



# CHARLES CITY COUNTY

## PLANNING COMMISSION

### Meeting Minutes

#### CALL TO ORDER:

The Charles City County Planning Commission Meeting was called to order on *February 24, 2022, at 7:00 p.m.* at the Charles City County Government Administrative Building.

#### PRESENT:

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

#### ABSENT:

None

#### OTHERS PRESENT:

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

#### PUBLIC HEARINGS:

The Chairperson reviewed the guidelines for Public Hearings.

#### Application #1 – RZ-01-2022

**RZ-01-2022** - Application by R. Marshburn to rezone to General Business-1 (B-1) with proffers, for the operation of a contractor's office with over 20,000 sq. ft. of outdoor storage as permitted by Division II, District Regulations, Section 8-3 General Business (B-1) Uses with Special Use Permit. The property is zoned as Agricultural (A-1) and consists of approximately 40.49± acres. The property will house a contractors office building and approximately 80,000± square feet of outside storage of landscaping materials. The comprehensive plan designates this property agricultural/forestry with no specified density and is located within the Ruthville Neighborhood Service Area. The property is located approximately 572± feet south of The Glebe Lane (SR 615), served by a private drive also used by Ruthville Gun and Rod Inc., hunt club. The tax map number of the property is 41-73.

#### Staff Presentation/Recommendation:

This is Tax Parcel 41-72, 40+ acres at 13431 The Glebe Lane. The applicant wants to do a Landscape Supply Business in this Ruthville Neighborhood Service Area, accessed by a privately owned easement. If the Rezoning is not passed the SUP is null. The Comprehensive Plan states the purpose of the Neighborhood Service Area is to offer light commercial development that is compatible with the area. This use may be too intense. The proffer statement: Logs and tree limbs will be ground into mulch, will sell sand, gravel, topsoil lime, delivery will be offered, could possibly employ up to 10 people, portable toilets, none illuminated sign and will not be an auto mobile junk yard.

Staff has issues with this. Applicant has decided not to proffer out any of the other uses in the B1 zoning. If landscaping was not successful, applicant can put any other venture permitted in the B1 zoning district on the entire 40+ acres. Applicant would have to install restrooms, traffic entering, and existing non-paved road would cause damage. The proposed use seems to be a regional use as opposed to a neighborhood service area. The location will be out in the middle of the field. He wants a shed there and the bins will be off the right. He did not proffer this plan; we have no guarantee that this is what will be built. Staff recommends that this be sent to the Board of Supervisors with a negative recommendation.

Applicant Presentation:

The applicant had nothing to add.

The Chairperson asked the public if there were any questions about the proposal, and anything they did not understand. The public wanted to know what the staff recommended again. Staff recommends denying. There were no other questions, Public Hearing was open.

Public Hearing:

Bernice Adkins, 13511 The Glebe Lane. "my property is adjacent to Mr. Marshburn's property. I am concerned about safety in the area, increase the flow of traffic, children that get on buses, cyclist, trucks pulling boats, and cars that travel The Glebe Lane at 55 mph. The decrease of property value." There being no other speakers the public hearing was closed.

On a motion made by Mr. Adams second by Mr. Walton, and a vote of 6/0, 1 abstain we deny approval of RZ-01-2022 and recommend denial to the Board of Supervisors.

**Application #2 – SUP-01-2022**

**SUP-01-2022** - Application by R. Marshburn for special use permit for the operation of a contractor's office with over 20,000 sq. ft. of outdoor storage as permitted by Division II, District Regulations, Section 8-3 General Business (B-1) Uses with Special Use Permit. The property is zoned as Agricultural (A-1) and consists of approximately 40.49± acres. The property will house a contractor's office building and approximately 80,000± square feet of outside storage of landscaping materials. The Comprehensive Plan designates this property agricultural/forestry with no specified density and is located within the Ruthville Neighborhood Service Area. The property is located approximately 572± feet south of The Glebe Lane (SR 615), served by a private drive also used by Ruthville Gun and Rod Inc., Hunt Club. The tax map number of the property is 41-73.

Staff Presentation/Recommendation:

It is the same staff report as RZ-01-2022, with the exception of adding the following conditions.

1. The applicant shall record the approval letter with the Charles City County Circuit Court Clerk's office within 30-days of receipt. Provide a copy of the recorded document to the Community Development Department with the Deed Book and Page Number or Instrument Number affixed.
2. The owner shall comply with all other applicable Federal, State, and Local Laws and/or Ordinances.
3. The Special Use Permit (SUP) is granted to Ronald Marshburn exclusively for the operation of a landscaping business and shall not be transferrable to another person/entity without approval by the Board of Supervisors via an amendment of the special use permit.
4. The applicant has a period of 3-years to develop the business, or the special use permit expires. The applicant may apply for extensions of this 3-year period upon application to the Board of Supervisors.
5. If approved this special use permit shall be reviewable by the County after 5-years from the date of approval to ensure all conditions and proffers are in compliance as approved. If the conditions are not in compliance, the Board of Supervisors may revoke the special use permit.
6. A site plan shall be submitted by the applicant showing proposed improvements.
7. The applicant shall install a standard paved commercial entrance and at least a 100-foot taper in accordance with VDOT standards into the property prior to opening for business
8. The applicant shall construct a public rest room facility with a drain field as approved by the Health Department.
9. Material Safety Data Sheets (MSDS) shall be provided to the local fire department upon request.
10. Stumps and similar materials shall be ground into "mulch" within 72-hours of deposit of such material on the property. Logs and construction debris are prohibited from being deposited on the property.
11. These conditions and attached proffers (exhibit 1) shall be placed on the site plan(s) as well as any deed or instrument numbers associated with the proposed development. The rationale is to ensure any conditions/proffers are reflected on the site plan.

12. At the time when County water and/or sewer services are made available, the applicant shall abandon well and septic system and connect to County services as recommended by the Charles City County Department of Public Works. Costs of connection shall be the applicant's/property owner's responsibility.
13. The existing forested buffer shall not be timbered or reduced in size or scope without approval by the Board of Supervisors via an amendment of the special use permit.
14. The entrance road into the property shall be maintained in accordance with acceptable standards including annual resurfacing with gravel as needed and snow removal.

Applicant Presentation:

The applicant had nothing to add.

The Chairperson asked the public if there were any questions about the proposal, and anything they did not understand. The public asked the following; What are the hours of operations? The hours are from 7:00am – 9:00pm Monday through Friday, Saturday 7:00am – 6:00pm, Sunday closed. Limit the area of business to what is shown on the map. What type of road are you going to have? The road that is there now. Is that wide enough for tractor trailers? Yes. Limit outdoor storage to garden supplies. Please add all of these to the conditions. Who owns the road to the property? Applicant has a deeded easement to the property.

The public hearing was opened. No one spoke to the issue and the public hearing was closed.

On a motion made by Mr. Adams, second by Mr. Bailey, and a vote of 6/0, 1 abstain, to send SUP-01-2022 with recommendations to the Board of Supervisors for approval only if RZ-01-2022 is approved.

**Application #3 – RZ-02-2022**

**RZ-02-2022** – Application by R. Marshburn to rezone to General Business-1 (B-1) with proffers for the operation of a retail garage business as permitted by Division II, District regulations, Section 8-2 General Business (B-1) Permitted Uses. The property is zoned as Agricultural (A-1) and consists of approximately 13.6± acres, of which approximately 2.0± acres will be subject to this rezoning request. The remaining portion of the property shall retain the Agricultural (A-1) zoning designation. The comprehensive plan designates this property as agricultural/forestry with no specified density and is located within the Ruthville Neighborhood Service Area. The property is located approximately 630± feet south of terminus of Ruthville Road (SR 612). The address is 9561 Ruthville Road, and the tax map number is 41-3-A.

Staff Presentation/Recommendation:

The property is located within the Ruthville Neighborhood Service Area. Comprehensive Plan states the purpose of neighborhood service area is to offer light commercial development that is compatible with the surrounding uses and does not degrade rural character. The applicant has provided proffers that I have summarized: Portable toilets to be used, a single non-illuminated sign, Chesapeake Bay compliant site plan, no vehicles will be visible from the road, types of services offered are routine maintenance, body repairs, painting, and sales of used cars. Staff has issues. There are inoperable motor vehicles on the property. The property in current conditions is in violation of the County Code. Staff recommends that the application be sent to the Board of Supervisors with a negative recommendation for these reasons; Other uses in the B-1 District are not proffered out, property is in violation of the County Code and Zoning Ordinance regarding inoperable motor vehicle/junkyard, and the proposed use is not compatible with surrounding land use. Commission asked if he was in violation now, and Mr. Mitchell answered yes, he is in violation. Commission asked if it is an automotive shop, they have more than five cars being worked on at one time is that okay? Mr. Mitchell stated as long as they have a current license and inspection they can have as many as they want. Commission stated it is 1-mile down a dead-end road plus six-hundred feet off that, making it B1 is not the thing to do. No other questions from the Commission or public.

Applicant Presentation:

Mr. Marshburn, “I have been there since 2016, I am there once or twice a week and I do not make any noise. It is my private hobby shop.”

The Public Hearing was opened.

Public Hearing:

Charles Webb, 9601 Ruthville Road. "I moved there for the quiet, to get away from everyone. I object to the Zoning of B1. I feel like for 7:00am to 7:00pm, seven days a week is too much, why would you need a business license? I am definitely against it."

There being no other speakers the public hearing was closed.

Commission recommends denial for these reasons, Other uses in the B-1 District are not proffered out, property is in violation of the County Code and Zoning Ordinance regarding inoperable motor vehicle/junkyard, and the proposed use is not compatible with surrounding land use.

On a motion made by Mr. Walton, second by Ms. Johnson-Davis, and a vote of 7/0, we deny approval of RZ-02-2022, and recommend denial to the Board of Supervisors.

**TXT-05-2022** Application by D. Yoder and others to add a definition for *Short Term Rental/Tourist Home*, to Division I General, Section 3 Definitions of the Charles City County Zoning Ordinance.

**TXT-06-2022** Application by D. Yoder and others to add *Short Term Rental/Tourist Home* to Division II District Regulations, Section 5 Agricultural (A-1) District, Section 5-3 Uses with Special Use Permit; with specific zoning performance standards.

**TXT-07-2022**: Application by D. Yoder and others to add *Short Term Rental/Tourist Home* to Division II, District Regulations, Section 10 Tourist Business District (B-3), Section 10-2 Permitted Uses; with specific zoning performance standards.

Staff Presentation/Recommendation:

The applicant has requested that the County amend its Ordinance to permit Short Term Rental/Tourist Homes as a Special Use Permit in the AG District. He would like to get input from the community. Staff would like to go over all three TXT Amendments for definitions with the Planning Commission to defer action until March at the next Planning Commission meeting. We need to come up with a definition for short term rental. Commission has a problem with the 30-day term limits. What if the family wanted to keep it all summer long? Then it is no longer a short-term rental. How many occupants you can have, how many bedrooms? These are things we need to work out

Applicant Presentation:

Mr. Yoder; we need rules and regulations so we can have Short Term Rentals, we do not have any regulations. We need standards to go by. We need the County to address clear rules and guidelines for the owner and renter, what will work for Charles City County? The County needs to address this, we are just wanting to do things right. That is the whole point of these TXT Amendments.

Commission ask's staff, so you want us to hold a public hearing, then defer action, carry forward to our next public hearing in March with significant changes. Staff will meet with Commission members and have recommendations for the March public hearing. Commission stated we need to address length of stay whether it is thirty days, ninety days, all summer long, why should that matter? Ms. Russell stated that your use of your property should not compromise the quiet and peaceful enjoyment of my property, so in a residential community you have a sense of safety and security knowing who your neighbors are. You typically know your neighbors patterns. Commission stated I think the citizens worry about what is what goes on in the house, number of people, is there drinking, doesn't matter how many days they stay but how they conduct themselves accordingly.

Comments, questions, and suggestions regarding all three TXT Amendment Application's from the Commission was completed. The Public hearing was opened.

Public Hearing:

Steve Westermann, "we live on a private road. We pay for the maintenance of the private road. We are concerned with safety and quiet. We want the quiet. We don't want a party every weekend. The

private road has to be addressed and protected. We do not want a business on our private road. Our road is too narrow for two cars to pass at the same time. We have nine full time dwellings on our road, with five vacant houses that can become Airbnb's tomorrow, this will overwhelm our neighborhood. We do not want them."

Michael Philips, 14700 Cypress Bank Road. "Our concerns are private roads; we are responsible for maintenance. There is only one way in and out. We see each other come and go; we know each other. We have no problem with an Airbnb's we just do not want them on our private road."

Zach Farmer, 5420 John Tyler Memorial Hwy. "I have the two proposed Airbnb's in Charles City. I live in Richmond and own an Airbnb close to me. In the beginning my neighbors did not like it, but over time they became use to it and enjoyed talking to the people staying there. This trend in travel is here to stay. We are looking at property off Route 5, so people who want to utilize the Capital Trail can and other historic sites in the area."

Monica Shafter, "I found out purely by accident about this, need more community outreach. Also, we are very isolated, and I don't know how quick the County will be to respond."

Lloyd Carter asked, by this being a business can the County determine how many occupants can occupy the building at one time? Commission asked do you think there should be a limit. Mr. Carter stated the county should have that already in place.

There being no other speakers the public hearing was closed.

On a motion made by Mr. Adams, second by Mr. Miles, and a vote of 7/0 the Planning Commission will table TXT Amendments 5, 6 and 7 until April 28, 2022, meeting.

#### **APPROVAL OF PREVIOUS MEETINGS MINUTES:**

By consensus the minutes from August 26, 2021, September 09, 2021, were deferred until the next meeting.

#### **UNFINISHED BUSINESS:**

No unfinished business was considered.

#### **NEW BUSINESS:**

No new business was considered.

#### **PLANNING DIRECTOR/STAFF UPDATE:**

Ms. Russell: Update on Flood Zone Ordinance, single and double wide homes can be included, but they must meet the higher elevation standards. The language will be revised.

#### **ADJOURNMENT:**

The meeting was adjourned at 9:35 p.m.