MINUTES

JAMES CITY COUNTY PLANNING COMMISSION

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

January 3, 2024

6:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

Planning Commissioners Present:
Frank Polster
Rich Krapf
Tim O'Connor
Jack Haldeman
Rob Rose
Barbara Null
Stephen Rodgers

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Josh Crump, Principal Planner
Suzanne Yeats, Planner
Amanda Frazier, Community Development Assistant

C. PUBLIC COMMENT

Mr. Polster opened Public Comment.

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

D. REPORTS OF THE COMMISSION

Mr. Rodgers stated that the Development Review Committee (DRC) met on December 15, 2023.

Mr. Rodgers stated that the DRC discussed C-23-0038, 8425 Croaker Road Shared Driveway Exception Request. Mr. Rodgers stated that staff had previously reviewed the application in relation to the County's Subdivision Ordinance and found this minor subdivision failed to meet the required criteria. Mr. Rodgers stated that the Virginia Department of Transportation (VDOT) had recommended against the proposed shared driveway as it would create an additional entrance onto Croaker Road. However, VDOT has resolved its concerns and retracted its opposition to the shared driveway as it has been proposed to be changed.

Mr. Rodgers stated that the DRC expressed concerns about several factors regarding minor subdivisions such as this which are not subject to stormwater criteria. The DRC expressed concerns about the creation of additional impervious cover and the loss of the existing natural tree and landscape buffer which now directly abuts Croaker Road. Mr. Rodgers stated that there was further concern for the existing proposed driveway, as it would have a pronounced sharp right turn from one direction and an even more foreboding turn if approached from the other direction, which would be difficult for emergency vehicles to navigate. Mr. Rodgers stated that there was further discussion on setbacks, noting the forestal area that fronts the property and the current rural look. Mr. Rodgers noted that the DRC saw lasting benefit to saving the existing trees and the natural pervious cover. Mr. Rodgers stated that the DRC examines each situation on a case-by-case basis, and with the considered combination of circumstances previously enumerated, the DRC believes that the risk of setting an unintended precedent is minimal.

Mr. Rodgers stated that a motion was made to recommend approval of the exception request with a condition to the Planning Commission. Mr. Rodgers stated that the motion passed by a vote of 4-0.

Mr. Rodgers stated that there was further discussion on the need to fill two imminent DRC vacancies. There was general discussion on non-vehicular mobility in the County and the VDOT controlled speed limits on rural roads which are seeing increased bicycle traffic. Mr. Rodgers stated that he felt there may be a future petition to VDOT to lower some speed limits, as that has been done previously on Route 30 at Stonehouse.

E. CONSENT AGENDA

1. Minutes of December 6, 2023, Regular Meeting

2. Development Review Committee Action Item: C-23-0038. 8425 Croaker Rd. Shared Driveway Exception Request

3. Resolution of Appreciation - Ms. Barbara Null

4. Resolution of Appreciation - Dr. Rob Rose

5. Resolution of Appreciation - Mr. Rich Krapf

Mr. Haldeman requested to discuss C-23-0038. 8425 Croaker Road Shared Driveway Exception Request.

Mr. Polster called for a vote on the remaining items on the Consent Agenda. On a voice vote, the Commission voted to approve the Minutes of the December 6, 2023, Regular Meeting, the Resolution of Appreciation - Ms. Barbara Null, the Resolution of Appreciation - Dr. Rob Rose, and the Resolution of Appreciation - Mr. Rich Krapf. (7-0)

Mr. Polster opened discussion of C-23-0038. 8425 Croaker Road Shared Driveway Exception Request

Mr. Haldeman stated that the proposed exception request did not meet the County's Ordinance exceptions. Mr. Haldeman inquired if the driveway could run between the property lines of Lots 5 and 6.

Mr. O'Connor stated that the proposed exception request did not meet the County's Ordinance exceptions and believes the Lots could be reconfigured.

Mr. Krapf inquired about the reason for the exception request for just one lot in the subdivision.

Ms. Suzanne Yeats, Planner, stated that lot 7, the lot requesting the exception, was originally connected to Lot 8 and Lot 9. However, according to historical information, it appears it was not possible to connect those lots due to Resource Protection Areas (RPAs). This created a flag lot for Lot 7 to connect to the shared driveway of Lot 1 through Lot 6. Due to the Ordinance requiring a shared driveway for subdivisions with three or more lots, Lot 7 had to connect to the originally proposed shared driveway.

Mr. Polster stated that Mr. Haldeman's suggestion would present problems with slopes and RPA.

Mr. Chase Grogg, LandTech Resources, Inc., noted that Lots 5 and 6 both have RPA wetlands as well as non-RPA wetlands. Mr. Grogg stated that building the driveway for Lot 7 between Lots 5 and 6 would require a wetlands permit from the United States Army Corps of Engineers and would impact wetlands in that location. Mr. Grogg stated that the proposed exception request would reduce impervious cover as well as disturbance in the area.

Mr. Polster inquired about how many feet of impervious surface would be created by the original design.

Mr. Grogg stated that the original design would create approximately 400 extra feet of impervious surface as opposed to the proposed design.

Mr. O'Connor inquired about the usage of the flag stem portion of Lot 7 if the exception was approved.

Mr. Grogg stated the flag stem would remain attached to Lot 7, but it will become a 25-foot, no access easement to prevent an additional access point to the property and Croaker Road.

Mr. Polster stated minor subdivisions in rural subdivisions are by-right. Mr. Polster further stated that minor subdivisions are not subject to stormwater regulations. Mr. Polster raised concerns about the RPAs and drainage areas with no stormwater mitigations in place to counter the additional impervious cover that would be created by the original design. Mr. Polster stated that the removal of the trees and the additional impervious cover would reduce water retention and destroy the existing rural character of this lot.

Mr. Polster stated that other options were considered, such as moving the driveway to Lot 5 and Lot 6 boundary line. However, the RPAs make these options nonviable.

Mr. Krapf stated his concerns about voting against the Ordinance and would not recommend approval for that reason.

Discussion ensued between Mr. O'Connor and Mr. Polster about the requirements of minor subdivisions.

Mr. Krapf made a motion to deny the DRC action.

On a roll call vote, the Commission voted to deny the DRC Action Item C-23-0038 as shown in the submitted exhibit. (4-3)

Mr. Polster presented a Resolution of Appreciation to Commissioner Ms. Barbara Null for her service to the Planning Commission.

Ms. Null thanked the Planning Commission members and staff.

Mr. Polster presented a Resolution of Appreciation to Commissioner Dr. Rob Rose for his service to the Planning Commission.

Dr. Rose thanked the Planning Commission members and staff.

Mr. Polster presented a Resolution of Appreciation to Commissioner Mr. Rich Krapf for his service to the Planning Commission.

Mr. Krapf thanked the Planning Commission members and staff.

F. PUBLIC HEARING(S)

There were no items for Public Hearing.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - January 2024

Ms. Istenes stated that she had nothing in addition to the report provided in the Agenda Packet. Ms. Istenes stated her appreciation for the service of Ms. Null, Dr. Rose, and Mr. Krapf on behalf of herself and staff.

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 6:37 p.m.

____________________ ____________________

Susan Istenes, Secretary Frank Polster, Chair