

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
February 5, 2025
6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman, Vice Chair
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Thomas Wysong, Principal Planner
Jose Ribeiro, Senior Planner II/Landscape Planner
Will Albiston, Planner
Linda Titus, Community Development Assistant

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Haldeman stated that the Development Review Committee (DRC) and the Policy Committee did not meet in January.

E. CONSENT AGENDA

1. Minutes of the January 8, 2025, Regular Meeting

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

On a voice vote, the Commission voted to approve the motion. (6-0)

F. PUBLIC HEARING(S)

1. SUP-24-0032. 232 Lakeview Drive Contractor's Office and Warehouse

Mr. Jose Ribeiro, Senior Planner II/Landscape Planner, stated that Mr. Beavers of Williamsburg Contracting, LLC, applied for a Special Use Permit (SUP) for a contractor's office and storage of vehicles and equipment on his property, 232 Lakeview Drive. Mr. Ribeiro explained that the property is zoned A-1, General Agricultural, and designated as Rural Lands and Community Character Conservation, Open Space, or Recreation by the Comprehensive Plan. Mr. Ribeiro then stated that an SUP is required for a contractor's office and warehousing in A-1 districts. He explained that Mr. Beaver currently operates his business without the required SUP, and if approved, this SUP application would bring the land use into compliance with current zoning regulations.

Mr. Ribeiro stated that the area where the outdoor storage is currently located borders Little Creek Reservoir and its associated Resource Protection Area (RPA) buffer of approximately 100 feet. Mr. Ribeiro noted that the exact location of the RPA buffer is not known as a delineation has not been completed. He explained that staff believes this information is important to obtain to best evaluate impacts and appropriate mitigation measures through SUP conditions. Mr. Ribeiro stated that to confirm the current activity impacts to the RPA, the proposal must be evaluated by the Chesapeake Bay Board.

Mr. Ribeiro noted that the applicant agreed to the RPA delineation and with the deferral request, it would allow time for the RPA delineation to occur for a better evaluation. Mr. Ribeiro stated that staff recommends that the Planning Commission defer this application until the April 2, 2025, meeting.

Mr. Everson asked Mr. Ribeiro to confirm that the structures were already built and functioning on the property and if the Planning Commission was voting on whether or not to allow the operations to continue.

Mr. Ribeiro confirmed that was correct.

Mr. Everson asked how it was possible for the site to be built without anyone knowing about it.

Mr. Ribeiro explained that the applicant was not aware that the storage of his equipment would require an SUP. He noted that there were two sheds on his property, one of which is partially used as an office, and the other is for his own personal use. He stated it is the storage of the equipment that is the focus of the SUP.

Mr. Everson asked if the applicant had a building permit.

Mr. Ribeiro confirmed that he did.

Mr. Everson then asked if the Building Safety and Permits Division had let staff know that the sheds were being built.

Mr. Ribeiro stated that at the time of the building permit application, the applicant did not know at the time what the use of the structure would be, other than a shed for personal use.

Dr. Allman asked Mr. Ribeiro to clarify what it means for an RPA to exist but not be delineated.

Mr. Ribeiro explained that when a property is to be developed adjacent to wetlands, delineation is required.

Dr. Allman asked if the purpose of delaying the review of this SUP application was to allow the RPA to be delineated.

Mr. Ribeiro confirmed that was correct. Mr. Ribeiro stated that the County's Geographic Information System (GIS) system shows a layer with the RPA, but it is not official. He explained that once the RPA is delineated and there is shown to be an impact, then it would be evaluated by the Chesapeake Bay Board.

Mr. Rodgers asked if most of the County is not delineated.

Mr. Ribeiro stated that he did not know the answer, but he was willing to investigate.

Mr. Rodgers noted that the answer would not change his decision with this case but explained that when he purchased his own property in the County, there was a line on the plat that clearly distinguished the RPA. He stated he found it hard to believe that properties bordering something as sensitive as a reservoir would not be delineated.

Mr. Polster asked if an SUP for the proposed trailer parking would be coming in.

Mr. Ribeiro stated that was correct.

Mr. Polster explained that when he had drawn out the 75-feet by 25-feet area against the RPA, it was off by approximately 15 feet. Mr. Polster noted that he understood the delineation still needed to be completed. Mr. Polster referred to the picture, and stated that there was a dump truck, a tractor, and towing equipment on a gravel pad that sloped down toward the reservoir with a bank that dropped down approximately 30 to 40 feet. Mr. Polster explained that even if the building site is outside of the RPA, there is still a chance of contamination in the reservoir. Mr. Polster noted that there should be mitigation given how close the proposed site is to the reservoir, and that if no mitigation was completed by the time the case was presented a second time, he would not look favorably on the application. Mr. Polster requested that at the next public hearing there be a discussion about what the drainage would look like, and whether there were plans to mitigate that issue, or that the site be relocated.

Mr. Ribeiro clarified that the proposed gravel trailer parking is currently on the property.

Mr. Polster stated that he understood that the gravel parking was happening, and he was concerned because if the Planning Commission approved the SUP application, the problem of the oil and gas leakage into the reservoir would still be there. He then

asked if placing dry swales is the usual practice of the Stormwater Division to prevent this issue.

Mr. Ribeiro stated that was correct.

Mr. Ribeiro explained that the application was reviewed by Stormwater Division staff, and that the gravel placement would need to comply with Stormwater Division's regulations.

Mr. Polster explained that it was not the gravel he was concerned about, but rather the issue of the drainage into the reservoir.

Mr. Haldeman thanked Mr. Ribeiro.

Mr. Thomas Wysong, Principal Planner, stated that the Zoning Administrator is involved in the workflow of building permits, and that she was the one who identified, based on the aerial imaging of the property, that it was a use that could potentially require an SUP. Mr. Wysong explained that a letter was sent to the property owner to prompt him to apply for an SUP.

Mr. Everson stated that he understood but his concern was that when the building permit was applied for, no one stopped the building from occurring.

Mr. Wysong noted that if it is found that wetlands are found on the site, it would be helpful if the Planning Commission let staff know if they preferred that it went to the Chesapeake Bay Board before its second public hearing. He then stated that he believed that to make the most sense.

Mr. Polster agreed and thanked Mr. Wysong.

Mr. Haldeman thanked Mr. Wysong.

Mr. Haldeman opened the Public Hearing.

Mr. Haldeman asked for a motion to defer SUP- 24-0032. 232 Lakeview Drive Contractor's Office and Warehouse to the April Regular Meeting.

On a roll call vote, the Commission voted to defer SUP-24-0032. 232 Lakeview Drive Contractor's Office and Warehouse to the April Regular Meeting.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report – February 2025

Ms. Istenes stated in addition to the report provided in the Agenda Packet, she wanted to remind the Commissioners that there would be two meetings in March.

March 5 will be the Regular Meeting, and March 17 would be the Organizational Meeting for the Planning Commission.

Mr. Haldeman thanked Ms. Istenes for the notice.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Ms. Istenes told the Commissioners that there was an email sent to them regarding the Capital Improvement's Project meeting dates. She stated that the February 13, 2025, meeting had been cancelled but the February 20, 27, and March 6 dates were tentative.

Mr. Everson asked what time the meetings would be held.

Mr. Haldeman answered, noting that the meetings would be held at 3 p.m.

Mr. Polster asked if the DRC would be meeting to review the Conceptual Plans submitted.

Ms. Istenes stated that she did not believe the DRC would be meeting.

Mr. Rodgers pointed out the most recent DRC meeting had been cancelled according to the Agenda.

Ms. Istenes confirmed that was correct.

Mr. Haldeman asked for an update on Fort Magruder.

Ms. Istenes explained that it was currently going through staff review, and that the applicant was able to address the parking issue. She then explained that the two Eastern State property developments were moving forward at different paces with one moving quicker than the other.

Mr. Haldeman asked if there was a chance that either case would be at the March Planning Commission Regular Meeting.

Ms. Istenes stated that she did not believe either would be at the March meeting, and that there was a possibility that one might be presented at the April meeting.

Mr. Haldeman then asked who was on the March Board of Supervisors' coverage.

Mr. Everson pointed out that there would be nothing to report at the March Board of Supervisors meeting because the Commissioners did not recommend SUP-24-0032 to move forward.

Mr. Polster then asked if the Board of Supervisors would be hearing AFD-24-0004. 101 and 121 Ivy Hill Road, Mill Creek Agricultural and Forestal District Withdrawal and SUP-24-0016. 101 and 121 Ivy Hill Road, Hedera Solar Facility at the February Board of Supervisors meeting.

Ms. Istenes stated that was correct.

Mr. Everson asked if the meeting would be held on March 11, 2025.

Mr. Haldeman confirmed that was correct.

Mr. Rodgers asked who would be at the Board of Supervisors meetings after Mr. Everson attended in March.

Mr. Haldeman stated that March was the last meeting to have a Commissioner assigned.

Ms. Istenes clarified that whoever was elected Chair at the Organizational Meeting would put that list together.

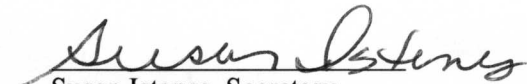
Mr. Haldeman reminded the Commissioners to start thinking about which committees they would like to serve on in the new year. He then noted that they would need a new Vice Chair.


J. ADJOURNMENT

Mr. Haldeman asked for a motion to adjourn.

Mr. Everson made a motion to adjourn.

The meeting was adjourned at approximately 6:27 p.m.


Susan Istenes, Secretary


Jack Haldeman, Vice Chair