



GLOUCESTER COUNTY PLANNING COMMISSION MINUTES

November 7, 2024, 6:30 p.m.

Colonial Courthouse

6504 Main Street

Gloucester, VA 23061

Members Present: Douglas Johnson, Chairman
John Meyer, Vice Chair
Christopher Hutson- Board Liaison
Christopher Poulson
James R. Gray, Jr.
Kenneth B. Richardson

Members Absent: Louis E. Serio, Jr.
Natalie Q. Johnson

Staff Present: Carol Steele, County Administrator
Anne Ducey-Ortiz, Planning, Zoning & Environmental
Programs Director
Carol Rizzio, Assistant Planning, Zoning & Environmental
Programs Director
Tripp Little, Planner III
William Hurt, Administrative Coordinator III

1. **CALL TO ORDER AND ROLL CALL**

Chairman Doug Johnson called the November 7, 2024 meeting of the Gloucester County Planning Commission to order at 6:30 PM. Roll call established that a quorum was present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Meyer led the Commission in the Invocation and Pledge of Allegiance.

3. CONSENT AGENDA

Motion to approve the Consent Agenda.

Moved Mr. Gray, seconded by Mr. Poulson, and carried by a unanimous vote.

- a. Minutes of October 3, 2024 Meeting**
- b. Application (s) before the BZA in November**
None.
- c. Development Plan Review- October 2024**
- d. Quarterly Report (3rd Quarter)**

4. PUBLIC COMMENTS

None.

5. PUBLIC HEARING

a. Z-24-02 Baldwin FT

Anne Ducey-Ortiz, Planning Director, presented the PowerPoint for Z-24-02 Baldwin Family Transfer Rezoning. She explained that the property owner is requesting to rezone the parcel from the RC-1 district to the SC-1 district. Although the surrounding property was once a farm, it has undergone several rezoning measures, resulting in its current SC-1 zoning and state park use. The property proposed to be rezoned contains 5.02 acres and cannot be subdivided under the RC-1 district, since this zoning district requires a minimum lot size of 5 acres for all lots created through the subdivision process. If rezoned to the SC-1 district, which allows for a minimum lot size of 2 acres if subdivided through the Family Transfer process, the applicant be able to subdivide the property if all other subdivision requirements are satisfied. The property contains two residences, which would not change following the rezoning and later subdivision, and is surrounded by Machicomoco State Park, which is operated by the Virginia Department of Conservation and Recreation (DCR). Ms. Ducey-Ortiz provided the transportation impact, which outlined a negligible impact on the surrounding roadways. The property has been granted an

easement that leads from the state road through the state park. She gave examples of potential uses for the properties if a subdivision was approved. The Virginia Department of Transportation reviewed the application and not objections to the proposal. However, she explained that DCR has contacted and met with Planning staff and discussed their concerns earlier that day regarding the misalignment of the current easement compared to the property owners' form of access and potential uses that could be permitted in the SC-1 district. She stated that staff recommended this rezoning to be forwarded to the Board of Supervisors for approval and concluded her presentation. The applicants were not present at the public hearing and no public was in the audience to comment.

William Hurt, Administrative Coordinator III, read one public comment, provided to the Commission from Lara Callahan on behalf of the Department of Conservation and Recreation (DCR). Ms. Callahan outlined the state agency's stance on the rezoning application, expressing the agency's effort to secure a new easement for the property that aligns with the property owners' current manner of access. She stated that the department was not in opposition to rezoning the property, but it was concerned about the potential of development increasing and expressed that its priority was to protect the existing resources and infrastructure of Machicomoco State Park. She also noted that DCR reserves the right to grant an easement upon terms deemed proper by the agency.

There was a discussion as to whether a state agency could provide comments. Staff acknowledged that it is an adjoining property owner and, therefore, it was appropriate to allow the comment to be read. However, Mr. Gray stated he did not believe state agencies are allowed to use the public comment period to demonstrate objections. Staff stated that they would seek clarification from the County Attorney.

Ms. Ducey-Ortiz then took questions from the Commission. The Commission discussed whether DCR had the legal authority to limit easement access for the applicant. Mr. Meyer asked Ms. Ducey-Ortiz if they could dictate the terms of the easement to the property and noted he was concerned with the state agency's authority over a resident's easement. Ms. Ducey-Ortiz stated that these easements are a set of rights that would be considered in a separate civil matter. Mr. Gray

added to Ms. Ducey-Ortiz's comment, acknowledging the County had no legal recourse in the matter between a state agency and resident's agreements. Mr. Gray also noted that the applicant's residence and property existed before the establishment of Machicomoco State Park.

Mr. Poulson made a motion to send the application for Z-24-02, with a recommendation for approval.

Mr. Richardson seconded that motion.

The motion carried unanimously, 5-0, with 2 members absent.

b. Z-24-03 York River Crossing

Tripp Little, Planner III, presented the PowerPoint for Z-24-03 York River Crossing. The property owner, York River Crossing Associates, LLC, requested the County to rezone their parcel from B-2, Village Mixed Use to B-1, General Business. Mr. Little explained the subject property was rezoned from B-3, Office Business, to RMX, Residential Mixed Use, in June of 2016. At the time, the RMX District was consistent with the desire for mixed-use village development in Gloucester Point, as expressed in the Gloucester County Comprehensive Plan and Gloucester Point/Hayes Village Development Area Plan. The property was zoned to B-2 as part of the Zoning Ordinance Update with the elimination of the RMX District. The owner requested the B-1 zoning to give greater flexibility in the type(s) of permitted businesses and to align the zoning of this property with the York River Crossing Shopping Center immediately to the north. Rather than holding up the entire Zoning Ordinance Update to address this one parcel, the Board approved the Zoning Ordinance Update and voted to consider the rezoning of this parcel separately and at no cost to the owner. The applicant did not offer a specific use of the property or supply a conceptual plan with the rezoning request. In his presentation, Mr. Little explained the property location and its adjacent neighbors and the differences in uses permitted within the requested zoning and current zoning. Mr. Little explained that Planning staff is not making a recommendation to the Commission since the Commission had already recommended the property be zoned B-2 during the Zoning Ordinance Update. He noted the applicant's requested rezoning would be inconsistent with the Comprehensive Plan and that not many additional land uses would be allowed by the

applicant's request than are permitted within the property's current zoning.

Mr. Little ended his presentation, and the public comment period began. Raymond Suttle Jr., attorney, spoke on behalf of the property owner (York River Crossing Associates). He expressed that the applicant wished to have the property rezoned to B-1 to be more compatible with the adjoining property, which is owned by the same principal owner. He offered to answer questions from the Commission, but the Commissioners had none at the time.

Mr. Johnson opened the floor for questions. Mr. Gray asked why the property was originally B-3. Ms. Ducey-Ortiz explained the property was zoned as B-3 to encourage office development during the county-wide rezoning in 1998. She explained that only office development was allowed within the B-3 district and that retail was not permitted within it. Several other B-3 properties were rezoned to B-1, and it was recommended to eliminate B-3 zoning by the Business Development Focus Group. Ms. Ducey-Ortiz also noted that staff recommendations have not changed since the latest rezoning of the property. Mr. Johnson asked for clarification if the currently approved site plan would no longer be valid if the rezoning were to be approved, which Ms. Ducey-Ortiz confirmed. During the Commissioner comments period, Mr. Richardson argued he couldn't foresee any uses not allowed B-2 on the property that could cause the applicant to require the B-1 district. Mr. Hutson asked Mr. Little how the rezoning would be inconsistent with the Comprehensive Plan. Mr. Little explained that their future development could impede on the transitional buffer area the property sat upon. He also noted that the Commission previously has been reluctant to rezone properties that did not have a proposed use at the time. Mr. Richardson confirmed this and said that previous votes differed from this application since this was part of a County-sponsored rezoning. Mr. Hutson inquired why the applicant did not request this during the Zoning Ordinance update. Mr. Suttle replied that they attempted to but, because it would require advertising another public hearing, there was a mutual decision not to. Mr. Poulson asked if the public hearing was advertised and if the adjacent property owner letters were mailed for this current rezoning, which Ms. Ducey-Ortiz confirmed. The Planning Commission also inquired

about the cost of the public hearing and the proximity of the property to wetlands.

Mr. Richardson made a motion to send the application for Z-24-03, with a recommendation for approval, to the Board.

Mr. Gray seconded that motion.

The motion failed 3-2, with 2 members absent, Mr. Richardson and Mr. Gray voting in favor and Mr. Meyer, Mr. Poulson, and Mr. Johnson voting opposed.

6. OLD BUSINESS

None.

7. NEW BUSINESS

a. FY26-30 CIP Introduction

Carol Steele, County Administrator, announced that the Capital Improvement Plan (CIP) would begin and thanked the members for their future evaluations. The Commission will be asked to evaluate line items for the 2026 fiscal year. All other fiscal year items would need to be evaluated based on whether they are consistent with the Comprehensive Plan. Ms. Ducey-Ortiz notified the Commission that they could request for CIP submitters to attend the next Planning Commission Meeting on December 5, 2024 where the Commission can discuss with the department/agency leaders about their project requests. The Commission has until December 1 to notify Planning staff which departments they would like to appear, in so they can make sure the required people are in attendance. Mr. Richardson asked if there were any applications for public hearings during December. Ms. Ducey-Ortiz confirmed that there were none. The packet information for the CIP will be released on Tuesday, November 12. Mr. Hurt would coordinate with the Finance Department to provide the necessary material to the Planning Commission. The Commissioners will submit their evaluations by December 16, 2024. Mr. Gray noted that the process used in the past year was simplified and easier to understand and expressed his appreciation for staff's past work.

b. Technology Overlay District Public Comments Discussion

The Board of Supervisors has directed the Planning Commission to look at establishing a Technology Overlay District (TOD). Mr. Little has been assigned to be the Project Planner for this initiative. Staff made suggestions for citizen outreach, primarily in areas that would be most impacted by a TOD. Ms. Steele followed up by noting discussions of data centers, and studies performed. She also encouraged the Commission to consider multiple town hall meetings on the subject, giving citizens a chance to understand the topic and provide public opinion. Mr. Poulson expressed concern regarding the huge power drawn by data centers and questioned the benefit. Ms. Steele explained that the County had limited ability to generate economic development and data centers generate a lot of tax revenue. Mr. Johnson and Ms. Ducey-Ortiz talked about arranging a new venue for a potential meeting. It was agreed that staff would provide information about data centers to the Planning Commission in their December packets as well as provide a forum for education for them and the public.

c. PC Nominations

The Planning Commission opened the floor for nominations for Chair and Vice Chair for 2025. Mr. John Meyer was nominated as Chair and Ms. Natalie Johnson was nominated as Vice-Chair.

Mr. Richardson made a motion to close the nomination period.

Mr. Gray seconded the motion.

The motion passed 5-0, with 2 absent, by unanimous voice vote.

Ms. Ducey-Ortiz advised the Commission that nominations would have to be open once more with a final vote taken in December, per the Rules of Procedure.

d. 2025 PC Schedule

The Planning Department has presented the Planning Commission meeting schedule for 2025. Meetings would continue to occur on the first available Thursday of every month. However, some holidays would cause the meeting to be moved to the following Thursday. The

schedule was agreed upon by Planning Commission members with no objections.

8. APPLICATION(S) BEFORE THE COMMISSION IN DECEMBER

None.

9. STAFF COMMENTS

Planning staff congratulated Planner II, Sean McNash, and his wife on the birth of their daughter.

Mr. Little asked for clarification on the interpretation of the Commission's vote on Z-24-03. Since the motion failed, Mr. Little asked if staff would be correct to interpret the vote as a recommendation of denial for the parcel's proposed zoning of B-1. Mr. Johnson confirmed this interpretation.

Ms. Ducey-Ortiz announced that the Comprehensive Plan Survey was ending soon and Planning Staff was receiving comments. Ms. Ducey-Ortiz suggested to present the findings at the January meeting.

10. COMMISSIONERS' COMMENTS

Mr. Richardson and Mr. Johnson wished everyone a Happy Thanksgiving.

11. ADJOURNMENT

Mr. Gray made the motion to adjourn.

Seconded by Mr. Richardson, and carried by a unanimous voice vote.

Meeting adjourned at 8:16 pm.

Doug Johnson, Chair

Anne Ducey-Ortiz, Secretary