

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
June 5, 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
Frank Polster
Stephen Rodgers
Jay Everson
Scott Maye
Kira Allmann

Planning Commissioners Absent:

Jack Haldeman

Staff Present:

Susan Istenes, Director of Planning
Liz Parman, Deputy County Attorney
Roberta Sulouff, Planner I
Terry Costello, Senior Planner
Tess Lynch, Planner II
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. O'Connor stated that the Development Review Committee (DRC) met on May 22, 2024.

Mr. O'Connor stated that the DRC met to hear an appeal of the Planning Director's decision regarding consistency with design guidelines. Mr. O'Connor stated that the appeal centered around the North Carolina Furniture and Mattress Store, requesting to appeal the Planning Director's decision finding the submitted plans to be inconsistent with the design guidelines. Mr. O'Connor stated that while the Planning Director's decision was not inappropriate, the DRC voted 3-0 to overturn the Planning Director's decision. Mr. O'Connor stated this would allow the applicant to paint the façade with the submitted color palette, in order to match colors and architectural features in the design guidelines, while maintaining a separate visual

representation, delineating the two independent businesses that occupy the Williamsburg Pottery Marketplace.

E. CONSENT AGENDA

1. Minutes of the May 1, 2024, Regular Meeting

Mr. Polster made a motion to approve the Minutes of the May 1, 2024, Regular Meeting.

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

F. PUBLIC HEARING(S)

1. AFD-24-0001. 2394 Forge Road, Mill Creek Addition

Ms. Roberta Sulouff, Planner I, stated that Ms. Linda Rice applied on behalf of the Mr. John J. and Ms. Linda L. Rice Trust to add approximately 16.81 acres of land to the Mill Creek Agricultural and Forestal District (AFD). Ms. Sulouff stated that the property is located outside of the Primary Service Area (PSA) at 2394 Forge Road, zoned A-1, General Agricultural, and designated Rural Lands on the 2045 Comprehensive Plan Land Use Map. Ms. Sulouff stated that a portion of the land is currently used as pasture for horse grazing while most of the remaining property is forested and proposed to stay as such. Ms. Sulouff further stated that the parcel is located within one mile of the core parcels of the AFD and is contiguous with other parcels currently in the District. Ms. Sulouff stated that if the application is approved, the Mill Creek AFD would consist of approximately 4,306 acres.

Ms. Sulouff stated that, based on email correspondence, the soils information chart in the staff report would be updated before the Board of Supervisors' hearing; however, the prime farmland calculations in the staff report were accurate.

Ms. Sulouff stated that at its April 18, 2024, meeting, the AFD Advisory Committee voted 4-3 to recommend approval of the application.

Ms. Sulouff stated that staff found 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, subject to the adopted conditions for the Mill Creek AFD.

Mr. Everson inquired about the reason for the three votes against the application at the April 18, 2024, AFD Advisory Committee Meeting.

Ms. Sulouff stated that the three members cast their votes based on a discussion regarding whether the applicant would pursue a land use taxation program that is separate from the AFD program. Ms. Sulouff further stated that the land use taxation program has no bearing on AFD regulations in the Virginia Code.

Mr. O'Connor opened the Public Hearing.

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

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

On a roll call vote, the Planning Commission voted to recommend approval of AFD-24-0001.

2394 Forge Road, Mill Creek Addition. (6-0)

2. SUP-24-0006. 3709-A Strawberry Plains Road, Williamsburg Montessori School

Ms. Terry Costello, Senior Planner, stated that Ms. Sandy Andrews of Williamsburg Montessori School applied for a Special Use Permit (SUP) to allow for a school at 3709-A Strawberry Plains Road. Ms. Costello stated that the property is zoned B-1, General Business, is designated Low Density Residential on the Comprehensive Land Use Map, and is located inside the PSA.

Ms. Costello stated that the current site has four buildings which share 139 parking spaces. Ms. Costello stated that a restaurant is located in one building, and the other three buildings were occupied by various business and civic users. Ms. Costello further stated that at the entrance to Suite A, there is a circle drive which would be utilized for a pick-up and drop-off point. Ms. Costello stated that some students would be bussed from the main campus on Longhill Road.

Ms. Costello stated that the school would have a maximum of 18 children in grades 7 and 8. Ms. Costello stated that there would be two full-time teachers and two parttime teachers, and the hours of operation would be from 7:30 a.m. to 4:30 p.m., Monday through Friday. Ms. Costello stated that the hours of instruction would be from 8:15 a.m. to 3:30 p.m. Ms. Costello stated that the school year would begin the last week of August and end mid-June. Ms. Costello further stated that there would be no outside activities on the property.

Ms. Costello stated that staff found this proposed use would not negatively impact surrounding property or development, nor is it expected to negatively impact Level of Service for roads or other public services. Ms. Costello stated that staff found the proposal to be consistent with the 2045 Comprehensive Plan and Zoning Ordinance and recommended approval of this application, subject to the conditions provided in the Agenda Packet.

Mr. Everson raised a question about the ability of the school to hold after-hours meetings, such as parent-teacher conferences.

Ms. Costello stated that the school would only operate between the hours of 7:30 a.m. to 4:30 p.m., and school functions could not be held outside of those hours.

Mr. O'Connor opened the Public Hearing.

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

Mr. Maye expressed his support for staff's recommendation.

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

On a roll call vote, the Commission voted to recommend approval of SUP-24-0006. 3709-A Strawberry Plains Road, Williamsburg Montessori School. (6-0)

3. AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition

Ms. Tess Lynch, Planner II, stated that Ms. Nancy Bradshaw had applied to enroll approximately 50.14 acres of land located at 10135 Fire Tower Road into the Barnes Swamp AFD. The parcel is zoned A-1, General Agricultural, and is designated Rural Lands on the 2045 Comprehensive Plan. The parcel is located within one mile of the core of the Barnes Swamp AFD and is directly adjacent to other parcels in the District. Ms. Lynch further stated that much of the property is forested, and there is a residence on the property.

Ms. Lynch stated that the AFD Advisory Committee recommended approval of the application

by a vote of 6-2-0, with Mr. Bradshaw and Ms. Null abstaining, at its April 18, 2024, meeting.

Ms. Lynch stated that staff found that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp 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. Rodgers made a motion to recommend approval of the AFD addition.

On a roll call vote, the Planning Commission voted to recommend approval of AFD-24-0002. 10135 Fire Tower Road Barnes Swamp AFD Addition. (6-0)

4. SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment

Ms. Tess Lynch, Planner II, stated that Mr. Ben Swift of Lovett Industrial submitted a request to amend the existing SUP condition as it applies to Building 5. Ms. Lynch noted that the amendment would change the parking layout to place the employee parking lot between the building and Leisure Road and the loading docks and semitrailer parking to be interior to the industrial development. Ms. Lynch further stated that this amendment would not increase the approved square footage or change the use on-site.

Ms. Lynch stated that the subject property is located at 275 Old Stage Road, zoned EO, Economic Opportunity, classified as EO on the 2045 Comprehensive Plan, and is located inside the PSA.

Ms. Lynch stated that the initial condition was approved prior to finalization of proposed building layouts and upon receipt of further information regarding plans for the site, staff feels the SUP amendment is appropriate.

Ms. Lynch stated that staff found the proposal compatible with surrounding zoning and development and recommended use within the 2045 Comprehensive Plan, though it is not fully consistent with the County's Character Design Guidelines. Ms. Lynch also noted that staff proposed an amendment to the SUP condition to mitigate the lack of consistency that would require an increased evergreen percentage in the landscape buffer to shield view of the cars from Leisure Road. Ms. Lynch further stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Ms. Lynch stated that after the Agenda Packet was published, staff received a comment from a citizen who owns adjacent property. Ms. Lynch noted that hard copies of the email were provided for the Commissioners' review and that the email would be included in the Board of Supervisors' Agenda Packet.

Mr. O'Connor opened the Public Hearing.

Ms. Darlene Prevish, 211 Old Stage Road, addressed the Commission in support of the application.

Mr. Ben Swift, Mid-Atlantic Market Lead for Lovett Industrial, 923 15th Street NW, Suite 500, Washington, DC, gave a presentation to explain the need for the amendment and provided visual aids detailing the change in layout.

Mr. Polster engaged with Mr. Swift regarding details of the landscaping changes resulting from

the change in layout.
Discussion ensued.

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

Mr. Polster made a motion to recommend approval of the SUP Amendment.

On a roll call vote, the Planning Commission voted to recommend approval of SUP24-0009.
Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP
Amendment. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - June 2024

Ms. Istenes stated that the Planning Director's Report could be found in the Agenda Packet and that she was available for any questions. Ms. Istenes also reminded the Commission of the July Planning Commission meeting date, which had been moved to Tuesday, July 2, 2024, due to the holiday.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Rodgers requested to schedule the special DRC meeting while other Committee members were present. DRC members agreed to meet on June 18, 2024.

Mr. Polster discussed the email traffic related to the two AFD cases on the Agenda.

After some discussion, Mr. Polster requested that least-cost path wildlife connectors and corridors be examined to determine how they may apply to AFD case reviews.

Ms. Istenes stated that staff would be researching and discussing these topics to determine how to move forward with the request.

Mr. Everson noted that clustering may be useful in protecting wildlife corridors.

Mr. Polster expressed his agreement on that point.

Further discussion ensued.

J. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 6:42 p.m.

Susan Istenes, Secretary

Tim O'Connor, Chair