

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, Va 23185
March 1, 2023
6:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

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

Planning Commissioners Absent:

Rich Krapf

Staff Present:

Paul Holt, Director of Community Development and Planning
Liz Parman, Deputy County Attorney
Terry Costello, Senior Planner
John Risinger, Senior Planner

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. Haldeman stated that the Policy Committee met four times in February.

Mr. Haldeman stated that the Policy Committee met on February 9, 2023, to continue consideration of potential Ordinance amendments related to community recreation facilities in residential districts.

Mr. Haldeman stated that after further discussion, the Committee determined that the matter was not a huge issue, that enforcement would be burdensome, and that there were better ways to manage the issue. Mr. Haldeman stated that in light of these factors, the Committee recommended that the Planning Commission make a recommendation to the Board of Supervisors not to pursue an Ordinance amendment until such time as the problem becomes more prevalent. Mr. Haldeman stated that preliminary Special Use Permit (SUP) conditions will be created for consideration in that event.

Mr. Haldeman stated that the Committee also held a discussion with staff on the applications for funds for the Fiscal Year (FY) 2024-2028 Capital Improvements Program (CIP) applications.

Based on questions from the Committee, staff was requested to make arrangements with various department representatives to attend the February 16 and 23, 2023, Policy Committee meetings.

Mr. Haldeman stated that the Committee met again on February 16, 2023, to continue review of the CIP applications with various department representatives present to answer questions about their respective applications. Mr. Haldeman stated that the Committee requested to meet with staff representatives for several other applications at its February 23, 2023, meeting.

Mr. Haldeman stated that at its Regular Meeting on February 23, 2023, the Committee continued its review of 32 CIP applications. Mr. Haldeman stated that the Committee unanimously recommended priority rankings with the top 10 projects being:

- Stormwater Capital Improvement Program
- Fire Station 3 Replacement
- Transportation Match
- Lower County Park
- New Grove Area Library
- Human Services Center Renovations
- Open Space Match
- Grove Convenience Center
- Pre-K Space
- Warhill Sports, Softball/Baseball Complex

Mr. Haldeman further stated that the Committee also made the following recommendations outside of the applications:

- Add Fire Station 6 to the five-year CIP, based on its high rankings in earlier CIP evaluations and a need based on population growth. Staffing and equipment is now in place.
- Consolidate projects where feasible and where marshaling costs or scale efficiencies yield savings. Possibilities are paving projects at Chickahominy Riverfront Park and combining Pocahontas Trail and Blow Flats Road improvements.

Mr. Haldeman stated that the Committee also met at 2:30 p.m. on February 23, 2023, for a special meeting to continue the discussion on residential density calculations following up on its January 12, 2023, meeting, additional guidance from the Board of Supervisors at its January 24, 2023, Business Meeting, and review of staff's draft of amended changes to the Zoning Ordinance.

Mr. Haldeman stated that residential and mixed districts treat density calculations differently, and the Committee discussed and made recommendations for each separately.

- A-1 and R-8 Districts use density calculations, relying instead on lot size to determine density. The Committee recommends by a 2-1 vote that it stay that way.
- R-6 District uses density calculations, relying instead on lot size to determine density. The Committee unanimously recommends that it stay that way.
- R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, and PUD, Planned Unit Development, and Residential Cluster Development Overlay

District use a stepped approach to calculate density. The Committee recommends by a 2-1 vote that the calculation should be changed to net density; however, this will be inconsistent with the gross density stipulated in the Low Density Residential (LDR) and Moderate Density Residential (MDR) Districts of the Comprehensive Plan.

- Mixed Use Districts currently use the stepped approach. The Committee recommends by a 2-1 vote that the calculation should be changed to net density. Economic Opportunity Districts currently requires that density based only on developable area - effectively a net density calculation. No changes are recommended.

Mr. Haldeman stated that the Committee believes that the draft amendments to the Zoning Ordinance meet the intent of the Board of Supervisors' Initiating Resolution.

Mr. Haldeman stated that the Committee discussed providing offsets to affected property owners but made no recommendation on the subject.

Ms. Null stated that the Development Review Committee (DRC) met on February 15, 2023, to consider SP-22-0051. Ironbound Crossing Wawa and Church Parking and SP-22-0089. Chickahominy Riverfront Park RV Storage Lot.

Ms. Null stated that SP-22-0051. Ironbound Crossing Wawa and Church Parking was before the DRC to appeal the Planning Director's determination regarding the required landscape edge consisting of a structural site element such as fencing or a wall or combination, or the equivalent as stated in the adopted design guidelines. Ms. Null stated that the applicant has provided a row of hedges to create a landscape edge. Ms. Null further stated that the Planning Director determined that hedges did not meet the intent of the design guidelines therefore, the applicant appealed that decision to the DRC.

Ms. Null stated that Mr. Mark Rinaldi, Applicant, provided a brief background of the parcel and the applicant's intent of the design guidelines and that it was not the intent to restrict the landscape edge to just a wall or fence and that hedges met this requirement. Ms. Null noted that the applicant believed that due to the numerous easements along the property lines of Ironbound Road and Old Ironbound Road, there would not be sufficient space for a fence or wall to be provided.

Ms. Null stated that the DRC had a brief discussion regarding how hedges could meet the intent of the design guidelines.

Ms. Null stated that the DRC voted 3-1 to approve the applicant's appeal of the Planning Director's determination and allow for the use of hedges within the landscape edge.

Ms. Null stated that SP-22-0089. Chickahominy Riverfront Park RV Storage Lot was before the DRC for a determination of Master Plan consistency and approval of the proposed tree clearing. Ms. Null stated that staff determined that the RV and boat storage lot is not generally consistent with the Master Plan and *Shaping Our Shores* report referenced in the currently adopted SUP; however, staff does find that the proposal would be consistent with the 2020 *Shaping Our Shores* updated Master Plan adopted by the Board as a guidance document for development of the Park, and the pending SUP application which is currently under review and includes an updated 2023 Master Plan.

Ms. Null stated that the DRC held a brief discussion on the proposed changes and the economic benefit to the County. Ms. Null stated that the DRC voted 4-0 to find the proposed changes generally consistent with the Master Plan and approve the proposed tree clearing.

E. CONSENT AGENDA

1. Minutes of the February 1, 2023, Regular Meeting
Mr. Haldeman made a motion to approve the Consent Agenda.
On a voice vote, the Commission approved the Consent Agenda. (6-0)
2. Development Review Committee Action Item: SP-22-0051. Ironbound Crossing Wawa and Church Parking
3. Development Review Committee Action Item: SP-22-0089. Chickahominy Riverfront Park RV Storage Lot

F. PUBLIC HEARINGS

1. SUP-23-0001. 2886 Lake Powell Road Rental of Rooms

A motion to Approve w/ Conditions was made by Jack Haldeman, the motion result was Passed.

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

Ayes: Haldeman, Null, O'Connor, Polster, Rodgers, Rose

Absent: Krapf

Ms. Terry Costello, Senior Planner, stated that Ms. Emily Martel has applied for an SUP to allow for the short-term rental of a four-bedroom, single-family home located at 2886 Lake Powell Road. Ms. Costello stated that the property is zoned R-2, General Residential, is designated Low Density Residential on the Comprehensive Plan Land Use Map and is located inside the Primary Service Area, and is served by public water and sewer. Ms. Costello stated that if granted, this SUP would allow for short-term rentals throughout the year. No changes to the footprint of the home are proposed.

Ms. Costello stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking and that the owner will live on-site. Ms. Costello further stated that staff finds the proposed use will not negatively impact levels of service for roads and other public services.

Ms. Costello stated that staff finds the proposal to be incompatible with surrounding development and not consistent with the recommendations for short-term rentals in the 2045 Comprehensive Plan; therefore, staff does not recommend approval of this application. Ms. Costello stated that should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration.

Mr. Rodgers inquired if the major collector road and a major road are the same.

Ms. Costello stated that the major collector road designation is given by the Virginia Department of Transportation and that the County does count a major collector road as a major road. Ms. Costello noted that the property fronts on Lake Powell Road which is a major collector; however, access is taken from a private road.

Mr. Haldeman inquired if the unfavorable factor is that it is not on a property designated Rural Lands.

Ms. Costello stated that the unfavorable factor is that it does not meet all of the performance standards recommended in the Comprehensive Plan.

Mr. Haldeman inquired if the property was within a platted subdivision.

Ms. Costello stated that the parcel is not within a platted subdivision. Ms. Costello stated that the only unfavorable factor is that the property is not designated Rural Lands.

Mr. O'Connor opened the Public Hearing.

Ms. Emily Martel, 2886 Lake Powell Road, Applicant, addressed the Commission in support of the application. Ms. Martel noted that she was agreeable to all the SUP conditions.

Ms. Lisa Waltrip, 2868 Lake Powell Road, addressed the Commission in support of the application.

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

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Polster asked for clarification about the property's status of tourist home or rental of rooms and being an Airbnb.

Ms. Costello stated that Airbnb is a platform that is used to advertise and book rental properties. Ms. Costello further stated that the County has two types of short-term rentals. Ms. Costello stated that one is Rental of Rooms which applies to short-term rental situations where the caretaker will be present and living in the home during the time of rentals, to a maximum of three bedrooms and the other Tourist Home which applies if a caretaker will be present during the time of rentals but would like to rent more than three bedrooms to a maximum of five. Ms. Costello stated that it is also considered a tourist home if the caretaker will live off-site and rent out the entire home with any number of bedrooms to a maximum of five bedrooms. Ms. Costello stated that this application would fall under Rental of Rooms.

Mr. Polster inquired if this particular property had been subject to a legislative application previously.

Ms. Costello stated that this was the first application for the property.

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

On a roll call vote, the Commission voted to recommend approval of SUP-23-0001. 2886 Lake Powell Road Rental of Rooms. (6-0)

2. AFD-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition

A motion to Approve w/ Conditions was made by Frank Polster, the motion result was Passed.

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

Ayes: Haldeman, Null, O'Connor, Polster, Rodgers, Rose

Absent: Krapf

Mr. John Risinger, Senior Planner, stated that Mr. William C. Taylor of Greensprings Materials, LLC, has applied to enroll ± 256.85 acres of land located at 278 Ivy Hill Road into the Mill Creek Agricultural and Forestal District (AFD). Mr. Risinger stated that the parcel is zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Mr. Risinger stated that the parcel is located within one mile of the core

of the AFD and is contiguous with other parcels currently in the District. Mr. Risinger stated that the parcel is currently an undeveloped, wooded lot. Mr. Risinger noted that currently the property is used for recreation and there are no plans for future development. Mr. Risinger stated that the property was timbered approximately 15 years ago and may be timbered again once the current stand of timber matures.

Mr. Risinger stated that at its January 19, 2023, meeting the AFD Advisory Committee recommended approval of the application by a vote of 7-0.

Mr. Risinger stated that staff finds this application to be consistent with both the Rural Lands designation and the Comprehensive Plan Land Use Action 6.1.1. Mr. Risinger further stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Mill Creek AFD and recommends that the Planning Commission recommend approval of the proposed addition to the Board of Supervisors.

Mr. O'Connor opened the Public Hearing.

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

Mr. Polster made a motion to recommend approval of the AFD addition.

On a roll call vote, the Commission voted to recommend approval of AFD-22-0018. 278 Ivy Hill Road Mill Creek AFD Addition. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

1. Planning Commission and Board of Zoning Appeals 2022 Annual Report

Mr. Holt stated that the Planning Commission and Board of Zoning Appeals (BZA) 2022 Annual Report which summarizes the work of the Commission and the BZA has been included in the Agenda materials for the Commission's consideration.

Mr. Holt requested a motion to accept the Annual Report. Mr. Holt noted that once the BZA considers the Annual Report, it will be forwarded to the Board of Supervisors.

Mr. Polster stated that he appreciated how the Annual Report was formatted with highlights to show what was accomplished. Mr. Polster stated that this was helpful to see the linkage to the Comprehensive Plan Goals, Strategies and Actions.

Mr. O'Connor stated that he wanted to highlight the efforts that went into the Natural and Cultural Assets Mapping and Plan. Mr. O'Connor expressed appreciation of staff's efforts.

Mr. Haldeman made a motion to accept the Annual Report.

On a voice vote, the Commission voted to accept the Planning Commission and Board of Zoning Appeals 2022 Annual Report. (6-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2023

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

2. Draft Calendar for 2023/2024

Mr. Holt stated that a draft calendar has been included so that the Commission can propose changes in advance of the Organizational Meeting on March 20, 2023. Mr. Holt suggested that the Commission move the start time for the Policy Committee to 3 p.m. to allow more time for consideration of upcoming Ordinance amendments. Mr. Holt further suggested that the Commission change its start time to 5 p.m. to be consistent with other Boards and Commissions.

The Commission discussed the calendar and concurred with having the Policy Committee meetings begin at 3 p.m.; however, the Commission determined that it did not support changing its start time due to the impact on the ability for applicants and citizens to attend and participate in the public hearings.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

The Commission and Mr. Holt held a brief discussion about Board of Supervisors coverage. Mr. Holt noted that he would follow up with the Commission.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn to March 20, 2023.

The meeting was adjourned at approximately 6:53 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chairman