MINUTES

JAMES CITY COUNTY PLANNING COMMISSION

REGULAR MEETING

COUNTY GOVERNMENT CENTER BOARD ROOM

101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

April 3, 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
Jack Haldeman
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Staff Present:
Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Josh Crump, Principal Planner Terry Costello, Senior Planner
Roberta Sulouff, Planner I
Tess Lynch, Planner II
Mike Woolson, Chief, Stormwater and Resource Protection Division
Toni Small, Director of Stormwater and Resource Protection Division
Amanda Frazier, Community Development Assistant
Will Albiston, 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. Rodgers stated that the Development Review Committee (DRC) met on April 3, 2024.

Mr. Rodgers stated that due to a lack of a quorum on Wednesday, March 27, the DRC was unable to take action for a new business item at its scheduled meeting.

Mr. Rodgers stated that a special DRC meeting was then called by the Planning Commission Chair in accordance with the Planning Commission's Bylaws and that meeting took place today, Wednesday, April 3 at 5:30 p.m.

Mr. Rodgers stated that the new business item was a request from the Parks & Recreation Department to construct an outdoor fitness court at the Warhill Sports Complex. Mr.

Rodgers stated that the court would be constructed in an area directly adjacent to the existing basketball courts and a parking lot previously identified on the Master Plan for the development of athletic courts and parking. Mr. Rodgers stated that the applicant also proposes future additions of several recreational amenities, which include a skate park, a 50-meter outdoor pool, and pickleball courts. Mr. Rodgers stated that the applicant requested that the DRC find these additional amenities, as well as the outdoor fitness court, to be consistent with the adopted Master Plan. Mr. Rodgers stated that the DRC had a brief discussion about the park's Master Plan and the proposed recreational amenities.

Mr. Rodgers stated that he made a motion to find the proposals consistent with the Master Plan and the DRC recommended approval to the Planning Commission. Mr.
Rodgers stated that the motion was passed 3-0.

E. CONSENT AGENDA

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

2. Minutes of the March 18, 2024, Organizational Meeting

3. SP-24-0012. Warhill Sports Complex - Fitness Court Amendment and Master Plan Consistency

Mr. Haldeman requested to discuss SP-24-0012. Warhill Sports Complex - Fitness Court Amendment and Master Plan Consistency.

Mr. O'Connor 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 March 6, 2024, Regular Meeting and the Minutes of the March 18, 2024, Organizational Meeting. (7-0)

Mr. Haldeman stated his desire for the Parks and Recreation Department to expand its services in the southeastern portion of the County.

Dr. Allman expressed her appreciation for Mr. Haldeman's comments.

Mr. Haldeman made a motion to approve SP-24-0012. Warhill Sports Complex - Fitness Court Amendment and Master Plan Consistency.

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

F. PUBLIC HEARING(S)

1. SUP-24-0001. 7146 Little Creek Road Rental of Rooms

Ms. Terry Costello, Senior Planner, stated that Ms. Ana Martinez and Mr. Kenneth Fletcher have applied for a Special Use Permit (SUP) to allow for the short-term rental of up to three rooms in a four-bedroom single-family home at 7146 Little Creek Dam Road. Ms. Costello stated that the property is zoned
A-1, General Agricultural, is designated Rural Lands on the Comprehensive
Plan Land Use Map, and is located outside the Primary Service Area (PSA). Ms. Costello

further stated that the property is served by private well and septic. Ms. Costello stated that, if granted, the SUP would allow for short-term rentals throughout the year. Ms. Costello stated that no changes to the footprint of the home were 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 would live on-site. Ms. Costello further stated that staff finds the proposed use would not negatively impact Levels of Service for roads and other public services. Ms. Costello stated that while staff believes the location is generally considered appropriate for this use, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Ms. Costello stated that staff is unable to recommend approval of this application.

Ms. Costello stated that, after the Agenda Packet was published, staff did receive a comment from a citizen who resides in the Little Creek Subdivision.
Ms. Costello stated that copies of the emails were placed at the dais. Ms. Costello stated that staff has included proposed conditions for consideration, should the Commission approve this application.

Mr. Everson requested clarification regarding the Comprehensive Plan criteria for short-term rentals.

Ms. Costello provided clarification about the Comprehensive Plan criteria.

Mr. O'Connor opened the Public Hearing.

Mr. Kenneth Fletcher, 7146 Little Creek Dam Road, applicant, gave a brief presentation to the Commission.

Mr. O'Connor asked if the applicant's property extended to the reservoir.

Mr. Fletcher explained that Newport News Waterworks owns a buffer between his property and the reservoir. Mr. Fletcher stated that, as an adjacent property owner, he is granted access to the reservoir. Mr. Fletcher further stated that Newport News Waterworks has requested that guests not be permitted on its property. Mr. Fletcher stated they would comply with that request.

Discussion ensued.

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

Mr. Polster asked staff to define the differences between tourist homes and short-term rentals.

Staff provided clarification.

Mr. Polster made a motion to recommend approval of the application.

Mr. O'Connor requested the motion be amended to include the condition that guests not be permitted to access the reservoir from the applicant's property.

Mr. Fletcher accepted the condition.

Mr. Polster amended the motion to include the condition.

On a roll call vote, the Commission voted to recommend approval of SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms with conditions. (4-3)

2. MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment

Ms. Roberta Sulouff, Planner 1, stated that Ms. Susan Tarley, of Tarley Robinson, PLC, has applied on behalf of the Ford's Colony Homeowners Association (HOA) to amend the adopted Ford's Colony Master Plan and proffers. Ms. Sulouff stated that the amendment is in reference to the use of 6.76 acres of land located at 125 Firestone. Ms. Sulouff further stated that the subject property is located inside the PSA, zoned R-4, Residential Planned Community, and is designated Low Density Residential on the 2045 Comprehensive Plan.

Ms. Sulouff stated that the proffers and Master Plan for the Ford's Colony development had been amended several times since the subdivision's inception in the mid-1980s. Ms. Sulouff stated that the Planning Commission had reviewed amendment requests pertaining to the Ford's Village continuing care retirement community, and prior to that, for a general cleanup and revisiting of outstanding proffers - many of which were deemed satisfied or no longer applicable as the community is very near build-out after almost 40 years of growth. Ms. Sulouff further stated that the current proposal deals with a proffer from one of the earliest of such proffer amendments.

Ms. Sulouff stated that the current request would change the Master Plan designation of 6.76 acres from a Public Service Area for dedication to the County to a similar, non-residential service use designation, serving the HOA instead. Ms. Sulouff stated that the 6.76 acres were proffered for dedication in 1987. Ms. Sulouff stated that factors such as changing Resource Protection
Area delineations, community build-out, and the selection of other sites around the County for the originally imagined public uses for 125 Firestone, and also based on feedback received from other reviewing agencies, staff finds the proposed categorization more appropriate in scale and applicability to the site.

Ms. Sulouff stated that staff finds the proposal compatible with surrounding zoning and development and generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance and recommends that the Planning Commission recommend approval of the amended proffers and Master Plan to the Board of Supervisors.

Mr. Haldeman asked for clarification on the site map that was provided in the Agenda Packet.

Mr. Haldeman asked if staff was satisfied that the County had no further use for this lot.

Ms. Sulouff stated that no feedback indicating interest in the lot had been received.

Mr. Haldeman asked if the proffer amendment would preclude the construction of any houses on the lot.

Ms. Sulouff stated that the Ford's Colony HOA would need to amend the Master Plan and proffers again if it wished to use the lot for housing.

Mr. O'Connor opened the Public Hearing.

Mr. Drew Mulhare, Ford's Colony HOA, 124 Henry Tyler Drive, gave a brief presentation to the Planning Commission.
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. Everson raised a question about the usage of proffers which set aside public lands interior to a development.

Ms. Liz Parman, Deputy County Attorney, stated that proffers with public land designations are still accepted by the County.

Mr. Everson raised concern about public lands not being utilized by the County.

Discussion ensued.

Mr. Everson made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of MP-24-0001/Z-24-0004. Ford's Colony Master Plan and Proffer Amendment. (7-0)

3. SUP-23-0030. St. Olaf Catholic Church Campus Expansion

Ms. Tess Lynch, Planner II, stated that Mr. Jason Grimes submitted an amendment to an SUP, SUP-0007-2015, to allow for an additional 25,000square-foot expansion to the existing St. Olaf Church campus, including but not limited to, space for outreach ministry programs, administration space, counseling areas, religious education space, multipurpose space, and an expanded Parish Hall, as well as additional parking areas. Ms. Lynch stated that the subject property is located at 104 Norge Lane, zoned R-8, Rural Residential and A-1, General Agricultural, classified as Low Density Residential on the 2045 Comprehensive Plan, and is located inside the PSA. Ms. Lynch stated that this SUP shall replace and supersede SUP-0007-2015 and its conditions. Ms. Lynch further stated that several proposed conditions have been carried forward including lighting, which states that any new lighting shall meet the previous lighting condition to match current fixtures and pole height.

Ms. Lynch stated that staff finds that this proposal is compatible with surrounding zoning and development and is generally consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Lynch stated that staff also finds that the proposed conditions will mitigate impacts to surrounding properties and development. Ms. Lynch stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. Ms. Lynch stated that after the conditions were submitted, staff was informed that contrary to the note on the Master Plan indicating the removal of the playground, it may in fact not be removed. Ms. Lynch stated that the Master Plan would be edited, as would the condition addressing the playground, to reflect this.

Ms. Lynch stated that after the Agenda Packet was published, staff did receive a comment from a citizen that owns property across the train tracks. Ms. Lynch stated that copies of the emails were placed at the dais.

Mr. Rodgers requested clarification on some of the language used in the project description, regarding renovations or demolition of the site.

Ms. Lynch stated that the language in question was provided by the applicant. Ms. Lynch stated that, at this time, definitive plans have not been provided as to whether some structures would be renovated or demolished at the time of expansion. Ms. Lynch deferred further questions regarding the plans for expansion to the applicant.

Discussion ensued.

Mr. O'Connor opened the Public Hearing.

Mr. Graham Corson, AES Consulting Engineers, 5248 Olde Towne Road, representing the applicant, addressed the Commission in support of the application.

Mr. Mark Rinaldi, 4029 Ironbound Road, made a presentation to the Commission and clarified previous questions about the language regarding renovation or demolition on the site.

Mr. Rodgers asked Mr. Corson to comment on the citizen's concerns regarding stormwater drainage received by staff.

Mr. Corson presented construction plans to mitigate stormwater drainage to adjacent properties.

Mr. Steve Martin, 3301 Derby Lane, addressed the Commission regarding his concerns, which were provided by staff. Mr. Martin provided additional comment regarding stormwater drainage on properties adjacent to St. Olaf Church.

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

On a roll call vote, the Commission voted to recommend approval of SUP-230030. St. Olaf Catholic Church Campus Expansion with the attached condition. (7-0)

G. PLANNING COMMISSION CONSIDERATIONS

1. Diascund Watershed Management Plan Update

Mr. Mike Woolson, Chief, Stormwater and Resource Protection Division, stated that the County has undergone watershed management plans for the various watersheds within the County. Mr. Woolson stated that the Powhatan and Yarmouth Watershed Plans were updated in 2023, and the County is currently in the process of developing a plan for the Diascund Creek Watershed. Mr. Woolson stated that the 30-day public comment period had not yet concluded, and Stormwater and Resource Protection Division intends to go before the Board of Supervisors at its Regular Meeting in May.

Mr. Daniel Proctor and Mr. Coleman Goad, Stantec, presented their watershed assessment to the Commission.

Mr. Haldeman requested additional information about the criteria used in determining future conditions and potentially degrading conditions in certain areas within the watershed.

Mr. Porter stated the future conditions included in the presentation were based on the zoning of each lot within the watershed. These results demonstrated the potential pollutant loading for the area at maximum build-out that the Zoning Ordinance and Comprehensive Plan might allow.

Mr. O'Connor asked if these models were based on residential or agricultural uses.

Mr. Porter stated that both uses were considered, as well as potential septic system failures.

Mr. Polster raised concerns about the lack of stormwater treatment within older developments found within the Diascund Watershed.

Discussion ensued regarding consistent findings across all three Watershed Plans currently under development and recommendations for pollutant mitigation.

Mr. O'Connor asked if the County is considered a stakeholder with Newport News Waterworks and if the County participates in their Emergency Planning sessions.

Mr. Woolson stated that the County is considered a stakeholder and the County's Emergency Management team is included in surrounding locality planning and training sessions.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report April 2024

Ms. Istenes stated that the Board of Supervisors approved Z-23-0010. Luck Stone Toano Proffer Amendment. Ms. Istenes also provided staffing updates to the Commission.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. O'Connor appointed Mr. Rodgers as the Chair of the DRC. Mr. O'Connor also appointed Mr. Maye, Mr. Polster, and himself to the DRC. Mr. O'Connor appointed Mr. Haldeman as the Chair of the Policy Committee. Mr. O'Connor also appointed Mr. Polster, Dr. Allman, and Mr. Everson to the Policy Committee.

J. ADJOURNMENT

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 7:22 p.m.

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Susan Istenes, Secretary	Tim O'Connor, Chair