosyntec Consultants, 9211 Arboretum Parkway, Suite 200, Richmond, VA, noted that the stormwater management designs shown on the Master Plan were a concept design. Mr. LaClair stated that Stormwater Management Facility No. 1 is intended to be a series of successive treatment measures that operate as a treatment train to filter particulates from the runoff. He also noted that the outfall areas would be designed to resist erosion.

Mr. Gary Massie, 8644 Merry Oaks Lane, Toano, VA, addressed the Commission noting his support for the application.

Mr. Fritz Burkhardt, 223 Harpersville Road, Newport News, VA, addressed the Commission with concerns about the project.

Mr. O'Connor closed the Public Hearing as there were no additional speakers.

Mr. Polster noted that the stormwater from the project site would be directed towards Skiffe's Creek and not the Skiffe's Creek Reservoir.

Mr. O'Connor, Mr. Everson, Mr. Haldeman, and Mr. Maye each disclosed that they had conversations prior to the meeting with Mr. Vernon Geddy, a representative for the applicant team.

Mr. Polster made a motion to recommend approval of SUP-24-0013. Ziegler Plumbing & Sewer, Inc. Resource Recovery Facility with the proposed conditions to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

3. SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment

Ms. Roberta Sulouff, Planner, addressed the Commission regarding the background of the case. She stated that Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, had applied on behalf of JCC, LLC, the developers of the Liberty Ridge subdivision, to amend Condition No. 2

of SUP-23-0023. Ms. Sulouff explained that the amendment would allow the remaining unplatted, but approved, lots to connect to the development's central well, which is connected to the James City Service Authority (JCSA) system. She also noted that the subject property was located outside the PSA, zoned A-1, General Agricultural, and was designated Rural Lands on the Comprehensive Plan.

Ms. Sulouff noted that Liberty Ridge is a by-right major subdivision that has been in the process of developing since the early 2000s. The lot layout and infrastructure plan for Liberty Ridge received preliminary approval in 2006. Ms. Sulouff added that the preliminary approval allowed the developer to plat all lots shown on the plan through the standard administrative process, provided the lots met zoning and subdivision requirements. One such requirement is that the development must be served by a central well, which would later be dedicated to JCSA but not connected to the JCSA system. She also noted that preliminary subdivision approval is generally valid for five years from the date of recordation of a plat for any portion of the approved preliminary plan. She added that while the plan's preliminary approval was extended by such recordation's along the way, it did expire in April 2020.

Ms. Sulouff stated that in 2023, while the Liberty Ridge project was dormant from a planning perspective, JCSA applied for an SUP to connect the development's independent central well system to the public JCSA system. In the application, JCSA indicated several benefits to this connection, including load relief, redundancy, and efficiency. Ms. Sulouff added that the Board of Supervisors unanimously approved the extension earlier in 2024, with the condition that no further connections would be allowed outside of the PSA.

Ms. Sulouff stated that just a few months later, the General Assembly passed the budget bill with a special provision extending preliminary subdivision approvals that had expired in 2020. When the budget bill became law, Liberty Ridge's preliminary approval was reinstated. Again, the developer has the right to plat lots shown on the plan if they conform to the Ordinances.

Ms. Sulouff stated that in this very unusual case, the applicant could not conform to the Subdivision Ordinance and connect to their own central well system because of the conditions of JCSA's SUP. She noted that although staff recommended denial of JCSA's original SUP request, staff has recommended approval of this amendment and de-facto further extension of water outside of the PSA to allow the applicant to conform to County Code and be consistent with the County's preliminary approval process. Ms. Sulouff finished by stating staff recommends the Planning Commission recommend approval of the amended conditions of SUP-23-0023 to the Board of Supervisors.

Mr. O'Connor opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Commission and stated that he was the applicant's representative. Mr. Geddy described the case as highly unusual and noted it was unlikely to be repeated. Mr. Geddy spoke to further details of the history of Liberty Ridge's preliminary approval status. He stated that if this case was approved there would be specific benefits to JCSA's operations. Mr. Geddy finished by adding that no property outside of Liberty Ridge would be permitted to use Liberty Ridge's connection.

Mr. Polster asked if there were plans for the portion of 5365 Centerville Road that is detached from and located to the west of the main portion of the property, as it is not currently included in the Liberty Ridge plans.

Mr. Branch Lawson, JCC, LLC, 14700 Village Square Place, Midlothian, VA, spoke but his response was inaudible.

Mr. Polster asked if it was correct that the detached western portion of 5365 Centerville Road

was not part of the Liberty Ridge development or part of the extension of the JCSA water system.

Mr. Lawson stated that was correct at present.

Mr. Haldeman asked if it was correct that the case did not involve a sewer extension or connection and that it was only for water.

Mr. Geddy stated that was correct.

Mr. O'Connor closed the Public Hearing as there were no additional speakers.

Mr. Everson disclosed that he had spoken to Mr. Geddy about the case during the previous few days. Mr. Everson asked for confirmation that although the County had restrictions against community wells and other aspects of the case, the County was required to approve the case due to actions from the Virginia General Assembly.

Mr. Geddy stated that was correct.

Mr. Polster stated that he was supportive of the 2023 SUP during that meeting. He stated that one reason he supported it was because of a portion of the Comprehensive Plan that spoke to the benefits of connecting community wells to the main JCSA system.

Mr. O'Connor echoed Mr. Geddy's earlier statement about the unusual nature of the case and how he believed it would be unlikely to see another case like this in the future.

Mr. Polster made a motion to recommend approval of SUP-24-0028. Liberty Ridge JCSA Water System Tie-In SUP Amendment with the proposed condition to the Board of Supervisors.

On a roll call vote, the Commission voted to approve the motion. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - December 2024

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

Ms. Istenes did apologize for technical difficulties the Commissioners had experienced during the previous week and stated that the issues were being addressed.

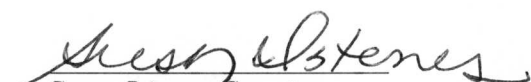
I. PLANNING COMMISSION DISCUSSION AND REQUESTS

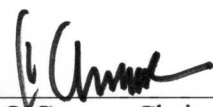
There were no items for discussion and requests.

J. ADJOURNMENT

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:51 p.m.


Susan Istenes, Secretary


Tim O'Connor, Chair