
SPECIAL USE PERMIT-20-0001. 2898 Lake Powell Road Tourist Home**Staff Report for the June 9, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Franklin Berggren

Land Owner: Mr. Franklin Berggren

Proposal: To allow for the short-term rental of an entire three-bedroom residential home as a tourist home. The owner will live off-site.

Location: 2898 Lake Powell Road

Tax Map/Parcel No.: 4810100040

Project Acreage: ± 0.64 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: March 4, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal to be compatible with the surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, he will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
5. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its March 4, 2020 meeting, the Planning Commission voted 5-2 to recommend approval of the Special Use Permit (SUP) request to the Board of Supervisors.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of an existing three-bedroom home as a tourist home. The owner will not be present during the time of the rentals and the property is not the owner's primary residence. The proposal includes no changes to the size or footprint of the dwelling.
- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rent to three, as there are three bedrooms in the existing home. Should a future expansion add another bedroom, an SUP amendment would be required.

PLANNING AND ZONING HISTORY

None.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential

East: R-8, Rural Residential with Airport Approach Overlay District

South: R-2, General Residential

West: R-2, General Residential

This site is surrounded by residential homes to the north, south, and west. Behind the property to the east is the Williamsburg-Jamestown Airport and a contractor's office and storage yard (Yard Works).

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
- Generally be located on collector or arterial roads at intersections. This property is located on, and takes access from, Lake Powell Road. This segment of Lake Powell Road is classified by the Virginia Department of Transportation as a collector road.
- Provide adequate screening and buffering to protect the character of nearby residential areas. Staff finds that existing vegetation and fencing provide adequate screening from adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

IMPACT ANALYSIS

| Impacts/Potentially Unfavorable Conditions | Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i> | Considerations/Proposed Mitigation of Potentially Unfavorable Conditions |
|---|--|--|
| <u>Public Transportation: Vehicular</u> | <u>No Mitigation Required</u> | -The proposal is not anticipated to generate traffic exceeding a typical residential use. -The subject property is located on a collector road, as recommended in the Comprehensive Plan in areas designated Low Density Residential. -No changes anticipated to Level of Service on Lake Powell Road. |
| <u>Public Transportation: Pedestrian/Bicycle</u> | <u>No Mitigation Required</u> | -Pedestrian/bicycle accommodations are not triggered when there are no changes proposed to the building footprint. |
| <u>Public Safety</u> | <u>No Mitigation Required</u> | -Subject property is located within a six-minute radius of Fire Station 3. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities. |
| <u>Public Schools</u> | <u>No Mitigation Required</u> | -The proposal will not generate school children. |
| <u>Public Parks and Recreation</u> | <u>No Mitigation Required</u> | -The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities. |
| <u>Public Libraries and Cultural Centers</u> | <u>No Mitigation Required</u> | -The proposal does not generate impacts that require mitigation to public libraries or cultural centers. |
| <u>Groundwater and Drinking Water Resources</u> | <u>No Mitigation Required</u> | -The proposal does not generate impacts that require mitigation to groundwater or drinking water resources. |

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|---|--|--|
| <u>Watersheds, Streams, and Reservoirs</u> | <u>No Mitigation Required</u> | -The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time. |
| <u>Cultural/Historic</u> | <u>No Mitigation Required</u> | -The subject property has been previously disturbed and has no known cultural resources on-site. |
| <u>Nearby and Surrounding Properties</u> | <u>Mitigated</u> | -The subject property is located near both residential and commercial uses. -Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment. |
| <u>Community Character</u> | <u>No Mitigation Required</u> | -Lake Powell Road is not a Community Character Corridor. |

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PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application, subject to the attached conditions.

TL/md
SUP20-1LkPowellTH

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Approved Minutes of the March 4, 2020, Planning Commission Meeting