



GLOUCESTER COUNTY PLANNING COMMISSION MINUTES

July 11, 2024, 6:30 p.m.
Colonial Courthouse
6504 Main Street
Gloucester, VA 23061

Members Present: Natalie Q. Johnson
 James R. Gray, Jr.
 John C. Meyer
 Christopher Poulson
 Louis E. Serio, Jr.
 Douglas Johnson
 Kenneth B. Richardson
 Christopher Hutson- Board Liaison

Staff Present: Anne Ducey-Ortiz, Planning, Zoning & Environmental
 Programs Director
 Carol Rizzio- Assistant Planning, Zoning & Environmental
 Programs Director
 Tripp Little, Planner III
 Sean McNash, Planner II
 Kathy Wilmot, Administrative Coordinator III
 William Hurt, Administrative Coordinator III
 Laura Walton, Zoning Specialist
 Edwin 'Ted' Wilmot, County Attorney

1. CALL TO ORDER AND ROLL CALL

Mr. Johnson called the July 11, 2024 meeting of the Gloucester County Planning Commission to order at 6:30 PM. Roll call established that a quorum was present. Mr. Meyer was absent at the first roll call. Afterwards,

Chair Mr. Johnson made the following announcement to the audience, regarding the relocation of the meeting:

“ Ladies and Gentlemen, as you may be aware, tonight is the scheduled public hearing for proposed amendments to the County Zoning Ordinance, as well as a public hearing to consider a specific rezoning application. Due to the number of people in attendance, and the inability to accommodate their right to attend and participate in this meeting, unfortunately, it appears necessary to move this meeting to the Thomas Calhoun Walker Education Center, 609 T. C. Walker Education Center. Therefore, the chair will entertain a motion to recess this meeting and reconvene it at 7:15 P.M. tonight at the T.C Walker Education Center 609 T. C. Walker Road, Gloucester, VA. “

A motion was made by Mr. Johnson and seconded by Mr. Poulson to recess the meeting and move to T.C. Walker and carried with a unanimous voice vote.

Mr. Johnson opened the meeting at T.C. Walker Education Center at 7:15. Roll was taken. All members were present at second motion.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Poulson led the Commission in the Lord’s Prayer and Pledge of Allegiance.

3. CONSENT AGENDA

Mr. Johnson asked for a motion to approve the consent agenda. A motion was made by Mr. Richardson, seconded by Mr. Serio, and carried with a unanimous voice vote.

Mr. Johnson explained that the next item on the agenda was public comments, which were not related to either of the public hearings scheduled for that evening.

Motion to approve the Consent Agenda.

- a. **Minutes of May 2, 2024 meeting**
- b. **Minutes of June 6, 2024 Meeting**
- c. **Application (s) before the BZA in July 2024**
- d. **Development Plan Review- June, 2024**

4. PUBLIC COMMENTS

Kathleen Jones of York District expressed disappointment with the poor planning for the location of the public hearing which was not considerate of the public.

Mr. James Cazeau of Hayes expressed concerns about residents skirting codes – before we change the ordinance, need to address violations. He states a neighbor that has 2 campers on property. The neighbor rents rooms, runs a business, and has a yard full of trash. He expressed that nothing has been done to stop it and that it affects property values.

Mr. Hutson responded to Mr. Cazeau that DEQ was going to visit the site, and there was a delay from a previous appointment because of a spill accident in Chesapeake.

Catherine Carter of Abingdon recited the story of Samuel (1 Samuel Chapter 8), describing judicial corruption. Next, she described how King George III was a king who stood between the people of their God-given rights. She expressed that God gives the people sovereign political power to choose the government. She pointed out that the Planning Commission is subject to the people and should be held liable.

Patrina Marshall of Hayes expressed concern for her mother's land. She stated the property of her mother's deceased neighbor was going through the process of being subdivided. She described the neighbor's land in question had no utilities hooked up and was stripped of vegetation years ago. She did not appreciate the fact the property was being subdivided and discouraged this action, adding it was sacrificing her mother's land and property value in the process. She requested that this be investigated.

Cheryl Wood Wright of Hayes described the Public Notice letter as written vaguely as politicians would have written it. She asks that the Commission consider some topics before the county is broken up and expanded as if it were Newport News. Mr. Wilmot requested she hold the comments for the Public Hearing public comment section for the Zoning Ordinance Update.

Lisa Kidd-Goodman was concerned about businesses and the requirements for removing vegetation. She was concerned about the look of certain businesses at Gloucester Point and the lack of enforcement. She noted that Dunkin Donuts had cleared their entire property. She asked what was going across from Lowes'. She recalled that The Barrens was originally supposed to

be developed but thought that had been denied. She felt that schools were overrun and the need to ask if she was in the right county. She inquired what type of residential development was planned.

Ms. Ducey-Ortiz stood up and explained that The Reserve at Gloucester Village was being developed across from Lowes and offered how people could be kept up to date about developments in the county by signing up for updates on the County's website and looking at the development charts in the Planning Commission's monthly packets. Staff also did a podcast about The Reserve based on all the questions that were out on social media about the development.

Pastor Wendy Roundy, founder and CEO of Helping the Homeless expressed her concern of developers parking in her parking lot and inquired about their work surveying the woods behind their building. She inquired if the surveyors were operating on the property, should the tenants not be notified.

Tammy Shifflett of Ware District expressed concern about the growth of Gloucester, which could become like Newport News. She was disappointed about the recent redistricting of her children into different schools. She noticed people were moving into Gloucester from Newport News and Hampton and asked what would be done to accommodate students.

Susan Austin of York District asked about which jurisdiction or constitutional authority the Planning Commission, an administrative agent, could propose changes or nullifications to any of the Zoning Ordinances of Gloucester County without expressed authority, granted by the people of Gloucester County. She stated the body does not exist within constitutional law because it wasn't granted powers by the people in any compact. She stated it was a violation of the Constitution of Virginia, Article 1, Section 1. She wanted someone to point where it was allowed in the constitution that allows the Commission to hold public hearings. Mr. Johnson clarified the Board of Supervisors is comprised of elected officials whereas the Planning Commission is appointed.

Diane Jones of Ware District suggested the meeting was an opportunity for the Planning Commission to voluntarily repent and dissolve itself and declare the purposed Zoning Ordinance unconstitutional. She suggested if someone wanted to move to Newport News, she would pay for them to move to the city.

Mr. Hurt read the public comments submitted from citizens electronically.

Renee Devitt (Hughes) of Gloucester Point commented: "My home is on a small dirt road, that ends in front of my house. The lot in front of mine was cleared I thought for a home. Turning this lot into a commercial area would be devastating to my family and me. I moved to Gloucester for the small town country charm, but unfortunately it seems as though it is turning into a city. Please note that all the mailboxes for the homes on this road are on Rt 17 in front of this lot also. I was upset when I lost my little corner of the woods but could not afford to buy that lot myself. Also, having a business there would devalue my home and others on our road. Please let it remain residential and or let me buy it for what it's worth."

Joseph Graves of Ware District commented:" The VDOT has contracted with Whitehurst Paving to destroy our streets and turn them into industrial complex dirt roads with the accompanying ruts, ripples, dirt, gravel, and sand. The situation is absolutely unsafe for 2-wheeled (motorcycle) travel and certainly hazardous for 4-wheeled travel. When I moved into Gloucester more than 20 years ago, I specifically chose a decent, growing neighborhood with well-maintained streets and law enforcement support. As the years have passed, the streets have physically become more like the aforementioned industrial complex. When my house was built in late 2002, my children were able to roller skate on their inline outdoor skates and ride their bicycles with ease on clean, smooth pavement. Not long afterward, the streets were determined by someone to need "repairing" with a failed attempt with a sort of "Cold-Cure" (?) asphalt blend that destroyed the surface such that roller skates were no longer safe, not even functional on the surface. There have been repeated spot-repair attempts with the common usage filler materials, but those at best are very temporary. What my neighborhood MUST have is a complete overhaul of the streets into what would be considered at least adequate in any local neighborhood. If I had discovered this sad state of maintenance when I was looking for a housing site to build on, I would have certainly passed and moved on. The County should immediately perform an assessment of housing values in this area and document their decline, all due to the VDOTs lack of competence, or outright disdain for my area."

5. **PUBLIC HEARING**

a. **Rezoning Application Z-24 -01 - Gas Station and Convenience Store with Drive Through**

Rezoning Application Z-24-01 – Gas Station and Convenience Store with Drive Through

Mr. McNash presented a PowerPoint to the Commission and audience. He covered:

1. Existing Conditions
2. Zoning and Surrounding Area
3. Description of the Proposed Project
4. Staff Analysis of the Comprehensive Plan
5. Transportation Impact
6. Fiscal Impact
7. Environmental Impact and other Impacts
8. Staff Comments and Recommendation

Mr. McNash presented the proposal for rezoning application for the space along George Washington Memorial Highway. He provided planning staff analysis describing the space and land usage surround the purposed gas and convenience store. The Transportation Impact Analysis to the intersection of Zandler Way and Route 17 was reviewed along with the Fiscal and Environmental Impact analyses. The applicant provided voluntary proffers for accommodations of sidewalks on the properties. Mr. McNash advised the Commission that staff recommends forwarding the proposed rezoning to the Board of Supervisors with a recommendation of approval.

Lisa Murphy and Josh Rosemore represented the applicant (George Washington Memorial Highway II, LLC) while Andrew Cider and Micheal Young were consultants on behalf of the applicant at the public hearing. Ms. Murphy, an attorney, presented their proposal before the Commission. She expressed appreciation for the Planning Department's work, described how the applicant worked with the department to keep the project within the scope of the Comprehensive Plan, and highlighted the economic and transportation benefits. Finally, she explained how the development would comply with the Comprehensive Plan, stating it would:

- Further Highway Mixed Used Designations
- Support Court House Village Sub Area

- Further the county's goals of minimal negative impacts on road systems and encourage pedestrian scale development.
- Promote economic development in appropriate areas
- Protect Wetlands and other natural resources

Mr. Poulson asked the applicant and their attorney if there would be a commitment by the developers to use local suppliers and subcontractors to bring in local jobs. Ms. Murphy stated they cannot commit to a confirmation that they will be able to use such local suppliers but expressed they have regularly done this in past projects. Mr. Rosemore followed-up, stating its "in our benefit, the community's benefit and tenant's benefit to bid out the project to local firms."

Mr. Richardson asked how wide Land Bays A and B were. Ms. Murphy stated these Land Bays were approximately 300 feet. Mr. Richardson noted there was only one entrance/exit route onto Route 17 with the parcel and asked if there were any more access points from Route 17 within the project. Ms. Murphy stated this as the only access point allowed by VDOT. Mr. McNash elaborated that this project would meet VDOT access management standards and the county's Highway Corridor Development District standards by consolidating entrances. He concluded that "based on the two sets of regulations, this access road would reflect their standards better than separating each parcel with an access point."

Mr. Meyer inquired if the gas station was not put in front of Land Bay C, then what would the applicant decide. Ms. Murphy answered that the Land Bay A and Land Bay B could possibly be used by a smaller retail use, but the land bank uses would be determined later by the applicant. She also stressed that the lot size and traffic analysis will restrict the types of business that would be developed on these land bay parcels.

Mr. Richardson asked for clarification due to discrepancies between Land Bays A and B where Land Bay B was proposed to have a building 3,000 square feet larger than Land Bay A. The traffic engineer, Micheal Young, prepared the traffic study and answered this inquiry. He informed the Commission that the differing sizes of the building allowed for different tenants to occupy and operate there, and the traffic analysis accounted for this. He stated that certain types of

businesses would be restricted from the lots due to the threshold for traffic being exceeded.

Ms. Johnson questioned the applicant about the presence of the drive-through on the proposed gas station. The applicant stated that this would be part of a Sheetz Gas Station. He also described some possible tenants for Land Bays A and B.

Mr. Johnson opened the floor to public comments for this hearing.

Wendy Roundy of Ware expressed her appreciation to the Commission for volunteering and thanked the staff for their presentation. She expressed how she was dismayed at the traffic volume at Riverbend Apartments with the recent opening of Langley Federal Credit Union while her nonprofit was conducting an event nearby. She expressed concerns about changing the traffic pattern at the intersection of US Route 17 and Zandler Way while other factors such as driver distractions would cause more traffic collisions in an already increased travel area.

Mr. Howard Mowry inquired if the county required another gas station. He also expressed concern about expanding US Route 17. In addition, he expressed concerns about a lack of Electric Vehicle (EV) charging stations at the proposed gas station. You described how we have the two choices of approving such a gas station or denying it in hopes of a different proposal.

Kathleen Jones of York District expressed dismay at the path that growth in Gloucester County has taken. She came to Gloucester from Hampton, and this is not what they came for. She informed the Commission that she is in favor of careful growth but voiced concerns about the school systems and cluster growth (sprawl) and that the Board of Supervisors is not getting the message. She encouraged the crowd to continue to attend future Board of Supervisors meetings.

Catherine Carter of Abingdon District expressed doubt that it was constitutional for the Planning Commission to approve any changes to the Zoning Ordinance. She suggested any big box retail chains or restaurants, that could possibly put local business out of business, be put up for referendum by the citizens to vote upon in the future. She expressed that she believed that the Commission has no authority to instruct the people.

Diane Jones of Ware District expressed that we did not need another gas station.

Katrina Marshall of Abingdon, on behalf of her mother, voiced concerns about what could be distributed at the new gas station, including alcoholic beverages, and how it would negatively impact the community. She expressed that she didn't want this to be a truck stop and warned that children shouldn't be there. She doesn't want this around her children and wouldn't put up with it.

Gloria Koenig of Roanes asked if the developers were a part of Gloucester and voiced concerns that outside developers did not care for Gloucester and only saw financial opportunities.

Paula Reagan of York District inquired about the economic saturation studies from the potential retailers.

Tammy Shifflett of Ware District pointed out the number of empty buildings and asked why the county is not using empty retail space. She also voiced concerns about multiple retail chains expanding their businesses in the county.

Catherine Davis of Ware District brought up the point of emotional and cultural impact that occur when development clears woodland in the county.

Jeff Haver of Dutton made a reference that Yorktown was like Gloucester in the past but developed six lane roadways and strip malls. He stated if that's what the community would like that's what it will become but he believes that it should not.

Judith Williams of York expressed concerns of expanding road networks to six lanes of traffic in Gloucester. She states she will refuse to shop at this future retail venture (if approved). Also expressed concerns about not wanting pedestrian traffic on Route 17.

Bradon Bailey of York District identified the passion of the audience and efforts of the developers to present their project. He doesn't begrudge the developer for attempting to make money. He stressed there are many vacant places in Gloucester and across the river that developers could put this gas station. He expressed fears that the criminal activity growing in Riverbend Apartments, would expand to the gas station and it would become a haven for drug traffic. He said

the traffic would become more congested if they chose to place the gas station here.

Roberta Morse of Petsworth expressed she and her husband moved from Newport News to Gloucester in 2005 from Newport News, to provide pasture for their horses. She expressed concern of traffic on the middle section of the county that would be produced from this proposed gas station.

Mark Wiatt of Peasley expressed concern for safety, as he considers Land Bay A for the gas station too compact. He described a possible scenario where there would be a tractor trailer dropping off fuel and another dropping off product, while multiple cars were coming and going. He said they are trying to do too much, and it needs to be spread out. He stated he drives trucks and wouldn't want to pull in that place to deliver products.

Constance Riley of Ware was disheartened that she does not see enough amenities for children and families in the county. She expressed that we don't need additional traffic and that the Strategic Plan is not effective.

Mike Bennett of Petsworth said he moved here from Hampton and expressed disappointment of the Commission's makeup inquiring "is there any farmers on the board?" adding the Commission is "A representation that isn't of the people... everyone has a college degree...we don't want what you are peddling tonight."

Rosalie Sanchez of Rosewell stated she moved to Gloucester in 2009 from Norfolk. She expressed that Gloucester County has enough gas in the lower section of the county. She described how the traffic in the county has changed in the past year. She pointed out 4 traffic fatalities in the past month in the county and adding more commercial business wasn't the answer to her. She felt that the environment of the county should remain rural.

There were no email submissions regarding the public hearing for Z-24-01.

Mr. Johnson closed the public comment.

The Planning Commission discussed the application and their concerns. Mr. Gray expressed similar concerns as the public related to

the number of vacant buildings and new development being proposed on vacant land and how that has bothered him for years. The concerns of market saturation and safety were addressed by Mr. Rosemore, following an inquiry for comments by Mr. Richardson. Mr. Rosemore stated he is interested in placing a larger-scale restaurant focused convenience store gas station, such as Wawa. There is currently only one within the county, being the Wawa location on Route 17 South and Hickory Fork Road. He stated it would differ from the smaller gas stations in the county. He stressed the site plan proposed for the property would increase the safety and quality of the gas station. The Commission acknowledged and appreciated the feedback from the audience and public. Mr. Cider stated the developer did a site assessment in relation to the saturation inquiry. Mr. Richardson said he would like to look at the numbers they could provide at another time.

Mr. Meyer thanked the public for the needed feedback and that it is being listened to. He stressed that the Planning Commission was an advisory board that makes recommendations to the Board of Supervisors.

Mr. Gray made a motion to move forward to rezoning Z-24-01 Gas Station & Convenience Store to the Board of Supervisors, with a recommendation of denial. Mr. Meyer seconded that motion.

Mr. Richardson offered a substitute motion to table the application until the Commission's August 1, 2024 meeting, on the condition the applicant would provide a saturation study, which was currently absent from the presentation. Mr. Wilnot notified the Commission that the motion to table would take precedent over the first motion. Mr. Serio seconded the motion.

The Motion to table the application until the August meeting failed, 4-3 with Mr. Meyer, Mr. Poulson, Mr. Gray and Mr. Johnson voting no and Ms. Johnson, Mr. Richardson and Mr. Serio voting yes.

Mr. Gray proceeded with the motion to forward the application to the Board of Supervisors with a recommendation of denial.

The Motion carried, 6-1 with Mr. Meyer, Mr. Poulson, Mr. Serio, Mr. Gray, Ms. Johnson and Mr. Johnson voted yes and Mr. Richardson voting no.

The application will be presented before the Board of Supervisors at a Public Hearing on August 6, 2024, at 6 pm.

The meeting was sent to recess at 9:20 PM. It reconvened at 9:45 PM.

b. Zoning Ordinance Update

Anne Ducey-Ortiz gave a brief overview of the ordinance, describing the six years of research and study undertaken by staff and the Planning Commission. Carol Rizzio gave a PowerPoint presentation covering the following topics: proposed changes receiving a lot of public discussion, goals of the update, overview of public outreach activities, a summary of other key changes and how the public can learn more, and the next steps. She identified that the goal of the zoning ordinance update was to simplify and modernize the ordinance, removing unnecessary regulations while conforming to the state code, to make it user-friendly and straightforward (clarifying intent and interpretation). In the presentation, Ms. Rizzio first highlighted some topics that were receiving a lot of public discussion.

Ms. Rizzio stated that no rezonings are proposed with the update. The current zoning district map will not change. She did mention one parcel, currently zoning RMX (the only parcel in the county zoning RMX), that is proposed to change to B-2 because the RMX district and B-2 are proposed to be combined.

She went over farming uses in SC-1 and C-2: Existing ordinance does not permit agriculture in SC-1 and C-2 which are residential districts, unless it was grandfathered use (existed prior to zoning). The proposed ordinance update will allow permits for agriculture with a Special Exception (SE) permit. Aquaculture and Agritourism are currently allowed in these zones with SE permits. RC-1 and RC-2 are agricultural districts that allow agricultural uses permitted by right.

Ms. Rizzio started that no current fees are changing. The draft proposes the addition of a new fee for zoning verification letters. These letters are typically requested by banks for financing purposes and can take a lot of staff time to complete. The draft proposes a fee of \$100 which is in line with other area localities.

Ms. Rizzio discussed camping for personal use and enjoyment – She stated that the draft will allow this new use with restrictions on the

number of days and/or number of camping units. Currently due to the way a campground is defined in the ordinance it includes any type of camping commercial or personal. She clarified that a zoning permit will not be required for landowners to camp on their own property.

Ms. Rizzio then reviewed the goals of the zoning ordinance update: to improve clarity and ease of use, to implement the community's vision as laid out in the Comprehensive Plan, and to implement the Board's strategic plan which includes removing unnecessary regulations.

Ms. Rizzio reviewed all the public outreach activities that have occurred throughout the update process. Those included: multiple Beehive articles, three public open houses in November of 2022, insert in the most recent tax bills, on-line public input survey, and multiple county podcasts on the topic.

Ms. Rizzio went on to review other key changes that the public might be interested in learning more about. She discussed the changes proposed to the districts and the ways the public could learn more about what uses are permitted where. She stated that the minimum lot sizes, maximum building heights, and setbacks did not change for residential districts.

Ms. Rizzio discussed the proposed change in the Village Business District (B-2) to allow for up to 8 dwelling units by right and up to 12 with a Conditional Use Permit. She stated that currently only one dwelling unit is allowed in association with a commercial use. She identified the one parcel currently zoning RMX that is proposed to become B-2 with the adoption of the update.

Ms. Rizzio stated that staff and the Planning Commission looked at every use currently permitted in the county. They added definitions to uses that were not defined and clarified the definitions of uses that were not clear. As a result of that process some uses were combined, some were deleted, and others were added. She stated that individuals wanting to learn more about what uses are permitted where could review the district regulations located in Article 5 or Section 5-70 to see comprehensive use table.

Ms. Rizzio reviewed Articles 9A-9C which includes regulations in addition to the district regulations such as: supplemental use regulations for uses such as solar facilities, screening and buffering

between commercial and residential uses, and temporary use regulations.

Ms. Rizzio reviewed the changes proposed to home occupations. She stated that the proposed regulations allow flexibility for outdoor storage/operations and commercial vehicles. She reviewed the differences between what is currently permitted and proposed to be permitted.

Ms. Rizzio reviewed the changes proposed to the keeping of livestock for personal use and enjoyment and commercial stables. She stated that the regulations were being simplified related to the acreage required for animals.

Ms. Rizzio reviewed the changes proposed to freight containers used as accessory structures for storage. She went over the differences between which districts and how many are currently permitted and what is proposed. She stated that under the draft ordinance freight containers will not be allowed in residential districts on lots less than 2 acres or in the Single family (SF-1), Multi-family (MF-1), and Village Business (B-2) districts where they are currently allowed.

Ms. Rizzio discussed a proposed requirement for common open space. She stated that the draft requires common open space in new single-family development greater than 50 lots and townhouse and multifamily development of 35 units or more. There is currently no requirement for common space.

Ms. Rizzio reviewed changes proposed to adjacent property owner notifications, when a development is proposed on a private road. She stated the draft requires notification of all owners along a private road when rezoning, CUP, or SE is proposed on that private road, instead of only adjacent property owners.

Ms. Rizzio reviewed changes proposed to Article 6A Highway Corridor Development District (HCDD). She stated that the HCDD regulations require sidewalks along all street frontages within designated village areas. Currently those sidewalk requirement end at Fleming Rilee Lane. Based on expanding commercial development south and the recent multimodal planning study that identified Route 17 from Gloucester Point to the Court House as the highest priority for

sidewalks, staff recommends extending the requirement for sidewalks down to T.C. Walker.

Ms. Rizzio reviewed temporary uses such as food trucks, portable vending, portable toilets, and short-term rentals. She stated that these are not specifically regulated under zoning and are not proposed to be in the draft ordinance. Food trucks, portable vending and portable toilets are generally regulated under building code and the state's health department. There are no zoning regulations for short-term rentals currently and none are proposed.

Ms. Rizzio then briefly reviewed changes proposed to Articles 10-15. She stated revisions were made to incorporate state code changes and improve clarity. In these articles regulations were reduced slightly other than the addition of a county requirement for a Traffic Impact Analysis (TIA). Currently the county relies on the state's threshold for when a TIA is required, and the draft ordinance proposes to reduce that threshold. She went over the current and proposed threshold related to the types of developments that would be impacted.

Lastly, Ms. Rizzio reviewed the next steps in the process. She stated that there is still time for members of the public to review the draft, ask questions, and make comments.

Mr. Poulson gave the public a standing invitation to attend future Planning Commission meetings. These are public meetings where citizens make public comments. These meetings are held at the Gloucester Colonial Courthouse on the first Thursday evening of the month. He urged speakers to give 'specifics' on their concerns. He stated the proposed draft Zoning Ordinance will generally create a less restrictive environment for property owners in Gloucester County.

The floor was open for public comment.

Judith Williams of York asked if Airbnb campsite share-apps such as Hipcamp were regulated under the camping ordinance. Ms. Rizzio responded that they would be regulated under camping.

Anthony Guzzardo recognized the work of the Planning Commission. He said he understood that public trust was hard to keep and wasn't casting dispersion on the staff or Commission members. He expressed disappointment related to the delay of the public hearing notice he

received twelve days after the June 18 letter date. Ms. Ducey-Ortiz explained that there was a three-day delay with the contractor the county hired to print and distribute the letter including the Post Office requiring an appointment for such a large mailing.

Catherine Kohl inquired if her residence could be added to Article 6 of Historic Overlay. She stated her residence of Kenwood is listed on the National Register of Historic Places and Virginia Register of Historic Places and wasn't listed in Article 6 Historic Overlay District. Ms. Ducey-Ortiz stated that no additions have been made to that district in a long time because generally individuals do not want more regulations on their property. She notified Ms. Cole that the Planning Dept will work with her to add this home in the district if she chooses to do so.

Diane Jones of Ware District voiced concerns of allowing eight dwelling units per acre in the B-2 village district, without a special approval process. She didn't like the prospect of more traffic. She states she noticed there was multiple units of section 8 housing for people to come from Hampton and called for a full forensic audit of every member of the Board of Supervisors and Planning Commission in order to find who financed them to make such decisions.

Katherine Carter of Abingdon questioned the constitutional authority of the Planning Commission and encouraged the audience to attend the meetings more often and stay vigilant. She stated the audience holds authority over the Commission and the Commission doesn't have the power to usurp the people's power. Mr. Richardson inquired Ms. Carter of the rights of the gas station developers. She argued that people of Gloucester have a say in that property. She showed concern for smaller mom-and-pop businesses.

Gloria Koenig of Roanes asked for clarification of from Carol Rizzio's presentation, asking if the county wanted mom-and-pop development still. Ms. Rizzio state she was referring to Traffic Impact Assessment (TIA) threshold to stay high enough so that mom-and-pop shops are not affected.

Kathleen Jones of York thanked the board and Ms. Rizzio. She noted that it appears many of the proposed changes are based on the Comprehensive Plan and that document is likely in need of updating

based on the public comments heard tonight. She thinks the public would rather have that. She thanked the Commission for hearing the public and encouraged positive criticism from the public in future meetings. Ms. Rizzio did note an update of the Comprehensive Plan was going to begin soon.

Howard Mowry of York stated we the citizen have failed themselves allowing the government to run amok over individual rights. He asked about the cost of the mailings. He inquired if the Commission is following the United Nations Agenda No. 21 and a New World Order, he wanted to know who requested the Zoning Ordinance Update. He recommended that document be reevaluated with special emphasis on B-2 and B-4 district, including disallowing section 8 housing and specific ethnic compounds to be developed. He also asked that the infrastructure sections be rewritten and that water/sewer, burying electrical power lines, and identifying all paved roads that do not meet VDOT standards be placed in the state's six-year plan for funding and upgrading.

Donna Machen recommended the book *Property Rights: As Sacred as the Laws of God* (Arthur R. Thompsen, 2022) to the Commission and public. She asked how the government can tell a person how long they are allowed to camp on their property. She read an excerpt stating that "Planning by government means the death of property rights in all its' forms- personal, intellectual, and land. This is because their planning government will assume control over all or part of these in order to move its plans forward through zoning, building projects, eminent domain, and etc. The elimination of property right's means the death of all individual rights and liberty. If you lose the ability to control your property, you lose the ability to control your future."

Jeremy Ertel from Petsworth asked the Commission to give farmers their rights and protections to farm on their lands under Virginia law.

Wendy Roundy of Ware complimented Ms. Rizzio on the presentation saying she made it clear and understandable, stating "Words do matter." She wanted to know how much it cost to send all the letters out and stated it worked to get the people to the public hearing. She wanted clarification on the Traffic Impact Analysis, whether it would only happen with rezonings. Mr. Johnson informed Ms. Roundy that the new threshold would now require fewer trips to trigger the TIA, so

more studies can be done to serve the public. Ms. Rizzio added that it allows the decision makers and the public to have more information about traffic impacts if a parcel is rezoned. Ms. Roundy continued her comments stating congestion is a major problem, and she wanted more lives saved. Finally, she stressed that she wanted to see more affordable housing and the county does not have enough. She has helped both homeless people and poorer working-class people to get out of homelessness and poverty, respectively, since 2010. Ms. Roundy realized that the public has many thoughts on the subject, but she found that not everyone is a drug addict, or an alcoholic, or has mental illnesses.

Katherine Davis of Ware said Ms. Rizzio did an amazing job. She said the letter was brilliant, bringing people to the public hearing. She appreciated the staff's work and said she would return to future meetings.

Roberta Grill of Hayes thanked the staff and commission for their undertaking. She suggested adding bookmarks to sections of the Zoning Ordinance Final Draft, displayed online on the county website. She made a comment pertaining to freight containers, asking the Commission not to allow freight containers in SC-1 districts since the minimum setbacks would make them visible from a public right-of-way, or 5 feet from property lines. She said she had concerns of salvage yards being a conditional use in the B-1 district and recommended that it only be allowed in the industrial district by conditional use. She thinks it would be extremely difficult to enforce.

Patrick Grill of Hayes asked if the county really should allow shipping containers in residential districts at all. He believes that they do not belong in Gloucester at all, and that citizens might mistake their neighbor's container for commercial use, not residential. He asked if the county would consider amortization periods. Mr. Wilmot responded to the question, stating Virginia laws forces the county's existing legal nonconforming uses to continue, provided that the activity has not been discontinued for two or more years.

Hilda Corley of Gloucester Point thanked the commission for the service and putting the meeting together. Ms. Corley brought up the topic of people in her neighborhood living as campers. She asked what the ramifications of people are who don't conform to the single family-

zoning areas and if such violations are provable. Ms. Rizzio addressed her question. She states the zoning regulation enforcement will be compliant driven but the process that is drawn out. She recognized that opening regulations to allow personal camping on personal property will make it harder to determine who is using the property lawfully or not. Mr. Wilmot stressed that such violations are provable. He points out the limited labor and resources Planning and Zoning can use in order to bring camper violation cases to the county. Ms. Ducey-Ortiz also reiterated that difficulty.

Lisa Goodman of Gloucester Point asked when the business zoning regulations would be considered for adoption. Mr. Wilmot stated that the Zoning Ordinance Update would be adopted only after approval from the Board of Supervisors on or after their public hearing, a date which has not been determined. Mr. Wilmot stated, "he would advocate the Board of Supervisor adopt immediately, but only if the Board chose to adopt said ordinance updates". Mr. Hutson also noted he would speak with her about her concerns after the meeting.

Mark Wiatt of Peasley remarked that the Zoning Ordinance Update lacks bookmarks that would help readers to understand the document. He wanted information about removing an abandoned communications tower near his residence, based off the new regulations. Mr. Wilmot answered, recommending Codes Compliance or Zoning Departments would assist him.

Jacob Baranski of Abingdon inquired about housing development in the Gloucester Courthouse area. He asked why developers have different standards with special permits for acreage while Gloucester residents struggle to create affordable housing for themselves with mobile homes. He asked how development impacts rising crime rates and how traffic will impact the first responder system and its' efficiency. He also inquired about the impact proposed sidewalks along Route 17 would bring. He expressed hope that Commission was truly listening.

Mike Bennett inquired about with neighbor with two containers. He inquired how long freight containers were allowed on a property before being grandfather into the ordinance. Mr. Wilmot responded stating if a use has been allowable since the inception of said section of ordinance, it will continue to be allowed. He Mr. Bennett expressed

great disappointment with the commission, stating there wasn't equal protection under the law. He suggested that developers were able to place multiple homes per acre as opposed to families who have to subdivide land. He stressed that liberty is what the people of Gloucester desired.

Next, Mr. Hurt read public comments submitted by residents through the county's meeting portal.

Michael Kinser of York comments:

" We are seeing way too many sub-divisions being developed in Gloucester County. This is ruining the rural living that many Gloucester residents love and enjoy. We relocated from an adjacent county to get away from high density living conditions associated with too many people and businesses in a small area. After only a few years we are seeing the dense living conditions moving to the Gloucester area. This is degrading the living conditions of Gloucester residents, causing increased crime, creating traffic congestion, schools are unable to handle the capacity, and the infrastructure is not in-place to support the population growth. In my view, Gloucester has grown too much...please stop the growth of subdivisions, multi-family units, etc. Let's get Gloucester County back to where it should be...a rural community that we all loved."

Mary Olmsted of York comments:

"I am against the new zoning changes. As a homeowner and teacher in Gloucester County I feel allowing some multifamily dwellings to skip through all the currently required regulations is unfair to current residents. We all purchased our homes based on the zoning requirements and adhere to them. I did not purchase my home with the idea that there could be an apartment building added in my neighborhood. I also feel that these big developments are a burden to our schools and infrastructure. Our schools are already challenged with the current section 8 housing at Riverbend. I had to leave my teaching position at Page Middle School due to gang violence. The students that we are receiving are so far behind that they are not interested in learning. The currently approved 1,000 homes across from Lowes is already going to change the community we live in. Route 17 is not equipped for the traffic and the schools are not equipped for

the additional students that will come in as a result. Where are we going to put the additional students? Will you update and make larger all of the schools effected by this growth? Lastly, a 254 page document where you need a land use attorney for people to understand is difficult at best. I would encourage you not to changes the current zoning regulations. I find it insulting that you tried to discourage citizen comment by claiming that you can only comment if it directly affects you. Any changes to our community affect all of us that live within the community."

Rachel Weissler of Ware comments:

"I received your letter today advising me to review what zoning district my home is in and what the proposed changes are. I was able to determine that I am in zone SC-1. After some time, I was finally able to find a link on your website to the summary of proposed changes. It is written with several undefined abbreviations that are not explained. For instance, I was unable to determine the meaning of the following: "allow more agriculture uses by SE in rural residential areas." Does this have something to do with allowing farming? There's not much explanation here. but please be more descriptive in your efforts to help people understand what you're trying to do."

Pam Douglas of Abingdon comments:

"July 1, 2024 Thank you for providing Gloucester Co. citizens with the opportunity to express our opinion. My concerns are specific to where I live but may be relevant for planning commissions considerations in the future. I live on a private road at the end of a Peninsula on the York River that borders Aberdeen Creek. There are 11 houses on the lane: four of which are rental properties, two are vacant (one of which is owned by a family living in Carter's Cove that uses it occasionally); and five are lived in part- or full time. There is also a third rental property on the land once owned by the Kings, which is one of the two vacant houses. I believe that it is owned by an LLC. My question is whether the county does or should charge an additional business tax for owners renting out a residence through an online daily/weekly agent? One of the houses purchased over a year ago is has been listed on AirBNB It is advertised as a 4-bedroom 3 bath "cottage", listed for \$275/night reduced from \$384/night. It is not so much the traffic, which I have no control over, but whether Gloucester Co. has or should

have a policy concerning running this type of venture in a residential neighborhood. I believe that some communities on the Pacific NW have tackled this issue. We moved to our home over 30 years ago because we had three young children and Gloucester seemed to be an amazing place to raise kids. However, given the fact that we no longer know who owns the buildings such as LLCs, many are vacant and how they are actually used makes the optics of the neighborhood appear less favorably to younger families, who we should strive to attract to Gloucester.

Thank you, Pam"

David Onesty of York comments:

"I am against this proposed zoning change. A catch all change like this is NOT appropriate for local government. I do like some of the proposed items but I do not like other ones. EACH change should be considered individually. I know that is more work for the local gov't BUT this way feels like you are shoving things at me that I don't like to get ...PLEASE do your job in a more effective way for our community. We have something very special here and most of us do NOT want us to become York or Williamsburg counties or God forbid NN and Hampton chasing tax dollars. I know we have people moving here that want more services but we MUST hold the line and refuse these new comers. The biggest threat to our community currently is River Bend (ask the sheriffs office) and the way it was approved was a travesty. The citizens and our board were taken advantage of in approving this sect 8 housing which now houses families from as far away as Baltimore resulting in gang activity in our schools among other things. So, to sum up I AM OPPOSED TO THIS OMNIBUS ZONING CHANGE. EACH ITEM SHOULD BE EXAMINED ON IT'S OWN MERITS AND DECIDED ON. Please do the right thing here as the local gov't has been losing credibility lately (SEE BOND ISSUE)."

Erin Johnson of Ware comments:

"This update to the zoning ordinance solves no problem specific to our community. "Modernizing" the zoning code is not a justifiable reason to further restrict the rights of local property owners. This is just an excuse for continued government overreach to push through revisions which alone would not stand up to the scrutiny of local citizens. This

effort will not only devalue the property assets by continuing to restrict legal use of property, which heretofore has not been an issue, but it will negatively impact the opportunities presented for future use and growth. This is not in the best interest of the local community, property owners, or Gloucester County. It appears to only benefit a few individuals with unclear motives. I stand firmly against this effort not only as a citizen and property owner, but as someone looking to invest in local land.”

Scott Olmstead of York comments:

“Dear Planning and Zoning Department, Subject: Concerns Regarding Proposed Zoning Updates First, I would like to express my concern regarding the expectation for the public to review and comment on a 254-page document. This document is highly technical, and understanding the proposed changes requires expertise in land use law, property rights, the county review and approval process, and their implications for individual landowners—areas outside the expertise of most citizens. My primary concern is that the standard review and approval process is now proposed to be circumvented to allow new land uses as a matter of right. This is akin to buying a car and then being told years later that the terms of the deal have changed. Landowners, residents, and business owners purchase land with specific expectations, which they anticipate will be maintained in perpetuity. Altering these expectations and uses constitutes a form of taking and harms current landowners. The term "flexibility," used in the context of the proposed zoning ordinance changes, is subjective and open to wide interpretation. This is unacceptable. While it may streamline some procedures, it may equally harm others. Specifically, the proposal to allow up to eight dwelling units per acre in the B-2 Village Business District without a special approval process, and up to twelve units per acre with special approval, is unacceptable. Projects falling under this change should be evaluated based on their individual merits and not bypass the typical approval process or receive a by-right designation. Additionally, the push for "affordable housing" is a concerning trend among municipalities. It is not the county's role to engage in social engineering. The market should determine housing needs, pricing and locations, not regulations and zoning changes that often have unintended consequences. Numerous jurisdictions in Virginia and nationwide are currently facing lawsuits for pursuing affordable

housing and/or missing middle zoning changes. While these efforts may seem altruistic, they frequently fail to address the actual need and create more problems than they solve. For instance, Arlington County is currently being sued over a similar issue. Proponents claim that the loss of rights, impact on neighborhoods, public safety, infrastructure, environment and schools are minor and acceptable. However, this attitude of incremental erosion of property rights is fundamentally flawed and wrong. We become conditioned to these changes, accepting them for the "greater good." Yet, at the end of the day, I purchased a home at the end of a long street, with one way in and one way out, and I do not want multifamily projects in my neighborhood.”

David Helms of York comments:

“Dear Board and Commission Members, I respectfully provide the following comments to the proposed Zoning Ordinance, dated 26 June 2024, for your consideration: 1. In general, I am in favor of the Zoning Ordinance’s adoption. 2. Bayside Conservation District: While I support the additional flexibility in zoning to include agriculture, I am not in favor of allowing use of spray manure fertilizer by these farms out of concern for run-off into sensitive bay waters and a potential nuisance to nearby residential housing. 3. Pedestrian Facilities: I am strongly in favor of ADA compliant sidewalks and multiuse trails, particularly in the “village” districts (Gloucester Courthouse and Gloucester Point). Even incremental buildout of sidewalk network is beneficial as even a short segment is preferable to forcing pedestrians into dangerous traffic. Highest priority should be to complete a sidepath along VA14 between Main Street and the US17/VA14 intersection to safely connect communities in this area to commercial and public amenities. 4. Traffic Risk Analysis and Mitigation: Traffic volume on US17/George Washington Memorial Highway is growing, along with this volume the number of crashes, injuries and fatalities is also increasing. I strongly encourage the Board to require a full Traffic Impact Assessment for the incremental buildout of the Planning Unit Development (PUD-1). This large development will likely negatively impact communities along Belroi Rd, Burleigh Rd, Hickory Fork Rd, and US17 if necessary, traffic mitigation risks and actions are not identified and implemented. I am very grateful for the Gloucester County Planning staff’s work on the Zoning Ordinance update and

associated community outreach as it has been a heavy lift. Thank you!
Very Respectfully, David Helms”

Alfredo Coleman, Sr. of York comments:

“Hello, I do not want our easement to be changed and thank you for letting the public know about the meeting. Take Care, God bless.”

Ms. Wilmot provided the comments from voice messages.

Transcript of Terri Malonson’s Voicemail

“Voicemail call in for public comments... July 11, 2024, Planning Commission meeting

Hello, my name is Terri Malonson and I live w/in the Courthouse/Ware District. I am speaking solely of the Courthouse area zoning proposals presented in tonight’s July 11th Planning Commission meeting.

Like Mr. Myers, I am not clear why there is the drive for high density housing, especially in the Courthouse area. At the May 2nd Planning Commission meeting, there were discussions on...

-encouraging pedestrian activity to interconnecting streets and walkway of Main Street

-to include with mixed-use commercial/business on the first floor and residential on the 2nd and potential 3rd floors

-making it mandatory in residential B2 zoning a requirement as mixed-use

I see the Board as having a vision of turning the Courthouse Village into a business district by allowing mixed-use.

Here is my vision if this is approved. We now have commercial property placed in the middle of an established residential neighborhood disrupting the peace and integrity of such neighborhoods. We have no control over the type of business, it could be a vape shop, massage parlor, or even a nightclub with live bands and hours of operation until 2am.

As far as the mixed-use with potential three stories there is not only additional vehicle and pedestrian traffic but parking which is already a major issue currently on Main Street. Consider the need for the

necessity of parking for employees, customers, and the need for 3-4 parking spaces per residential unit for guests and take-home cars like our Deputies. Not enough parking spaces becomes a new issue with parking on the street.

So when considering this mixed-use in the Courthouse area, please envision Building #2 (where the Treasurer's office is located) three stories with approximately 100 parking spaces. Now envision this multiply on a 20–30-acre plot.

The integrity and lifestyle of the small-town Main Street is forever gone.

Thank you for your time.”

Erline Webb Vaughan and Alcie Webb

“We live in the Petsworth district. We have two questions: According to what we read so far on the Zoning Ordinance which is listed as parcel 036 RPC 26755 is zoned as Agricultural and Environment.

Number 1. With this zoning classification does this mean we cannot build on this property

Number 2. According to the map, on your website, 036 RPC 26755, the property line extends into the water, and could example or given some clarification on this?

If you would explain that tonight in tonight's meeting, we would appreciate it. Thank you in advance and goodbye.”

Adam Crane

“Yes, this is Adam Crane. I'm at 3672 Country Lane Hayes, VA 23072 RPC 29835. I'm going over this letter I received from you guys, and it sounds like an admin change to type of permits, parking requirements, and etc. I was wondering if this was going to change our property taxes and if so, how?

Elizabeth Onesty

My name is Elizabeth Onesty and I live at 6931 Coleman's Crossing Ave. I bought this home here about four years ago and I bought it assume that zoning would not change. There is property at the end of my street, that is vacant, owned by Zandler. He is able to put, what

looks to me, a multi- rise building there. I find this absolutely outrageous for you to change the ordinance and it looks to me like that you're working for contractors here, especially for that piece of land that you are going to put 1,000 homes upon. It looks like that's why you're changing this ordinance. I also like to know if you're getting money from the federal government to do this. I feel that it outrageous that you have to make a phone call before 4:30. You're really discouraging people's input and I really hope you reconsider the zoning."

Mr. Richardson noted the difficulty of balancing the rights of property owners and their neighbors in the development of county. Mr. Poulson reiterated this notion, stating that zoning ordinances are not popular until some neighbor does something that infringes upon the property rights of another. Mr. Meyer asked staff to document the comments from tonight and provide it to the commission for discussion at the August meeting. Mr. Gray asked the county attorney, Mr. Wilmot if the Commission could adjourn without taking any action on the Zoning Ordinance Update. Mr. Wilmot responded, yes. Mr. Meyer asked that the comments include page number from the Zoning Ordinance for easy reference.

"Mr. Wilmot clarified that the public hearing had been closed, however the public is able to share additional comments on the Zoning Ordinance update during general public comments at future Planning Commission and Board of Supervisors meetings."

6. **OLD BUSINESS**

None.

7. **NEW BUSINESS**

None.

8. **APPLICATION(S) BEFORE THE COMMISSION IN August 2024**

None.

9. **STAFF COMMENTS**

A Zoning Ordinance recommendation for the Board of Supervisor from the Planning Commission may be made at the next Planning Commission meeting on August 1, 2024.

10. **COMMISSIONERS' COMMENTS**

Mr. Meyer thanked the Planning staff, planning commission county attorney, the sheriff's department and the citizens. Mr. Hutson thanked the citizens for moving from the Courthouse to T.C. Walker to attend the meeting and public hearings. He explained that Commission could not change the initial venue of the meeting because it was advertised for the Colonial Courthouse to host that meeting.

11. **ADJOURNMENT**

Mr. Johnson made a motion to adjourn.

Ms. Johnson seconded.

The motion to adjourn was carried by a unanimous voice vote.

Meeting adjourned at 12:04 am, Friday, July 12.

Chair

Secretary