



CHARLES CITY COUNTY

PLANNING COMMISSION

Meeting Minutes

CALL TO ORDER:

The Charles City County Planning Commission Meeting was called to order on January 27, 2022, at 7:00 p.m. at the Charles City County Government Administrative Building.

PRESENT:

Ed Baber, Chairperson; Andrew Adams, Vice Chairperson; Gilbert Smith; Clyde L. Miles; LaToya Johnson-Davis; James Walton.

ABSENT:

William Bailey

OTHERS PRESENT:

Rhonda Russell, Asst. Co Administrator/Director Community Development
Gary Mitchell, Planner/Asst. Zoning Administrator
Peggy J. Sullivan, Administrative Assistant

PUBLIC HEARINGS:

The Chairperson reviewed the guidelines for Public Hearings.

Application #1 –

TXT Amendment-01-2022: Charles City County To repeal Division 2, Section 5-4 Area Requirements, 5-5 Setback Requirements, 5-6 Width Requirements, 5-7 Yard Requirements, 5-8 Height Requirements, 6-4 Area Requirements, 6-5 Setback Requirements, 6-6 Width Requirements, 6-7 Yard Requirements, 6-8 Height Requirements, 7-4 Area Requirements, 7-5, Setback Requirements, 7-6 Width Requirements, 7-7 Yard Requirements, 7-8 Height Requirements, 8-4 Area Requirements, 8-5 Setback Requirements, 8-6 Width Requirements, 8-7 Yard Requirements, 8-8 Height Requirements, 9-4 Area Requirements, 9-5 Setback Requirements, 9-6 Width Requirements, 9-7 Yard Requirements, 9-8 Height Requirements, 10-4 Area Requirements, 10-5 Setback Requirements, 10-6 Width Requirements, 10-7 Yard Requirements, 10-8 Height Requirements, 11-4 Area Requirements, 11-5 Setback Requirements, 11-6 Width Requirements, 11-7 Yard requirements, 11-8 Height Requirements, 12-4 Area Requirements, 12-5 Setback Requirements, 12-6 Width Requirements, 12- Yard Requirements, 12-8 Height Requirements, 13-4 Area Requirements, 13-5 Setback Requirements, Section 13-6 Width Requirements, 13-7 Yard Requirements, 13-8 Height Requirements 14-4 Area Requirements, 14-4 Setback Requirements, 14-6 Width Requirements, 14-7 Yard Requirements, and 14-8 Height Requirements and adopt a new section entitled *Section 34 Lot Area and Bulk Requirements* which shall contain a comprehensive list by zoning district of all Lot Area and Bulk Requirements. This new section will contain the setbacks, lot sizes, lot frontage, lot coverage, lot width, building height, and lot depth for all existing Zoning Districts in a single section of the ordinance. These requirements are spread though different sections of the ordinance and the new section brings these items into a new single section of the ordinance. The new section clarifies the existing lot and bulk area requirements. By placing them in a single section of the ordinance it will assist in the administration of the ordinance and to provide clear transparency of ordinance requirements. This new section also includes a setback averaging process for pre-existing lots in the Agricultural Zoning District.

TXT Amendment-02-2022: To amend *Section 3 Definitions* of the Charles City Zoning ordinance by addition of several new definitions for terms used in the ordinance for which there is no definition. The terms being proposed for addition are buffer, lot frontage, and VDOT.

TXT Amendment-03-2022: To Amend Section 3 Definitions of the Charles City County Zoning Ordinance by revisions and additions to the following terms: Lot Area and Bulk Area, Ultimate VDOT Right-of-way (ROW), Ultimate ROW Determination, lot, Building - principal, Building - accessory and setback.

Staff Presentation/Recommendation:

Staff read all TXT Amendments. The Board of Zoning Appeals and citizens asked the Planning Commission to look at revising the setbacks because they were getting more variance request on pre-existing lots. The Planning commission set up a sub-committee work with staff to look at issues. New lots do not need to be changed. Placing them in a single section of the ordinance will assist in the administration of the ordinance and provide clear transparency of ordinance requirements. This new section also includes a setback averaging process for pre-existing lots in the Agricultural Zoning District. Both the sub-committee and the Board of Zoning recommend these changes.

The Chairperson asked the public if there were any questions about the proposal. He asked if there was anything they did not understand. Hearing none, the public hearing was opened and no one spoke and the public hearing was closed. On a motion by Mr. Adams, second by Mr. Walton, and a vote of 6/0, the Planning Commission agreed to defer further discussion of these text amendments until a future date.

Application #2 – Ordinance Application NO. 01-2022:

An application to repeal and reenact the Charles City County, Virginia Flood Zone Ordinance. The proposed ordinance adopts the April 20, 2022, Flood Insurance Rate Maps (FIRM), establishes Floodplain Districts, requires the issuance of permits for development and provide factors and conditions for variances to the terms of the ordinance. The case information can be reviewed during regular business hours, Monday to Friday, 8:00 a.m. to 4:30 p.m. in the Department of Community Development located at the address above. Questions concerning the application may be directed to the Charles City County Community Development Staff at 804-652-4707. All written comments are encouraged to be submitted to the Charles City County Community Development Department, P.O. Box 66, Charles City, VA 23030, by fax to (804) 829-5819.

Staff Presentation/Recommendation:

The Federal Emergency Management Agency (FEMA) and Charles City County has made an effort to update the flood prone area, update Flood Insurance Risk Map (FIRM). We have until April 20, 2022, to adopt the Flood Zone Ordinance, in order for the County to participate in the Flood Zone Program. We have had \$43,000 total loses, 4 paid claims and 2 claims outside of flood high designated areas. Out of 4,740 structures only 22 have flood insurance policies in force. We have 15 structures newly mapped in, and 6 structures mapped out. Our claim history is low. Federally back mortgages are required to have flood insurance. The following tributaries are part of the 15 new structures added, Barrows Creek, Bradley Run, Collins Run, Courthouse Creek, Herring Creek, Salem Run, Stony Run, Tomahund Creek, and West Run and tributaries. We are relatively flat, so flooding is a problem. Mr. Adams asked if staff could find out if Newport News Water Works has a drawdown schedule for the dam? We are making 3 changes in our Flood Zone Ordinance: Chief Administrative Officer will appoint alternate Flood Plain Officer, Flood elevation level from required 12” to 18”, giving us 6” more that state requirement, and permitting accessory structures in the flood zone. Staff recommends repealing and adopt the amended Flood Zone ordinance for Charles City County, Virginia, adopt new Flood Insurance Rate Maps (FIRM) as submitted with a favorable recommendation to the Board of Supervisors for their February meeting, that will give CRS 30 days for review and send to FEMA, so Charles City County can be removed from the suspension list.

Questions of clarification regarding this application from the public and the Commission were asked and answered. The public hearing was opened. Once all comments were received and the Public Hearing was closed, the Planning Commission considered a recommendation to the Board of Supervisors.

On a motion made by Mr. Adams, second by Ms. Davis, and a vote of 6/0 the Planning Commission approved as presented with suggestions from staff and recommended approval by the Board of Supervisors Ordinance application NO. 01-2022.

APPROVAL OF PREVIOUS MEETINGS MINUTES:

On a motion by Mr. Miles, second by Mr. Adams and a vote of 4/1, and 1 abstain, the Minutes from June 10, 2021, and July 22, 2021, were approved as written.

UNFINISHED BUSINESS:

No unfinished business was considered.

NEW BUSINESS:

No New Business was considered.

PLANNING DIRECTOR/STAFF UPDATE:

Special Use Permit – Board of Supervisors questions Special Use Permit (SUP), to include a term limit for the SUP's. Commission, there is already a limit, so staff recommends the commission look the SUP Ordinance and send an update to the board of Supervisors.

Comprehensive Plan – Now that we have included in our Comprehensive Plan the environmental element for VDEQ. We now have the resources to hire a consultant to help support us with a revision of our Zoning Ordinance, hopefully by the end of the fiscal year we will have someone on board.

Timeline for Route 106/Economic Development – The staff will need 2 Planning Commission members to be actively involved from the start to the end of this process. They will need to be at every quarterly meeting. This will be at different locations on 106. You do not have to tell staff tonight but in the next couple of days. Mr. Smith will get with staff and see what can be arranged, Commission thinks it would be a good idea to get citizens involved from the area.

SUP-02-2021 Update – The Board of Supervisors denied SUP-02-2021, and a letter of denial is being sent out this week to the Attorney of Aggregate Industries LLC.

Short-term Rentals – Dwight Yoder off the Chickahominy has gotten a Bay Act exemption. He wants to do short term rentals with no staff or manager present. He is partnering with another gentlemen for a proposed amendment, and we should bring you this in February. This is the end of Directors Report.

PUBLIC COMMENTS:

Mr. Lloyd Carter has concerns about SUP'S, specifically Barnetts Road was allowed to remove noise and dust barriers. The state told them they could mine within 80' of the center of the road. Does the state override your SUP'S? Citizens has no say, they automatically get renewed, regardless of the complaints we have. Are Bardon and Gillman one in the same? No, they are not. He asks that Ms. Russell do some research on grants for help where Bardon is mining now, there is an abandon landfill there and off Adkins Road. To see if there are grants to help clean them up. Mr. Baber commented that the County can put in conditions and boundaries for SUP'S, on how close they are to highways. A permit automatically renews unless they are issues that cannot be resolved, it then can be brought to a Public Hearing. Mr. Carter also commented about cleaning the roof of his RV. Mr. Smith and Ms. Russell thought that had been resolved. They asked Mr. Carter for his address, and they will be looking into it.

ADJOURNMENT:

The meeting was adjourned at 8:56 p.m.