



# Department of Planning & Zoning

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## M E M O R A N D U M

**TO:** Members of the Board of Supervisors

**FROM:** Kenneth B. Richardson, Planning Commission Chair  
Anne Ducey-Ortiz, AICP, Director of Planning & Zoning  
Members of the Planning Commission

**CC:** Brent Fedors, County Administrator  
Ted Wilmot, County Attorney

**DATE:** February 6, 2018

**SUBJECT:** 2017 Annual Report

The Planning Commission is pleased to offer its 2017 Annual Report to the Board of Supervisors pursuant to the requirements of [§15.2-2221](#) of the Code of Virginia.

The following information is presented as a summary of the Planning Commission's actions for the 2017 calendar year.

### **MEMBERSHIP**

During the December 2016 election, Kenny Richardson was elected Chair and Chris Poulson was elected to serve as Vice-Chair.

Other members serving on the Commission this year were: Col. Thomas Arnold, James Gray, Jr., James Harrison, Douglas Johnson, Natalie Johnson, and Louis Serio. James Harrison replaced Col. Arnold, who retired from the PC in June after serving as a Commissioner for nearly 30 years. John Meyer continued to serve as the BOS representative throughout the year. The Planning Commission consists of seven (7) voting members with a Board member serving as a nonvoting liaison to the Commission.

At the December 2017 meeting, Kenny Richardson was re-elected Chair and Chris Poulson was re-elected Vice-Chair for 2018.

### **Planning Commission Staff**

Anne Ducey-Ortiz is the Director of Planning and Zoning and serves as Planning Commission Secretary, Subdivision Agent, and Zoning Administrator. She is assisted by Tripp Little and Sean McNash, both serving in Planner II positions, to provide staff support to the Planning Commission and assist with applications and inquiries for subdivisions, site plans, and rezonings. Laura Lutinski is the department's Administrative Assistant and serves as the Clerk to the Commission. Denise Canada is the Assistant Zoning Administrator and Linda Sprague is the Zoning Specialist; they handle the majority of the day-to-day duties related to zoning ordinance implementation and enforcement. The senior planner position, which had been vacant since January of 2015, was filled by Carol Rizzio, Planner III, in March of 2017. This position is focused on Long Range Planning and serves as the project manager for the Zoning Ordinance rewrite as well as other long range planning projects.

Department of Planning and Zoning staff also serve on the following committees: Floodplain Management Committee, Capital Improvement Plan (CIP) Committee, Site Plan Committee, and the Blueways Committee. With the departures of Garrey Curry, Deputy County Administrator, and Brian Lewis, head of the Engineering Department, Ms. Ducey-Ortiz will assume the role of Interim Site Plan Coordinator and our Department will be once again assuming primary staffing responsibility for the transportation-related committees such as the Transportation Technical Advisory Committee (TTAC) of Hampton Roads Transportation Planning Organization (HRTPO), Long Range Transportation Plan Subcommittee of the HRTPO, and the Transportation Programming Subcommittee for TTAC (funding committee). Staff is also involved in other regional projects through the Hampton Roads Planning Commission District (HRPDC) and the Middle Peninsula Planning District Commission (MPPDC) including those involving working waterfronts, recurrent flooding, sea level rise and resiliency, and alternative transportation.

The Department also provides staff support to the [Board of Zoning Appeals](#) (BZA). Staff prepared reports for six (6) applications to the BZA in 2017. All the cases heard were requests for Special Exception – including two (2) for microbreweries, two (2) for event venues, and one (1) for a farm-to-table winery. There were no applications for variance or appeal to the BZA in 2017.

### **CODE AMENDMENTS**

CA-17-01 - **Adopted.** Based on feedback from the Strata Solar CUP, and after discussion at the June and July Planning Commission meetings, staff drafted a code amendment for “solar facilities” proposing the following changes: removing the size/area

of systems from the definitions; basing the “scale” of the systems on State Code language for “net metering;” adding provisions for waiving buffer requirements; and adding a surety requirement to the decommissioning plan, with provisions regarding when a surety must be posted. The PC held public hearing on the proposed amendment on September 7<sup>th</sup>; they agreed with the changes, and voted unanimously (7-0) to forward the draft code amendment to the Board with a recommendation of approval. The BOS adopted the code amendment by unanimous (7-0) vote after public hearing at their November 8<sup>th</sup> meeting.

CA-17-02 - **Adopted.** After much discussion about definitions, districts, operating characteristics, and signage, staff presented a draft of the code amendment for “event homes” at the August Planning Commission meeting; the PC held a public hearing on the proposed amendment on September 7<sup>th</sup>. The Commissioners recommended approval by unanimous vote (7-0); the Board held public hearing and approved the code amendment unanimously (7-0) at their November 8<sup>th</sup> meeting.

## **REZONING APPLICATIONS**

Z-07-06 - **Incomplete.** York River Yacht Haven. An incomplete application to expand the existing boatel facility was received by staff from York River Yacht Haven. Staff requested additional information to complete the application. The property transferred ownership in 2014; however, the new owners have not contacted the county about pursuing the application or any other site improvements at this time.

Z-08-01 - **Incomplete.** Tri-River Properties site at Glenss. The applicant applied to rezone the southwest corner of the intersection of Route 17 and Route 33 at Glenss to B-4 from RC-1. Currently staff is waiting for the applicant to submit a Traffic Impact Analysis as required by VDOT’s Chapter 527 Regulations in order to proceed with the application.

Z-15-02 – **Incomplete.** Fox Mill Associates / Deer Run Apartments. An application by Fox Mill Associates was filed in order to rezone 11.32 acres from SF-1 to MF-1 (conditional) to bring the site’s zoning classification into conformity with its current legally non-conforming multifamily use and to allow three (3) additional apartment buildings to be constructed. There are currently 32 apartment units on the site, in 10 addressed buildings, that are all on private on-site well and septic. During review of the application, a number of questions arose regarding the adequacy of the on-site septic systems to serve the existing structures and these questions have yet to be resolved. The application is on hold pending the applicant’s response to the Health Department’s concerns.

Z-16-08 - **Denied.** Leyland Cypress Woods. An application to rezone approximately 5.4 acres at the intersection of Short Lane (SR 615) and T.C. Walker Road (SR 629) from Suburban Countryside (SC-1) to Medium-density Multi-family (MF-1). The purpose of the proposed rezoning was to construct forty (40) apartment units. The Planning

Commission provided a unanimous (6-0, with one abstention) recommendation of denial to the Board of Supervisors. The Board found the proposed rezoning to be inconsistent with the Comprehensive Plan, the Court House Village Sub-Area Plan, as well as the established uses in the area – and voted unanimously (7-0) to deny the application at its March 7<sup>th</sup> meeting.

**Z-17-01 - Approved.** Coleman’s Crossing. A rezoning to reclassify approximately 1.25 acres zoned Village Business (B-2) to Medium-density Multi-family (MF-1) for the purpose of constructing an additional eight (8) townhouse units. The rezoning also included an update to Proffer #1, which referenced the Master Plan. After public hearing on May 4<sup>th</sup>, the PC recommended approval unanimously (5-0, one absent and one recused); the Board unanimously (7-0) approved the rezoning after public hearing on June 6<sup>th</sup>.

**Z-17-02 - Approved.** Timberneck. An application to rezone approximately 645 acres on Timberneck Creek from PUD-1, Planned Unit Development, to SC-1, Suburban Countryside for the purpose of removing the stringent design standards of the PUD while still restricting the permitted uses and limiting the development to 49 lots. The Planning Commission held public hearing and recommended approval with a 6-0 vote (one absent) on October 5<sup>th</sup>; the Board held public hearing and voted unanimously (7-0) to approve the application at its November 8<sup>th</sup> meeting.

### **Plat and Plan Review**

During the 2017 calendar year, the following plats were reviewed by staff (including resubmittals):

Boundary Line Adjustments/Vacations	54
Minor Subdivisions	25
Family Transfers	15
Major Subdivisions (Final Plats)	9

In addition to plat review, staff reviewed and provided comments on a total of 33 commercial site and/or residential development plans, including revisions.

### **Inquiries**

Staff responded to approximately 305 inquiries from citizens regarding the potential to subdivide or relocate property lines. This total includes major subdivision, minor subdivision, family transfer, and boundary line adjustment questions and proposals.

Staff assisted with 99 inquiries on the potential for properties to be rezoned.

A monthly breakdown is shown in the table below:

<b>Subdivisions 2017</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	<b>2017 Yearly Total</b>
<b>BLA</b>	8	5	7	11	7	8	7	10	12	8	10	10	
<b>FT</b>	4	2	7	5	5	2	5	6	2	6	5	3	
<b>Minor</b>	10	3	10	9	7	6	8	10	8	9	8	10	
<b>Major</b>	3	5	7	3	2	10	5	3	3	8	3	6	
<b>Monthly Total</b>	<b>25</b>	<b>15</b>	<b>31</b>	<b>28</b>	<b>21</b>	<b>26</b>	<b>25</b>	<b>29</b>	<b>25</b>	<b>31</b>	<b>26</b>	<b>29</b>	<b>305</b>

### **WORK BY THE COMMISSION**

In January 2017, the Planning Commission reviewed the work performed during the 2016 calendar year, and set its goals for the upcoming year. The Commission spent much of 2016 reviewing and preparing amendments to the zoning ordinance that were not planned amendments or based on the PC’s priorities for the year.

Also in January, the PC reviewed potential changes to its Rules of Procedure, including a format change for public hearings and an earlier (7 PM) meeting start time.

In February, the PC held a public hearing on the C.W. Davis rezoning “Leyland Cypress Woods,” Z-16-08 (see rezonings, above), and approved its Rules of Procedure - with the changes noted above, as well as some grammatical corrections.

In March, Carol Rizzio, Planner III, was introduced as the newest member of Planning & Zoning staff; she started her duties on March 1<sup>st</sup>. Staff provided training on Site Plans – what they are, when they are required, and the process by which they are submitted, reviewed, and approved. Staff also presented a request to amend the proffers for York River Crossings, increasing the number of allowed townhome units from 30 to 32. The applicant also requested that the public hearing requirement be waived; the PC forwarded the proffer amendment, recommending approval of waiving the public hearing, to the Board with a recommendation of approval.

Also in March, the PC held a public hearing on CUP-17-01, the first solar farm application received since the County Code was amended to allow them. The PC voted unanimously (7-0) to forward Strata Solar’s application to the Board with a recommendation of approval.

The PC received an update on the “Event Homes” code amendment in April, and were informed that Ms. Rizzio would be taking over primary responsibility for most zoning code amendments going forward. Ms. Rizzio provided a presentation on a potential amendment to the “solar facilities” ordinance based on feedback from the Strata Solar CUP.

In May, the PC held a public hearing on a rezoning for Coleman's Crossing, Z-17-01 (see rezonings, above). There was also discussion, under old business, of the "event home" and "solar facilities" (potential) code amendments.

At the June meeting, Col. Tom Arnold was recognized for his nearly thirty (30) years of service on the Planning Commission. There was continued discussion of "event homes," including proposed definitions, districts where they should be allowed, and permitting processes. Solar facilities and animal feedlots were also discussed with the Commission.

In July, James Harrison was introduced as the newest Commissioner, replacing Col. Arnold. Discussion of the proposed "event homes" and "solar facilities" code amendments continued as "old business."

In August, the PC further discussed, and authorized public hearings for, the two code amendments – CA-17-01, Solar Energy Facilities, and CA-17-02, Event Homes and Event Venues. Staff provided an update on the 2017 General Assembly actions that affect Planning & Zoning and local governments.

In September, staff presented a PowerPoint on the comprehensive Zoning Ordinance update - outlining the two-phase nature of the task, staff's schedule and milestones, the completed work-to-date, and the zoning categories the PC would be reviewing.

The PC held a public hearing on CA-17-01, Solar Facilities, and, after public comments, voted unanimously (7-0) to forward the proposed code amendment to the Board with a recommendation of approval. The Commission also held a public hearing on CA-17-02, Event Homes and Event Venues. After public comment and discussion between staff and the PC, the Planning Commission voted unanimously (7-0) to forward the proposed code amendment, as presented, to the Board with a recommendation of approval.

In October, staff reviewed the Capital Improvements Plan (CIP) schedule of presentations and proposed work-sessions. Staff also provided the PC with an update on the comprehensive zoning ordinance update, including proposed revisions for institutional and civic uses.

The PC also held public hearing on Z-17-02, an application to rezone the Timberneck PUD from PUD-1 to SC-1 (see rezonings, above.) at its October 5<sup>th</sup> meeting, and, after public comments, voted 6-0 (one absent) to forward the application to the Board with a recommendation of approval.

The Planning Commission held a Work Session on October 19, 2017 to begin review of the Capital Improvement Plan projects. County Administrator Brent Fedors introduced the process, and Stephanie Tinsley, Director of Financial Services, gave an overview of the information included in the binders that were distributed to each Commissioner. The Commission heard presentations from the Directors of Social Services, Public Utilities,

Garrey Curry, as acting Director of Public Works/Engineering, and Parks, Recreation and Tourism.

In November, the PC continued its work session on the CIP and heard presentations from Animal Control, the Department of Information Technology (DIT), Community Engagement, and Gloucester County Public Schools (GCPS).

In December, the Commission held its election of officers, and Stephanie Tinsley reviewed the CIP scores and ratings with the PC. The Commission voted unanimously (7-0) to approve the resolution, sending the PC's CIP recommendation to the Board.

Staff also provided an update and further discussion on the comprehensive Zoning Ordinance update – focusing on the consumer products and services category.

### **Subdivision Review**

The Planning Commission granted Preliminary Approval to one (1) major subdivision (Timberneck) in 2017; Per §15.2-2260 of the Code of Virginia, as amended and effective July 1, 2014, subdivisions with 50 or fewer lots no longer require review by the PC.

### **PRIORITY PROJECTS**

During the January 2017 meeting, the following priorities were set by the Commission:

1. Zoning Ordinance Updates/Rewrite:
  - a. B-2 Village District/Village Overlay District
  - b. Table of Permitted Uses
  - c. Complete rewrite of zoning ordinance per Comp Plan and BOS Strategic Plan (multi-year project – district by district)
  - d. Articles 13-15 (Administrative Processes, Enforcement)
2. Specific Ordinance updates:
  - a. Working Waterfront District – create district and zone properties
  - b. Sign Ordinance – based on Supreme Court and revised districts
  - c. Parking Ordinance
  - d. Cluster Ordinance

For 2018, staff suggests continuation of these priorities in the following manner based on the Commission's previous endorsement of our phased approach to the Zoning Ordinance update:

1. Complete rewrite of zoning ordinance per Comp Plan and BOS Strategic Plan (multi-year/multi-phase project)

- a. Phase I (underway) – The first phase focuses on simplifying and clarifying the ordinance to establish a solid foundation for the second phase and future amendments. Goals of this first phase are to:
    - i. Reformat the district regulations to ensure a user friendly, straightforward, and adaptable structure including a new Table of Permitted Uses by District and B-2 Revisions
    - ii. Remove unnecessary requirements/regulations/definitions
    - iii. Clarify intent/interpretations
    - iv. Conform with State Code
  - b. Phase II (beyond 2018) – The second phase will focus on implementing the community’s vision as adopted in the Comprehensive Plan. This phase will include addressing several Comprehensive Plan recommendations such as specific Ordinance updates:
    - i. Working Waterfront District – create district and zone properties
    - ii. Sign Ordinance – based on Supreme Court and revised districts
    - iii. Parking Ordinance
    - iv. Cluster Ordinance
    - v. Rural Residential District – create district and zone properties
2. Annual review of the Comprehensive Plan – The Commission will focus on one chapter at a time for review and any needed updates/revisions
  3. Potential Planning Commission Training
    - a. Real Estate Assessment
    - b. Building Code/Zoning Codes – similarities and differences
    - c. WebGIS and other tools used in Planning and Zoning

The Zoning Ordinance rewrite will incorporate many of the projects the Planning Commission identified over the years. In addition, the Commission and staff have identified other projects to be addressed upon completion (or during) the rewrite including the following:

1. Subdivision Ordinance Rewrite (possibly short-term update to 15-63 - platting requirements)
2. Comprehensive Rezoning – review of current zoning districts and county sponsored rezoning based on the Comprehensive Plan and identified zoning districts
3. Transportation Planning
4. Planning for the State/National Parks in cooperation with Parks, Recreation and Tourism – corridor planning; gateway planning